

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 705

FINAL READING

Introduced by Murman, 38; Walz, 15; Fredrickson, 20.

Read first time January 18, 2023

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend sections 9-812,
2 9-836.01, 79-239, 79-244, 79-254, 79-256, 79-263, 79-265, 79-266,
3 79-267, 79-268, 79-269, 79-272, 79-276, 79-278, 79-282, 79-283,
4 79-287, 79-2,146, 79-809, 79-8,132, 79-8,135, 79-8,138, 79-8,139,
5 79-8,140, 79-2304, 81-145, 81-1118.02, 85-102, 85-328, 85-601,
6 85-602, 85-603, 85-604, 85-605, 85-1906, and 85-1907, Reissue
7 Revised Statutes of Nebraska, sections 79-101, 79-238, 79-2,136,
8 79-2,144, 79-703, 79-729, 79-734, 79-760.01, 79-806, 79-807, 79-808,
9 79-8,133, 79-8,134, 79-8,137, 79-8,137.01, 79-8,137.02, 79-8,137.03,
10 79-8,137.04, 79-8,137.05, 79-8,143, 79-8,145, 79-1054, 79-1104.02,
11 79-1142, 79-11,160, 79-1337, 79-2110, 79-2308, 79-2506, 79-2510,
12 79-3106, 79-3304, 79-3305, 81-161.04, 81-1118, 84-304, 84-612,
13 85-502.01, 85-1412, 85-1920, and 85-2009, Revised Statutes
14 Cumulative Supplement, 2022, and section 79-1021, Reissue Revised
15 Statutes of Nebraska, as amended by section 22, Legislative Bill
16 818, One Hundred Eighth Legislature, First Session, 2023; to
17 provide, change, and eliminate definitions; to change and transfer
18 provisions relating to distribution of lottery funds used for
19 education; to adopt the Behavioral Intervention Training and Teacher
20 Support Act, the College Pathway Program Act, the Door to College
21 Scholarship Act, the Extraordinary Increase in Special Education
22 Expenditures Act, and the Nebraska Teacher Recruitment and Retention

1 Act; to create funds and change provisions relating to funds; to
2 transfer and change provisions of the Excellence in Teaching Act; to
3 establish a mental health training grant program and the Nebraska
4 Teacher Apprenticeship Program; to change provisions relating to
5 student enrollment; to provide and change powers and duties of the
6 Coordinating Commission for Postsecondary Education and the State
7 Board of Education; to change provisions of the Alternative
8 Certification for Quality Teachers Act and authorize the
9 Commissioner of Education to issue alternative certificates to
10 teach; to require behavioral and mental health training for certain
11 school personnel and adoption of related policies; to change
12 provisions of the Student Discipline Act and provisions relating to
13 duties of the state school security director, high school graduation
14 requirements, textbooks, academic content standards, and
15 requirements for teacher certification; to provide for a grant
16 program; to change provisions relating to distance education
17 incentives, the Diploma of High School Equivalency Assistance Act,
18 the School Safety and Security Reporting System Act, the Computer
19 Science and Technology Education Act, and state procurement and
20 materiel requirements; to provide for a transfer from the Cash
21 Reserve Fund; to rename the State College Facility Fee Fund and
22 change provisions related thereto; to change provisions relating to
23 residency, student discipline, and termination of employment for
24 certain public postsecondary institutions; to change provisions of
25 the Nebraska Opportunity Grant Act; to provide for data sharing by
26 certain agencies responsible for students under the jurisdiction of
27 juvenile courts; to prohibit consideration of students' and
28 applicants' criminal history and juvenile records by public colleges
29 and universities as prescribed; to establish a grant program for
30 security-related infrastructure projects; to require schools to
31 allow certain youth organizations to provide information, services,

1 and activities and eliminate a related penalty; to eliminate
2 obsolete provisions; to repeal the Master Teacher Program Act; to
3 harmonize provisions; to provide a duty for the Revisor of Statutes;
4 to provide operative dates; to provide for severability; to repeal
5 the original sections; to outright repeal sections 50-425, 50-426,
6 50-427, 50-428, 79-2,103, 79-8,124, 79-8,125, 79-8,126, 79-8,127,
7 79-8,128, 79-8,129, 79-8,130, and 79-8,131, Reissue Revised Statutes
8 of Nebraska; and to declare an emergency.

9 Be it enacted by the people of the State of Nebraska,

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

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

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

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

10 (c) Seven percent to the Community College Gap Assistance Program
11 Fund;

12 (d) Ten percent to the Department of Education Innovative Grant
13 Fund;

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

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

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

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

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

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

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

26 (4)(a) The Nebraska Education Improvement Fund is created. The fund
27 shall consist of money transferred pursuant to subsection (1) of this
28 section and any other funds transferred by the Legislature. The fund
29 shall be allocated, after actual and necessary administrative expenses,
30 as provided in this subsection for fiscal years 2016-17 through 2023-24.
31 A portion of each allocation for fiscal year 2023-24 may be retained by

1 the agency to which the allocation is made or the agency administering
2 the fund to which the allocation is made for actual and necessary
3 expenses incurred by such agency for administration, evaluation, and
4 technical assistance related to the purposes of the allocation, except
5 that no amount of the allocation to the Nebraska Opportunity Grant Fund
6 may be used for such purposes.

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

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

16 (i) One percent of the allocated funds to the Expanded Learning
17 Opportunity Grant Fund to carry out the Expanded Learning Opportunity
18 Grant Program Act;

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

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

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

27 (v) Sixty-two percent of the allocated funds to the Nebraska
28 Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in
29 conjunction with appropriations from the General Fund; and

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

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

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

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

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

24 (b) The Auditor of Public Accounts shall annually compile a summary
25 of the annual reports received pursuant to subdivision (6)(a) of this
26 section, any audits related to transfers pursuant to subsection (2) or
27 (4) of this section conducted by the Auditor of Public Accounts, and any
28 findings or recommendations related to such transfers into a consolidated
29 annual report and shall submit such consolidated annual report
30 electronically to the Legislature on or before January 1, 2023, and on or
31 before each January 1 thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Sec. 4. (1) Each school district shall designate one or more school
26 employees as a behavioral awareness point of contact for each school
27 building or other division as determined by such school district. Each
28 behavioral awareness point of contact shall be trained in behavioral
29 awareness and shall have knowledge of community service providers and
30 other resources that are available for the students and families in such
31 school district.

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

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

23 Sec. 6. (1) The State Department of Education shall establish a
24 mental health training grant program. The department shall award mental
25 health training grants from any money available in the Mental Health
26 Training Cash Fund. A grantee shall be a school district or an
27 educational service unit.

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

30 (a) The skills, resources, and knowledge necessary to assist
31 students in crisis to connect with appropriate local mental health

1 services;

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

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

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

8 (a) Safely de-escalate crisis situations;

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

12 (c) Timely refer a student to available mental health services in
13 the early stages of the development of a mental disorder to avoid the
14 need for subsequent behavioral health care and to enhance the
15 effectiveness of mental health services.

16 (4) The State Board of Education may adopt and promulgate rules and
17 regulations to carry out this section, including, but not limited to,
18 application procedures, selection procedures, and annual reporting
19 procedures.

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

22 Sec. 7. The Mental Health Training Cash Fund is created. The fund
23 shall be administered by the State Department of Education and shall
24 consist of money transferred pursuant to section 1 of this act and any
25 money transferred by the Legislature. The department shall use money in
26 the fund for mental health training grants pursuant to section 6 of this
27 act. Any money in the fund available for investment shall be invested by
28 the state investment officer pursuant to the Nebraska Capital Expansion
29 Act and the Nebraska State Funds Investment Act.

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

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

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

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

8 (3) Underrepresented student means a student whose race is not
9 proportionately represented at the institution at which the student is
10 enrolled or applying for admission as the representation of such race in
11 the population of Nebraska.

12 Sec. 10. (1) The State Department of Education shall develop and
13 administer the College Pathway Program to provide grants on or after July
14 1, 2024, to eligible providers to provide services in accordance with
15 subsection (2) of this section to underrepresented and low-income
16 students in high school and postsecondary education.

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

24 (a) Assistance and tutorials which help students in completing
25 applications for a college or university, including applying for aid
26 through the Free Application for Federal Student Aid or other
27 scholarships;

28 (b) Assistance and materials which help students take the
29 appropriate high school classes in an area or field of study a student is
30 interested in and any classes necessary for a student to gain acceptance
31 at a postsecondary institution or complete the requirements and take the

1 appropriate postsecondary education classes to receive an associate
2 degree or a baccalaureate degree; and

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

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

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

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

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

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

25 ~~79-8,132~~ Sections 13 to 27 of this act ~~79-8,132 to 79-8,140~~ shall be
26 known and may be cited as the Excellence in Teaching Act and shall
27 include the Attracting Excellence to Teaching Program, ~~and~~ the Enhancing
28 Excellence in Teaching Program, and the Career-Readiness and Dual-Credit
29 Education Grant Program.

30 Sec. 14. (1) On and after July 1, 2024, all powers, duties, and
31 functions that the State Department of Education had pursuant to the

1 Excellence in Teaching Act prior to such date are transferred to the
2 Coordinating Commission for Postsecondary Education.

3 (2) Any financial obligations of the State Department of Education
4 relating to the Excellence in Teaching Act that remain unpaid as of July
5 1, 2024, and that are subsequently certified as valid encumbrances to the
6 accounting division of the Department of Administrative Services pursuant
7 to sections 81-138.01 to 81-138.04, shall be paid by the commission from
8 any unexpended balance in the Excellence in Teaching Cash Fund.

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

23 (4) No suit, action, or other proceeding, judicial or
24 administrative, lawfully commenced prior to July 1, 2024, or which could
25 have been commenced prior to such date, by or against the State
26 Department of Education, the Commissioner of Education, or any employee
27 of the State Department of Education, in relation to the discharge of
28 duties under the Excellence in Teaching Act, shall abate by reason of the
29 transfer of duties and functions under the Excellence in Teaching Act
30 from the State Department of Education to the commission.

31 (5) On July 1, 2024, all documents and records of the State

1 Department of Education pertaining to duties and functions under the
2 Excellence in Teaching Act shall be transferred to the commission and
3 shall become the property of the commission.

4 Sec. 15. Section 79-8,133, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 ~~79-8,133~~ The Attracting Excellence to Teaching Program is created.
7 For purposes of the Attracting Excellence to Teaching Program:

8 (1) Commission means the Coordinating Commission for Postsecondary
9 ~~Department means the State Department of Education;~~

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

17 (3) Eligible student means an individual who (a) is a full-time
18 student, (b) is enrolled in an eligible institution in an undergraduate
19 or a graduate teacher education program working toward his or her initial
20 certificate to teach in Nebraska, (c) if enrolled at a state-funded
21 eligible institution, is a resident student as described in section
22 85-502 or, if enrolled in a privately funded eligible institution, would
23 be deemed a resident student if enrolled in a state-funded eligible
24 institution, and (d) ~~for applicants applying for the first time on or~~
25 ~~after April 23, 2009,~~ is a student majoring in a shortage area, ~~and (e)~~
26 ~~for applicants applying to receive a loan during fiscal year 2011-12 or~~
27 ~~2012-13,~~ is a student who previously received a loan pursuant to the
28 ~~Attracting Excellence to Teaching Program in the fiscal year immediately~~
29 ~~preceding the fiscal year in which the new loan would be received;~~

30 (4) Full-time student means, in the aggregate, the equivalent of a
31 student who in a twelve-month period is enrolled in twenty-four semester

1 credit hours for undergraduate students or eighteen semester credit hours
2 for graduate students of classroom, laboratory, clinical, practicum, or
3 independent study course work;

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

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

10 (7) Teacher education program means a program of study approved by
11 the State Board of Education pursuant to subdivision (5)(g) of section
12 79-318.

13 Sec. 16. Section 79-8,134, Revised Statutes Cumulative Supplement,
14 2022, is amended to read:

15 ~~79-8,134~~ The purposes of the Attracting Excellence to Teaching
16 Program are to:

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

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

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

25 Sec. 17. Section 79-8,135, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 ~~79-8,135~~ (1) The commission ~~department~~ shall administer the
28 Attracting Excellence to Teaching Program either directly or by
29 contracting with public or private entities.

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

31 (a) Graduate in the top quarter of his or her high school class or

1 have a minimum cumulative grade-point average of 3.0 on a four-point
2 scale in an eligible institution;

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

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

12 (3) Eligible students may apply on an annual basis for loans in an
13 amount of not more than three thousand dollars per year. Loans awarded to
14 individual students shall not exceed a cumulative period exceeding five
15 consecutive years. Loans shall only be awarded through an eligible
16 institution. Loans shall be funded pursuant to section 24 of this act
17 ~~79-8,137.05.~~

18 Sec. 18. Section 79-8,137, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 ~~79-8,137~~ (1)(a) Prior to receiving any money from a loan pursuant to
21 the Attracting Excellence to Teaching Program, an eligible student shall
22 enter into a contract with the commission ~~department~~. Such contract shall
23 be exempt from the requirements of sections 73-501 to 73-510.

24 (b) For eligible students who applied for the first time prior to
25 April 23, 2009, the contract shall require that if (i) the borrower is
26 not employed as a teacher in Nebraska for a time period equal to the
27 number of years required for loan forgiveness pursuant to subsection (2)
28 of this section and is not enrolled as a full-time student in a graduate
29 program within six months after obtaining an undergraduate degree for
30 which a loan from the program was obtained or (ii) the borrower does not
31 complete the requirements for graduation within five consecutive years

1 after receiving the initial loan under the program, then the loan must be
2 repaid, with interest at the rate fixed pursuant to section 45-103
3 accruing as of the date the borrower signed the contract, and an
4 appropriate penalty as determined by the commission ~~department~~ may be
5 assessed. If a borrower fails to remain enrolled at an eligible
6 institution or otherwise fails to meet the requirements of an eligible
7 student, repayment of the loan shall commence within six months after
8 such change in eligibility. The commission ~~State Board of Education~~ may
9 by rules and regulations provide for exceptions to the conditions of
10 repayment pursuant to this subdivision based upon mitigating
11 circumstances.

12 (c) For eligible students who apply for the first time on or after
13 April 23, 2009, the contract shall require that if (i) the borrower is
14 not employed as a full-time teacher teaching in an approved or accredited
15 school in Nebraska and teaching at least a portion of the time in the
16 shortage area for which the loan was received for a time period equal to
17 the number of years required for loan forgiveness pursuant to subsection
18 (3) of this section or is not enrolled as a full-time student in a
19 graduate program within six months after obtaining an undergraduate
20 degree for which a loan from the program was obtained or (ii) the
21 borrower does not complete the requirements for graduation within five
22 consecutive years after receiving the initial loan under the program,
23 then the loan shall be repaid with interest at the rate fixed pursuant to
24 section 45-103 accruing as of the date the borrower signed the contract
25 and actual collection costs as determined by the commission ~~department~~.
26 If a borrower fails to remain enrolled at an eligible institution or
27 otherwise fails to continue to be an eligible student, repayment of the
28 loan shall commence within six months after such change in eligibility.
29 The commission ~~State Board of Education~~ may by rule and regulation
30 provide for exceptions to the conditions of repayment pursuant to this
31 subdivision based upon mitigating circumstances.

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

16 (3)(a) If the borrower applies for the first time on or after April
17 23, 2009, and (i) successfully completes the teacher education program
18 and major for which the borrower is receiving a forgivable loan pursuant
19 to the program and becomes certified pursuant to sections 79-806 to
20 79-815 with an endorsement in the shortage area for which the loan was
21 received, (ii) becomes employed as a full-time teacher teaching at least
22 a portion of the time in the shortage area for which the loan was
23 received in an approved or accredited school in this state within six
24 months of becoming certified, and (iii) otherwise meets the requirements
25 of the contract, payments shall be suspended for the number of years that
26 the borrower is required to remain employed as a teacher in this state
27 under the contract.

28 (b) Beginning after the first two years of teaching full-time in
29 Nebraska following graduation for the degree for which the loan was
30 received, for each year that the borrower teaches full-time in Nebraska
31 pursuant to the contract, the loan shall be forgiven in an amount equal

1 to three thousand dollars, except that if the borrower teaches full-time
2 in a school district that is in a local system classified as very sparse
3 as defined in section 79-1003, teaches in a school building that provides
4 free meals to all students pursuant to the community eligibility
5 provision, teaches in a school building in which at least forty percent
6 of the formula students are poverty students as defined in section
7 79-1003, or teaches in an accredited or approved private school in
8 Nebraska in which at least forty percent of the enrolled students
9 qualified for free lunches as determined by the most recent data
10 available from the commission ~~department~~, payments shall be forgiven each
11 year in an amount equal to six thousand dollars.

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

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

20 ~~79-8,137.01~~ The Enhancing Excellence in Teaching Program is created.
21 For purposes of the Enhancing Excellence in Teaching Program:

22 (1) Approval to teach postsecondary courses by a Nebraska
23 postsecondary educational institution means official documentation issued
24 by a Nebraska postsecondary educational institution declaring that an
25 individual has met the graduate degree or course requirements necessary
26 to teach courses in a specific subject or subjects offered by the
27 Nebraska postsecondary educational institution for postsecondary degree
28 credit;

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

31 (3) ~~(2)~~ Eligible graduate program means (a) a program of study

1 offered by an eligible institution which results in obtaining a graduate
2 degree, ~~(b) or~~ a graduate course of study leading to an endorsement in a
3 shortage area specified by the State Department Board of Education, or
4 (c) a graduate course of study leading to approval to teach postsecondary
5 courses by a Nebraska postsecondary educational institution;

6 (4) (3) Eligible institution means a not-for-profit college or
7 university which (a) is located in Nebraska, (b) is accredited by an
8 accrediting agency recognized by the United States Department of
9 Education as determined to be acceptable by the State Board of Education,
10 (c) has a teacher education program, and (d) if a privately funded
11 college or university, has not opted out of the Enhancing Excellence in
12 Teaching Program pursuant to rules and regulations;

13 (5) (4) Eligible student means an individual who (a) is a
14 certificated teacher employed to teach in an approved or accredited
15 school in Nebraska, (b) is enrolled in an eligible graduate program, (c)
16 if enrolled at a state-funded eligible institution, is a resident student
17 as described in section 85-502 or, if enrolled in a privately funded
18 eligible institution, would be deemed a resident student if enrolled in a
19 state-funded eligible institution, (d)(i) (d) is majoring in a shortage
20 area, curriculum and instruction, a subject area in which the individual
21 already holds a secular teaching endorsement, or a subject area that will
22 result in an additional secular teaching endorsement or (ii) is applying
23 for approval to teach postsecondary courses by a Nebraska postsecondary
24 educational institution, which the superintendent of the school district
25 or head administrator of the private, denominational, or parochial school
26 employing the individual believes will be beneficial to the students of
27 such school district or school as evidenced by a statement signed by the
28 superintendent or head administrator, and (e) is applying for a loan
29 pursuant to the Enhancing Excellence in Teaching Program to be received
30 at a time other than during fiscal year 2011-12 or 2012-13;

31 (6) (5) Majoring in a shortage area or subject area means pursuing a

1 degree or course of study which will allow an individual to be properly
2 endorsed to teach in such shortage area or subject area; ~~and~~

3 (7) Nebraska postsecondary educational institution means any
4 Nebraska public postsecondary institution as defined in section 85-2403
5 and any private, nonprofit postsecondary institution with a principal
6 facility in Nebraska that is exempt from the Private Postsecondary Career
7 School Act; and

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

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

15 ~~79-8,137.02~~ The purposes of the Enhancing Excellence in Teaching
16 Program are to:

17 (1) Retain teachers in the accredited school districts, educational
18 service units, and private schools or approved private schools of
19 Nebraska;

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

23 (3) Establish a loan contract that requires a borrower to continue
24 employment as a teacher in this state after graduation from an eligible
25 graduate or endorsement program.

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

28 ~~79-8,137.03~~ (1) The commission department shall administer the
29 Enhancing Excellence in Teaching Program either directly or by
30 contracting with public or private entities.

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

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

5 (b) Commit to teach in an accredited or approved public or private
6 school in Nebraska upon successful completion of the eligible graduate
7 program for which the applicant is applying to the Enhancing Excellence
8 in Teaching Program and to maintaining certification pursuant to sections
9 79-806 to 79-815.

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

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

18 ~~79-8,137.04~~ (1) Prior to receiving any money from a loan pursuant to
19 the Enhancing Excellence in Teaching Program, an eligible student shall
20 enter into a contract with the commission ~~department~~. Such contract shall
21 be exempt from the requirements of sections 73-501 to 73-510. The
22 contract shall require that if (a) the borrower is not employed as a
23 full-time teacher teaching in an approved or accredited school in
24 Nebraska for a time period equal to the number of years required for loan
25 forgiveness pursuant to subsection (2) of this section or (b) the
26 borrower does not complete the requirements for graduation, for the
27 additional secular teaching endorsement, or for the approval to teach
28 postsecondary courses by a Nebraska postsecondary educational institution
29 within five consecutive years after receiving the initial loan under the
30 program, then the loan shall be repaid, with interest at the rate fixed
31 pursuant to section 45-103 accruing as of the date the borrower signed

1 the contract and actual collection costs as determined by the commission
2 ~~department~~. If a borrower fails to remain enrolled at an eligible
3 institution or otherwise fails to meet the requirements of an eligible
4 student, repayment of the loan shall commence within six months after
5 such change in eligibility. The commission ~~State Board of Education~~ may
6 by rules and regulations provide for exceptions to the conditions of
7 repayment pursuant to this subsection based upon mitigating
8 circumstances.

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

18 (b) For recipients who received funds for the first time prior to
19 July 1, 2016, beginning after the first two years of teaching full-time
20 in Nebraska following graduation for the degree for which the loan was
21 received, for each year that the borrower teaches full-time in Nebraska
22 pursuant to the contract, the loan shall be forgiven in an amount equal
23 to three thousand dollars, except that if the borrower teaches full-time
24 in a school district that is in a local system classified as very sparse
25 as defined in section 79-1003, teaches in a school building that provides
26 free meals to all students pursuant to the community eligibility
27 provision, teaches in a school building in which at least forty percent
28 of the students are poverty students as defined in section 79-1003, or
29 teaches in an accredited or approved private school in Nebraska in which
30 at least forty percent of the enrolled students qualified for free
31 lunches as determined by the most recent data available from the State

1 Department of Education department, payments shall be forgiven each year
2 in an amount equal to six thousand dollars.

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

22 Sec. 23. (1) The Career-Readiness and Dual-Credit Education Grant
23 Program is established. The program shall be administered by the
24 Coordinating Commission for Postsecondary Education. The commission, in
25 consultation with the State Department of Education, the Department of
26 Labor, and any advisory committee established by the commission for such
27 purpose, shall:

28 (a) Create and establish teacher education pathways enabling the
29 instruction of dual-credit courses and career and technical education
30 courses;

31 (b) Correlate and prioritize teacher education pathways with

1 Nebraska workforce demand;

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

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

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

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

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

21 ~~79-8,137.05~~ (1) The Excellence in Teaching Cash Fund is created. The
22 fund shall consist of ~~transfers~~ ~~appropriations~~ by the Legislature,
23 transfers pursuant to section 1 of this act ~~9-812~~, and loan repayments,
24 penalties, and interest payments received in the course of administering
25 the Attracting Excellence to Teaching Program and the Enhancing
26 Excellence in Teaching Program.

27 ~~(2)~~ (2)(a) For all fiscal years beginning on and after July 1, 2024,
28 the commission shall allocate on an annual basis up to two hundred fifty
29 thousand dollars of the funds transferred pursuant to section 1 of this
30 act for grants to teachers pursuant to the Career-Readiness and Dual-
31 Credit Education Grant Program.

1 (b) For all fiscal years beginning on and after July 1, 2024, the
2 commission shall allocate on an annual basis up to five hundred thousand
3 dollars of the funds transferred pursuant to section 1 of this act for
4 grants and loans to students enrolled in a teacher education program for
5 student-teaching semesters.

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

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

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

27 ~~79-8,138~~ The commission ~~department~~ has the administrative
28 responsibility to track borrowers and to develop repayment tracking and
29 collection mechanisms for the Attracting Excellence to Teaching Program
30 and the Enhancing Excellence in Teaching Program. The commission
31 ~~department~~ may contract for such services. When a loan has been forgiven

1 pursuant to section ~~18 79-8,137~~ or 22 of this act 79-8,137.04, the amount
2 forgiven may be taxable income to the borrower and the commission
3 ~~department~~ shall provide notification of the amount forgiven to the
4 borrower, the Department of Revenue, and the United States Internal
5 Revenue Service if required by the Internal Revenue Code.

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

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

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

29 Sec. 27. Section 79-8,140, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 ~~79-8,140~~ The State Board of Education may adopt and promulgate rules

1 and regulations to determine teacher shortage areas. The commission may
2 adopt and promulgate rules and regulations ~~and~~ to carry out the
3 Excellence in Teaching Act.

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

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

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

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

12 (3) Commission means the Coordinating Commission for Postsecondary
13 Education;

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

17 (5) Eligible postsecondary educational institution means a public or
18 private postsecondary educational institution:

19 (a) Located in Nebraska;

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

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

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

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

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

31 (a) Graduated from high school from an accredited education program

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

6 (b) Is enrolled in an eligible postsecondary educational
7 institution;

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

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

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

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

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

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

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

1 annually to make awards to all eligible applicants who apply by the
2 application deadline set by the commission.

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

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

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

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

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

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

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

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

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

31 (a) In the case of an eligible student beginning the first year in

1 attendance at an eligible postsecondary educational institution, such
2 eligible student has satisfied requirements for admission and has
3 enrolled or indicated an intent to enroll in an eligible postsecondary
4 educational institution; or

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

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

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

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

17 (a) Attend all required courses regularly;

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

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

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

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

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

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

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

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

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

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

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

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

30 Sec. 39. Sections 39 to 42 of this act shall be known and may be
31 cited as the Extraordinary Increase in Special Education Expenditures

1 Act.

2 Sec. 40. The Legislature finds that:

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

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

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

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

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

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

29 (3) Each applicant school district shall qualify for a maximum
30 payment equal to the difference of the special education expenditures for
31 the current school fiscal year submitted pursuant to subsection (1) of

1 this section minus the amount calculated pursuant to subsection (2) of
2 this section for such school district for such school fiscal year.

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

13 Sec. 42. The department shall make a payment to each qualifying
14 applicant school district from the Education Future Fund pursuant to
15 section 41 of this act for an extraordinary increase in special education
16 expenditures. The department shall reimburse the fund for each such
17 payment from the appropriation for special education and support services
18 reimbursements pursuant to section 79-1142 in the school fiscal year
19 immediately following the school fiscal year in which each such payment
20 was made. It is the intent of the Legislature to appropriate up to two
21 million five hundred thousand dollars from the Education Future Fund for
22 fiscal year 2023-24 and each year thereafter for payments to qualifying
23 applicants.

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

26 Sec. 44. The purpose of the Nebraska Teacher Recruitment and
27 Retention Act is to provide financial incentives to recruit and retain
28 teachers in Nebraska classrooms.

29 Sec. 45. For purposes of the Nebraska Teacher Recruitment and
30 Retention Act:

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

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

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

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

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

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

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

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

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

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

27 (B) Signs a contract to complete a school year of full-time
28 employment as a teacher at a Nebraska school in school year 2024-25,
29 2025-26, or 2026-27.

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

1 Sec. 47. It is the intent of the Legislature to encourage
2 individual schools and school districts to adopt policies incentivizing
3 teacher recruitment and retention through policies similar to the
4 Nebraska Teacher Recruitment and Retention Act. Teachers at schools not
5 adopting a recruitment and retention policy shall not be prohibited from
6 receiving a grant under the Nebraska Teacher Recruitment and Retention
7 Act.

8 Sec. 48. It is the intent of the Legislature to appropriate ten
9 million dollars from the Education Future Fund to carry out the Nebraska
10 Teacher Recruitment and Retention Act.

11 Sec. 49. The State Board of Education may adopt and promulgate
12 rules and regulations to carry out the Nebraska Teacher Recruitment and
13 Retention Act.

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

16 Sec. 51. (1) The State Department of Education shall create and
17 administer the Nebraska Teacher Apprenticeship Program. The purpose of
18 the program is to help recruit and increase the number of teachers
19 throughout the state by utilizing an apprenticeship model for training.
20 The program shall provide for an applicant who successfully completes the
21 program to obtain a certificate or permit issued by the Commissioner of
22 Education. The department may work with standard institutions of higher
23 education as defined in section 79-807, the Department of Labor, and
24 other entities the State Department of Education deems necessary to
25 develop and implement the program.

26 (2) An individual may apply for participation in the program if the
27 individual (a) is an employee of a school approved or accredited by the
28 State Department of Education or (b) has a contract to begin working for
29 a school approved or accredited by the State Department of Education at
30 the start of the school year for which the individual is applying for
31 participation in the program.

1 (3) The department shall determine requirements for completion of
2 the program by an applicant. The requirements shall include, but need not
3 be limited to:

4 (a) The completion of a one-year apprenticeship in a classroom;

5 (b) A baccalaureate degree from a standard institution of higher
6 education; and

7 (c) Successful completion of a subject area examination and pedagogy
8 examination created by the department as part of the program.

9 (4) The Commissioner of Education shall issue a certificate to teach
10 as set forth pursuant to the rules and regulations adopted and
11 promulgated pursuant to sections 79-806 to 79-815 to an applicant who
12 successfully completes the program.

13 (5) It is the intent of the Legislature to appropriate one million
14 dollars for fiscal year 2023-24 and each fiscal year thereafter from the
15 Education Future Fund to the State Department of Education for the
16 program.

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

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

1 (2) A portion of the dollar amount of the lottery tickets which have
2 been sold on an annualized basis shall be transferred from the State
3 Lottery Operation Trust Fund ~~to the Education Innovation Fund, the~~
4 ~~Nebraska Opportunity Grant Fund, the Nebraska Education Improvement Fund,~~
5 ~~the Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and~~
6 ~~the Compulsive Gamblers Assistance Fund~~ as provided in subsection (3) of
7 this section. The dollar amount transferred pursuant to this subsection
8 shall equal the greater of (a) the dollar amount transferred ~~to the funds~~
9 in fiscal year 2002-03 or (b) any amount which constitutes at least
10 twenty-two percent and no more than twenty-five percent of the dollar
11 amount of the lottery tickets which have been sold on an annualized
12 basis. To the extent that funds are available, the Tax Commissioner and
13 director may authorize a transfer exceeding twenty-five percent of the
14 dollar amount of the lottery tickets sold on an annualized basis.

15 (3) Of the money available to be transferred as provided in this
16 subsection ~~to the Education Innovation Fund, the Nebraska Opportunity~~
17 ~~Grant Fund, the Nebraska Education Improvement Fund, the Nebraska~~
18 ~~Environmental Trust Fund, the Nebraska State Fair Board, and the~~
19 ~~Compulsive Gamblers Assistance Fund:~~

20 (a) The first five hundred thousand dollars shall be transferred to
21 the Compulsive Gamblers Assistance Fund to be used as provided in section
22 9-1006;

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

28 (c) Forty-four and one-half percent of the money remaining after the
29 payment of prizes and operating expenses and the initial transfer to the
30 Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska
31 Environmental Trust Fund to be used as provided in the Nebraska

1 Environmental Trust Act;

2 (d) Ten percent of the money remaining after the payment of prizes
3 and operating expenses and the initial transfer to the Compulsive
4 Gamblers Assistance Fund shall be transferred to the Nebraska State Fair
5 Board if the most populous city within the county in which the fair is
6 located provides matching funds equivalent to ten percent of the funds
7 available for transfer. Such matching funds may be obtained from the city
8 and any other private or public entity, except that no portion of such
9 matching funds shall be provided by the state. If the Nebraska State Fair
10 ceases operations, ten percent of the money remaining after the payment
11 of prizes and operating expenses and the initial transfer to the
12 Compulsive Gamblers Assistance Fund shall be transferred to the General
13 Fund; and

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

18 ~~(4) The Nebraska Education Improvement Fund is created. The fund
19 shall consist of money transferred pursuant to subsection (3) of this
20 section, money transferred pursuant to section 85-1920, and any other
21 funds appropriated by the Legislature. The fund shall be allocated, after
22 actual and necessary administrative expenses, as provided in this section
23 for fiscal years 2016-17 through 2023-24. A portion of each allocation
24 may be retained by the agency to which the allocation is made or the
25 agency administering the fund to which the allocation is made for actual
26 and necessary expenses incurred by such agency for administration,
27 evaluation, and technical assistance related to the purposes of the
28 allocation, except that no amount of the allocation to the Nebraska
29 Opportunity Grant Fund may be used for such purposes. On or before
30 December 31, 2022, the Education Committee of the Legislature shall
31 electronically submit recommendations to the Clerk of the Legislature~~

1 ~~regarding how the fund should be allocated to best advance the~~
2 ~~educational priorities of the state for the five-year period beginning~~
3 ~~with fiscal year 2024-25. For fiscal year 2016-17, an amount equal to ten~~
4 ~~percent of the revenue allocated to the Education Innovation Fund and to~~
5 ~~the Nebraska Opportunity Grant Fund for fiscal year 2015-16 shall be~~
6 ~~retained in the Nebraska Education Improvement Fund.~~

7 ~~For fiscal years 2017-18 through 2023-24, an amount equal to ten~~
8 ~~percent of the revenue received by the Nebraska Education Improvement~~
9 ~~Fund in the prior fiscal year shall be retained in the fund at all times~~
10 ~~plus any interest earned during the current fiscal year.~~

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

13 ~~(a) One percent of the allocated funds to the Expanded Learning~~
14 ~~Opportunity Grant Fund to carry out the Expanded Learning Opportunity~~
15 ~~Grant Program Act;~~

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

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

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

24 ~~(e) Sixty-two percent of the allocated funds to the Nebraska~~
25 ~~Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in~~
26 ~~conjunction with appropriations from the General Fund; and~~

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

29 ~~(5)(a) On or before September 20, 2022, and on or before each~~
30 ~~September 20 thereafter, (i) any department or agency receiving a~~
31 ~~transfer or acting as the administrator for a fund receiving a transfer~~

1 ~~pursuant to subsection (4) of this section, (ii) any recipient or~~
2 ~~subsequent recipient of money from any such fund, and (iii) any service~~
3 ~~contractor responsible for managing any portion of any such fund or any~~
4 ~~money disbursed from any such fund on behalf of any entity shall prepare~~
5 ~~and submit an annual report to the Auditor of Public Accounts in a manner~~
6 ~~prescribed by the auditor for the immediately preceding July 1 through~~
7 ~~June 30 fiscal year detailing information regarding the use of such fund~~
8 ~~or such money.~~

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

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

22 ~~(4) (6) Any money in the State Lottery Operation Trust Fund, the~~
23 ~~State Lottery Operation Cash Fund, or the State Lottery Prize Trust Fund,~~
24 ~~or the Nebraska Education Improvement Fund available for investment shall~~
25 ~~be invested by the state investment officer pursuant to the Nebraska~~
26 ~~Capital Expansion Act and the Nebraska State Funds Investment Act.~~

27 ~~(5) (7) Unclaimed prize money on a winning lottery ticket shall be~~
28 ~~retained for a period of time prescribed by rules and regulations. If no~~
29 ~~claim is made within such period, the prize money shall be used at the~~
30 ~~discretion of the Tax Commissioner for any of the purposes prescribed in~~
31 ~~this section.~~

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

3 9-836.01 The division may endorse and sell for profit tangible
4 personal property related to the lottery. Any money received as profit by
5 the division pursuant to this section shall be remitted to the State
6 Treasurer for credit to the State Lottery Operation Trust Fund to be
7 distributed ~~to the Nebraska Opportunity Grant Fund, the Nebraska~~
8 ~~Education Improvement Fund, the Nebraska Environmental Trust Fund, and~~
9 ~~the Compulsive Gamblers Assistance Fund~~ pursuant to the requirements of
10 section 9-812.

11 Sec. 54. Section 79-101, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 79-101 For purposes of Chapter 79:

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

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

18 (3) Legal voter means a registered voter as defined in section
19 32-115 who is domiciled in a precinct or ward in which he or she is
20 registered to vote and which precinct or ward lies in whole or in part
21 within the boundaries of a school district for which the registered voter
22 chooses to exercise his or her right to vote at a school district
23 election;

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

27 (5) Elementary grades means grades kindergarten through eight,
28 inclusive;

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

30 (7) School year means (a) for elementary grades other than
31 kindergarten, the time equivalent to at least one thousand thirty-two

1 instructional hours and (b) for high school grades, the time equivalent
2 to at least one thousand eighty instructional hours;

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

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

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

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

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

22 (13) Permanent school fund means the fund described in section
23 79-1035.01;

24 (14) Temporary school fund means the fund described in section
25 79-1035.02;

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

28 (16) Community eligibility provision means the alternative to
29 household applications for free and reduced-price meals in high-poverty
30 schools enacted in section 104(a) of the federal Healthy, Hunger-Free
31 Kids Act of 2010, section 11(a)(1) of the Richard B. Russell National

1 School Lunch Act, 42 U.S.C. 1759a(a)(1), as such act and section existed
2 on January 1, 2015, and administered by the United States Department of
3 Agriculture; and

4 (17) Certificate, certificated, or certified, when referring to an
5 individual holding a certificate to teach, administer, or provide special
6 services, also includes an individual who holds a permit issued by the
7 Commissioner of Education pursuant to sections 79-806 to 79-815 or an
8 alternative certificate to teach issued pursuant to section 87 of this
9 act.

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

13 Sec. 55. Section 79-238, Revised Statutes Cumulative Supplement,
14 2022, is amended to read:

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

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

1 ~~(c) For all other students, standards~~ Standards may include the
2 capacity of a program, class, grade level, or school building ~~or the~~
3 ~~availability of appropriate special education programs operated by the~~
4 ~~option school district. Capacity~~ For a school district that is not a
5 ~~member of a learning community,~~ capacity shall be determined by setting a
6 maximum number of option students that a district will accept in any
7 program, class, grade level, or school building, based upon available
8 staff, facilities, projected enrollment of resident students, and
9 projected number of students with which the option school district will
10 contract based on existing contractual arrangements, ~~and availability of~~
11 ~~appropriate special education programs.~~

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

31 (2) The school board of every school district shall also adopt

1 specific standards and conditions for acceptance or rejection of a
2 request for release of a resident or option student submitting an
3 application to an option school district after March 15 under subsection
4 (1) of section 79-237. Standards shall not include that a request
5 occurred after the deadline set forth in this subsection.

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

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

1 community eligibility provision or (b) a student who qualifies for free
2 or reduced-price lunches based on information collected voluntarily from
3 parents and guardians pursuant to section 79-237 when, based upon the
4 certification pursuant to section 79-2120, the school building the
5 student will be assigned to attend has fewer students qualifying for free
6 or reduced-price lunches than the average percentage of such students in
7 all school buildings in the learning community and does not provide free
8 meals to all students pursuant to the community eligibility provision.

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

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

23 (2) The parent or legal guardian may appeal a rejection to the State
24 Board of Education by filing a written request, together with a copy of
25 the rejection notice, with the State Board of Education. Such request and
26 copy of the notice must be received by the board within thirty days after
27 the date the notification of the rejection was received by the parent or
28 legal guardian. Such hearing shall be held in accordance with the
29 Administrative Procedure Act and shall determine whether the procedures
30 of sections 79-234 to 79-241 have been followed.

31 (3)(a) Beginning July 1, 2024, and on or before July 1 of each year

1 thereafter, each school district shall provide to the State Department of
2 Education, on forms prescribed by the department, information relating to
3 all applications rejected by the option school district. Such information
4 shall include, but not be limited to, (a) the number of applications
5 rejected in each public school in such district, (b) an explanation why
6 each application was rejected, (c) whether each application for option
7 enrollment indicated that the student had an individualized education
8 program under the federal Individuals with Disabilities Education Act, 20
9 U.S.C. 1400 et seq., or had been diagnosed with a disability as defined
10 in section 79-1118.01, and (d) whether information regarding the
11 requirements of subsection (4) of section 79-238 was provided to the
12 applicant.

13 (b) The State Department of Education shall annually compile the
14 information received pursuant to this subsection and provide a report on
15 such information electronically to the Legislature beginning on September
16 1, 2024, and on or before September 1 of each year thereafter. The State
17 Board of Education may adopt and promulgate rules and regulations to
18 carry out this subsection.

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

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

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

1 79-254 Sections 79-254 to 79-294 and sections 59, 60, and 61 of this
2 act shall be known and may be cited as the Student Discipline Act.

3 Sec. 59. (1) On or before July 1, 2025, the State Department of
4 Education shall develop and adopt a model policy relating to behavioral
5 intervention, behavioral management, classroom management, and removal of
6 a student from a classroom in school. The model policy shall include
7 appropriate training for school employees on behavioral intervention,
8 behavioral management, classroom management, and removal of a student
9 from a classroom in schools and how frequently such training shall be
10 required.

11 (2) On or before August 1, 2025, each school district shall develop
12 and adopt a policy consistent with or comparable to the model policy
13 developed by the State Department of Education pursuant to subsection (1)
14 of this section, which shall be a requirement for accreditation in
15 accordance with section 79-703. Such policy shall be filed with the
16 Commissioner of Education. The policy developed and adopted by a school
17 district pursuant to this subsection shall be included with any
18 notifications required under the Student Discipline Act.

19 (3)(a) Beginning in school year 2026-27, each school district shall
20 ensure that any school employee who has behavioral management
21 responsibilities participates in behavioral awareness and intervention
22 training consistent with the school district policy developed and adopted
23 in accordance with subsection (2) of this section. Such training shall be
24 provided by the school district or such school district's educational
25 service unit.

26 (b) Each school district shall, either independently, or through the
27 educational service unit of which such school district is a member,
28 develop and provide behavioral awareness and intervention training to
29 employees from such school who have behavioral management
30 responsibilities. If such training is provided by the educational service
31 unit, such training shall be available to any educational service unit

1 employee and any member school district employee that works in a school
2 and has behavioral management responsibilities. Such training shall be
3 consistent with the model policy developed by the State Department of
4 Education pursuant to subsection (1) of this section.

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

7 Sec. 60. (1) Except as provided in subsection (2) of this section,
8 an elementary school shall not suspend a student in pre-kindergarten
9 through second grade. Each school district shall develop a policy to
10 implement this section which shall include disciplinary measures inside
11 the school as an alternative to suspension.

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

18 Sec. 61. Any student who is suspended shall be given an opportunity
19 to complete any classwork and homework missed during the period of
20 suspension, including, but not limited to, examinations. Each school
21 district shall develop and adopt guidelines that provide any such student
22 with the opportunity to complete classwork and homework. Such guidelines
23 shall not require the student to attend the school district's alternative
24 programs for expelled students in order to complete classwork and
25 homework. The guidelines shall be provided to the student and a parent or
26 guardian at the time of suspension.

27 Sec. 62. Section 79-256, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 79-256 For purposes of the Student Discipline Act, unless the
30 context otherwise requires:

31 (1) Long-term suspension means the exclusion of a student from

1 attendance in all schools within the system for a period exceeding five
2 school days but less than twenty school days;

3 (2) Expulsion means exclusion from attendance in all schools within
4 the system in accordance with section 79-283;

5 (3) Mandatory reassignment means the involuntary transfer of a
6 student to another school ~~in connection with any disciplinary action~~; and

7 (4) Short-term suspension means the exclusion of a student from
8 attendance in all schools within the system for a period not to exceed
9 five school days.

10 Sec. 63. Section 79-263, Reissue Revised Statutes of Nebraska, is
11 amended to read:

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

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

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

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

30 (i) The name of the school concerned;

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

1 (iii) The types of weapons concerned.

2 Sec. 64. Section 79-265, Reissue Revised Statutes of Nebraska, is
3 amended to read:

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

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

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

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

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

21 (4) Within twenty-four hours or such additional time as is
22 reasonably necessary, not to exceed an additional forty-eight hours,
23 following such suspension, the principal shall send a written statement
24 to the student and his or her parent or guardian describing the student's
25 conduct, misconduct, or violation of the rule or standard and the reasons
26 for the action taken. The principal shall make a reasonable effort to
27 hold a conference with the parent or guardian before or at the time the
28 student returns to school and shall document such effort in writing.

29 ~~(5) Any student who is suspended pursuant to this section may be~~
30 ~~given an opportunity to complete any classwork, including, but not~~
31 ~~limited to, examinations, missed during the period of suspension. Each~~

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

6 Sec. 65. Section 79-266, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 79-266 (1) Beginning July 1, 1997, each school district shall have
9 an alternative school, class, or educational program or the procedures of
10 subsection (2) of this section available or in operation for all expelled
11 students.

12 Any two or more school boards or boards of education may join
13 together in providing alternative schools, classes, or educational
14 programs. Any district may by agreement with another district send its
15 suspended or expelled students to any alternative school, class, or
16 educational program already in operation by such other district. An
17 educational program may include, but shall not be limited to,
18 individually prescribed educational and counseling programs or a
19 community-centered classroom with experiences for the student as an
20 observer or aide in governmental functions, as an on-the-job trainee, or
21 as a participant in specialized tutorial experiences. Such programs shall
22 include an individualized learning program to enable the student to
23 continue academic work for credit toward graduation. The State Department
24 of Education shall adopt and promulgate rules and regulations relating to
25 alternative schools, classes, and educational programs.

26 (2) If a district does not provide an alternative school, class, or
27 educational program for expelled students, the district shall follow the
28 procedures in this subsection prior to expelling a student unless the
29 expulsion was required by subsection (4) of section 79-283: A conference
30 shall be called by a school administrator and held to assist the district
31 in the development of a plan with the participation of a parent or legal

1 guardian, the student, a school representative, and a representative of
2 either a community organization with a mission of assisting young people
3 or a representative of an agency involved with juvenile justice. The plan
4 shall be in writing and adopted by a school administrator and presented
5 to the student and the parent or legal guardian. The plan shall (a)
6 specify guidelines and consequences for behaviors which have been
7 identified as preventing the student from achieving the desired benefits
8 from the educational opportunities provided, (b) identify educational
9 objectives that must be achieved in order to receive credits toward
10 graduation, (c) specify the financial resources and community programs
11 available to meet both the educational and behavioral objectives
12 identified, and (d) require the student to attend monthly reviews in
13 order to assess the student's progress toward meeting the specified goals
14 and objectives.

15 (3) A school district that has expelled a student may suspend the
16 enforcement of such expulsion unless the expulsion was required by
17 subsection (4) of section 79-283. The suspension may be for a period not
18 to exceed the length of the expulsion. As a condition of such suspended
19 action, the school district may require participation in a plan pursuant
20 to subsection (2) of this section or assign the student to a school,
21 class, or educational program which the school district deems
22 appropriate.

23 At the conclusion of such suspension period, the school district
24 shall (a) reinstate any student who has satisfactorily participated in a
25 plan pursuant to subsection (2) of this section or the school, class, or
26 educational program to which such student has been assigned and permit
27 the student to return to the school of former attendance or to attend
28 other programs offered by the district or (b) if the student's conduct
29 has been unsatisfactory, enforce the remainder of the expulsion action.

30 If the student is reinstated, the district may also take action to
31 expunge the record of the expulsion action.

1 (4) At the conclusion of an expulsion, a school district shall
2 reinstate the student and accept nonduplicative, grade-appropriate
3 credits earned by the student during the term of expulsion from any
4 Nebraska accredited institution or institution accredited by one of the
5 six regional accrediting bodies in the United States.

6 Sec. 66. Section 79-267, Reissue Revised Statutes of Nebraska, is
7 amended to read:

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

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

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

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

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

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

1 (6) Engaging in the unlawful possession, selling, dispensing, or use
2 of a controlled substance or an imitation controlled substance, as
3 defined in section 28-401, a substance represented to be a controlled
4 substance, or alcoholic liquor as defined in section 53-103.02 or being
5 under the influence of a controlled substance or alcoholic liquor;

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

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

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

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

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

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

31 Sec. 67. Section 79-268, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 79-268 If a principal makes a decision to discipline a student by
3 long-term suspension, expulsion, or mandatory reassignment, the following
4 procedures shall be followed:

5 (1) The decision as to recommend discipline shall be made within two
6 school days after learning of the alleged student misconduct. On the date
7 of the decision, a written charge and a summary of the evidence
8 supporting such charge shall be filed with the superintendent. The school
9 shall, within two school days after the decision, send written notice by
10 registered or certified mail to the student and his or her parent or
11 guardian informing them of the rights established under the Student
12 Discipline Act;

13 (2) Such written notice shall include the following:

14 (a) The rule or standard of conduct allegedly violated and the acts
15 of the student alleged to constitute a cause for long-term suspension,
16 expulsion, or mandatory reassignment, including a summary of the evidence
17 to be presented against the student;

18 (b) The penalty, if any, which the principal has recommended in the
19 charge and any other penalty to which the student may be subject;

20 (c) A statement that, before long-term suspension, expulsion, or
21 mandatory reassignment ~~for disciplinary purposes~~ can be invoked, the
22 student has a right to a hearing, upon request, and that if the student
23 is suspended pending the outcome of the hearing, the student may complete
24 classwork and homework, including, but not limited to, examinations,
25 missed during the period of suspension pursuant to district guidelines
26 which shall not require the student to attend the school district's
27 alternative programs for expelled students in order to complete classwork
28 or homework on the specified charges;

29 (d) A description of the hearing procedures provided by the act,
30 along with procedures for appealing any decision rendered at the hearing;

31 (e) A statement that the principal, legal counsel for the school,

1 the student, the student's parent, or the student's representative or
2 guardian has the right (i) to examine the student's academic and
3 disciplinary records and any affidavits to be used at the hearing
4 concerning the alleged misconduct and (ii) to know the identity of the
5 witnesses to appear at the hearing and the substance of their testimony;
6 and

7 (f) A form on which the student, the student's parent, or the
8 student's guardian may request a hearing, to be signed by such parties
9 and delivered to the principal or superintendent in person or by
10 registered or certified mail to the address provided on such form, as
11 prescribed in sections 79-271 and 79-272;~~and~~

12 (3) When a notice of intent to discipline a student by long-term
13 suspension, expulsion, or mandatory reassignment is filed with the
14 superintendent, the student may be suspended by the principal until the
15 date the long-term suspension, expulsion, or mandatory reassignment takes
16 ~~effect if no hearing is requested or, if a hearing is requested, the date~~
17 ~~the hearing examiner makes the report of his or her findings and a~~
18 ~~recommendation of the action to be taken to the superintendent, if the~~
19 principal determines that the student must be suspended immediately to
20 prevent or substantially reduce the risk of (a) interference with an
21 educational function or school purpose or (b) a personal injury to the
22 student himself or herself, other students, school employees, or school
23 volunteers; and -

24 (4) For purposes of this section, mandatory reassignment, regardless
25 of its implementation date, shall be subject to the procedures of this
26 section.

27 The Student Discipline Act does not preclude the student or the
28 student's parent, guardian, or representative from discussing and
29 settling the matter with appropriate school personnel prior to the time
30 the long-term suspension, expulsion, or mandatory reassignment takes
31 effect hearing stage.

1 Sec. 68. Section 79-269, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-269 (1)(a) ~~(1)~~ If a hearing is requested within five school days
4 after receipt of the notice as provided in section 79-268, the
5 superintendent shall ~~recommend appointment of~~ ~~appoint~~ a hearing examiner
6 within two school days after receipt of the hearing request.

7 (b) The student or the student's parent or guardian may request
8 designation of a hearing examiner other than the hearing examiner
9 recommended by the superintendent if notice of the request is given to
10 the superintendent within two school days after receipt of the
11 superintendent's recommended appointment. Upon receiving such request,
12 the superintendent shall provide one alternative hearing examiner who is
13 not an employee of the school district or otherwise currently under
14 contract with the school district and whose impartiality may not
15 otherwise be reasonably questioned. The superintendent may also provide
16 an additional list of hearing examiners that may include hearing
17 examiners employed by or under contract with the school district. The
18 student or the student's parent or guardian shall, within five school
19 days, select a hearing examiner to conduct the hearing who was
20 recommended, provided as an alternative hearing examiner, or included on
21 an additional list, if any, pursuant to this subdivision and shall notify
22 the superintendent in writing of the selection. The superintendent shall
23 appoint the selected hearing examiner upon receipt of such notice.

24 (c) For purposes of this subsection, individuals whose impartiality
25 may be reasonably questioned shall include, but not be limited to,
26 individuals who:

27 (i) Have a personal bias or prejudice concerning a party;

28 (ii) Have personal knowledge of evidentiary facts concerning the
29 proceeding;

30 (iii) Have served as legal counsel to the school district; or

31 (iv) Have a spouse who is an employee of, or is under contract with,

1 the school district.

2 (d) For purposes of this section a qualified hearing examiner shall
3 be an individual who has knowledge of the Student Discipline Act,
4 training in the requirements of the act, or experience conducting student
5 hearings.

6 (e) The hearing examiner who shall, within two school days after
7 being appointed, give written notice to the principal, the student, and
8 the student's parent or guardian of the time and place for the hearing.

9 (2) The hearing examiner shall be any person designated pursuant to
10 subsection (1) of this section by the school district's superintendent,
11 school board or board of education, or counsel, if such person (a) has
12 not brought the charges against the student, (b) shall not be a witness
13 at the hearing, and (c) has no involvement in the charge. Expenses and
14 fees of any hearing examiner, in connection with the hearing, shall be
15 paid by the school board.

16 (3) The hearing shall be held ~~scheduled~~ within a period of five
17 school days after appointment of the hearing examiner ~~it is requested,~~
18 but such time may be changed by the hearing examiner for good cause with
19 consent of the parties. No hearing shall be held upon less than two
20 school days' actual notice to the principal, the student, and the
21 student's parent or guardian, except with the consent of all the parties.

22 (4) The principal or legal counsel for the school, the student, and
23 the student's parent, guardian, or representative have the right to
24 receive a copy of all ~~examine the~~ records and written statements referred
25 to in the Student Discipline Act as well as the statement of any witness
26 in the possession of the school board or board of education no later than
27 forty-eight hours ~~at a reasonable time~~ prior to the hearing.

28 Sec. 69. Section 79-272, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 79-272 If a hearing is requested under sections 79-268 and 79-269
31 more than five school days but not more than thirty calendar days

1 following the actual receipt of written notice, the hearing examiner
2 shall be appointed and the hearing shall be held pursuant to the
3 requirements of section 79-269 but the imposed punishment shall continue
4 in effect pending final determination.

5 Sec. 70. Section 79-276, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 79-276 At a hearing requested under sections 79-268 and 79-269, the
8 principal shall present to the hearing examiner statements, in affidavit
9 form, of any person having information about the student's conduct and
10 the student's records but not unless such statements and records have
11 been provided ~~made available~~ to the student or the student's parent,
12 guardian, or representative at least forty-eight hours prior to the
13 hearing. The information contained in such records shall be explained and
14 interpreted, prior to or at the hearing, to the student, parent,
15 guardian, or representative, upon request, by appropriate school
16 personnel.

17 Sec. 71. Section 79-278, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 79-278 (1) The student, the student's parent, guardian, or
20 representative, the principal, or the hearing examiner may ask witnesses
21 to testify at the hearing requested under sections 79-268 and 79-269.
22 Such testimony shall be under oath, and the hearing examiner shall be
23 authorized to administer the oath. The hearing examiner shall make
24 reasonable effort to assist the student or the student's parent,
25 guardian, or representative in obtaining the attendance of witnesses. The
26 school district shall make available those witnesses who have knowledge
27 of or were involved in the alleged misconduct and subsequent discipline
28 of the student if such witnesses are requested by the student or the
29 student's parent, guardian, or representative and such witnesses are
30 employees or under contract with the school district.

31 (2) The student, the student's parent, guardian, or representative,

1 the principal, or the hearing examiner has the right to question any
2 witness giving information at the hearing.

3 Sec. 72. Section 79-282, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-282 (1) After a hearing requested under sections 79-268 and
6 79-269, a report shall be made by the hearing examiner of his or her
7 findings and a recommendation of the action to be taken, which report
8 shall be made to the superintendent and the student or the student's
9 parent or guardian within ten calendar days after the hearing and shall
10 explain, in terms of the needs of both the student and the school board,
11 the reasons for the particular action recommended. Such recommendation
12 may range from no action, through the entire field of counseling, to
13 long-term suspension, expulsion, mandatory reassignment, or an
14 alternative educational placement under section 79-266.

15 (2) A review shall be made of the hearing examiner's report by the
16 superintendent, who may change, revoke, or impose the sanction
17 recommended by the hearing examiner but shall not impose a sanction more
18 severe than that recommended by the hearing examiner. The superintendent
19 shall notify the student or the student's parent or guardian of the
20 superintendent's determination within five school days after receipt of
21 the hearing examiner's report.

22 (3) The findings and recommendations of the hearing examiner, the
23 determination by the superintendent, and any determination on appeal to
24 the governing body, shall be made solely on the basis of the evidence
25 presented at the hearing or, in addition, on any evidence presented on
26 appeal.

27 Sec. 73. Section 79-283, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 79-283 (1) Written notice of the findings and recommendations of the
30 hearing examiner and the determination of the superintendent under
31 section 79-282 shall be made by certified or registered mail or by

1 personal delivery to the student or the student's parent or guardian.
2 Upon receipt of such written notice by the student, parent, or guardian,
3 the determination of the superintendent shall take immediate effect
4 unless the student or the student's parent or guardian appeals the
5 written notice of determination of the superintendent pursuant to section
6 79-285.

7 (2) Except as provided in subsections (3) and (4) of this section,
8 the expulsion of a student shall be for a period not to exceed the
9 remainder of the semester in which it took effect unless the misconduct
10 occurred (a) within ten school days prior to the end of the first
11 semester, in which case the expulsion shall remain in effect through the
12 second semester, or (b) within ten school days prior to the end of the
13 second semester, in which case the expulsion shall remain in effect for
14 summer school and the first semester of the following school year subject
15 to the provisions of subsection (5) of this section. Such action may be
16 modified or terminated by the school district at any time during the
17 expulsion period. For purposes of this subsection, if the misconduct
18 occurred prior to the last ten school days of the first semester and the
19 expulsion takes effect in the second semester because the recommendation
20 for expulsion was appealed to a hearing examiner or the school board or
21 board of education, the length of the expulsion shall not exceed the
22 number of days it would have been in effect had the appeal not been made.

23 (3) The expulsion of a student for (a) the knowing and intentional
24 use of force in causing or attempting to cause personal injury to a
25 school employee, school volunteer, or student except as provided in
26 subdivision (3) of section 79-267 or (b) the knowing and intentional
27 possession, use, or transmission of a dangerous weapon, other than a
28 firearm, shall be for a period not to exceed the remainder of the school
29 year in which it took effect if the misconduct occurs during the first
30 semester. If the expulsion takes place during the second semester, the
31 expulsion shall remain in effect for summer school and may remain in

1 effect for the first semester of the following school year. Such action
2 may be modified or terminated by the school district at any time during
3 the expulsion period.

4 (4) The expulsion of a student for the knowing and intentional
5 possession, use, or transmission of a firearm, which for purposes of this
6 section means a firearm as defined in 18 U.S.C. 921 as of January 1,
7 1995, shall be for a period as provided by the school district policy
8 adopted pursuant to section 79-263. This subsection shall not apply to
9 (a) the issuance of firearms to or possession of firearms by members of
10 the Reserve Officers Training Corps when training or (b) firearms which
11 may lawfully be possessed by the person receiving instruction under the
12 immediate supervision of an adult instructor who may lawfully possess
13 firearms.

14 (5) Any expulsion that will remain in effect during the first
15 semester of the following school year shall be automatically scheduled
16 for review before the beginning of the school year. The review shall be
17 conducted by the hearing examiner after the hearing examiner has given
18 notice of the review to the student and the student's parent or guardian.
19 This review shall be limited to newly discovered evidence or evidence of
20 changes in the student's circumstances occurring since the original
21 hearing. This review may lead to a recommendation by the hearing examiner
22 that the student be readmitted for the upcoming school year. If the
23 school board or board of education or a committee of such board took the
24 final action to expel the student, the student may be readmitted only by
25 action of the board. Otherwise the student may be readmitted by action of
26 the superintendent.

27 Sec. 74. Section 79-287, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 79-287 The final action of the board under section 79-286 shall be
30 taken within three calendar days after the hearing and be evidenced by
31 personally delivering or mailing by certified mail a copy of the board's

1 decision to the student and his or her parent or guardian within three
2 calendar days after the final action.

3 Sec. 75. Section 79-2,136, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 79-2,136 (1) Each school board shall allow the part-time enrollment
6 of students, for all courses selected by the students, who are residents
7 of the school district pursuant to subsections (1) and (2) of section
8 79-215 and who are also enrolled in a private, denominational, or
9 parochial school or in a school which elects pursuant to section 79-1601
10 not to meet accreditation or approval requirements and shall establish
11 policies and procedures for such part-time enrollment. Such policies and
12 procedures may include provisions permitting the part-time enrollment of
13 such students who are not residents of such school districts to the
14 extent permitted pursuant to section 79-215 and may require part-time
15 students to follow school policies that apply to other students at any
16 time the part-time student is present on school grounds or at a school-
17 sponsored activity or athletic event. Part-time enrollment shall not
18 entitle a student to transportation or transportation reimbursements
19 pursuant to section 79-611. ~~Nothing in this section shall be construed to~~
20 ~~exempt any student from the compulsory attendance provisions of sections~~
21 ~~79-201 to 79-207.~~

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

1 set the standards for satisfactory academic performance for a student
2 from the school to participate in extracurricular activities pursuant to
3 this subsection and shall provide assurances of compliance with such
4 academic standards.

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

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

23 Sec. 76. Section 79-2,144, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 79-2,144 The state school security director appointed pursuant to
26 section 79-2,143 shall be responsible for providing leadership and
27 support for safety and security for the public schools. Duties of the
28 director include, but are not limited to:

29 (1) Collecting safety and security plans, required pursuant to rules
30 and regulations of the State Department of Education relating to
31 accreditation of schools, and other school security information from each

1 school system in Nebraska. School districts shall provide the state
2 school security director with the safety and security plans of the school
3 district and any other security information requested by the director,
4 but any plans or information submitted by a school district may be
5 withheld by the department pursuant to subdivision (9) of section
6 84-712.05;

7 (2) Recommending minimum standards for school security on or before
8 January 1, 2016, to the State Board of Education;

9 (3) Conducting an assessment of the security of each public school
10 building, which assessment shall be completed by August 31, 2019;

11 (4) Identifying deficiencies in school security based on the minimum
12 standards adopted by the State Board of Education and making
13 recommendations to school boards for remedying such deficiencies;

14 (5) Establishing security awareness and preparedness tools and
15 training programs for public school staff;

16 (6) Establishing research-based model instructional programs for
17 staff, students, and parents to address the underlying causes for violent
18 attacks on schools;

19 (7) Overseeing behavioral and mental health training, with a focus
20 on suicide awareness and prevention training in public schools pursuant
21 to section 79-2,146;

22 (8) Establishing tornado preparedness standards which shall include,
23 but not be limited to, ensuring that every school conducts at least two
24 tornado drills per year;

25 (9) Responding to inquiries and requests for assistance relating to
26 school security from private, denominational, and parochial schools;

27 (10) Recommending curricular and extracurricular materials to assist
28 school districts in preventing and responding to cyberbullying and
29 digital citizenship issues; and

30 (11) Carrying out the department's responsibilities under the School
31 Safety and Security Reporting System Act.

1 Sec. 77. Section 79-2,146, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-2,146 (1) Beginning in school year 2023-24 ~~2015-16~~, all public
4 school ~~employees who interact with students nurses, teachers, counselors,~~
5 ~~school psychologists, administrators, school social workers,~~ and any
6 other appropriate personnel, as determined by the school superintendent,
7 shall receive at least one hour of behavioral and mental health training
8 with a focus on suicide awareness and prevention training each year. Such
9 training may include, but need not be limited to, topics such as
10 identification of early warning signs and symptoms of behavioral and
11 mental health issues in students, appropriate and effective responses for
12 educators to student behavioral and mental health issues, trauma-informed
13 care, and procedures for making students and parents and guardians aware
14 of services and supports for behavioral and mental health issues. This
15 training shall be provided within the framework of existing inservice
16 training programs offered by the State Department of Education or as part
17 of required professional development activities.

18 (2) The department, in consultation with organizations including,
19 but not limited to, the Nebraska State Suicide Prevention Coalition, the
20 Nebraska chapter of the American Foundation for Suicide Prevention, the
21 Behavioral Health Education Center of Nebraska, the National Alliance on
22 Mental Illness Nebraska, and other organizations and professionals with
23 expertise in behavioral and mental health and suicide prevention, shall
24 develop a list of approved training materials to fulfill the requirements
25 of subsection (1) of this section. Such materials shall include training
26 on how to identify appropriate mental health services, both within the
27 school and also within the larger community, and when and how to refer
28 youth and their families to those services. Such materials may include
29 programs that can be completed through self-review of suitable behavioral
30 and mental health and suicide prevention materials.

31 (3) The department may adopt and promulgate rules and regulations to

1 carry out this section.

2 Sec. 78. Section 79-703, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 79-703 (1) To ensure both equality of opportunity and quality of
5 programs offered, all public schools in the state shall be required to
6 meet quality and performance-based approval or accreditation standards as
7 prescribed by the State Board of Education. Beginning August 1, 2025,
8 accreditation standards shall require each school district to develop and
9 adopt a policy relating to behavioral intervention, behavioral
10 management, classroom management, and removal of a student from a
11 classroom in accordance with section 59 of this act. The board shall
12 establish a core curriculum standard, which shall include multicultural
13 education and vocational education courses, for all public schools in the
14 state. Accreditation and approval standards shall be designed to assure
15 effective schooling and quality of instructional programs regardless of
16 school size, wealth, or geographic location. Accreditation standards for
17 school districts that are members of a learning community shall include
18 participation in the community achievement plan for the learning
19 community as approved by the board. Accreditation standards for education
20 programs in state institutions under the supervision of the Department of
21 Health and Human Services that house juveniles shall include an annual
22 report to the State Board of Education by the superintendent of
23 institutional schools. The board shall recognize and encourage the
24 maximum use of cooperative programs and may provide for approval or
25 accreditation of programs on a cooperative basis, including the sharing
26 of administrative and instructional staff, between school districts for
27 the purpose of meeting the approval and accreditation requirements
28 established pursuant to this section and section 79-318.

29 (2) The Commissioner of Education shall appoint an accreditation
30 committee which shall be representative of the educational institutions
31 and agencies of the state and shall include as a member the director of

1 admissions of the University of Nebraska.

2 (3) The accreditation committee shall be responsible for: (a)
3 Recommending appropriate standards and policies with respect to the
4 accreditation and classification of schools; and (b) making
5 recommendations annually to the commissioner relative to the
6 accreditation and classification of individual schools. No school shall
7 be considered for accreditation status which has not first fulfilled all
8 requirements for an approved school.

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

13 (5) It is the intent of the Legislature that all public school
14 students shall have access to all educational services required of
15 accredited schools. Such services may be provided through cooperative
16 programs or alternative methods of delivery.

17 Sec. 79. Section 79-729, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

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

26 (2) For students attending a public school: ~~τ~~

27 (a) Beginning ~~beginning~~ in school year 2023-24, at least five of the
28 minimum credit hours shall be a high school course in personal finance or
29 financial literacy; ~~τ~~ and

30 (b) Beginning ~~beginning~~ in school year 2027-28 ~~2026-27~~, at least
31 five of the minimum credit hours shall include ~~be a high school course or~~

1 ~~the equivalent of a one-semester high school course in computer science~~
2 ~~and technology education as required under section 79-3304.~~

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

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

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

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

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

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

29 (i) By each public high school to students, parents and legal
30 guardians of students, and persons standing in loco parentis to students;
31 and

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

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

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

22 (4) The State Board of Education may establish recommended statewide
23 graduation guidelines.

24 (5) This section does not apply to high school students whose
25 individualized education programs prescribe a different course of
26 instruction. This section does not prohibit the governing board of any
27 high school from prescribing specific graduation guidelines as long as
28 such guidelines do not conflict with this section.

29 (6) For purposes of this section, high school means grades nine
30 through twelve and credit hour shall be defined by appropriate rules and
31 regulations of the State Board of Education but shall not be less than

1 the amount of credit given for successful completion of a course which
2 meets at least one period per week for at least one semester.

3 (7) The State Board of Education shall adopt and promulgate rules
4 and regulations as necessary to implement this section. Such rules and
5 regulations shall include, but not be limited to:

6 (a) A timeline for the distribution of the Free Application for
7 Federal Student Aid and the forms prescribed pursuant to subdivision (3)
8 (c) of this section by public high schools and for the submission of the
9 Free Application for Federal Student Aid and the forms prescribed
10 pursuant to subdivision (3)(c) of this section;

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

13 (i) Instructions for filling out the Free Application for Federal
14 Student Aid;

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

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

22 (c) A requirement for each public high school to report the number
23 of students who completed and submitted a Free Application for Federal
24 Student Aid and the number of students who instead submitted a form
25 prescribed pursuant to subdivision (3)(c) of this section.

26 Sec. 80. Section 79-734, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 79-734 (1)(a) ~~(1)~~ School boards and boards of education of all
29 classes of school districts shall purchase all textbooks, equipment, and
30 supplies necessary for the schools of such district. The duty to make
31 such purchases may be delegated to employees of the school district.

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

4 **(c)** School boards and boards of education may adopt rules to carry
5 out this subsection.

6 **(2)(a)** Through June 30, 2024, school boards and boards of education
7 shall purchase and loan textbooks, upon individual request, to children
8 who are enrolled in kindergarten to grade twelve of a private school
9 which is approved for continued legal operation under rules and
10 regulations established by the State Board of Education pursuant to
11 subdivision (5)(c) of section 79-318. The Legislature may appropriate
12 funds to carry out the provisions of this subdivision ~~subsection~~. A
13 school district is not obligated to spend any money for the purchase and
14 loan of textbooks to children enrolled in private schools other than
15 funds specifically appropriated by the Legislature to be distributed by
16 the State Department of Education for the purpose of purchasing and
17 loaning textbooks as provided in this subdivision ~~subsection~~. Textbooks
18 loaned to children enrolled in kindergarten to grade twelve of such
19 private schools shall be textbooks which are designated for use in the
20 public schools of the school district in which the child resides or the
21 school district in which the private school the child attends is located.
22 Such textbooks shall be loaned free to such children subject to such
23 rules and regulations as are or may be prescribed by such school boards
24 or boards of education. The State Department of Education shall adopt and
25 promulgate rules and regulations to carry out this subdivision ~~section~~.
26 The rules and regulations shall include provisions for the distribution
27 of funds appropriated for textbooks. The rules and regulations shall
28 include a deadline for applications from school districts for
29 distribution of funds. If funds are not appropriated to cover the entire
30 cost of applications, a pro rata reduction shall be made. ~~It is the~~
31 ~~intent of the Legislature that on or before October 1, 2016, the~~

1 ~~department provide to the Education Committee of the Legislature~~
2 ~~recommended changes to this subsection that reflect advances in~~
3 ~~technology and educational content for students.~~

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

29 (3) For purposes of this section, textbook means any instructional
30 material, including digital, electronic, or online resources, that is
31 designated for use by an individual student in classroom instruction as

1 the principal source of study material.

2 Sec. 81. Section 79-760.01, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 79-760.01 (1) The State Board of Education shall adopt measurable
5 academic content standards for at least the grade levels required for
6 statewide assessment pursuant to section 79-760.03. The standards shall
7 cover the subject areas of reading, writing, mathematics, science, and
8 social studies.

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

11 (i) Financial literacy; and

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

15 (b) On or before March 1, 2024, the The board shall also adopt
16 measurable academic content standards for computer science and technology
17 education under the mathematics, science, or career and technical
18 education standards.

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

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

27 Sec. 82. Section 79-806, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 79-806 (1) The Legislature finds that and declares: ~~(a) That~~ there
30 is an educator workforce shortage in this state and that efforts need to
31 be made to recruit, prepare, retain, and support the teaching profession

1 while maintaining high-quality educators in our classrooms around the
2 state. ;

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

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

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

25 ~~(2) The Therefore, it is declared to be the purpose of sections~~
26 ~~79-806 to 79-815 is to provide more flexibility in the certification of~~
27 ~~qualified educators for Nebraska schools and not to decrease any~~
28 ~~requirements for certificates to teach, provide special services, and~~
29 ~~administer in Nebraska schools.~~

30 Sec. 83. Section 79-807, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 79-807 For purposes of sections 79-806 to 79-815, unless the context
2 otherwise requires:

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

9 (1) ~~(2)~~ Board means the State Board of Education;

10 (2) ~~(3)~~ Certificate means an authorization issued by the
11 commissioner to an individual who meets the qualifications to engage in
12 teaching, providing special services, or administering in prekindergarten
13 through grade twelve in the elementary and secondary schools in this
14 state;

15 (3) ~~(4)~~ Commissioner means the Commissioner of Education;

16 (4) ~~(5)~~ Department means the State Department of Education;

17 (5) ~~(6)~~ Human relations training means course work or employment
18 experiences that lead to (a) an awareness and understanding of the
19 values, lifestyles, contributions, and history of a pluralistic society,
20 (b) the ability to recognize and deal with dehumanizing biases,
21 including, but not limited to, sexism, racism, prejudice, and
22 discrimination, and an awareness of the impact such biases have on
23 interpersonal relations, (c) the ability to translate knowledge of human
24 relations into attitudes, skills, and techniques which result in
25 favorable experiences for students, (d) the ability to recognize the ways
26 in which dehumanizing biases may be reflected in instructional materials,
27 (e) respect for human dignity and individual rights, and (f) the ability
28 to relate effectively to other individuals and to groups in a pluralistic
29 society other than the applicant's own;

30 (6) ~~(7)~~ Special education training means course work or employment
31 experiences that provide an individual with the knowledge of (a) the

1 exceptional needs of the disabilities defined under the Special Education
2 Act, (b) the major characteristics of each disability in order to
3 recognize its existence in children, (c) the various alternatives for
4 providing the least restrictive environment for children with
5 disabilities, (d) methods of teaching children with disabilities in the
6 regular classroom, and (e) prereferral alternatives, referral systems,
7 multidisciplinary team responsibilities, the individualized education
8 program process, and the placement process;

9 (7) ~~(8)~~ Special services means supportive services provided to
10 students that do not primarily involve teaching, including, but not
11 limited to, (a) audiology, psychology, and physical or occupational
12 therapy, (b) the coaching of extracurricular activities, and (c) subject
13 areas for which endorsement programs are not offered by a standard
14 institution of higher education; and

15 (8) ~~(9)~~ Standard institution of higher education means any college
16 or university, the teacher education programs of which are fully approved
17 by the board or approved in another state pursuant to standards which are
18 comparable and equivalent to those set by the board.

19 Sec. 84. Section 79-808, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 79-808 (1) The board shall establish, adopt, and promulgate
22 appropriate rules, regulations, and procedures governing the issuance,
23 renewal, conversion, suspension, and revocation of certificates and
24 permits to teach, provide special services, and administer based upon (a)
25 earned college credit in humanities, social and natural sciences,
26 mathematics, or career and technical education, (b) earned college
27 credit, or its equivalent in professional education, for particular
28 teaching, special services, or administrative assignments, (c) criminal
29 history record information if the applicant has not been a continuous
30 Nebraska resident for five years immediately preceding application for
31 the first issuance of a certificate, (d) human relations training, (e)

1 successful teaching, administration, or provision of special services,
2 and (f) moral, mental, and physical fitness for teaching, all in
3 accordance with sound educational practices. Such rules, regulations, and
4 procedures shall also provide for endorsement requirements to indicate
5 areas of specialization on such certificates and permits. Such rules and
6 regulations shall not require any test of basic skills.

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

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

20 Sec. 85. Section 79-809, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 79-809 In addition to the requirements in section 79-808, the
23 maximum which the board may require for the issuance of any entry-level
24 certificate or permit shall be that the applicant (1) has a baccalaureate
25 degree that qualifies for a certificate to teach, (2) has satisfactorily
26 completed, within two years of the date of application, an approved
27 program at a standard institution of higher education, (3) ~~has~~
28 ~~satisfactorily demonstrated basic skills competency,~~ (4) has special
29 education training, (4) ~~(5)~~ has earned college credit in an approved
30 program, at a standard institution of higher education, for which
31 endorsement is sought, and (5) ~~(6)~~ has paid a nonrefundable fee to the

1 department as provided in section 79-810.

2 Sec. 86. Section 79-8,143, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 79-8,143 Sections 79-8,143 to 79-8,145 and section 87 of this act
5 shall be known and may be cited as the Alternative Certification for
6 Quality Teachers Act.

7 Sec. 87. (1) In addition to certificates issued pursuant to section
8 79-806 to 79-815, the Commissioner of Education shall, subject to
9 subsections (2) and (3) of this section, issue an alternative certificate
10 to teach on a full-time basis to any applicant who:

11 (a) Possess a baccalaureate degree; and

12 (b) Has successfully completed an alternative teacher certification
13 program operated by an organization that satisfies the following
14 criteria:

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

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

18 (iii) The program requires candidates to pass a subject area
19 examination and the pedagogy examination, known as the professional
20 teaching knowledge examination, to receive a certificate under such
21 program.

22 (2) A certificate issued under this section only authorizes an
23 individual to teach the subject and educational levels for which the
24 individual has successfully completed an alternative teacher
25 certification program.

26 (3) Issuance of an alternative certificate to teach pursuant to this
27 section shall be subject to a criminal history record information check
28 pursuant to section 79-814.01 and payment of any required fees.

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

31 (a) Participate in a school district clinical experience for one

1 semester in such individual's first semester of employment as a teacher
2 pursuant to this section; and

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

6 Sec. 88. Section 79-8,145, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 79-8,145 (1) In addition to certificates issued pursuant to sections
9 79-806 to 79-815:

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

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

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

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

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

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

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

30 (i) Has completed two years at a college or university accredited by
31 an accrediting organization recognized by the United States Department of

1 Education with at least forty-eight or more semester credit hours or
2 obtained an associate degree from such a college or university;

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

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

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

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

15 Sec. 89. Section 79-1021, Reissue Revised Statutes of Nebraska, as
16 amended by section 22, Legislative Bill 818, One Hundred Eighth
17 Legislature, First Session, 2023, is amended to read:

18 79-1021 (1) The Education Future Fund is created. The fund shall be
19 administered by the department and shall consist of money transferred to
20 the fund by the Legislature. Any money in the fund available for
21 investment shall be invested by the state investment officer pursuant to
22 the Nebraska Capital Expansion Act and the Nebraska State Funds
23 Investment Act.

24 (2) The fund shall be used only for the following purposes, in order
25 of priority:

26 (a) To fully fund equalization aid under the Tax Equity and
27 Educational Opportunities Support Act;

28 (b) To fund reimbursements related to special education under
29 section 79-1142;

30 (c) To fund foundation aid under the Tax Equity and Educational
31 Opportunities Support Act;

1 (d) To increase funding for school districts in a way that results
2 in direct property tax relief, which means a dollar-for-dollar
3 replacement of property taxes by a state funding source;

4 (e) To provide funding for a grant program created by the
5 Legislature to address teacher turnover rates and keep existing teachers
6 in classrooms;

7 (f) To provide funding to increase career and technical educational
8 classroom opportunities for students. Such funding must provide students
9 with the academic and technical skills, knowledge, and training necessary
10 to succeed in future careers;~~and~~

11 (g) To provide funding for a grant program created by the
12 Legislature to provide students the opportunity to have a mentor who will
13 continuously engage with the student directly to aid in the student's
14 professional growth and give ongoing support and encouragement to the
15 student; ~~-~~

16 (h) To provide funding for extraordinary increases in special
17 education expenditures to allow school districts with large, unexpected
18 special education expenditures to more easily meet the needs of all
19 students; and

20 (i) To provide funding to help recruit teachers throughout the state
21 by utilizing apprenticeships through a teacher apprenticeship program and
22 an alternative certification process.

23 (3)(a) The State Treasurer shall transfer one billion dollars from
24 the General Fund to the Education Future Fund in fiscal year 2023-24, on
25 such dates and in such amounts as directed by the budget administrator of
26 the budget division of the Department of Administrative Services.

27 (b) The State Treasurer shall transfer two hundred fifty million
28 dollars from the General Fund to the Education Future Fund in fiscal year
29 2024-25, on such dates and in such amounts as directed by the budget
30 administrator of the budget division of the Department of Administrative
31 Services.

1 (c) It is the intent of the Legislature that two hundred fifty
2 million dollars be transferred from the General Fund to the Education
3 Future Fund in fiscal year 2025-26 and each fiscal year thereafter.

4 Sec. 90. Section 79-1054, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 79-1054 (1)(a) This subsection applies until July 1, 2024.

7 (b) The State Board of Education shall establish a competitive
8 innovation grant program with funding from the Nebraska Education
9 Improvement Fund pursuant to section 1 of this act ~~9-812~~. Grantees shall
10 be a school district, an educational service unit, or a combination of
11 entities that includes at least one school district or educational
12 service unit. For grantees that consist of a combination of entities, a
13 participating school district or educational service unit shall be
14 designated to act as the fiscal agent and administer the program funded
15 by the grant. The state board shall only award grants pursuant to
16 applications that the state board deems to be sufficiently innovative and
17 to have a high chance of success.

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

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

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

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

31 (iv) Any cost savings that could be achieved by reductions in other

1 programs if the funded program is successful.

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

5 (i) Representing a best practice;

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

7 (iii) A local issue for further study.

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

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

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

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

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

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

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

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

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

12 (i) Representing a best practice;

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

14 (iii) A local issue for further study.

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

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

23 (b) The State Board of Education shall establish an improvement
24 grant program in areas including, but not limited to, (i) teacher
25 recruitment and retention, (ii) improvement for schools and school
26 districts, (iii) improvement in student performance in the subject areas
27 of reading and mathematics, and (iv) other improvement areas identified
28 by the state board. Such grants shall be funded using lottery funds under
29 section 1 of this act.

30 (c) On or before December 1 of each calendar year, the state board
31 shall electronically submit a report to the Clerk of the Legislature on

1 all such grant programs, including, but not limited to, the recipients of
2 the programs and evaluations of the effectiveness of each grant program.
3 The state board may adopt and promulgate rules and regulations to carry
4 out this subsection.

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

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

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

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

20 (iii) A developer may apply to the State Department of Education on
21 forms and in a manner prescribed by the department for a grant under this
22 subsection for a learning platform 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 (5)(a) ~~(3)~~ The Department of Education Innovative Grant Fund is
14 created. The fund shall be administered by the State Department of
15 Education and shall consist of transfers pursuant to section 1 of this
16 act ~~9-812~~, repayments of grant funds, and interest payments received in
17 the course of administering this section. The fund shall be used to carry
18 out this section. Any money in the fund available for investment shall be
19 invested by the state investment officer pursuant to the Nebraska Capital
20 Expansion Act and the Nebraska State Funds Investment Act.

21 (b) Of the ten percent of funds transferred to the fund pursuant to
22 section 1 of this act, eight and three-fourths percent shall be used for
23 innovation grants pursuant to subsection (4) of this section and the
24 remaining one and one-fourth percent shall be used for innovation and
25 improvement grants pursuant to subsections (2) and (3) of this section.

26 Sec. 91. Section 79-1104.02, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 79-1104.02 (1) The Early Childhood Education Endowment Cash Fund,
29 consisting of the interest, earnings, and proceeds from the Early
30 Childhood Education Endowment Fund and the earnings from the private
31 endowment created by the endowment provider, ~~funds transferred from the~~

1 ~~Education Innovation Fund pursuant to section 9-812,~~ and any additional
2 private donations made directly thereto, shall be used exclusively to
3 provide funds for the Early Childhood Education Grant Program for at-risk
4 children from birth to age three as set forth in this section.

5 (2) Grants provided by this section shall be to school districts and
6 cooperatives of school districts for early childhood education programs
7 for at-risk children from birth to age three, as determined by the board
8 of trustees pursuant to criteria set forth by the board of trustees.
9 School districts and cooperatives of school districts may establish
10 agreements with other public and private entities to provide services or
11 operate programs.

12 (3) Each program selected for a grant pursuant to this section may
13 be provided a grant for up to one-half of the total budget of such
14 program per year. Programs selected for grant awards may receive
15 continuation grants subject to the availability of funding and the
16 submission of a continuation plan which meets the requirements of the
17 board of trustees.

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

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

29 (6) The board of trustees may issue grants to early childhood
30 education programs entering into agreements pursuant to subsection (2) of
31 this section with child care providers if the child care provider enrolls

1 in the quality rating and improvement system described in the Step Up to
2 Quality Child Care Act prior to the beginning of the initial grant
3 period. Child care providers shall participate in training approved by
4 the Early Childhood Training Center which is needed for participation or
5 advancement in the quality rating and improvement system.

6 (7) The board of trustees shall require child care providers in
7 programs receiving grants under this section to obtain a step three
8 rating or higher on the quality scale described in section 71-1956 within
9 three years of the starting date of the initial grant period to continue
10 funding the program. The board of trustees shall require the child care
11 provider to maintain a step three rating or higher on such quality scale
12 after three years from the starting date of the initial grant period to
13 continue funding the program.

14 (8) If a child care provider fails to achieve or maintain a step
15 three rating or higher on the quality scale described in such section
16 after three years from the starting date of the initial grant period, the
17 child care provider shall obtain and maintain the step three rating on
18 such quality scale before any new or continuing grants may be issued for
19 programs in which such child care provider participates.

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

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

29 Sec. 92. Section 79-1142, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 79-1142 (1) Level I services refers to services provided to children

1 with disabilities who require an aggregate of not more than three hours
2 per week of special education services and support services and includes
3 all administrative, diagnostic, consultative, and vocational-adjustment
4 counselor services.

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

14 (3) Except as provided in subsection (6) of this section, for For
15 special education and support services provided in each school fiscal
16 year, the department shall reimburse each school district in the
17 following school fiscal year a pro rata amount determined by the
18 department. The reimbursement percentage shall be the ratio of the
19 difference of the appropriations for special education approved by the
20 Legislature minus the amounts set aside pursuant to subsection (5) of
21 this section divided by the total allowable excess costs for all special
22 education programs and support services.

23 (4) Cooperatives of school districts or educational service units
24 shall also be eligible for reimbursement for cooperative programs
25 pursuant to this section if such cooperatives or educational service
26 units have complied with the reporting and approval requirements of
27 section 79-1155 for cooperative programs which were offered in the
28 preceding school fiscal year. The payments shall be made by the
29 department to the school district of residence, cooperative of school
30 districts, or educational service unit each school year in a minimum of
31 seven payments between the fifth and twentieth day of each month

1 beginning in December. Additional payments may be made based upon
2 additional valid claims submitted. The State Treasurer shall, between the
3 fifth and twentieth day of each month, notify the Director of
4 Administrative Services of the amount of funds available in the General
5 Fund for payment purposes. The director shall, upon receiving such
6 certification, draw warrants against funds appropriated.

7 (5) Residential settings described in subdivision (10)(c) of section
8 79-215 shall be reimbursed for the educational services, including
9 special education services and support services in an amount determined
10 pursuant to the average per pupil cost of the service agency.
11 Reimbursements pursuant to this section shall be made from funds set
12 aside for such purpose within sixty days after receipt of a reimbursement
13 request submitted in the manner required by the department and including
14 any documentation required by the department for educational services
15 that have been provided, except that if there are not any funds available
16 for the remainder of the state fiscal year for such reimbursements, the
17 reimbursement shall occur within thirty days after the beginning of the
18 immediately following state fiscal year. The department may audit any
19 required documentation and subtract any payments made in error from
20 future reimbursements. The department shall set aside separate amounts
21 from the appropriations for special education approved by the Legislature
22 for reimbursements pursuant to this subsection for students receiving
23 special education services and for students receiving support services
24 for each state fiscal year. The amounts set aside for each purpose shall
25 be based on estimates of the reimbursements to be requested during the
26 state fiscal year and shall not be less than the total amount of
27 reimbursements requested in the prior state fiscal year plus any unpaid
28 requests from the prior state fiscal year.

29 (6) For each school district that received a payment pursuant to the
30 Extraordinary Increase in Special Education Expenditures Act in the
31 school fiscal year for which special education expenditures were

1 reimbursed pursuant to subsection (3) of this section, an amount equal to
2 such payment shall be subtracted from the reimbursement calculated
3 pursuant to subsection (3) of this section and such amount shall be
4 transferred to the Education Future Fund.

5 Sec. 93. Section 79-11,160, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 79-11,160 (1) The State Department of Education shall establish a
8 mental health first aid training program for teachers and other personnel
9 employed by a school district or an educational service unit
10 participating in a grant under subsection (2) of section 79-1054.

11 (2) The mental health first aid training is to be delivered by
12 trainers who are properly certified by a national organization for
13 behavioral health to provide training meeting the requirements of this
14 section. The program shall also provide an opportunity for teachers and
15 other designated personnel to complete the training necessary to become
16 certified by a national organization for behavioral health to provide
17 mental health first aid training to other teachers and designated
18 personnel.

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

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

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

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

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

28 (a) Safely de-escalate crisis situations;

29 (b) Recognize the signs and symptoms of mental illness, including
30 such psychiatric conditions as major clinical depression and anxiety
31 disorders; and

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

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

9 Sec. 94. Section 79-1337, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 79-1337 (1) For fiscal years 2007-08 through 2028-29 ~~2023-24~~, the
12 State Department of Education shall provide distance education incentives
13 to school districts and educational service units for qualified distance
14 education courses coordinated through the Educational Service Unit
15 Coordinating Council as provided in this section. ~~Through fiscal year~~
16 ~~2015-16, funding for such distance education incentives shall come from~~
17 ~~the Education Innovation Fund.~~ For fiscal years 2016-17 through 2023-24,
18 funding for such distance education incentives shall come from the
19 Nebraska Education Improvement Fund. For fiscal years 2024-25 through
20 2028-29, funding for such distance education incentives shall come from
21 transfers pursuant to section 1 of this act.

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

26 (a) For school districts, specify (i) the qualified distance
27 education courses which were received by students in the membership of
28 the district in the then-current school fiscal year and which were not
29 taught by a teacher employed by the school district and (ii) for each
30 such course (A) the number of students in the membership of the district
31 who received the course, (B) the educational entity employing the

1 teacher, and (C) whether the course was a two-way interactive video
2 distance education course; and

3 (b) For school districts and educational service units, specify (i)
4 the qualified distance education courses which were received by students
5 in the membership of another educational entity in the then-current
6 school fiscal year and which were taught by a teacher employed by the
7 school district or educational service unit, (ii) for each such course
8 for school districts, the number of students in the membership of the
9 district who received the course, and (iii) for each such course (A) the
10 other educational entities in which students received the course and how
11 many students received the course at such educational entities, (B) any
12 school district that is sparse or very sparse as such terms are defined
13 in section 79-1003 that had at least one student in the membership who
14 received the course, and (C) whether the course was a two-way interactive
15 video distance education course.

16 (3) On or before September 1 of each year through calendar year 2028
17 ~~2023~~, the department shall certify the incentives for each school
18 district and educational service unit which shall be paid on or before
19 October 1 of such year. The incentives for each district shall be
20 calculated as follows:

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

23 (i) One distance education unit for each qualified distance
24 education course received as reported pursuant to subdivision (2)(a) of
25 this section if the course was a two-way interactive video distance
26 education course;

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

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

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

12 (b)(i) For fiscal years through fiscal year 2023-24, the ~~(b)~~ The
13 difference of the amount available for distribution pursuant to
14 subdivision (4)(c)(vi) ~~(4)(f)~~ of section 1 of this act 9-812 in the
15 Nebraska Education Improvement Fund on the August 1 when the applications
16 were due shall be divided by the number of distance education units to
17 determine the incentive per distance education unit, except that the
18 incentive per distance education unit shall not equal an amount greater
19 than one thousand dollars; and

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

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

29 (4) If there are additional funds available for distribution after
30 incentives calculated pursuant to subsections (1) through (3) of this
31 section, school districts and educational service units may qualify for

1 additional incentives for elementary distance education courses. Such
2 incentives shall be calculated for sending and receiving school districts
3 and educational service units as follows:

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

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

14 (5) The department may verify any or all application information
15 using annual curriculum reports and may request such verification from
16 the council.

17 (6) On or before October 1 of each year through calendar year 2028
18 ~~2023~~, a school district or educational service unit may appeal the denial
19 of incentives for any course by the department to the State Board of
20 Education. The board shall allow a representative of the school district
21 or educational service unit an opportunity to present information
22 concerning the appeal to the board at the November board meeting. If the
23 board finds that the course meets the requirements of this section, the
24 department shall pay the district from the Nebraska Education Improvement
25 Fund as soon as practical in an amount for which the district or
26 educational service unit should have qualified based on the incentive per
27 distance education unit used in the original certification of incentives
28 pursuant to this section.

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

31 Sec. 95. Section 79-2110, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 79-2110 (1)(a) Each diversity plan shall provide for open enrollment
3 in all school buildings in the learning community for school years prior
4 to school year 2017-18, subject to specific limitations necessary to
5 bring about diverse enrollments in each school building in the learning
6 community. Such limitations, for school buildings other than focus
7 schools and programs other than focus programs, shall include giving
8 preference at each school building first to siblings of students who will
9 be enrolled as continuing students in such school building or program for
10 the first school year for which enrollment is sought in such school
11 building and then to students that contribute to the socioeconomic
12 diversity of enrollment at each building and may include establishing
13 zone limitations in which students may access several schools other than
14 their home attendance area school. Notwithstanding the limitations
15 necessary to bring about diversity, open enrollment shall include
16 providing access to students who do not contribute to the socioeconomic
17 diversity of a school building, if, subsequent to the open enrollment
18 selection process that is subject to limitations necessary to bring about
19 diverse enrollments, capacity remains in a school building. In such a
20 case, students who have applied to attend such school building shall be
21 selected to attend such school building on a random basis up to the
22 remaining capacity of such building. A student who has otherwise been
23 disqualified from the school building pursuant to the school district's
24 code of conduct or related school discipline rules shall not be eligible
25 for open enrollment pursuant to this section. Any student who attended a
26 particular school building in the prior school year and who is seeking
27 education in the grades offered in such school building shall be allowed
28 to continue attending such school building as a continuing open
29 enrollment student through school year 2016-17.

30 (b) To facilitate the open enrollment provisions of this subsection,
31 each school year each member school district in a learning community

1 shall establish a maximum capacity for each school building under such
2 district's control pursuant to procedures and criteria established by the
3 State Department of Education ~~learning community coordinating council~~.

4 Each member school district shall also establish attendance areas for
5 each school building under the district's control, except that the school
6 board shall not establish attendance areas for focus schools or focus
7 programs. The attendance areas shall be established such that all of the
8 territory of the school district is within an attendance area for each
9 grade. Students residing in a school district shall be allowed to attend
10 a school building in such school district.

11 (c) For purposes of this section and sections 79-238 and 79-611,
12 student who contributes to the socioeconomic diversity of enrollment
13 means (i) a student who does not qualify for free or reduced-price
14 lunches when, based upon the certification pursuant to section 79-2120,
15 the school building the student will attend either has more students
16 qualifying for free or reduced-price lunches than the average percentage
17 of such students in all school buildings in the learning community or
18 provides free meals to all students pursuant to the community eligibility
19 provision or (ii) a student who qualifies for free or reduced-price
20 lunches based on information collected from parents and guardians when,
21 based upon the certification pursuant to section 79-2120, the school
22 building the student will attend has fewer students qualifying for free
23 or reduced-price lunches than the average percentage of such students in
24 all school buildings in the learning community and does not provide free
25 meals to all students pursuant to the community eligibility provision.

26 (2)(a) On or before March 15 of each year prior to 2017, a parent or
27 guardian of a student residing in a member school district in a learning
28 community may submit an application to any school district in the
29 learning community on behalf of a student who is applying to attend a
30 school building for the following school year that is not in an
31 attendance area where the applicant resides or a focus school, focus

1 program, or magnet school as such terms are defined in section 79-769. On
2 or before April 1 of each year beginning with the year immediately
3 following the year in which the initial coordinating council for the
4 learning community takes office, the school district shall accept or
5 reject such applications based on the capacity of the school building,
6 the eligibility of the applicant for the school building or program, the
7 number of such applicants that will be accepted for a given school
8 building, and whether or not the applicant contributes to the
9 socioeconomic diversity of the school or program to which he or she has
10 applied and for which he or she is eligible. The school district shall
11 notify such parent or guardian in writing of the acceptance or rejection.

12 (b) A student may not apply to attend a school building in the
13 learning community for any grades that are offered by another school
14 building for which the student had previously applied and been accepted
15 pursuant to this section, absent a hardship exception as established by
16 the individual school district. On or before September 1 of each year
17 prior to 2017, each school district shall provide to the learning
18 community coordinating council a complete and accurate report of all
19 applications received, including the number of students who applied at
20 each grade level at each building, the number of students accepted at
21 each grade level at each building, the number of such students that
22 contributed to the socioeconomic diversity that applied and were
23 accepted, the number of applicants denied and the rationales for denial,
24 and other such information as requested by the learning community
25 coordinating council.

26 (3) Each diversity plan may include establishment of one or more
27 focus schools or focus programs and the involvement of every member
28 school district in one or more pathways across member school districts.
29 Enrollment in each focus school or focus program shall be designed to
30 reflect the socioeconomic diversity of the learning community as a whole.
31 School district selection of students for focus schools or focus programs

1 shall be on a random basis from two pools of applicants, those who
2 qualify for free and reduced-price lunches and those who do not qualify
3 for free and reduced-price lunches. The percentage of students selected
4 for focus schools from the pool of applicants who qualify for free and
5 reduced-price lunches shall be as nearly equal as possible to the
6 percentage of the student body of the learning community who qualify for
7 free and reduced-price lunches. The percentage of students selected for
8 focus schools from the pool of applicants who do not qualify for free and
9 reduced-price lunches shall be as nearly equal as possible to the
10 percentage of the student body of the learning community who do not
11 qualify for free and reduced-price lunches. If more capacity exists in a
12 focus school or program than the number of applicants for such focus
13 school or program that contribute to the socioeconomic diversity of the
14 focus school or program, the school district shall randomly select
15 applicants up to the number of applicants that will be accepted for such
16 building. A student who will complete the grades offered at a focus
17 program, focus school, or magnet school that is part of a pathway shall
18 be allowed to attend the focus program, focus school, or magnet school
19 offering the next grade level as part of the pathway as a continuing
20 student. A student who completes the grades offered at a focus program,
21 focus school, or magnet school shall be allowed to attend a school
22 offering the next grade level in the school district responsible for the
23 focus program, focus school, or magnet school as a continuing student. A
24 student who attended a program or school in the school year immediately
25 preceding the first school year for which the program or school will
26 operate as a focus program or focus school approved by the learning
27 community and meeting the requirements of section 79-769 and who has not
28 completed the grades offered at the focus program or focus school shall
29 be a continuing student in the program or school. For school year
30 2016-17, students attending a focus program or focus school outside of
31 the school district shall be considered open enrollment students and, for

1 school year 2017-18 and each school year thereafter, students attending a
2 focus program or focus school shall be considered option enrollment
3 students.

4 (4) On or before February 15 of each year, a parent or guardian of a
5 student who is currently attending a school building or program, except a
6 magnet school, focus school, or focus program, outside of the school
7 district where the student resides and who will complete the grades
8 offered at such school building prior to the following school year shall
9 provide notice, on a form provided by the school district, to the school
10 board of the school district containing such school building (a) for
11 years prior to 2017, if such student will attend another school building
12 within such district as a continuing student and which school building
13 such student would prefer to attend or (b) for 2017 and each year
14 thereafter, if such student will apply to enroll as an option student in
15 another school building within such district and which school building
16 such student would prefer to attend. On or before March 1, such school
17 board shall provide a notice to such parent or guardian stating which
18 school building or buildings the student shall be allowed to attend in
19 such school district as a continuing student or an option student for the
20 following school year. If the student resides within the school district,
21 the notice shall include the school building offering the grade the
22 student will be entering for the following school year in the attendance
23 area where the student resides. This subsection shall not apply to focus
24 schools or programs.

25 (5) Prior to the beginning of school year 2017-18, a parent or
26 guardian of a student who moves to a new residence in the learning
27 community after April 1 may apply directly to a school board within the
28 learning community within ninety days after moving for the student to
29 attend a school building outside of the attendance area where the student
30 resides. Such school board shall accept or reject such application within
31 fifteen days after receiving the application, based on the number of

1 applications and qualifications pursuant to subsection (2) or (3) of this
2 section for all other students.

3 (6) A parent or guardian of a student who wishes to change school
4 buildings for emergency or hardship reasons may apply directly to a
5 school board within the learning community at any time for the student to
6 attend a school building outside of the attendance area where the student
7 resides. Such application shall state the emergency or hardship and shall
8 be kept confidential by the school board. Such school board shall accept
9 or reject such application within fifteen days after receiving the
10 application. Applications shall only be accepted if an emergency or
11 hardship was presented which justifies an exemption from the procedures
12 in subsection (4) of this section based on the judgment of such school
13 board, and such acceptance shall not exceed the number of applications
14 that will be accepted for the school year pursuant to subsection (2) or
15 (3) of this section for such building.

16 (7) Each student attending a school building in the resident school
17 district as an open enrollment student for any part of school year
18 2016-17 shall be allowed to continue attending such school building
19 without submitting an additional application unless the student has
20 completed the grades offered in such school building or has been expelled
21 and is disqualified pursuant to section 79-266.01.

22 Sec. 96. Section 79-2304, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 79-2304 (1) It is the intent of the Legislature to appropriate seven
25 hundred fifty thousand dollars from the General Fund for fiscal years
26 2013-14 and 2014-15, and any amount determined by the Legislature for any
27 fiscal year thereafter, to the State Department of Education. Such funds
28 shall be used by the department to provide assistance to institutions
29 that offer high school equivalency programs and for expanding services
30 and programs to support the completion of the general educational
31 development program. Each such institution shall offer to eligible

1 individuals adult dropout recovery services, including recruitment and
2 learning plan development, and provide proactive coaching and mentoring
3 to such individuals, culminating in qualification for a high school
4 diploma. For purposes of this section, eligible individuals include
5 adults and out-of-school youths sixteen years of age or older who are not
6 enrolled or required to be enrolled in secondary school under state law
7 and who have not previously earned a high school diploma or diploma of
8 high school equivalency. Assistance shall be provided based on
9 participation in an institution's high school equivalency program as
10 follows:

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

14 (b) Each such institution shall receive one assistance payment for
15 each enrolled participant who took an initial examination for a diploma
16 of high school equivalency in the most recently completed fiscal year;
17 and

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

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

26 Sec. 97. Section 79-2308, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 79-2308 (1) The State Department of Education shall provide for
29 grants to any entity offering a high school equivalency program, ~~which~~
30 ~~entity is not an institution.~~ Grants pursuant to this section shall be
31 awarded to applicants which meet the requirements of section 79-2304.

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

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

9 Sec. 98. Section 79-2506, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 79-2506 (1) The department shall establish an application process
12 and timeline pursuant to which partner organizations may submit proposals
13 for a grant under the Expanded Learning Opportunity Grant Program. Each
14 proposal shall include:

15 (a) A grant planning period;

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

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

20 (d) A plan to coordinate and use a combination of local, state,
21 philanthropic, and federal funding sources, including, but not limited
22 to, funding available through the federal No Child Left Behind Act of
23 2001, 20 U.S.C. 6301 et seq., as such act and sections existed on January
24 1, 2015, funds allocated pursuant to section 1 of this act 9-812, and
25 funds from any other source designated or appropriated for purposes of
26 the program. Funding provided by the Expanded Learning Opportunity Grant
27 Program shall be matched on a one-to-one basis by community or partner
28 contributions;

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

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

- 1 (g) Appropriately qualified staff;
- 2 (h) An appropriate child-to-staff ratio;
- 3 (i) Compliance with minimum health and safety standards;
- 4 (j) A strong family development and support component, recognizing
- 5 the central role of parents in their children's development; and
- 6 (k) Developmentally and culturally appropriate practices and
- 7 assessments.

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

- 14 (a) Core education subjects of reading, writing, mathematics, and
- 15 science;
- 16 (b) Academic enrichment learning programs, including provision of
- 17 additional assistance to students to allow the students to improve their
- 18 academic achievement;
- 19 (c) Science, technology, engineering, and mathematics (STEM)
- 20 education;
- 21 (d) Sign language, foreign language, and social studies instruction;
- 22 (e) Remedial education activities;
- 23 (f) Tutoring services, including, but not limited to, tutoring
- 24 services provided by senior citizen volunteers;
- 25 (g) Arts and music education;
- 26 (h) Entrepreneurial education programs;
- 27 (i) Telecommunications and technology education programs;
- 28 (j) Programs for English language learners that emphasize language
- 29 skills and academic achievement;
- 30 (k) Mentoring programs;
- 31 (l) Recreational activities;

1 (m) Expanded library service hours;

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

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

6 (p) Character education programs;

7 (q) Health and nutritional services;

8 (r) Behavioral health counseling services; and

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

10 (3) A proposal shall: (a) Demonstrate specifically how its
11 activities are expected to improve student academic achievement; (b)
12 demonstrate that its activities will be provided by organizations in
13 partnership with the school that have experience or the promise of
14 success in providing educational and related activities that will
15 complement and enhance the academic performance, achievement, and
16 positive development of the students; and (c) demonstrate that the
17 expanded learning opportunity program aligns with the school district
18 learning objectives and behavioral codes. Nothing in this subsection
19 shall be construed to require an expanded learning opportunity program to
20 provide academic services in specific subject areas.

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

25 Sec. 99. Section 79-2510, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 79-2510 (1) The Expanded Learning Opportunity Grant Fund is created.
28 The fund shall be administered by the department and shall consist of
29 transfers pursuant to section 1 of this act ~~9-812~~, repayments of grant
30 funds, and interest payments received in the course of administering the
31 Expanded Learning Opportunity Grant Program Act. The fund shall be used

1 to carry out the Expanded Learning Opportunity Grant Program Act. Any
2 money in the fund available for investment shall be invested by the state
3 investment officer pursuant to the Nebraska Capital Expansion Act and the
4 Nebraska State Funds Investment Act.

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

8 Sec. 100. Section 79-3106, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 79-3106 (1) It is the intent of the Legislature that federal funds
11 shall be used to implement the School Safety and Security Reporting
12 System Act for fiscal years 2021-22, 2022-23, and 2023-24. The
13 Commissioner of Education shall electronically report data, a cost-
14 benefit analysis, and a funding recommendation regarding the continued
15 viability of the Safe2HelpNE report line to the Appropriations Committee
16 of the Legislature and the Education Committee of the Legislature on or
17 before January 5, 2024.

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

22 Sec. 101. Section 79-3304, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 79-3304 Beginning with school year 2025-26 ~~2024-25~~, each school
25 district, ~~in consultation with the State Department of Education,~~ shall
26 include computer science and technology education aligned to the academic
27 content standards adopted pursuant to section 79-760.02 in the
28 instructional program of its elementary, ~~and middle, and high schools.~~
29 Beginning ~~, as appropriate, and beginning~~ in school year 2027-28 ~~2026-27~~,
30 each school district shall require each student attending a public school
31 to complete at least five high one five-credit high school credit hours

1 ~~course or the equivalent of a one-semester high school course~~ in computer
2 science and technology education prior to graduation. Such requirement
3 may be completed through a single course or combination of high school
4 courses that cover the computer science and technology academic content
5 standards, and such courses ~~Such computer science and technology~~
6 ~~education course offered by a school district~~ may be made available in a
7 traditional classroom setting, a blended-learning environment, or an
8 online-based or other technology-based format ~~that is tailored to meet~~
9 ~~the need of each participating student.~~

10 Sec. 102. Section 79-3305, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 79-3305 On or before December 1, 2026 ~~2025~~, and on or before
13 December 1 of each year thereafter, in order to promote and support
14 computer science and technology education, each school district shall
15 provide an annual computer science and technology education status report
16 to its school board and the State Department of Education, including, but
17 not limited to, student progress on the ~~in~~ computer science and
18 technology courses and other district-determined measures of computer
19 science and technology education progress from the previous school year.

20 Sec. 103. Section 81-145, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 81-145 As used in sections 81-145 to 81-162, unless the context
23 otherwise requires:

24 (1) Materiel division means ~~shall mean~~ the head of the division of
25 the state government charged with the administration of sections 81-145
26 to 81-162 and 81-1118 to 81-1118.06, which division shall be a part of
27 and subject to the supervision of the office of the Director of
28 Administrative Services;

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

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

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

10 Sec. 104. Section 81-161.04, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 81-161.04 (1) Whenever any using agency has any personal property
13 for which it no longer has any need or use, it shall notify the materiel
14 division in writing setting forth a description of the property and the
15 approximate length of time that the property has been in the possession
16 of the using agency. The materiel division shall appraise the property
17 and notify all other using agencies of the state that the materiel
18 division has the property for sale and that the property can be bought at
19 the appraised price. No property will be sold until first offered to
20 using agencies as provided by this section unless the property is
21 unusable. If the materiel division fails to receive an offer from any
22 using agency, it may sell or dispose of the property by any method which
23 is most advantageous to the State of Nebraska, including auction, sealed
24 bid, private or public sale, or trade-in for other property, with
25 priorities given to the other political subdivisions. All sales shall be
26 made in the name of the State of Nebraska. The materiel division shall
27 charge an administrative fee for the disposition of surplus property.
28 Such administrative fee shall be a percentage of the amount of the sale
29 of the surplus property. In the event surplus property is determined to
30 have no market value, the materiel administrator may waive the
31 administrative fee.

1 (2) Except as otherwise provided in this subsection, the proceeds of
2 such ~~the~~ sales shall be deposited with the State Treasurer and credited
3 to the General Fund unless the using agency certifies to the materiel
4 division that the property was purchased in part or in total from either
5 cash accounts or federal funds or from a percentage of such accounts or
6 funds, in which case the proceeds of the sale to that extent shall be
7 credited to the cash or federal account in the percentage used in
8 originally purchasing the property. The cost of selling surplus property
9 shall be deducted from the proceeds of the surplus property sold. The
10 proceeds received from the sale of passenger-carrying motor vehicles
11 originally purchased with money from the General Fund, other than
12 passenger-carrying motor vehicles used by the Nebraska State Patrol, less
13 selling costs, shall be deposited in the state treasury and credited by
14 the State Treasurer to the Transportation Services Bureau Revolving Fund.
15 The proceeds received from the sale of passenger-carrying motor vehicles
16 used by the Nebraska State Patrol, less selling costs, shall be deposited
17 in the state treasury and credited by the State Treasurer to the Nebraska
18 State Patrol Vehicle Replacement Cash Fund. The proceeds received from
19 the sale of micrographic equipment, ~~other than that of the University of~~
20 ~~Nebraska and state colleges,~~ less selling costs, shall be deposited in
21 the state treasury and credited by the State Treasurer to the Records
22 Management Micrographics Services Revolving Fund. The proceeds received
23 from the sale of aircraft, less selling costs, shall be deposited in the
24 state treasury and credited by the State Treasurer to the Aeronautics
25 Cash Fund.

26 Sec. 105. Section 81-1118, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 81-1118 The materiel division of the Department of Administrative
29 Services is hereby established and shall be managed by the materiel
30 administrator.

31 There are hereby established the following seven branches of the

1 materiel division of the Department of Administrative Services which
2 shall have the following duties, powers, and responsibilities:

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

5 (2) Central mail shall be responsible for all mailing operations,
6 transportation of material, tracking shipments, and making freight
7 claims;

8 (3) The print shop shall be responsible for specifications and for
9 receiving bids and placing orders to the lowest and best commercial
10 bidder for all printing and reproduction operations for the state. The
11 print shop shall also be responsible for coordinating all existing
12 printing and reproduction operations of the state;

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

15 (5) The state purchasing bureau shall be responsible for all
16 purchases by all state agencies other than the University of Nebraska and
17 the Nebraska state colleges. The materiel division shall administer the
18 public notice and bidding procedures and any other areas designated by
19 the Director of Administrative Services to carry out the lease or
20 purchase of personal property. All purchases of and contracts for
21 materials, supplies, or equipment and all leases of personal property
22 shall be made in the following manner except in emergencies approved by
23 the Governor:

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

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

31 (c) By unrestricted open market purchases through the materiel

1 division in all cases in which purchases are of estimated value of less
2 than twenty-five thousand dollars;

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

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

10 (f) No contract for purchase or lease shall be amended to extend the
11 duration of the contract for a period of more than fifty percent of the
12 initial contract term. Following the adoption of any amendment to extend
13 the contract for a period of fifty percent or less of the initial
14 contract term, no further extensions of the original contract shall be
15 permitted. This subdivision (f) does not prohibit the exercise of any
16 renewal option expressly provided in the original contract;

17 (6) The state recycling office shall be responsible for the
18 administration and operation of the State Government Recycling Management
19 Act; and

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

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

25 Sec. 106. Section 81-1118.02, Reissue Revised Statutes of Nebraska,
26 is amended to read:

27 81-1118.02 (1) Except as otherwise provided in subsection (4) of
28 this section, each ~~Each~~ executive, department, commission, or other state
29 agency, and ~~including~~ the Supreme Court, ~~the Board of Regents of the~~
30 ~~University of Nebraska, and the Board of Trustees of the Nebraska State~~
31 ~~Colleges,~~ shall annually make or cause to be made an inventory of all

1 property, including furniture and equipment, belonging to the State of
2 Nebraska and in the possession, custody, or control of any executive,
3 department, commission, or other state agency. The inventory shall
4 include property in the possession, custody, or control of each
5 executive, department, commission, or other state agency as of June 30
6 and shall be completed and filed with the materiel administrator by
7 August 31 of each year.

8 (2) If any of the property of the state, referred to in subsection
9 (1) of this section, is lost, destroyed, or unaccounted for by the
10 negligence or carelessness of the executive, department, commission, or
11 other state agency, the administrator shall, with the advice of the
12 Attorney General, take the proper steps to recover such state property or
13 the reasonable value thereof from the executive, department, commission,
14 or other state agency charged with the same and from the person bonding
15 such executive, department, commission, or other state agency, if any.

16 (3) Each such executive, department, commission, or other state
17 agency shall indelibly tag, mark, or stamp all such property belonging to
18 the State of Nebraska, with the following: Property of the State of
19 Nebraska. In the inventory required by subsection (1) of this section,
20 each such executive, department, commission, or other state agency shall
21 state positively that each item of such property has been so tagged,
22 marked, or stamped.

23 (4) This section does not apply to the Board of Regents of the
24 University of Nebraska or the Board of Trustees of the Nebraska State
25 Colleges.

26 Sec. 107. Section 84-304, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 84-304 It shall be the duty of the Auditor of Public Accounts:

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

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

4 (3)(a) To examine or cause to be examined, at such time as he or she
5 shall determine, books, accounts, vouchers, records, and expenditures of
6 all state officers, state bureaus, state boards, state commissioners, the
7 state library, societies and associations supported by the state, state
8 institutions, state colleges, and the University of Nebraska, except when
9 required to be performed by other officers or persons. Such examinations
10 shall be done in accordance with generally accepted government auditing
11 standards for financial audits and attestation engagements set forth in
12 Government Auditing Standards (2011 Revision for audit periods ending
13 before June 30, 2020, or 2018 Revision for audit periods ending on or
14 after June 30, 2020), published by the Comptroller General of the United
15 States, Government Accountability Office, and except as provided in
16 subdivision (11) of this section, subdivision (16) of section 50-1205,
17 and section 84-322, shall not include performance audits, whether
18 conducted pursuant to attestation engagements or performance audit
19 standards as set forth in Government Auditing Standards (2018 Revision),
20 published by the Comptroller General of the United States, Government
21 Accountability Office.

22 (b) Any entity, excluding the state colleges and the University of
23 Nebraska, that is audited or examined pursuant to subdivision (3)(a) of
24 this section and that is the subject of a comment and recommendation in a
25 management letter or report issued by the Auditor of Public Accounts
26 shall, on or before six months after the issuance of such letter or
27 report, provide to the Auditor of Public Accounts a detailed written
28 description of any corrective action taken or to be taken in response to
29 the comment and recommendation. The Auditor of Public Accounts may
30 investigate and evaluate the corrective action. The Auditor of Public
31 Accounts shall then electronically submit a report of any findings of

1 such investigation and evaluation to the Governor, the appropriate
2 standing committee of the Legislature, and the Appropriations Committee
3 of the Legislature. The Auditor of Public Accounts shall also ensure that
4 the report is delivered to the Appropriations Committee for entry into
5 the record during the committee's budget hearing process;

6 (4)(a) To examine or cause to be examined, at the expense of the
7 political subdivision, when the Auditor of Public Accounts determines
8 such examination necessary or when requested by the political
9 subdivision, the books, accounts, vouchers, records, and expenditures of
10 any agricultural association formed under Chapter 2, article 20, any
11 county agricultural society, any joint airport authority formed under the
12 Joint Airport Authorities Act, any city or county airport authority, any
13 bridge commission created pursuant to section 39-868, any cemetery
14 district, any community redevelopment authority or limited community
15 redevelopment authority established under the Community Development Law,
16 any development district, any drainage district, any health district, any
17 local public health department as defined in section 71-1626, any
18 historical society, any hospital authority or district, any county
19 hospital, any housing agency as defined in section 71-1575, any
20 irrigation district, any county or municipal library, any community
21 mental health center, any railroad transportation safety district, any
22 rural water district, any township, Wyuka Cemetery, the Educational
23 Service Unit Coordinating Council, any entity created pursuant to the
24 Interlocal Cooperation Act, any educational service unit, any village,
25 any service contractor or subrecipient of state or federal funds, any
26 political subdivision with the authority to levy a property tax or a
27 toll, or any entity created pursuant to the Joint Public Agency Act.

28 For purposes of this subdivision, service contractor or subrecipient
29 means any nonprofit entity that expends state or federal funds to carry
30 out a state or federal program or function, but it does not include an
31 individual who is a direct beneficiary of such a program or function or a

1 licensed health care provider or facility receiving direct payment for
2 medical services provided for a specific individual.

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

8 (c) Through December 31, 2017, the Auditor of Public Accounts may
9 conduct audits under this subdivision for purposes of sections 2-3228,
10 12-101, 13-2402, 14-567, 14-1805.01, 14-2111, 16-1017, 16-1037, 19-3501,
11 23-1118, 23-3526, 71-1631.02, and 79-987.

12 (d) Beginning on May 24, 2017, the Auditor of Public Accounts may
13 conduct audits under this subdivision for purposes of sections 13-2402,
14 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 18-814,
15 71-1631.02, and 79-987 and shall prescribe the form for the annual
16 reports required in each of such sections. Such annual reports shall be
17 published annually on the website of the Auditor of Public Accounts;

18 (5) To report promptly to the Governor and the appropriate standing
19 committee of the Legislature the fiscal condition shown by such
20 examinations conducted by the auditor, including any irregularities or
21 misconduct of officers or employees, any misappropriation or misuse of
22 public funds or property, and any improper system or method of
23 bookkeeping or condition of accounts. The report submitted to the
24 committee shall be submitted electronically. In addition, if, in the
25 normal course of conducting an audit in accordance with subdivision (3)
26 of this section, the auditor discovers any potential problems related to
27 the effectiveness, efficiency, or performance of state programs, he or
28 she shall immediately report them electronically to the Legislative
29 Performance Audit Committee which may investigate the issue further,
30 report it electronically to the appropriate standing committee of the
31 Legislature, or both;

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

4 (b) Whenever the expenditures of a fire protection district are one
5 hundred fifty thousand dollars or less per fiscal year, the fire
6 protection district shall be audited no more than once every five years
7 except as directed by the board of directors of the fire protection
8 district or unless the auditor receives a verifiable report from a third
9 party indicating any irregularities or misconduct of officers or
10 employees of the fire protection district, any misappropriation or misuse
11 of public funds or property, or any improper system or method of
12 bookkeeping or condition of accounts of the fire protection district. In
13 the absence of such a report, the auditor may waive the five-year audit
14 requirement upon the submission of a written request by the fire
15 protection district in a form prescribed by the auditor. The auditor
16 shall notify the fire protection district in writing of the approval or
17 denial of a request for waiver of the five-year audit requirement. Upon
18 approval of the request for waiver of the five-year audit requirement, a
19 new five-year audit period shall begin.

20 (c) Whenever the expenditures of a fire protection district exceed
21 one hundred fifty thousand dollars in a fiscal year, the auditor may
22 waive the audit requirement upon the submission of a written request by
23 the fire protection district in a form prescribed by the auditor. The
24 auditor shall notify the fire protection district in writing of the
25 approval or denial of a request for waiver. Upon approval of the request
26 for waiver, a new five-year audit period shall begin for the fire
27 protection district if its expenditures are one hundred fifty thousand
28 dollars or less per fiscal year in subsequent years;

29 (7) To appoint two or more assistant deputies (a) whose entire time
30 shall be devoted to the service of the state as directed by the auditor,
31 (b) who shall be certified public accountants with at least five years'

1 experience, (c) who shall be selected without regard to party affiliation
2 or to place of residence at the time of appointment, (d) who shall
3 promptly report to the auditor the fiscal condition shown by each
4 examination, including any irregularities or misconduct of officers or
5 employees, any misappropriation or misuse of public funds or property,
6 and any improper system or method of bookkeeping or condition of
7 accounts, and it shall be the duty of the auditor to file promptly with
8 the Governor a duplicate of such report, and (e) who shall qualify by
9 taking an oath which shall be filed in the office of the Secretary of
10 State;

11 (8) To conduct audits and related activities for state agencies,
12 political subdivisions of this state, or grantees of federal funds
13 disbursed by a receiving agency on a contractual or other basis for
14 reimbursement to assure proper accounting by all such agencies, political
15 subdivisions, and grantees for funds appropriated by the Legislature and
16 federal funds disbursed by any receiving agency. The auditor may contract
17 with any political subdivision to perform the audit of such political
18 subdivision required by or provided for in section 23-1608 or 79-1229 or
19 this section and charge the political subdivision for conducting the
20 audit. The fees charged by the auditor for conducting audits on a
21 contractual basis shall be in an amount sufficient to pay the cost of the
22 audit. The fees remitted to the auditor for such audits and services
23 shall be deposited in the Auditor of Public Accounts Cash Fund;

24 (9)(a) To examine or cause to be examined the books, accounts,
25 vouchers, and records related to any money transferred pursuant to
26 subsection (2) or (4) of section 1 of this act ~~9-812~~, any fund receiving
27 any such transfer, or any subsequent transfer or expenditure of such
28 money when the Auditor of Public Accounts determines such examination
29 necessary or when requested by (i) any department or agency receiving any
30 such transfer or acting as the administrator for a fund receiving any
31 such transfer, (ii) any recipient or subsequent recipient of money

1 disbursed from any such fund, or (iii) any service contractor responsible
2 for managing, on behalf of any entity, any portion of any such fund or
3 any money disbursed from any such fund.

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

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

13 (d) The Auditor of Public Accounts shall prescribe the form for the
14 annual reports required in subsection (6) (5) of section 1 of this act
15 9-812. Such annual reports shall be published on the website of the
16 Auditor of Public Accounts;

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

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

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

30 (13) In consultation with statewide associations representing (a)
31 counties and (b) cities and villages, to approve annual continuing

1 education programs for county treasurers, city treasurers, and village
2 treasurers as required by sections 14-553, 15-317, 16-318, 17-606, and
3 23-1601. The cost of attending such programs shall be at the expense of
4 the county, city, or village. The auditor shall maintain records of
5 program attendance and notify each county board, city council, or village
6 board of trustees if its treasurer has not completed such program
7 attendance. The auditor shall inform the Attorney General and the county
8 attorney of the county in which a treasurer is located if such treasurer
9 has not completed a required annual continuing education program.

10 Sec. 108. Section 84-612, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 84-612 (1) There is hereby created within the state treasury a fund
13 known as the Cash Reserve Fund which shall be under the direction of the
14 State Treasurer. The fund shall only be used pursuant to this section.

15 (2) The State Treasurer shall transfer funds from the Cash Reserve
16 Fund to the General Fund upon certification by the Director of
17 Administrative Services that the current cash balance in the General Fund
18 is inadequate to meet current obligations. Such certification shall
19 include the dollar amount to be transferred. Any transfers made pursuant
20 to this subsection shall be reversed upon notification by the Director of
21 Administrative Services that sufficient funds are available.

22 (3) In addition to receiving transfers from other funds, the Cash
23 Reserve Fund shall receive federal funds received by the State of
24 Nebraska for undesignated general government purposes, federal revenue
25 sharing, or general fiscal relief of the state.

26 (4) The State Treasurer shall transfer fifty-four million seven
27 hundred thousand dollars on or after July 1, 2019, but before June 15,
28 2021, from the Cash Reserve Fund to the Nebraska Capital Construction
29 Fund on such dates and in such amounts as directed by the budget
30 administrator of the budget division of the Department of Administrative
31 Services.

1 (5) The State Treasurer shall transfer two hundred fifteen million
2 five hundred eighty thousand dollars from the Cash Reserve Fund to the
3 Nebraska Capital Construction Fund on or after July 1, 2022, but before
4 June 15, 2023, on such dates and in such amounts as directed by the
5 budget administrator of the budget division of the Department of
6 Administrative Services.

7 (6) The State Treasurer shall transfer fifty-three million five
8 hundred thousand dollars from the Cash Reserve Fund to the Perkins County
9 Canal Project Fund on or before June 30, 2023, on such dates and in such
10 amounts as directed by the budget administrator of the budget division of
11 the Department of Administrative Services.

12 (7) No funds shall be transferred from the Cash Reserve Fund to
13 fulfill the obligations created under the Nebraska Property Tax Incentive
14 Act unless the balance in the Cash Reserve Fund after such transfer will
15 be at least equal to five hundred million dollars.

16 (8) The State Treasurer shall transfer thirty million dollars from
17 the Cash Reserve Fund to the Military Base Development and Support Fund
18 on or before June 30, 2023, but not before July 1, 2022, on such dates
19 and in such amounts as directed by the budget administrator of the budget
20 division of the Department of Administrative Services.

21 (9) The State Treasurer shall transfer eight million three hundred
22 thousand dollars from the Cash Reserve Fund to the Trail Development and
23 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on
24 such dates and in such amounts as directed by the budget administrator of
25 the budget division of the Department of Administrative Services.

26 (10) The State Treasurer shall transfer fifty million dollars from
27 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after
28 July 1, 2022, but before July 15, 2023, on such dates and in such amounts
29 as directed by the budget administrator of the budget division of the
30 Department of Administrative Services.

31 (11) The State Treasurer shall transfer thirty million dollars from

1 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on
2 or after July 1, 2022, but before July 15, 2023, on such dates and in
3 such amounts as directed by the budget administrator of the budget
4 division of the Department of Administrative Services.

5 (12) The State Treasurer shall transfer twenty million dollars from
6 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July
7 1, 2022, but before June 15, 2023, on such dates and in such amounts as
8 directed by the budget administrator of the budget division of the
9 Department of Administrative Services.

10 (13) The State Treasurer shall transfer twenty million dollars from
11 the Cash Reserve Fund to the Middle Income Workforce Housing Investment
12 Fund on July 15, 2022, or as soon thereafter as administratively
13 possible, and in such amounts as directed by the budget administrator of
14 the budget division of the Department of Administrative Services.

15 (14) The State Treasurer shall transfer eighty million dollars from
16 the Cash Reserve Fund to the Jobs and Economic Development Initiative
17 Fund on or after July 1, 2022, but before July 15, 2023, on such dates
18 and in such amounts as directed by the budget administrator of the budget
19 division of the Department of Administrative Services.

20 (15) The State Treasurer shall transfer twenty million dollars from
21 the Cash Reserve Fund to the Site and Building Development Fund on July
22 15, 2022, or as soon thereafter as administratively possible, and in such
23 amounts as directed by the budget administrator of the budget division of
24 the Department of Administrative Services.

25 (16) The State Treasurer shall transfer fifty million dollars from
26 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund
27 on or after July 15, 2022, but before January 1, 2023, on such dates and
28 in such amounts as directed by the budget administrator of the budget
29 division of the Department of Administrative Services.

30 (17) The State Treasurer shall transfer fifteen million dollars from
31 the Cash Reserve Fund to the Site and Building Development Fund on or

1 before June 30, 2022, on such dates and in such amounts as directed by
2 the budget administrator of the budget division of the Department of
3 Administrative Services.

4 (18) The State Treasurer shall transfer fifty-five million dollars
5 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on
6 or before June 30, 2022, on such dates and in such amounts as directed by
7 the budget administrator of the budget division of the Department of
8 Administrative Services.

9 (19) The State Treasurer shall transfer ten million dollars from the
10 Cash Reserve Fund to the School Safety and Security Fund as soon as
11 administratively possible after the operative date of this section, on
12 such dates and in such amounts as directed by the budget administrator of
13 the budget division of the Department of Administrative Services.

14 Sec. 109. Section 85-102, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 85-102 The object of the University of Nebraska ~~such institution~~
17 shall be to afford to the inhabitants of this state the means of
18 acquiring a thorough knowledge of the various branches of literature,
19 science and arts.

20 Sec. 110. Section 85-328, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 85-328 The State College Capitol Improvement Facility Fee Fund is
23 created. Revenue credited to the fund shall include amounts generated
24 through assessment of a capital improvement facilities fee under the
25 authority of the Board of Trustees of the Nebraska State Colleges.
26 Amounts accumulated in the fund are authorized to be expended for the
27 purpose of paying the cost of capital improvement projects approved by
28 the board of trustees for any facilities on campuses or lands owned or
29 controlled by the board, except that no such amounts shall be expended
30 for capital improvement projects relating to facilities from which
31 revenue is derived and pledged for the retirement of revenue bonds issued

1 under ~~the provisions of~~ sections 85-403 to 85-411. All money accruing to
2 the fund is appropriated to the board of trustees and shall be used for
3 capital improvement projects authorized by the board. No expenditure may
4 be made from the fund without prior approval by a resolution of the board
5 of trustees. Any money in the fund available for investment shall be
6 invested by the state investment officer pursuant to the Nebraska Capital
7 Expansion Act and the Nebraska State Funds Investment Act. All revenue,
8 fund balances, and expenditures shall be recorded in the Nebraska State
9 Accounting System.

10 Sec. 111. Section 85-502.01, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 85-502.01 (1) A person who enrolls in a public college or university
13 in this state and who is (a) a veteran as defined in Title 38 of the
14 United States Code and was discharged or released from a period of not
15 fewer than ninety days of service in the active military, naval, ~~or air,~~
16 or space service, (b) a spouse or dependent of such a veteran, or (c) an
17 eligible recipient entitled to (i) educational assistance as provided in
18 38 U.S.C. 3319 while the transferor is on active duty in the uniformed
19 services, (ii) educational assistance ~~or~~ as provided in 38 U.S.C. 3311(b)
20 (8), (iii) 3311(b)(9), ~~as such sections existed on January 1, 2019, or~~
21 ~~(d) entitled to rehabilitation as provided in pursuant to~~ 38 U.S.C.
22 3102(a), or (iv) educational assistance as provided in 38 U.S.C. 3510, as
23 such sections ~~section~~ existed on January 1, 2023 ~~2019~~, shall be
24 considered a resident student notwithstanding ~~the provisions of~~ section
25 85-502 if the person is registered to vote in Nebraska and demonstrates
26 objective evidence of intent to be a resident of Nebraska, except that a
27 person who is under eighteen years of age is not required to register to
28 vote in Nebraska.

29 (2) For purposes of this section, objective evidence of intent to be
30 a resident of Nebraska includes a Nebraska driver's license, a Nebraska
31 state identification card, a Nebraska motor vehicle registration, or

1 documentation that the individual is registered to vote in Nebraska.

2 Sec. 112. Section 85-601, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 85-601 It shall be grounds for the dismissal of any member of the
5 faculty or administrative staff employed by, or the expulsion of any
6 student attending, the University of Nebraska or any community college
7 ~~any public institution of higher education~~ in this state to use or assist
8 others in any way in the use of force or to counsel, recommend, or urge
9 the use of force or the threat of force or the seizure of property under
10 the control of such institution, or by any act or action not sanctioned
11 by law to prevent the faculty, administrative officers, employees, or
12 students in such institution from engaging in their normal duties in
13 connection with the operation of the institution or pursuing their
14 studies at such institution.

15 Sec. 113. Section 85-602, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 85-602 No person shall be dismissed or expelled under ~~the provisions~~
18 ~~of~~ section 85-601 until such person ~~he~~ has been accorded a public hearing
19 under rules and regulations for the administration of sections 85-601 to
20 85-605 established by the governing body ~~of the institution~~. Notice of
21 such hearing and a formal written statement of the charges against such
22 person ~~him~~ shall be served by either registered or certified mail, sent
23 to such person's ~~his~~ current address as shown on the records of the
24 University of Nebraska or community college institution, at least twenty
25 days before the date set for hearing. Such person ~~He~~ shall be entitled to
26 file a written response to such charges, to be present in person and by
27 counsel at the hearing, and to testify and produce other witnesses on his
28 or her behalf.

29 Sec. 114. Section 85-603, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 85-603 Dismissal or expulsion of any person under ~~the provisions of~~

1 section 85-601 shall be by written order, which shall contain findings of
2 fact upon which dismissal or expulsion is based, and shall be signed by
3 an authorized agent of the governing body. The order shall be entered
4 within thirty days after the hearing, shall state its effective date, and
5 shall be served by either registered or certified mail, return receipt
6 requested, sent to such person's ~~his~~ current address as shown on the
7 records of the University of Nebraska or community college ~~institution~~.

8 Sec. 115. Section 85-604, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 85-604 ~~Each~~ The governing body of ~~each public institution of higher~~
11 ~~education in this state~~ shall adopt rules and regulations for the
12 administration of ~~the provisions of~~ sections 85-601 to 85-605.

13 Sec. 116. Section 85-605, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 85-605 For purposes of sections 85-601 to 85-605, (1) dismissal does
16 ~~shall~~ not include the failure to renew a probationary appointment of any
17 faculty member or administrative staff member and (2) governing body
18 means the Board of Regents of the University of Nebraska or the Community
19 College Board of Governors, as applicable ~~public institution of higher~~
20 ~~education shall include the University of Nebraska, the state colleges,~~
21 ~~and the community colleges.~~

22 Sec. 117. Section 85-1412, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 85-1412 The commission shall have the following additional powers
25 and duties:

26 (1) Conduct surveys and studies as may be necessary to undertake the
27 coordination function of the commission pursuant to section 85-1403 and
28 request information from governing boards and appropriate administrators
29 of public institutions and other governmental agencies for research
30 projects. All public institutions and governmental agencies receiving
31 state funds shall comply with reasonable requests for information under

1 this subdivision. Public institutions may comply with such requests
2 pursuant to section 85-1417;

3 (2) Recommend to the Legislature and the Governor legislation it
4 deems necessary or appropriate to improve postsecondary education in
5 Nebraska and any other legislation it deems appropriate to change the
6 role and mission provisions in sections 85-917 to 85-966.01. The
7 recommendations submitted to the Legislature shall be submitted
8 electronically;

9 (3) Establish any advisory committees as may be necessary to
10 undertake the coordination function of the commission pursuant to section
11 85-1403 or to solicit input from affected parties such as students,
12 faculty, governing boards, administrators of the public institutions,
13 administrators of the private nonprofit institutions of postsecondary
14 education and proprietary institutions in the state, and community and
15 business leaders regarding the coordination function of the commission;

16 (4) Participate in or designate an employee or employees to
17 participate in any committee which may be created to prepare a
18 coordinated plan for the delivery of educational programs and services in
19 Nebraska through the telecommunications system;

20 (5) Seek a close liaison with the State Board of Education and the
21 State Department of Education in recognition of the need for close
22 coordination of activities between elementary and secondary education and
23 postsecondary education;

24 (6) Administer the Integrated Postsecondary Education Data System or
25 other information system or systems to provide the commission with
26 timely, comprehensive, and meaningful information pertinent to the
27 exercise of its duties. The information system shall be designed to
28 provide comparable data on each public institution. The commission shall
29 also administer the uniform information system prescribed in sections
30 85-1421 to 85-1427 known as the Nebraska Educational Data System. Public
31 institutions shall supply the appropriate data for the information system

1 or systems required by the commission;

2 (7) Administer (a) the Access College Early Scholarship Program Act,
3 (b) the Community College Aid Act, (c) the Door to College Scholarship
4 Act and the Door to College Scholarship Fund, (d) the Nebraska Community
5 College Student Performance and Occupational Education Grant Fund under
6 the direction of the Nebraska Community College Student Performance and
7 Occupational Education Grant Committee, ~~(e) (d)~~ the Nebraska Opportunity
8 Grant Act and the Nebraska Opportunity Grant Fund, ~~(f) (e)~~ the
9 Postsecondary Institution Act, ~~(g) and (f)~~ the community college gap
10 assistance program and the Community College Gap Assistance Program Fund,
11 and (h) the Excellence in Teaching Act and the Excellence in Teaching
12 Cash Fund;

13 (8) Accept and administer loans, grants, and programs from the
14 federal or state government and from other sources, public and private,
15 for carrying out any of its functions, including the administration of
16 privately endowed scholarship programs. Such loans and grants shall not
17 be expended for any other purposes than those for which the loans and
18 grants were provided. The commission shall determine eligibility for such
19 loans, grants, and programs, and such loans and grants shall not be
20 expended unless approved by the Governor;

21 (9) On or before December 1 of each even-numbered year, submit to
22 the Legislature and the Governor a report of its objectives and
23 activities and any new private colleges in Nebraska and the
24 implementation of any recommendations of the commission for the preceding
25 two calendar years. The report submitted to the Legislature shall be
26 submitted electronically;

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

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

31 Sec. 118. Section 85-1906, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 85-1906 (1) Eligible postsecondary educational institution means a
3 public or private postsecondary educational institution:

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

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

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

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

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

15 (2) For a postsecondary educational institution not eligible prior
16 to the operative date of this section, for purposes of this section,
17 located in Nebraska means such eligible postsecondary educational
18 institution:

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

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

24 Sec. 119. Section 85-1907, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 85-1907 Eligible student means an undergraduate student who:

27 (1) Is enrolled in an eligible postsecondary educational
28 institution;

29 (2)(a) For award years through award year 2023-24, has ~~(2)~~ Has
30 applied for federal financial aid through the Free Application for
31 Federal Student Aid for the applicable award year and has an expected

1 family contribution which is equal to or less than one hundred ten
2 percent of the maximum expected family contribution to qualify for a
3 Federal Pell Grant in that award year; and

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

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

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

14 Sec. 120. Section 85-1920, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 85-1920 The Nebraska Opportunity Grant Fund is created. Money in the
17 fund shall include amounts transferred pursuant to section 1 of this act
18 from the State Lottery Operation Trust Fund pursuant to section 9-812
19 until June 30, 2016, or, until June 30, 2024, the Nebraska Education
20 Improvement Fund pursuant to section 9-812 until June 30, 2024. All
21 amounts accruing to the Nebraska Opportunity Grant Fund shall be used to
22 carry out the Nebraska Opportunity Grant Act. Any money in the fund
23 available for investment shall be invested by the state investment
24 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
25 State Funds Investment Act.

26 Sec. 121. Section 85-2009, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 85-2009 (1) The Community College Gap Assistance Program Fund is
29 created. The fund shall be under the direction of the committee and shall
30 be administered by the Coordinating Commission for Postsecondary
31 Education. The fund shall consist of money received pursuant to section 1

1 of this act 9-812, any other money received by the state in the form of
2 grants or gifts from nonfederal sources, such other amounts as may be
3 transferred or otherwise accrue to the fund, and any investment income
4 earned on the fund. The fund shall be used to carry out the community
5 college gap assistance program pursuant to the Community College Gap
6 Assistance Program Act. Any money in the fund available for investment
7 shall be invested by the state investment officer pursuant to the
8 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
9 Act.

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

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

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

18 (3) Each community college may use up to ten percent of any money
19 received from the fund to defray the costs of direct staff support
20 services, including, but not limited to, marketing, outreach,
21 applications, interviews, and assessments.

22 Sec. 122. (1) On or before October 1, 2023, the State Department of
23 Education, the Department of Health and Human Services, the Office of
24 Probation Administration, and the State Court Administrator shall enter
25 into a memorandum of understanding for the sharing of data relevant to
26 students who are under the jurisdiction of the juvenile court. The
27 purpose for the sharing of data is to provide systems-wide coordination
28 to improve educational opportunities and outcomes and to facilitate
29 service coordination for such students. The memorandum shall include the
30 intent for the State Department of Education to contract with an outside
31 consultant with expertise in the education of court-involved students to

1 assist in the development of such policies and procedures.

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

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

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

7 (c) Identifying shared data systems;

8 (d) Identifying the entities and persons for which the data should
9 be accessible;

10 (e) Identifying both federal and state legal responsibilities and
11 confidentiality parameters; and

12 (f) Developing a uniform approach for the transfer of educational
13 credits.

14 (3) The development of such policies and procedures for the sharing
15 of data shall be collaborative and shall include input from the
16 appropriate entities including, but not limited to, the State Department
17 of Education, the Department of Health and Human Services, the Office of
18 Probation Administration, the State Court Administrator, the juvenile
19 court system, the superintendent of schools for the youth and
20 rehabilitation centers, public school districts, educators, and court-
21 involved students and their parents. The consultant shall provide a draft
22 report containing the recommendations described in subsection (2) of this
23 section to the appropriate agency representatives and to the Commissioner
24 of Education, the chief executive officer of the Department of Health and
25 Human Services, and the Chief Justice of the Supreme Court on or before
26 September 1, 2024.

27 (4) The State Department of Education shall complete a final report
28 detailing the recommendations of the consultant and any policies and
29 procedures that are being considered for adoption by the State Department
30 of Education, the Department of Health and Human Services, the Office of
31 Probation Administration, and the State Court Administrator. The report

1 shall be delivered electronically to the Chief Justice of the Supreme
2 Court, the Governor, and the Clerk of the Legislature on or before
3 December 1, 2024.

4 Sec. 123. (1) Except as provided in subsection (2) of this section,
5 no publicly funded college or university in this state shall, as part of
6 the student application and admission process for disciplines not
7 requiring licensure or clinical or field placements, inquire about or
8 consider any applicant's criminal history or juvenile court record
9 information.

10 (2)(a) Subsection (1) of this section does not prohibit an inquiry
11 regarding an applicant's criminal history or juvenile court record
12 information or consideration of such matters to the extent required by
13 state or federal law or when such matters are voluntarily submitted by an
14 applicant.

15 (b) Any inquiry regarding an applicant's criminal history or
16 juvenile court record information and any consideration of such matters
17 shall be strictly limited to the extent permitted by this subsection.

18 (3) This section does not apply to inquiries or consideration of
19 criminal history or juvenile court record information (a) occurring
20 subsequent to the student application and admission process as part of a
21 professional licensure process or an academically required clinical or
22 field placement, (b) in any application or other process relating to
23 student housing, or (c) in any application or other process relating to
24 any athletic program.

25 (4) For purposes of this section, criminal history or juvenile court
26 record information means all records relating to an applicant's criminal
27 history record or juvenile court record, including, but not limited to,
28 any information or other data concerning any proceedings relating to a
29 case, any arrest, being taking into custody, a petition, a complaint, an
30 indictment, an information, a trial, a hearing, an adjudication, any
31 correctional supervision, a dismissal, or any other disposition or

1 sentence.

2 Sec. 124. (1) The Commissioner of Education shall create and
3 administer a competitive grant program to provide funding to school
4 districts and to educational service units on behalf of approved or
5 accredited nonpublic schools for security-related infrastructure
6 projects. Such qualifying projects may include, but are not limited to,
7 surveillance equipment, door-locking systems, and double-entry doors for
8 school buildings. Subject to available appropriations, the State
9 Department of Education shall provide a grant to any school district or
10 educational service unit that applies for such grant for use in funding
11 qualifying projects.

12 (2)(a) A school district may apply to the State Department of
13 Education for a grant on forms and in a manner prescribed by the
14 Commissioner of Education. A school district receiving a grant under this
15 section shall divide the use of grant funds as evenly as possible among
16 all eligible school buildings within such district.

17 (b) An educational service unit may apply to the State Department of
18 Education for a grant on forms and in a manner prescribed by the
19 Commissioner of Education for use in funding qualifying projects at
20 approved or accredited nonpublic schools which contract with such
21 educational service unit on such qualifying projects. An approved or
22 accredited nonpublic school may apply to and contract with the
23 appropriate educational service unit in the school's area in a manner
24 prescribed by the educational service unit for purposes of funding
25 qualifying projects pursuant to this section.

26 (3)(a) On or before December 1 of each year that grants were issued
27 pursuant to this section, the State Department of Education shall provide
28 a report electronically to the Clerk of the Legislature relating to such
29 grants, which shall include, but need not be limited to:

30 (i) The number of schools that received grant funding, including
31 whether a school was public or nonpublic, the grades of students served

1 by such school, the number of students that attend such school, and the
2 geographic location of such school;

3 (ii) How the grant funds were used;

4 (iii) The average amount of grant funds received by schools broken
5 down by school student population size;

6 (iv) The number of schools that were denied grant funding and why;
7 and

8 (v) Any other information the State Department of Education deems
9 necessary.

10 (b) The report provided pursuant to subdivision (a) of this
11 subsection shall not identify any particular school.

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

14 (5) It is the intent of the Legislature to appropriate ten million
15 dollars from the School Safety and Security Fund to the State Department
16 of Education to administer the grant program pursuant to this section.

17 Sec. 125. The School Safety and Security Fund is created. The fund
18 shall be administered by the State Department of Education and shall
19 consist of any money transferred by the Legislature and any gifts,
20 grants, or bequests. The department shall use money in the fund for
21 grants for security-related infrastructure projects pursuant to section
22 124 of this act. Any money in the fund available for investment shall be
23 invested by the state investment officer pursuant to the Nebraska Capital
24 Expansion Act and the Nebraska State Funds Investment Act.

25 Sec. 126. (1) For purposes of this section:

26 (a) School has the same meaning as in section 79-101;

27 (b) School district has the same meaning as in section 79-101; and

28 (c) Youth organization means a corporation chartered by Congress and
29 listed in 36 U.S.C. Subtitle II, Part B, as of January 1, 2023.

30 (2)(a) Each school district shall, upon request, allow a
31 representative of any youth organization to provide (i) oral or written

1 information to the students of such school district regarding the youth
2 organization and how such youth organization furthers the educational
3 interests and civic involvement of students in a manner consistent with
4 good citizenship and (ii) services and activities to any student of such
5 school district who is a member of such youth organization.

6 (b) Each requesting youth organization shall be permitted to provide
7 such information, services, and activities in a school building or on the
8 school grounds of a school in each school district at least once during
9 each school year.

10 (3) Each school district shall make a good faith effort to select a
11 date, time, and location for each requesting youth organization to
12 provide such information, services, or activities that is mutually
13 agreeable to the school district and to the youth organization. Oral
14 information provided under subdivision (2)(a)(i) of this section may only
15 be provided during noninstructional time.

16 (4) Prior to allowing a representative of a youth organization to
17 provide information, services, or activities at a school pursuant to this
18 section, such representative shall be subject to a background check.
19 Except as otherwise provided by this section or by the rules and
20 regulations of the Nebraska State Patrol, the parameters of the
21 background check shall be determined by the relevant school district. A
22 school district may prohibit any representative of a youth organization
23 that has been convicted of a felony from providing information, services,
24 or activities pursuant to this section at any school in such school
25 district. Each representative of a youth organization is responsible for
26 all costs associated with obtaining such background check.

27 (5) Nothing in this section shall be construed to supersede a
28 parent's ability to exercise any rights such parent has under a school
29 district policy established pursuant to section 79-531.

30 Sec. 127. The Revisor of Statutes shall assign sections 13 to 38 of
31 this act within Chapter 85.

1 Sec. 128. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 28, 29,
2 30, 31, 32, 33, 34, 35, 36, 37, 38, 52, 53, 58, 59, 78, 90, 91, 94, 98,
3 99, 100, 107, 111, 117, 120, 121, 130, and 134 of this act become
4 operative on July 1, 2023. Sections 13, 14, 15, 16, 17, 18, 19, 20, 21,
5 22, 23, 24, 25, 26, 27, 93, 131, and 135 of this act become operative on
6 July 1, 2024. Sections 54, 55, 56, 57, 60, 61, 62, 63, 64, 65, 66, 67,
7 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 85, 86,
8 87, 88, 95, 101, 102, 103, 104, 105, 106, 108, 109, 110, 112, 113, 114,
9 115, 116, 118, 119, 123, 124, 125, 126, 132, and 136 of this act become
10 operative three calendar months after the adjournment of this legislative
11 session. The other sections of this act become operative on their
12 effective date.

13 Sec. 129. If any section in this act or any part of any section is
14 declared invalid or unconstitutional, the declaration shall not affect
15 the validity or constitutionality of the remaining portions.

16 Sec. 130. Original sections 9-812, 9-836.01, and 79-254, Reissue
17 Revised Statutes of Nebraska, and sections 79-703, 79-1054, 79-1104.02,
18 79-1337, 79-2506, 79-2510, 79-3106, 84-304, 85-502.01, 85-1412, 85-1920,
19 and 85-2009, Revised Statutes Cumulative Supplement, 2022, are repealed.

20 Sec. 131. Original sections 79-8,132, 79-8,135, 79-8,138, 79-8,139,
21 and 79-8,140, Reissue Revised Statutes of Nebraska, and sections
22 79-8,133, 79-8,134, 79-8,137, 79-8,137.01, 79-8,137.02, 79-8,137.03,
23 79-8,137.04, 79-8,137.05, and 79-11,160, Revised Statutes Cumulative
24 Supplement, 2022, are repealed.

25 Sec. 132. Original sections 79-239, 79-244, 79-256, 79-263, 79-265,
26 79-266, 79-267, 79-268, 79-269, 79-272, 79-276, 79-278, 79-282, 79-283,
27 79-287, 79-2,146, 79-809, 81-145, 81-1118.02, 85-102, 85-328, 85-601,
28 85-602, 85-603, 85-604, 85-605, 85-1906, and 85-1907, Reissue Revised
29 Statutes of Nebraska, and sections 79-101, 79-238, 79-2,136, 79-2,144,
30 79-729, 79-734, 79-760.01, 79-806, 79-807, 79-808, 79-8,143, 79-8,145,
31 79-2110, 79-3304, 79-3305, 81-161.04, 81-1118, and 84-612, Revised

1 Statutes Cumulative Supplement, 2022, are repealed.

2 Sec. 133. Original section 79-2304, Reissue Revised Statutes of
3 Nebraska, sections 79-1142 and 79-2308, Revised Statutes Cumulative
4 Supplement, 2022, and section 79-1021, Reissue Revised Statutes of
5 Nebraska, as amended by section 22, Legislative Bill 818, One Hundred
6 Eighth Legislature, First Session, 2023, are repealed.

7 Sec. 134. The following sections are outright repealed: Sections
8 50-425, 50-426, 50-427, and 50-428, Reissue Revised Statutes of Nebraska.

9 Sec. 135. The following sections are outright repealed: Sections
10 79-8,124, 79-8,125, 79-8,126, 79-8,127, 79-8,128, 79-8,129, 79-8,130, and
11 79-8,131, Reissue Revised Statutes of Nebraska.

12 Sec. 136. The following section is outright repealed: Section
13 79-2,103, Reissue Revised Statutes of Nebraska.

14 Sec. 137. Since an emergency exists, this act takes effect when
15 passed and approved according to law.