

AMENDMENTS TO LB705
(Amendments to E&R amendments, ER30)

Introduced by Murman, 38.

1 1. Strike sections 24, 41, 42, 51, 60, and 91 and insert the
2 following new sections:

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

5 ~~79-8,137.05~~ (1) The Excellence in Teaching Cash Fund is created. The
6 fund shall consist of transfers ~~appropriations~~ by the Legislature,
7 transfers pursuant to section 1 of this act ~~9-812~~, and loan repayments,
8 penalties, and interest payments received in the course of administering
9 the Attracting Excellence to Teaching Program and the Enhancing
10 Excellence in Teaching Program.

11 ~~(2)~~ (2)(a) For all fiscal years beginning on and after July 1, 2024,
12 the commission shall allocate on an annual basis up to two hundred fifty
13 thousand dollars of the funds transferred pursuant to section 1 of this
14 act for grants to teachers pursuant to the Career-Readiness and Dual-
15 Credit Education Grant Program.

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

21 (c) Of the funds remaining in the Excellence in Teaching Cash Fund
22 after the distributions pursuant to subdivisions (a) and (b) of this
23 subsection, for ~~For~~ all fiscal years, the commission ~~department~~ shall
24 allocate on an annual basis up to four hundred thousand dollars in the
25 aggregate of the funds to be distributed for the Attracting Excellence to
26 Teaching Program to all eligible institutions according to the

1 distribution formula as determined by rule and regulation. The eligible
2 institutions shall act as agents of the commission ~~department~~ in the
3 distribution of the funds for the Attracting Excellence to Teaching
4 Program to eligible students. The commission ~~department~~ shall allocate on
5 an annual basis up to eight hundred thousand dollars of the remaining
6 available funds to be distributed to eligible students for the Enhancing
7 Excellence in Teaching Program. Funding amounts granted in excess of one
8 million two hundred thousand dollars shall be evenly divided for
9 distribution between the two programs.

10 (3) Any money in the Excellence in Teaching Cash Fund available for
11 investment shall be invested by the state investment officer pursuant to
12 the Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act.

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. 51. (1) The State Department of Education shall create and
25 administer the Nebraska Teacher Apprenticeship Program. The purpose of
26 the program is to help recruit and increase the number of teachers
27 throughout the state by utilizing an apprenticeship model for training.
28 The program shall provide for an applicant who successfully completes the
29 program to obtain a certificate or permit issued by the Commissioner of
30 Education. The department may work with standard institutions of higher
31 education as defined in section 79-807, the Department of Labor, and

1 other entities the State Department of Education deems necessary to
2 develop and implement the program.

3 (2) An individual may apply for participation in the program if the
4 individual (a) is an employee of a school district or (b) has a contract
5 to begin working for a school district at the start of the school year
6 for which the individual is applying for participation in the program.

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

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

11 (b) A baccalaureate degree from a standard institution of higher
12 education; and

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

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

19 (5) It is the intent of the Legislature to appropriate one million
20 dollars for fiscal year 2023-24 and each fiscal year thereafter from the
21 Education Future Fund to the State Department of Education for the
22 program.

23 Sec. 60. (1) Except as provided in subsection (2) of this section,
24 an elementary school shall not suspend a student in pre-kindergarten
25 through second grade. A student in pre-kindergarten through second grade
26 may be subject to an emergency exclusion as provided in section 79-264
27 for the purpose of giving the school, in consultation with the parent or
28 guardian of such student, adequate time to draft and implement a plan to
29 support such student. Each school district shall develop a policy to
30 implement this section which shall include disciplinary measures inside
31 the school as an alternative to suspension.

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

7 Sec. 89. Section 79-1021, Reissue Revised Statutes of Nebraska, as
8 amended by section 23, Legislative Bill 818, One Hundred Eighth
9 Legislature, First Session, 2023, is amended to read:

10 79-1021 (1) The Education Future Fund is created. The fund shall be
11 administered by the department and shall consist of money transferred to
12 the fund by the Legislature. Any money in the fund available for
13 investment shall be invested by the state investment officer pursuant to
14 the Nebraska Capital Expansion Act and the Nebraska State Funds
15 Investment Act.

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

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

20 (b) To fund special education supplemental aid under the Tax Equity
21 and Educational Opportunities Support Act;

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

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

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

30 (f) To provide funding to increase career and technical educational
31 classroom opportunities for students. Such funding must provide students

1 with the academic and technical skills, knowledge, and training necessary
2 to succeed in future careers; ~~and~~

3 (g) To provide funding for a grant program created by the
4 Legislature to provide students the opportunity to have a mentor who will
5 continuously engage with the student directly to aid in the student's
6 professional growth and give ongoing support and encouragement to the
7 student; ~~and~~

8 (h) To provide funding for extraordinary increases in special
9 education expenditures to allow school districts with large, unexpected
10 special education expenditures to more easily meet the needs of all
11 students; and

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

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

19 (b) The State Treasurer shall transfer two hundred fifty million
20 dollars from the General Fund to the Education Future Fund in fiscal year
21 2024-25, on such dates and in such amounts as directed by the budget
22 administrator of the budget division of the Department of Administrative
23 Services.

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

27 Sec. 92. Section 79-1142, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 79-1142 (1) Level I services refers to services provided to children
30 with disabilities who require an aggregate of not more than three hours
31 per week of special education services and support services and includes

1 all administrative, diagnostic, consultative, and vocational-adjustment
2 counselor services.

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

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

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

1 fifth and twentieth day of each month, notify the Director of
2 Administrative Services of the amount of funds available in the General
3 Fund for payment purposes. The director shall, upon receiving such
4 certification, draw warrants against funds appropriated.

5 (5) Residential settings described in subdivision (10)(c) of section
6 79-215 shall be reimbursed for the educational services, including
7 special education services and support services in an amount determined
8 pursuant to the average per pupil cost of the service agency.
9 Reimbursements pursuant to this section shall be made from funds set
10 aside for such purpose within sixty days after receipt of a reimbursement
11 request submitted in the manner required by the department and including
12 any documentation required by the department for educational services
13 that have been provided, except that if there are not any funds available
14 for the remainder of the state fiscal year for such reimbursements, the
15 reimbursement shall occur within thirty days after the beginning of the
16 immediately following state fiscal year. The department may audit any
17 required documentation and subtract any payments made in error from
18 future reimbursements. The department shall set aside separate amounts
19 from the appropriations for special education approved by the Legislature
20 for reimbursements pursuant to this subsection for students receiving
21 special education services and for students receiving support services
22 for each state fiscal year. The amounts set aside for each purpose shall
23 be based on estimates of the reimbursements to be requested during the
24 state fiscal year and shall not be less than the total amount of
25 reimbursements requested in the prior state fiscal year plus any unpaid
26 requests from the prior state fiscal year.

27 (6) For each school district that received a payment pursuant to the
28 Extraordinary Increase in Special Education Expenditures Act in the
29 school fiscal year for which special education expenditures were
30 reimbursed pursuant to subsection (3) of this section, an amount equal to
31 such payment shall be subtracted from the reimbursement calculated

1 pursuant to subsection (3) of this section and such amount shall be
2 transferred to the Education Future Fund.

3 2. On page 13, line 18, strike the new matter; in line 19 reinstate
4 the stricken matter; and in lines 20 through 23 strike the new matter.

5 3. On page 33, line 26, strike "use funds" and insert "appropriate
6 ten million dollars".

7 4. On page 127, line 23, strike ", outcomes," and insert "and
8 outcomes".

9 5. On page 130, lines 3, 6, and 11, strike "department" and insert
10 "State Department of Education".

11 6. On page 132, after line 20 insert the following new subsection:
12 "(5) Nothing in this section shall be construed to supersede a
13 parent's ability to exercise any rights such parent has under a school
14 district policy established pursuant to section 79-531."; in line 24
15 strike "92,"; and in line 27 after the sixth comma insert "93,".

16 7. Correct the operative date and repealer sections so that section
17 24 added by this amendment becomes operative on July 1, 2024, section 60
18 added by this amendment becomes operative three calendar months after the
19 adjournment of this legislative session, and sections 41, 42, 51, 89, and
20 92 added by this amendment become operative on their effective date with
21 the emergency clause.

22 8. Renumber the remaining sections and correct internal references
23 accordingly.