

AMENDMENTS TO LB705

(Amendments to E & R amendments, ER30)

Introduced by Murman, 38.

1 1. Strike sections 24, 41, 42, 51, 79, 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 approved or accredited by the
5 State Department of Education or (b) has a contract to begin working for
6 a school approved or accredited by the State Department of Education at
7 the start of the school year for which the individual is applying for
8 participation in the program.

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

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

13 (b) A baccalaureate degree from a standard institution of higher
14 education; and

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

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

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

25 Sec. 79. Section 79-729, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 79-729 (1) The Legislature recognizes the importance of assuring
28 that all persons who graduate from Nebraska high schools possess certain
29 minimum levels of knowledge, skills, and understanding. Each high school
30 student shall complete a minimum of two hundred high school credit hours
31 prior to graduation. At least eighty percent of the minimum credit hours

1 shall be core curriculum courses prescribed by the State Board of
2 Education.

3 (2) For students attending a public school: τ

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

7 (b) Beginning ~~beginning~~ in school year ~~2027-28~~ 2026-27, at least
8 five of the minimum credit hours shall ~~include~~ be a high school course or
9 the equivalent of a one-semester high school course in computer science
10 and technology education as required under section 79-3304.

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

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

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

23 (ii) The school principal or the school principal's designee signs
24 and submits the appropriate form prescribed by the Commissioner of
25 Education pursuant to subdivision (3)(c) of this section authorizing such
26 student to decline to complete and submit a Free Application for Federal
27 Student Aid for good cause as determined by the school principal or the
28 school principal's designee; or

29 (iii) A student who is nineteen years of age or older or is an
30 emancipated minor signs and submits the appropriate form prescribed by
31 the Commissioner of Education pursuant to subdivision (3)(c) of this

1 section stating that such student declines to complete and submit a Free
2 Application for Federal Student Aid.

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

6 (i) By each public high school to students, parents and legal
7 guardians of students, and persons standing in loco parentis to students;
8 and

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

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

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

30 (4) The State Board of Education may establish recommended statewide
31 graduation guidelines.

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

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

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

14 (a) A timeline for the distribution of the Free Application for
15 Federal Student Aid and the forms prescribed pursuant to subdivision (3)
16 (c) of this section by public high schools and for the submission of the
17 Free Application for Federal Student Aid and the forms prescribed
18 pursuant to subdivision (3)(c) of this section;

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

21 (i) Instructions for filling out the Free Application for Federal
22 Student Aid;

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

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

30 (c) A requirement for each public high school to report the number
31 of students who completed and submitted a Free Application for Federal

1 Student Aid and the number of students who instead submitted a form
2 prescribed pursuant to subdivision (3)(c) of this section.

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

6 79-1021 (1) The Education Future Fund is created. The fund shall be
7 administered by the department and shall consist of money transferred to
8 the fund by the Legislature. Any money in the fund available for
9 investment shall be invested by the state investment officer pursuant to
10 the Nebraska Capital Expansion Act and the Nebraska State Funds
11 Investment Act.

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

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

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

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

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

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

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

30 (g) To provide funding for a grant program created by the
31 Legislature to provide students the opportunity to have a mentor who will

1 continuously engage with the student directly to aid in the student's
2 professional growth and give ongoing support and encouragement to the
3 student; -

4 (h) To provide funding for extraordinary increases in special
5 education expenditures to allow school districts with large, unexpected
6 special education expenditures to more easily meet the needs of all
7 students; and

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

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

15 (b) The State Treasurer shall transfer two hundred fifty million
16 dollars from the General Fund to the Education Future Fund in fiscal year
17 2024-25, on such dates and in such amounts as directed by the budget
18 administrator of the budget division of the Department of Administrative
19 Services.

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

23 Sec. 92. Section 79-1142, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 79-1142 (1) Level I services refers to services provided to children
26 with disabilities who require an aggregate of not more than three hours
27 per week of special education services and support services and includes
28 all administrative, diagnostic, consultative, and vocational-adjustment
29 counselor services.

30 (2) The total allowable reimbursable cost for support services shall
31 not exceed a percentage, established by the State Board of Education, of

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

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

17 (4) Cooperatives of school districts or educational service units
18 shall also be eligible for reimbursement for cooperative programs
19 pursuant to this section if such cooperatives or educational service
20 units have complied with the reporting and approval requirements of
21 section 79-1155 for cooperative programs which were offered in the
22 preceding school fiscal year. The payments shall be made by the
23 department to the school district of residence, cooperative of school
24 districts, or educational service unit each school year in a minimum of
25 seven payments between the fifth and twentieth day of each month
26 beginning in December. Additional payments may be made based upon
27 additional valid claims submitted. The State Treasurer shall, between the
28 fifth and twentieth day of each month, notify the Director of
29 Administrative Services of the amount of funds available in the General
30 Fund for payment purposes. The director shall, upon receiving such
31 certification, draw warrants against funds appropriated.

1 (5) Residential settings described in subdivision (10)(c) of section
2 79-215 shall be reimbursed for the educational services, including
3 special education services and support services in an amount determined
4 pursuant to the average per pupil cost of the service agency.
5 Reimbursements pursuant to this section shall be made from funds set
6 aside for such purpose within sixty days after receipt of a reimbursement
7 request submitted in the manner required by the department and including
8 any documentation required by the department for educational services
9 that have been provided, except that if there are not any funds available
10 for the remainder of the state fiscal year for such reimbursements, the
11 reimbursement shall occur within thirty days after the beginning of the
12 immediately following state fiscal year. The department may audit any
13 required documentation and subtract any payments made in error from
14 future reimbursements. The department shall set aside separate amounts
15 from the appropriations for special education approved by the Legislature
16 for reimbursements pursuant to this subsection for students receiving
17 special education services and for students receiving support services
18 for each state fiscal year. The amounts set aside for each purpose shall
19 be based on estimates of the reimbursements to be requested during the
20 state fiscal year and shall not be less than the total amount of
21 reimbursements requested in the prior state fiscal year plus any unpaid
22 requests from the prior state fiscal year.

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

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

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

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

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

7 6. On page 132, after line 20 insert the following new subsection:

8 "(5) Nothing in this section shall be construed to supersede a
9 parent's ability to exercise any rights such parent has under a school
10 district policy established pursuant to section 79-531."; in line 24
11 strike "92,"; and in line 27 after the sixth comma insert "93,".

12 7. Correct the operative date and repealer sections so that section
13 24 added by this amendment becomes operative on July 1, 2024, section 79
14 added by this amendment becomes operative three calendar months after the
15 adjournment of this legislative session, and sections 41, 42, 51, 89, and
16 92 added by this amendment become operative on their effective date with
17 the emergency clause.

18 8. Renumber the remaining sections and correct internal references
19 accordingly.