

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 860**

Introduced by Linehan, 39.

Read first time January 03, 2024

Committee: Education

- 1 A BILL FOR AN ACT relating to education: to amend section 79-1103,
- 2 Reissue Revised Statutes of Nebraska; to change a reporting
- 3 requirement relating to the Early Childhood Education Grant Program;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1103, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 79-1103 (1)(a) The State Department of Education shall establish and  
4 administer the Early Childhood Education Grant Program. Upon the  
5 effective date of an endowment agreement, administration of the Early  
6 Childhood Education Grant Program with respect to programs for children  
7 from birth to age three shall transfer to the board of trustees. If there  
8 is no endowment agreement in effect, the department shall request  
9 proposals in accordance with this section for all early childhood  
10 education programs from school districts, individually or in cooperation  
11 with other school districts or educational service units, working in  
12 cooperation with existing nonpublic programs which meet the requirements  
13 of subsection (2) of section 79-1104. If there is an endowment agreement  
14 in effect, the board of trustees shall administer the Early Childhood  
15 Education Grant Program with respect to programs for children from birth  
16 to age three pursuant to section 79-1104.02 and the department shall  
17 continue to administer the Early Childhood Education Grant Program with  
18 respect to other prekindergarten programs pursuant to sections 79-1101 to  
19 79-1104.05. All administrative procedures of the board of trustees,  
20 including, but not limited to, rules, grant applications, and funding  
21 mechanisms, shall harmonize with those established by the department for  
22 other prekindergarten programs.

23 (b) The first priority shall be for (i) continuation grants for  
24 programs that received grants in the prior school fiscal year and for  
25 which the state aid calculation pursuant to the Tax Equity and  
26 Educational Opportunities Support Act does not include early childhood  
27 education students, in an amount equal to the amount of such grant,  
28 except that if the grant was a first-year grant the amount shall be  
29 reduced by thirty-three percent, (ii) continuation grants for programs  
30 for which the state aid calculation pursuant to the act includes early  
31 childhood education students, in an amount equal to the amount of the

1 grant for the school fiscal year prior to the first school fiscal year  
2 for which early childhood education students were included in the state  
3 aid calculation for the school district's local system minus the  
4 calculated state aid amount, and (iii) for school fiscal year 2007-08,  
5 continuation grants for programs for which the state aid calculation  
6 pursuant to the act includes early childhood education students, but such  
7 state aid calculation does not result in the school district receiving  
8 any equalization aid, in an amount equal to the amount of the grant  
9 received in school fiscal year 2006-07. The calculated state aid amount  
10 shall be calculated by multiplying the basic funding per formula student  
11 for the school district by the formula students attributed to the early  
12 childhood education programs pursuant to the Tax Equity and Educational  
13 Opportunities Support Act.

14 (c) The second priority shall be for new grants and expansion grants  
15 for programs that will serve at-risk children who will be eligible to  
16 attend kindergarten the following school year. New grants may be given  
17 for up to three years in an amount up to one-half of the total budget of  
18 the program per year. Expansion grants may be given for one year in an  
19 amount up to one-half of the budget for expanding the capacity of the  
20 program to serve additional children.

21 (d) The third priority shall be for new grants, expansion grants,  
22 and continuation grants for programs serving children younger than those  
23 who will be eligible to attend kindergarten the following school year.  
24 New grants may be given for up to three years in an amount up to one-half  
25 the total budget of the program per year. Expansion grants may be given  
26 for one year in an amount up to one-half the budget for expanding the  
27 capacity of the program to serve additional children. Continuation grants  
28 under this priority may be given annually in an amount up to one-half the  
29 total budget of the program per year minus any continuation grants  
30 received under the first priority.

31 (e) Programs serving children who will be eligible to attend

1 kindergarten the following school year shall be accounted for separately  
2 for grant purposes from programs serving younger children, but the two  
3 types of programs may be combined within the same classroom to serve  
4 multi-age children. Programs that receive grants for school fiscal years  
5 prior to school fiscal year 2005-06 to serve both children who will be  
6 eligible to attend kindergarten the following school year and younger  
7 children shall account for the two types of programs separately for grant  
8 purposes beginning with school year 2005-06 and shall be deemed to have  
9 received grants prior to school fiscal year 2005-06 for each year that  
10 grants were received for the types of programs representing the age  
11 groups of the children served.

12 (2) Each program proposal which is approved by the department shall  
13 include (a) a planning period, (b) an agreement to participate in  
14 periodic evaluations of the program to be specified by the department,  
15 (c) evidence that the program will be coordinated or contracted with  
16 existing programs, including those listed in subdivision (d) of this  
17 subsection and nonpublic programs which meet the requirements of  
18 subsection (2) of section 79-1104, (d) a plan to coordinate and use a  
19 combination of local, state, and federal funding sources, including, but  
20 not limited to, programs for children with disabilities below five years  
21 of age funded through the Special Education Act, the Early Intervention  
22 Act, funds available through the flexible funding provisions under the  
23 Special Education Act, the federal Head Start program, 42 U.S.C. 9831 et  
24 seq., the federal Even Start Family Literacy Program, 20 U.S.C. 6361 et  
25 seq., Title I of the federal Improving America's Schools Act of 1994, 20  
26 U.S.C. 6301 et seq., and child care assistance through the Department of  
27 Health and Human Services, (e) a plan to use sliding fee scales and the  
28 funding sources included in subdivision (d) of this subsection to  
29 maximize the participation of economically and categorically diverse  
30 groups and to ensure that participating children and families have access  
31 to comprehensive services, (f) the establishment of an advisory body

1 which includes families and community members, (g) the utilization of  
2 appropriately qualified staff, (h) an appropriate child-to-staff ratio,  
3 (i) appropriate group size, (j) compliance with minimum health and safety  
4 standards, (k) appropriate facility size and equipment, (l) a strong  
5 family development and support component recognizing the central role of  
6 parents in their children's development, (m) developmentally and  
7 culturally appropriate curriculum, practices, and assessment, (n)  
8 sensitivity to the economic and logistical needs and circumstances of  
9 families in the provision of services, (o) integration of children of  
10 diverse social and economic characteristics, (p) a sound evaluation  
11 component, including at least one objective measure of child performance  
12 and progress, (q) continuity with programs in kindergarten and elementary  
13 grades, (r) instructional hours that are similar to or less than the  
14 instructional hours for kindergarten except that a summer session may be  
15 offered, (s) well-defined language development and early literacy  
16 emphasis, including the involvement of parents in family literacy  
17 activities, (t) a plan for ongoing professional development of staff, and  
18 (u) inclusion of children with disabilities as defined in the Special  
19 Education Act, all as specified by rules and regulations of the  
20 department in accordance with sound early childhood educational practice.

21 (3) The department shall make an effort to fund programs widely  
22 distributed across the state in both rural and urban areas.

23 (4) The department, in collaboration with the board of trustees if  
24 an endowment agreement is in effect, shall provide a report detailing how  
25 grants were distributed, examining the budgetary needs of the programs,  
26 and evaluating the programs to the State Board of Education and the  
27 Legislature by January 1 of each odd-numbered year. The report submitted  
28 to the Legislature shall be submitted electronically. The Education  
29 Committee of the Legislature shall hold a public hearing regarding the  
30 report. Up to five percent of the total appropriation for the Early  
31 Childhood Education Grant Program for grants administered by the

1 department may be reserved by the department for evaluation and technical  
2 assistance for the programs.

3 (5) Early childhood education programs, whether established pursuant  
4 to this section or section 79-1104, may be approved for purposes of the  
5 Tax Equity and Educational Opportunities Support Act, expansion grants,  
6 and continuation grants on the submission of a continuation plan  
7 demonstrating that the program will meet the requirements of subsection  
8 (2) of this section and a proposed operating budget demonstrating that  
9 the program will receive resources from other sources equal to or greater  
10 than the sum of any grant received pursuant to this section for the prior  
11 school year plus any calculated state aid as calculated pursuant to  
12 subsection (1) of this section for the prior school year.

13 (6) The State Board of Education may adopt and promulgate rules and  
14 regulations to implement the Early Childhood Education Grant Program,  
15 except that if there is an endowment agreement in effect, the board of  
16 trustees shall recommend any rules and regulations relating specifically  
17 to the Early Childhood Education Grant Program with respect to programs  
18 for children from birth to age three. It is the intent of the Legislature  
19 that the rules and regulations for programs for children from birth to  
20 age three be consistent to the greatest extent possible with those  
21 established for other prekindergarten programs.

22 Sec. 2. Original section 79-1103, Reissue Revised Statutes of  
23 Nebraska, is repealed.