

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 71

FINAL READING

Introduced by Sanders, 45; Albrecht, 17; Briese, 41; Linehan, 39; Murman, 38; Lippincott, 34; Dover, 19.

Read first time January 05, 2023

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend sections 79-530,
2 79-531, 79-532, 79-533, 79-1101, and 79-1103, Reissue Revised
3 Statutes of Nebraska, and section 79-1003, Revised Statutes
4 Cumulative Supplement, 2022; to change provisions relating to the
5 involvement of parents and guardians in the education of their
6 children; to require each public school district to develop and
7 adopt a policy relating to the rights of each parent and guardian to
8 access testing information and curriculum and excuse their child
9 from certain instruction or activities; to provide powers and duties
10 to the Commissioner of Education and the State Board of Education;
11 to redefine terms under the Tax Equity and Educational Opportunities
12 Support Act; to restate legislative intent, redefine a term, and
13 change provisions relating to early childhood education; to provide
14 a process for a parent or guardian to request that such person's
15 child repeat a grade under certain circumstances; to eliminate
16 obsolete provisions; and to repeal the original sections.
17 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-530, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-530 (1) For purposes of sections 79-530 to 79-533 and sections 5
4 to 7 of this act, educational decisionmaker means a person designated or
5 ordered by a court to make educational decisions on behalf of a child.

6 (2) The Legislature finds and declares:

7 (a) (1) That parental involvement of parents, guardians, and
8 educational decisionmakers is a key factor in the education of children;

9 (b) (2) That such individuals parents need to be informed of the
10 educational practices affecting their children; and

11 (c) (3) That public schools should foster and facilitate access by
12 such individuals to parental information about and involvement in
13 educational practices affecting their children.

14 (3) It is the intent of the Legislature, through the enactment of
15 sections 79-531 to 79-533 and sections 5 to 7 of this act, to strengthen
16 the level of parental involvement and participation by parents,
17 guardians, and educational decisionmakers in the public school system of
18 the state.

19 Sec. 2. Section 79-531, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 79-531 (1) On or before July 1, 2025 1995, each public school
22 district in the state shall develop and adopt a policy stating how the
23 district will seek to involve parents, guardians, or educational
24 decisionmakers in the education of their children schools and the rights
25 of each parent, guardian, or educational decisionmaker to: what parents'
26 rights shall be relating to access to the schools,

27 (a) Access testing information, and curriculum; and matters.

28 (b) Request that a child be excused from specific instruction or
29 activities.

30 (2) The policy of each public school district relating to how the
31 district will seek to involve parents in the schools and what rights

1 parents have relating to access to schools that is in effect prior to the
2 effective date of this act shall remain in effect until a new policy is
3 developed and adopted on or before July 1, 2025, pursuant to subsection
4 (1) of this section.

5 Sec. 3. Section 79-532, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 79-532 (1) The policy required by section 79-531 shall include, but
8 need not be limited to, the following:

9 (a) ~~(1)~~ How the school district will provide access to parents,
10 guardians, or educational decisionmakers concerning textbooks; ~~τ~~ tests;
11 activities information; digital materials; websites or applications used
12 for learning; training materials for teachers, administrators, and staff;
13 procedures for the review and approval of training materials, learning
14 materials, and activities; ~~τ~~ and other curriculum materials used in the
15 school district;

16 (b) ~~(2)~~ How the school district will accommodate ~~handle~~ requests by
17 parents, guardians, or educational decisionmakers to attend and monitor
18 courses, assemblies, counseling sessions, and other instructional
19 activities;

20 (c) ~~(3)~~ Under what circumstances parents, guardians, or educational
21 decisionmakers may ask that their children be excused from testing,
22 classroom instruction, learning materials, activities, guest speaker
23 events, and other school experiences the parents, guardians, or
24 educational decisionmakers may find objectionable;

25 (d) ~~(4)~~ How the school district will provide access to records of
26 students;

27 (e) ~~(5)~~ What the school district's testing policy will be; and

28 (f) ~~(6)~~ How the school district participates in surveys of students
29 and the right of parents, guardians, or educational decisionmakers to
30 remove their children from such surveys.

31 (2) Nothing in this section shall be construed to require disclosure

1 of information in violation of the federal Family Educational Rights and
2 Privacy Act of 1974, as amended, 20 U.S.C. 1232g, or any federal
3 regulations and applicable guidelines adopted in accordance with such
4 act, as such act, regulations, and guidelines existed on January 1, 2024.

5 Sec. 4. Section 79-533, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 79-533 The policy required by section 79-531 shall be developed with
8 parental input from parents, guardians, and educational decisionmakers
9 and shall be the subject of a public hearing before the school board or
10 board of education of the school district before adoption by the board.
11 The policy shall be reviewed annually and either altered and adopted as
12 altered or reaffirmed by the board following a public hearing. Any public
13 hearing under this section shall include a reasonable opportunity for
14 public comments.

15 Sec. 5. By August 1, 2025, each school district shall make the
16 policy required by section 79-531 accessible on the school district's
17 public website. The policy shall be accessible by a prominently displayed
18 link on such website. If the policy is altered, the new version of the
19 policy shall be made accessible within a reasonable time thereafter.

20 Sec. 6. To the extent practicable, each public school district
21 shall make a reasonable effort to make any learning materials, including
22 original materials, available for inspection by a parent, guardian, or
23 educational decisionmaker upon request.

24 Sec. 7. If the Commissioner of Education determines that any school
25 district has intentionally refused, in a material manner, to comply with
26 sections 79-530 to 79-533 and sections 5 and 6 of this act, the
27 commissioner shall notify the school district of the noncompliance and
28 allow the school district a reasonable time to comply. If the
29 commissioner determines, after such time has elapsed, that the school
30 district is not in compliance and has not made a good faith attempt to
31 comply, the commissioner shall take appropriate remedial action within

1 the commissioner's authority, up to and including qualifying such
2 noncompliance as a violation of the rules and regulations for the
3 accreditation of schools.

4 Sec. 8. Section 79-1003, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 79-1003 For purposes of the Tax Equity and Educational Opportunities
7 Support Act:

8 (1) Adjusted general fund operating expenditures means the
9 difference of the general fund operating expenditures increased by the
10 cost growth factor calculated pursuant to section 79-1007.10, minus the
11 transportation allowance, special receipts allowance, poverty allowance,
12 limited English proficiency allowance, distance education and
13 telecommunications allowance, elementary site allowance, summer school
14 allowance, community achievement plan allowance, and focus school and
15 program allowance;

16 (2) Adjusted valuation means the assessed valuation of taxable
17 property of each local system in the state, adjusted pursuant to the
18 adjustment factors described in section 79-1016. Adjusted valuation means
19 the adjusted valuation for the property tax year ending during the school
20 fiscal year immediately preceding the school fiscal year in which the aid
21 based upon that value is to be paid. For purposes of determining the
22 local effort rate yield pursuant to section 79-1015.01, adjusted
23 valuation does not include the value of any property which a court, by a
24 final judgment from which no appeal is taken, has declared to be
25 nontaxable or exempt from taxation;

26 (3) Allocated income tax funds means the amount of assistance paid
27 to a local system pursuant to section 79-1005.01;

28 (4) Average daily membership means the average daily membership for
29 grades kindergarten through twelve attributable to the local system, as
30 provided in each district's annual statistical summary, and includes the
31 proportionate share of students enrolled in a public school instructional

1 program on less than a full-time basis;

2 (5) Base fiscal year means the first school fiscal year following
3 the school fiscal year in which the reorganization or unification
4 occurred;

5 (6) Board means the school board of each school district;

6 (7) Categorical funds means funds limited to a specific purpose by
7 federal or state law, including, but not limited to, Title I funds, Title
8 VI funds, federal career and technical education funds, federal school
9 lunch funds, Indian education funds, Head Start funds, and funds received
10 prior to July 1, 2022, from the Nebraska Education Improvement Fund;

11 (8) Consolidate means to voluntarily reduce the number of school
12 districts providing education to a grade group and does not include
13 dissolution pursuant to section 79-498;

14 (9) Converted contract means an expired contract that was in effect
15 for at least fifteen school years beginning prior to school year 2012-13
16 for the education of students in a nonresident district in exchange for
17 tuition from the resident district when the expiration of such contract
18 results in the nonresident district educating students, who would have
19 been covered by the contract if the contract were still in effect, as
20 option students pursuant to the enrollment option program established in
21 section 79-234;

22 (10) Converted contract option student means a student who will be
23 an option student pursuant to the enrollment option program established
24 in section 79-234 for the school fiscal year for which aid is being
25 calculated and who would have been covered by a converted contract if the
26 contract were still in effect and such school fiscal year is the first
27 school fiscal year for which such contract is not in effect;

28 (11) Department means the State Department of Education;

29 (12) District means any school district or unified system as defined
30 in section 79-4,108;

31 (13) Ensuing school fiscal year means the school fiscal year

1 following the current school fiscal year;

2 (14) Equalization aid means the amount of assistance calculated to
3 be paid to a local system pursuant to section 79-1008.01;

4 (15) Fall membership means the total membership in kindergarten
5 through grade twelve attributable to the local system as reported on the
6 fall school district membership reports for each district pursuant to
7 section 79-528;

8 (16) Fiscal year means the state fiscal year which is the period
9 from July 1 to the following June 30;

10 (17) Formula students means:

11 (a) For state aid certified pursuant to section 79-1022, the sum of
12 the product of fall membership from the school fiscal year immediately
13 preceding the school fiscal year in which the aid is to be paid
14 multiplied by the average ratio of average daily membership to fall
15 membership for the second school fiscal year immediately preceding the
16 school fiscal year in which the aid is to be paid and the prior two
17 school fiscal years plus sixty percent of the qualified early childhood
18 education fall membership plus tuitioned students from the school fiscal
19 year immediately preceding the school fiscal year in which aid is to be
20 paid minus the product of the number of students enrolled in kindergarten
21 that is not full-day kindergarten from the fall membership multiplied by
22 0.5; and

23 (b) For the final calculation of state aid pursuant to section
24 79-1065, the sum of average daily membership plus sixty percent of the
25 qualified early childhood education average daily membership plus
26 tuitioned students minus the product of the number of students enrolled
27 in kindergarten that is not full-day kindergarten from the average daily
28 membership multiplied by 0.5 from the school fiscal year immediately
29 preceding the school fiscal year in which aid was paid;

30 (18) Free lunch and free milk calculated students means, using the
31 most recent data available on November 1 of the school fiscal year

1 immediately preceding the school fiscal year in which aid is to be paid,
2 (a) for schools that did not provide free meals to all students pursuant
3 to the community eligibility provision, students who individually
4 qualified for free lunches or free milk pursuant to the federal Richard
5 B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq., and the
6 federal Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq., as such acts
7 and sections existed on January 1, 2021, and rules and regulations
8 adopted thereunder, plus (b) for schools that provided free meals to all
9 students pursuant to the community eligibility provision, the greater of
10 the number of students in such school who individually qualified for free
11 lunch or free milk using the most recent school fiscal year for which the
12 school did not provide free meals to all students pursuant to the
13 community eligibility provision or one hundred ten percent of the product
14 of the students who qualified for free meals at such school pursuant to
15 the community eligibility provision multiplied by the identified student
16 percentage calculated pursuant to such federal provision, except that the
17 free lunch and free milk calculated students for any school pursuant to
18 subdivision (18)(b) of this section shall not exceed one hundred percent
19 of the students qualified for free meals at such school pursuant to the
20 community eligibility provision;

21 (19) Full-day kindergarten means kindergarten offered by a district
22 for at least one thousand thirty-two instructional hours;

23 (20) General fund budget of expenditures means the total budget of
24 disbursements and transfers for general fund purposes as certified in the
25 budget statement adopted pursuant to the Nebraska Budget Act, except that
26 for purposes of the limitation imposed in section 79-1023, the general
27 fund budget of expenditures does not include any special grant funds,
28 exclusive of local matching funds, received by a district;

29 (21) General fund expenditures means all expenditures from the
30 general fund;

31 (22) General fund operating expenditures means, for state aid

1 calculated for each school fiscal year, as reported on the annual
2 financial report for the second school fiscal year immediately preceding
3 the school fiscal year in which aid is to be paid, the total general fund
4 expenditures minus (a) the amount of all receipts to the general fund, to
5 the extent that such receipts are not included in local system formula
6 resources, from early childhood education tuition, summer school tuition,
7 educational entities as defined in section 79-1201.01 for providing
8 distance education courses through the Educational Service Unit
9 Coordinating Council to such educational entities, private foundations,
10 individuals, associations, charitable organizations, the textbook loan
11 program authorized by section 79-734, federal impact aid, and levy
12 override elections pursuant to section 77-3444, (b) the amount of
13 expenditures for categorical funds, tuition paid to other school
14 districts, tuition paid to postsecondary institutions for college credit,
15 transportation fees paid to other districts, adult education, community
16 services, redemption of the principal portion of general fund debt
17 service, retirement incentive plans authorized by section 79-855, and
18 staff development assistance authorized by section 79-856, (c) the amount
19 of any transfers from the general fund to any bond fund and transfers
20 from other funds into the general fund, (d) any legal expenses in excess
21 of fifteen-hundredths of one percent of the formula need for the school
22 fiscal year in which the expenses occurred, (e) expenditures to pay for
23 incentives agreed to be paid by a school district to certificated
24 employees in exchange for a voluntary termination of employment for which
25 the State Board of Education approved an exclusion pursuant to
26 subdivision (1)(h), (i), (j), or (k) of section 79-1028.01, (f)(i)
27 expenditures to pay for employer contributions pursuant to subsection (2)
28 of section 79-958 to the School Employees Retirement System of the State
29 of Nebraska to the extent that such expenditures exceed the employer
30 contributions under such subsection that would have been made at a
31 contribution rate of seven and thirty-five hundredths percent or (ii)

1 expenditures to pay for school district contributions pursuant to
2 subdivision (1)(c)(i) or (1)(d)(i) of section 79-9,113 to the retirement
3 system established pursuant to the Class V School Employees Retirement
4 Act to the extent that such expenditures exceed the school district
5 contributions under such subdivision that would have been made at a
6 contribution rate of seven and thirty-seven hundredths percent, and (g)
7 any amounts paid by the district for lobbyist fees and expenses reported
8 to the Clerk of the Legislature pursuant to section 49-1483.

9 For purposes of this subdivision (22) of this section, receipts from
10 levy override elections shall equal ninety-nine percent of the difference
11 of the total general fund levy minus a levy of one dollar and five cents
12 per one hundred dollars of taxable valuation multiplied by the assessed
13 valuation for school districts that have voted pursuant to section
14 77-3444 to override the maximum levy provided pursuant to section
15 77-3442;

16 (23) Income tax liability means the amount of the reported income
17 tax liability for resident individuals pursuant to the Nebraska Revenue
18 Act of 1967 less all nonrefundable credits earned and refunds made;

19 (24) Income tax receipts means the amount of income tax collected
20 pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable
21 credits earned and refunds made;

22 (25) Limited English proficiency students means the number of
23 students with limited English proficiency in a district from the most
24 recent data available on November 1 of the school fiscal year preceding
25 the school fiscal year in which aid is to be paid plus the difference of
26 such students with limited English proficiency minus the average number
27 of limited English proficiency students for such district, prior to such
28 addition, for the three immediately preceding school fiscal years if such
29 difference is greater than zero;

30 (26) Local system means a unified system or a school district;

31 (27) Low-income child means a child under nineteen years of age

1 living in a household having an annual adjusted gross income for the
2 second calendar year preceding the beginning of the school fiscal year
3 for which aid is being calculated equal to or less than the maximum
4 household income pursuant to sections 9(b)(1) and 17(c)(4) of the Richard
5 B. Russell National School Lunch Act, 42 U.S.C. 1758(b)(1) and 42 U.S.C.
6 1766(c)(4), respectively, and sections 3(a)(6) and 4(e)(1)(A) of the
7 Child Nutrition Act of 1966, 42 U.S.C. 1772(a)(6) and 42 U.S.C. 1773(e)
8 (1)(A), respectively, as such acts and sections existed on January 1,
9 2021, for a household of that size that would have allowed the child to
10 meet the income qualifications for free meals during the school fiscal
11 year immediately preceding the school fiscal year for which aid is being
12 calculated;

13 (28) Low-income students means the number of low-income children
14 within the district multiplied by the ratio of the formula students in
15 the district divided by the total children under nineteen years of age
16 residing in the district as derived from income tax information;

17 (29) Most recently available complete data year means the most
18 recent single school fiscal year for which the annual financial report,
19 fall school district membership report, annual statistical summary,
20 Nebraska income tax liability by school district for the calendar year in
21 which the majority of the school fiscal year falls, and adjusted
22 valuation data are available;

23 (30) Poverty students means the unadjusted poverty students plus the
24 difference of such unadjusted poverty students minus the average number
25 of poverty students for such district, prior to such addition, for the
26 three immediately preceding school fiscal years if such difference is
27 greater than zero;

28 (31) Qualified early childhood education average daily membership
29 means the product of the average daily membership of students who will be
30 eligible or required to attend kindergarten the following school year and
31 are enrolled in an early childhood education program approved by the

1 department pursuant to section 79-1103 for such school district for such
2 school year multiplied by the ratio of the actual instructional hours of
3 the program divided by one thousand thirty-two if: (a) The program is
4 receiving a grant pursuant to such section for the third year; (b) the
5 program has already received grants pursuant to such section for three
6 years; or (c) the program has been approved pursuant to subsection (5) of
7 section 79-1103 for such school year and the two preceding school years,
8 including any such students in portions of any of such programs receiving
9 an expansion grant;

10 (32) Qualified early childhood education fall membership means the
11 product of membership on October 1 of each school year of students who
12 will be eligible or required to attend kindergarten the following school
13 year and are enrolled in an early childhood education program approved by
14 the department pursuant to section 79-1103 for such school district for
15 such school year multiplied by the ratio of the planned instructional
16 hours of the program divided by one thousand thirty-two if: (a) The
17 program is receiving a grant pursuant to such section for the third year;
18 (b) the program has already received grants pursuant to such section for
19 three years; or (c) the program has been approved pursuant to subsection
20 (5) of section 79-1103 for such school year and the two preceding school
21 years, including any such students in portions of any of such programs
22 receiving an expansion grant;

23 (33) Regular route transportation means the transportation of
24 students on regularly scheduled daily routes to and from the schools such
25 students attend;

26 (34) Reorganized district means any district involved in a
27 consolidation and currently educating students following consolidation;

28 (35) School year or school fiscal year means the fiscal year of a
29 school district as defined in section 79-1091;

30 (36) Sparse local system means a local system that is not a very
31 sparse local system but which meets the following criteria:

1 (a)(i) Less than two students per square mile in the county in which
2 each high school is located, based on the school district census, (ii)
3 less than one formula student per square mile in the local system, and
4 (iii) more than ten miles between each high school and the next closest
5 high school on paved roads;

6 (b)(i) Less than one and one-half formula students per square mile
7 in the local system and (ii) more than fifteen miles between each high
8 school and the next closest high school on paved roads;

9 (c)(i) Less than one and one-half formula students per square mile
10 in the local system and (ii) more than two hundred seventy-five square
11 miles in the local system; or

12 (d)(i) Less than two formula students per square mile in the local
13 system and (ii) the local system includes an area equal to ninety-five
14 percent or more of the square miles in the largest county in which a high
15 school is located in the local system;

16 (37) Special education means specially designed kindergarten through
17 grade twelve instruction pursuant to section 79-1125, and includes
18 special education transportation;

19 (38) Special grant funds means the budgeted receipts for grants,
20 including, but not limited to, categorical funds, reimbursements for
21 wards of the court, short-term borrowings including, but not limited to,
22 registered warrants and tax anticipation notes, interfund loans,
23 insurance settlements, and reimbursements to county government for
24 previous overpayment. The state board shall approve a listing of grants
25 that qualify as special grant funds;

26 (39) State aid means the amount of assistance paid to a district
27 pursuant to the Tax Equity and Educational Opportunities Support Act;

28 (40) State board means the State Board of Education;

29 (41) State support means all funds provided to districts by the
30 State of Nebraska for the general fund support of elementary and
31 secondary education;

1 (42) Statewide average basic funding per formula student means the
2 statewide total basic funding for all districts divided by the statewide
3 total formula students for all districts;

4 (43) Statewide average general fund operating expenditures per
5 formula student means the statewide total general fund operating
6 expenditures for all districts divided by the statewide total formula
7 students for all districts;

8 (44) Teacher has the definition found in section 79-101;

9 (45) Tuition receipts from converted contracts means tuition
10 receipts received by a district from another district in the most
11 recently available complete data year pursuant to a converted contract
12 prior to the expiration of the contract;

13 (46) Tuitioned students means students in kindergarten through grade
14 twelve of the district whose tuition is paid by the district to some
15 other district or education agency;

16 (47) Unadjusted poverty students means the greater of the number of
17 low-income students or the free lunch and free milk calculated students
18 in a district; and

19 (48) Very sparse local system means a local system that has:

20 (a)(i) Less than one-half student per square mile in each county in
21 which each high school is located based on the school district census,
22 (ii) less than one formula student per square mile in the local system,
23 and (iii) more than fifteen miles between the high school and the next
24 closest high school on paved roads; or

25 (b)(i) More than four hundred fifty square miles in the local
26 system, (ii) less than one-half student per square mile in the local
27 system, and (iii) more than fifteen miles between each high school and
28 the next closest high school on paved roads.

29 Sec. 9. Section 79-1101, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 79-1101 (1) The Legislature finds and declares that: (a) Early

1 childhood education programs can assist children in achieving their
2 potential as citizens, workers, and human beings and can strengthen
3 families; (b) early childhood education has been proven to be a sound
4 public investment of funds not only in assuring productive, taxpaying
5 workers in the economy but also in avoidance of increasingly expensive
6 social costs for those who drop out as productive members of society; (c)
7 the key ingredient in an effective early childhood education program is a
8 strong family development and support component because the role of the
9 parent is of critical importance; (d) while all children can benefit from
10 quality, developmentally appropriate early childhood education
11 experiences, such experiences are especially important for at-risk
12 infants and children; (e) current early childhood education programs
13 serve only a fraction of Nebraska's children and the quality of current
14 programs varies widely; (f) well-designed early childhood education
15 programs increase the likelihood that children who participate will enter
16 school prepared to achieve high standards; (g) effective early childhood
17 education programs require staff with knowledge about child growth,
18 development, and learning and family systems; and (h) both public and
19 nonpublic programs which meet recognized standards of quality can address
20 the growth, development, and learning needs of young children.

21 (2) (2)(a) It is the intent of the Legislature and the public policy
22 of this state to encourage schools and community-based organizations to
23 work together to provide high-quality early childhood education programs
24 for infants and young children which include family involvement, with the
25 goal of assuring that every family in Nebraska has access to such
26 programs for, at the minimum, both the school year prior to the school
27 year for which the child will be eligible to attend kindergarten and the
28 school year prior to the school year for which the child will be required
29 to attend kindergarten if such child has not already enrolled in
30 kindergarten. The purposes of sections 79-1101 to 79-1104.05 are to
31 provide state assistance to selected school districts, cooperatives of

1 school districts, and educational service units for early childhood
2 education, to encourage coordination between public and private service
3 providers of early childhood education and child care programs, and to
4 provide state support for efforts to improve training opportunities for
5 staff in such programs.

6 ~~(b) It is the further intent of the Legislature that any additional~~
7 ~~funds appropriated on or after January 1, 2014, for FY2014-15 for early~~
8 ~~childhood education grants pursuant to section 79-1103 be used to assist~~
9 ~~schools and community-based organizations in working together to expand~~
10 ~~the access to such high-quality early childhood education programs for~~
11 ~~children for the school year prior to the school year for which the child~~
12 ~~will be eligible to attend kindergarten and that the unobligated balance~~
13 ~~of any such funds be reappropriated for such purpose for FY2015-16 and~~
14 ~~FY2016-17.~~

15 (3) For purposes of sections 79-1101 to 79-1104.05:

16 (a) Board of trustees means the Early Childhood Education Endowment
17 Board of Trustees;

18 (b) Early childhood education program means any prekindergarten
19 part-day or full-day program or in-home family support program with a
20 stated purpose of promoting social, emotional, intellectual, language,
21 physical, and aesthetic development and learning for children from birth
22 to compulsory kindergarten-entrance age and family development and
23 support;

24 (c) Endowment agreement means an agreement between the State
25 Department of Education and an endowment provider entered into pursuant
26 to section 79-1104.01; and

27 (d) Endowment provider means an endowment that has met the criteria
28 described in section 79-1104.01 and that has entered into an endowment
29 agreement.

30 Sec. 10. Section 79-1103, Reissue Revised Statutes of Nebraska, is
31 amended to read:

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

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

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

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

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

29 (e) Programs serving children who will be eligible or required to
30 attend kindergarten the following school year shall be accounted for
31 separately for grant purposes from programs serving younger children, but

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

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

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

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

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

31 (5) Early childhood education programs, whether established pursuant

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

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

19 Sec. 11. (1) For purposes of this section:

20 (a) Academic needs means that a child is at least one year below
21 grade level and behind the child's typically developing peers in reading,
22 English, and language arts such that the child does not possess the
23 necessary academic skills required to succeed in reading, English, and
24 language arts at grade level for the next grade the student would
25 otherwise advance to;

26 (b) Excessive absenteeism means that the child was absent fifty
27 percent or more of the school year and includes excused absences,
28 unexcused absences, and absences due to suspension or expulsion. Absences
29 due to approved school-related activities, such as field trips,
30 competitions, athletic events, and testing, are not included; and

31 (c) Illness means that the child experienced a severe mental or

1 physical illness resulting in hospitalization of two or more weeks during
2 the school year.

3 (2)(a) A parent or guardian shall have the right to have such
4 parent's or guardian's child repeat a grade in kindergarten through
5 fourth grade due to academic needs, illness, or excessive absenteeism.

6 (b) A parent or guardian shall have the right to have such parent's
7 or guardian's child repeat a grade in fifth through twelfth grade due to
8 excessive absenteeism.

9 (3) A parent or guardian requesting such parent's or guardian's
10 child repeat a grade pursuant to subdivision (2)(a) or (b) of this
11 section shall request and have a meeting with the school district
12 superintendent or the superintendent's designee of the school district
13 such child attends to discuss the parent's or guardian's decision to have
14 the child repeat a grade and such parent or guardian shall provide
15 evidence of academic needs, illness, or excessive absenteeism that would
16 authorize the parent or guardian to have such child repeat a grade. At
17 such meeting, the superintendent or superintendent's designee shall
18 identify any alternative educational opportunities, including remedial
19 instruction if applicable, and verify any special education supports
20 available to such child. If the child's parent or guardian still intends
21 to have such child repeat a grade, such parent or guardian shall complete
22 a form prescribed by the State Department of Education and return such
23 form to the school district such child attends. Upon completion of the
24 form and if all requirements pursuant to this subsection are met, the
25 school district shall have the child repeat the child's grade for the
26 next school year.

27 (4) A school district shall submit any form filed with such school
28 district relating to a request by a child's parent or guardian to have
29 such child repeat a grade with the State Department of Education. Data
30 regarding such students shall be collected under subsection (2) of
31 section 79-528.

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

3 Sec. 12. Original sections 79-530, 79-531, 79-532, 79-533, 79-1101,
4 and 79-1103, Reissue Revised Statutes of Nebraska, and section 79-1003,
5 Revised Statutes Cumulative Supplement, 2022, are repealed.