

AMENDMENTS TO LB930

Introduced by Education.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 9-812, Revised Statutes Supplement, 2015, is
4 amended to read:

5 9-812 (1) All money received from the operation of lottery games
6 conducted pursuant to the State Lottery Act in Nebraska shall be credited
7 to the State Lottery Operation Trust Fund, which fund is hereby created.
8 All payments of the costs of establishing and maintaining the lottery
9 games shall be made from the State Lottery Operation Cash Fund. In
10 accordance with legislative appropriations, money for payments for
11 expenses of the division shall be transferred from the State Lottery
12 Operation Trust Fund to the State Lottery Operation Cash Fund, which fund
13 is hereby created. All money necessary for the payment of lottery prizes
14 shall be transferred from the State Lottery Operation Trust Fund to the
15 State Lottery Prize Trust Fund, which fund is hereby created. The amount
16 used for the payment of lottery prizes shall not be less than forty
17 percent of the dollar amount of the lottery tickets which have been sold.

18 (2) A portion of the dollar amount of the lottery tickets which have
19 been sold on an annualized basis shall be transferred from the State
20 Lottery Operation Trust Fund to the Education Innovation Fund, the
21 Nebraska Opportunity Grant Fund, the Nebraska Education Improvement Fund,
22 the Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and
23 the Compulsive Gamblers Assistance Fund as provided in subsection (3) of
24 this section. The dollar amount transferred pursuant to this subsection
25 shall equal the greater of (a) the dollar amount transferred to the funds
26 in fiscal year 2002-03 or (b) any amount which constitutes at least
27 twenty-two percent and no more than twenty-five percent of the dollar

1 amount of the lottery tickets which have been sold on an annualized
2 basis. To the extent that funds are available, the Tax Commissioner and
3 director may authorize a transfer exceeding twenty-five percent of the
4 dollar amount of the lottery tickets sold on an annualized basis.

5 (3) Of the money available to be transferred to the Education
6 Innovation Fund, the Nebraska Opportunity Grant Fund, the Nebraska
7 Education Improvement Fund, the Nebraska Environmental Trust Fund, the
8 Nebraska State Fair Board, and the Compulsive Gamblers Assistance Fund:

9 (a) The first five hundred thousand dollars shall be transferred to
10 the Compulsive Gamblers Assistance Fund to be used as provided in section
11 9-1006;

12 (b) Beginning July 1, 2016, forty-four and one-half percent of the
13 money remaining after the payment of prizes and operating expenses and
14 the initial transfer to the Compulsive Gamblers Assistance Fund shall be
15 transferred to the Nebraska Education Improvement Fund;

16 (c) Through June 30, 2016, nineteen and three-fourths percent of the
17 money remaining after the payment of prizes and operating expenses and
18 the initial transfer to the Compulsive Gamblers Assistance Fund shall be
19 transferred to the Education Innovation Fund;

20 (d) Through June 30, 2016, twenty-four and three-fourths percent of
21 the money remaining after the payment of prizes and operating expenses
22 and the initial transfer to the Compulsive Gamblers Assistance Fund shall
23 be transferred to the Nebraska Opportunity Grant Fund;

24 (e) Forty-four and one-half percent of the money remaining after the
25 payment of prizes and operating expenses and the initial transfer to the
26 Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska
27 Environmental Trust Fund to be used as provided in the Nebraska
28 Environmental Trust Act;

29 (f) Ten percent of the money remaining after the payment of prizes
30 and operating expenses and the initial transfer to the Compulsive
31 Gamblers Assistance Fund shall be transferred to the Nebraska State Fair

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

10 (g) One percent of the money remaining after the payment of prizes
11 and operating expenses and the initial transfer to the Compulsive
12 Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers
13 Assistance Fund to be used as provided in section 9-1006.

14 (4)(a) The Education Innovation Fund is created. At least seventy-
15 five percent of the lottery proceeds allocated to the Education
16 Innovation Fund shall be available for disbursement.

17 (b) For fiscal year 2014-15, the Education Innovation Fund shall be
18 allocated, after administrative expenses, as follows: (i) The first one
19 million two hundred thousand dollars shall be transferred to the
20 Excellence in Teaching Cash Fund to fund the Excellence in Teaching Act;
21 (ii) the next allocation shall be distributed to local systems as grants
22 for approved accelerated or differentiated curriculum programs for
23 students identified as learners with high ability pursuant to section
24 79-1108.02 in an aggregated amount up to the amount distributed in the
25 prior fiscal year for such purposes increased by the basic allowable
26 growth rate pursuant to section 79-1025; (iii) the next one million eight
27 hundred fifty thousand dollars shall be allocated to early childhood
28 education grants awarded by the State Department of Education pursuant to
29 section 79-1103; (iv) the next one million dollars shall be transferred
30 to the Early Childhood Education Endowment Cash Fund for use pursuant to
31 section 79-1104.02; (v) the next two hundred thousand dollars shall be

1 used to provide grants to establish bridge programs pursuant to sections
2 79-1189 to 79-1195; (vi) the next ten thousand dollars shall be used to
3 fund the Interstate Compact on Educational Opportunity for Military
4 Children; (vii) the next two million dollars shall be allocated for
5 distance education equipment and incentives pursuant to sections 79-1336
6 and 79-1337; (viii) the next one million dollars shall be transferred to
7 the School District Reorganization Fund; (ix) up to the next one hundred
8 forty-five thousand dollars shall be used by the State Department of
9 Education to implement section 79-759; and (x) the next three hundred
10 thirty-five thousand dollars shall be allocated to local systems as
11 grants awarded by the State Department of Education to assist schools in
12 evaluating and improving career education programs to align such programs
13 with the state's economic and workforce needs. Except for funds
14 transferred to the School District Reorganization Fund, the Early
15 Childhood Education Endowment Cash Fund, or the department for early
16 childhood education grants pursuant to section 79-1103, no funds received
17 as allocations from the Education Innovation Fund pursuant to this
18 subdivision may be obligated for payment to be made after June 30, 2016,
19 and such funds received as transfers or allocations from the Education
20 Innovation Fund that have not been used for their designated purpose as
21 of such date shall be transferred to the Nebraska Education Improvement
22 Fund on or before August 1, 2016.

23 (c) For fiscal year 2015-16, the Education Innovation Fund shall be
24 allocated, after administrative expenses, as follows: (i) The first one
25 million two hundred thousand dollars shall be transferred to the
26 Excellence in Teaching Cash Fund to fund the Excellence in Teaching Act;
27 (ii) the next allocation shall be distributed to local systems as grants
28 for approved accelerated or differentiated curriculum programs for
29 students identified as learners with high ability pursuant to section
30 79-1108.02 in an aggregated amount up to the amount distributed in the
31 prior fiscal year for such purposes increased by the basic allowable

1 growth rate pursuant to section 79-1025; (iii) the next one million nine
2 hundred fifty thousand dollars shall be allocated to early childhood
3 education grants awarded by the State Department of Education pursuant to
4 section 79-1103; (iv) the next one million dollars shall be transferred
5 to the Early Childhood Education Endowment Cash Fund for use pursuant to
6 section 79-1104.02; (v) the next ten thousand dollars shall be used to
7 fund the Interstate Compact on Educational Opportunity for Military
8 Children; (vi) the next two million five hundred thousand dollars shall
9 be allocated for distance education equipment and incentives pursuant to
10 sections 79-1336 and 79-1337; (vii) the next one million dollars shall be
11 transferred to the School District Reorganization Fund; (viii) up to the
12 next one hundred forty-five thousand dollars shall be used by the State
13 Department of Education to implement section 79-759; and (ix) of the
14 amount remaining, (A) three million dollars shall be retained in the
15 Education Innovation Fund to transfer to the Nebraska Education
16 Improvement Fund on June 30, 2016, and (B) the remaining amount shall be
17 allocated to local systems as grants awarded by the State Department of
18 Education to assist schools in evaluating and improving career education
19 programs to align such programs with the state's economic and workforce
20 needs. Except for funds transferred to the School District Reorganization
21 Fund, the Early Childhood Education Endowment Cash Fund, or the
22 department for early childhood education grants pursuant to section
23 79-1103, no funds received as allocations from the Education Innovation
24 Fund pursuant to this subdivision may be obligated for payment to be made
25 after June 30, 2016, and such funds received as transfers or allocations
26 from the Education Innovation Fund that have not been used for their
27 designated purpose as of such date shall be transferred to the Nebraska
28 Education Improvement Fund on or before August 1, 2016.

29 (d) The Education Innovation Fund terminates on June 30, 2016. Any
30 money in the fund on such date shall be transferred to the Nebraska
31 Education Improvement Fund on such date.

1 (5) The Nebraska Education Improvement Fund is created. The fund
2 shall consist of money transferred pursuant to subsections (3) and (4) of
3 this section, money transferred pursuant to section 85-1920, and any
4 other funds appropriated by the Legislature. The fund shall be allocated,
5 after actual and necessary administrative expenses, as provided in this
6 section for fiscal years 2016-17 through 2020-21. A portion of each
7 allocation may be retained by the agency to which the allocation is made
8 or the agency administering the fund to which the allocation is made for
9 actual and necessary expenses incurred by such agency for administration,
10 evaluation, and technical assistance related to the purposes of the
11 allocation, except that no amount of the allocation to the Nebraska
12 Opportunity Grant Fund may be used for such purposes. On or before
13 December 31, 2019, the Education Committee of the Legislature shall
14 electronically submit recommendations to the Clerk of the Legislature
15 regarding how the fund should be allocated to best advance the
16 educational priorities of the state for the five-year period beginning
17 with fiscal year 2021-22. For fiscal year 2016-17, an amount equal to ten
18 percent of the revenue allocated to the Education Innovation Fund and to
19 the Nebraska Opportunity Grant Fund for fiscal year 2015-16 shall be
20 retained in the Nebraska Education Improvement Fund. For fiscal years
21 2017-18 through 2020-21, an amount equal to ten percent of the revenue
22 received by the Nebraska Education Improvement Fund in the prior fiscal
23 year shall be retained in the fund. For fiscal years 2016-17 through
24 2020-21, the remainder of the fund shall be allocated as follows:

25 (a) One percent of the allocated funds to the Expanded Learning
26 Opportunity Grant Fund to carry out the Expanded Learning Opportunity
27 Grant Program Act;

28 (b) Seventeen percent of the allocated funds to the Department of
29 Education Innovative Grant Fund to be used (i) for competitive innovation
30 grants pursuant to section 79-1054 and (ii) for school fiscal year
31 2017-18, to carry out the purposes of section 79-759;

1 (c) Nine percent of the allocated funds to the Community College Gap
2 Assistance Program Fund to carry out the community college gap assistance
3 program;

4 (d) Eight percent of the allocated funds to the Excellence in
5 Teaching Cash Fund to carry out the Excellence in Teaching Act;

6 (e) Sixty-two percent of the allocated funds to the Nebraska
7 Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in
8 conjunction with appropriations from the General Fund; and

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

11 (6) Any money in the State Lottery Operation Trust Fund, the State
12 Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, the
13 Nebraska Education Improvement Fund, or the Education Innovation Fund
14 available for investment shall be invested by the state investment
15 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
16 State Funds Investment Act.

17 (7) Unclaimed prize money on a winning lottery ticket shall be
18 retained for a period of time prescribed by rules and regulations. If no
19 claim is made within such period, the prize money shall be used at the
20 discretion of the Tax Commissioner for any of the purposes prescribed in
21 this section.

22 Sec. 2. Section 79-759, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 79-759 Beginning with the 2017-18 ~~2011-12~~ school year, the State
25 Department of Education shall administer ~~may implement a pilot project~~
26 ~~for the districtwide administration of~~ a standard college admission test,
27 selected by the State Board of Education, to students in the eleventh
28 grade attending a public school in the state in lieu of a participating
29 ~~school district to determine if such test (1) would improve the college-~~
30 ~~going rate and career readiness of Nebraska students and (2) could be~~
31 ~~utilized as the assessment for the one grade in high school as required~~

1 under section 79-760.03. The department shall pay the expenses of
2 administering such college admission tests and may use Participation by
3 school districts in the pilot project shall be voluntary and shall be
4 subject to the approval of the board. On or before September 1, 2012, and
5 on or before September 1 each year thereafter through 2016, the
6 department shall report to the Governor, the Clerk of the Legislature,
7 and the chairperson of the Education Committee of the Legislature on the
8 pilot project. The report submitted to the Clerk of the Legislature and
9 the committee shall be submitted electronically. The project shall
10 continue through school year 2015-16. The project shall be paid for with
11 funds from the Nebraska Education Improvement Innovation Fund as provided
12 in section 9-812.

13 Sec. 3. Section 79-760.03, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 79-760.03 (1) For school year 2009-10 and each school year
16 thereafter, the State Board of Education shall implement a statewide
17 system for the assessment of student learning and for reporting the
18 performance of school districts and learning communities pursuant to this
19 section. The assessment and reporting system shall measure student
20 knowledge of subject matter materials covered by measurable academic
21 content standards selected by the state board.

22 (2) The state board shall adopt a plan for an assessment and
23 reporting system and implement and maintain the assessment and reporting
24 system according to such plan. The plan shall be submitted annually to
25 the State Department of Education, the Governor, the chairperson of the
26 Education Committee of the Legislature, and the Clerk of the Legislature.
27 The plan submitted to the committee and the Clerk of the Legislature
28 shall be submitted electronically. The state board shall select grade
29 levels for assessment and reporting required pursuant to subsections (4)
30 through (7) of this section. The purposes of the system are to:

31 (a) Determine how well public schools are performing in terms of

1 achievement of public school students related to the state academic
2 content standards;

3 (b) Report the performance of public schools based upon the results
4 of state assessment instruments and national assessment instruments;

5 (c) Provide information for the public and policymakers on the
6 performance of public schools; and

7 (d) Provide for the comparison among Nebraska public schools and the
8 comparison of Nebraska public schools to public schools elsewhere.

9 (3) The Governor shall appoint a technical advisory committee to
10 review (a) the statewide assessment plan, (b) and state assessment
11 instruments, and (c) the accountability system developed under the
12 Quality Education Accountability Act. The technical advisory committee
13 shall consist of three nationally recognized experts in educational
14 assessment and measurement, one administrator from a school in Nebraska,
15 and one teacher from a school in Nebraska. The members shall serve terms
16 of three years, except that two of the members shall be appointed for
17 initial terms of two years. Any vacancy shall be filled by the Governor
18 for the remainder of the term. One of the members shall be designated as
19 chairperson by the Governor. Members shall be reimbursed for their actual
20 and necessary expenses as provided in sections 81-1174 to 81-1177. The
21 committee shall advise the Governor, the state board, and the State
22 Department of Education on the development of statewide assessment
23 instruments and the statewide assessment plan. The appointments to the
24 committee shall be confirmed by the Legislature.

25 (4) Through school year 2016-17, the ~~The~~ state board shall prescribe
26 a statewide assessment of writing that relies on writing samples in each
27 of three grades selected by the state board. Each year at least one of
28 the three selected grades shall participate in the statewide writing
29 assessment with each selected grade level participating at least once
30 every three years.

31 (5) For school year 2009-10 and for each school year thereafter, the

1 state board shall prescribe a statewide assessment of reading. The
2 statewide assessment of reading shall include assessment instruments for
3 each of the grade levels three through eight and for one grade in high
4 school and standards adopted by the state board pursuant to section
5 79-760.01. For school year 2017-18 and each school year thereafter, the
6 statewide assessment of reading shall include a component of writing as
7 determined by the state board.

8 (6) For no later than school year 2010-11 and for each school year
9 thereafter, the state board shall prescribe a statewide assessment of
10 mathematics. The statewide assessment of mathematics shall include
11 assessment instruments for each of the grade levels three through eight
12 and for one grade in high school and standards adopted by the state board
13 pursuant to section 79-760.01. ~~If no statewide assessment of mathematics~~
14 ~~is administered in school year 2009-10, school districts shall report~~
15 ~~mathematics assessment results in the same manner as such information was~~
16 ~~reported in school year 2008-09.~~

17 (7) For no later than school year 2011-12 and each school year
18 thereafter, the state board shall prescribe a statewide assessment of
19 science. The statewide assessment of science shall include assessment
20 instruments for each of the grade levels selected by the state board and
21 standards adopted by the state board pursuant to section 79-760.01. The
22 grade levels shall include at least one grade in elementary school, one
23 grade in middle school or junior high school, and one grade in high
24 school.

25 (8) The department shall conduct studies to verify the technical
26 quality of assessment instruments and demonstrate the comparability of
27 assessment instrument results required by the act. The department shall
28 annually report such findings to the Governor, the Legislature, and the
29 state board. The report submitted to the Legislature shall be submitted
30 electronically.

31 (9) The state board shall recommend national assessment instruments

1 for the purpose of national comparison. Beginning with school year
2 2017-18, the state board shall select a national assessment instrument
3 that is also used as a standard college admission test which shall be
4 administered to students in the eleventh grade in every public high
5 school in each school district. Each school district shall report
6 individual student data for scores and sub-scores according to procedures
7 established by the state board and the department pursuant to section
8 79-760.05.

9 (10) The aggregate results of assessment instruments and national
10 assessment instruments shall be reported by the district on a building
11 basis to the public in that district, to the learning community
12 coordinating council if such district is a member of a learning
13 community, and to the department. Each learning community shall also
14 report the aggregate results of any assessment instruments and national
15 assessment instruments to the public in that learning community and to
16 the department. The department shall report the aggregate results of any
17 assessment instruments and national assessment instruments on a learning
18 community, district, and building basis as part of the statewide
19 assessment and reporting system.

20 (11)(a) The assessment and reporting plan shall:

21 (i) Provide for the confidentiality of the results of individual
22 students; and

23 (ii) Include all public schools and all public school students.

24 (b) The state board shall adopt criteria for the inclusion of
25 students with disabilities, students entering the school for the first
26 time, and students with limited English proficiency.

27 The department may determine appropriate accommodations for the
28 assessment of students with disabilities or any student receiving special
29 education programs and services pursuant to section 79-1139. Alternate
30 academic achievement standards in reading, mathematics, and science and
31 alternate assessment instruments aligned with the standards may be among

1 the accommodations for students with severe cognitive disabilities.

2 (12) The state board may select additional grade levels, ~~and~~
3 ~~additional~~ subject areas, or assessment instruments for statewide
4 assessment consistent instruments to comply with federal requirements.

5 (13) The state board shall not require school districts to
6 administer assessments or assessment instruments which are not consistent
7 with other than as prescribed by the act.

8 (14) The state board may shall appoint committees of teachers, from
9 each appropriate subject area, and administrators to assist in the
10 development of statewide assessment instruments required by the act.

11 Sec. 4. Original sections 79-759 and 79-760.03, Reissue Revised
12 Statutes of Nebraska, and section 9-812, Revised Statutes Supplement,
13 2015, are repealed.