

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 525

Introduced by Sullivan, 41.

Read first time January 21, 2015

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend sections 73-106,
2 79-215, 79-301, 79-318, 79-420, 79-760.01, 79-760.02, 79-760.06,
3 79-1205, 79-1315, 79-2204, and 79-2205, Reissue Revised Statutes of
4 Nebraska, and section 71-1962, Revised Statutes Cumulative
5 Supplement, 2014; to change provisions relating to the Nebraska
6 Early Childhood Professional Record System, advertising for bids,
7 admission of homeless students, the deputy commissioner of
8 education, academic content standards, adjustment of educational
9 service unit boundaries, and the State Council on Educational
10 Opportunity for Military Children; to eliminate provisions relating
11 to annual school meetings as prescribed; to harmonize provisions;
12 and to repeal the original sections.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-1962, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 71-1962 (1) Not later than March 1, 2014, the State Department of
4 Education shall create and operate the Nebraska Early Childhood
5 Professional Record System. The system shall be designed in order to:

6 (a) Establish a data base of Nebraska's early childhood education
7 workforce;

8 (b) Verify educational degrees and professional credentials held and
9 relevant training completed by employees of participating applicable
10 child care and early childhood education programs; and

11 (c) Provide such information to the Department of Health and Human
12 Services for use in evaluating applications to be rated at a step above
13 step one under section 71-1959.

14 (2) When an applicable child care or early childhood education
15 program participating in the quality rating and improvement system
16 developed pursuant to section 71-1955 applies under section 71-1959 to be
17 rated at a step above step one, the child care or early childhood
18 education program shall report the educational degrees and professional
19 credentials held and relevant training completed by its child care and
20 early childhood education employees to the Nebraska Early Childhood
21 Professional Record System for the program to be eligible for a quality
22 scale rating above step one.

23 (3) Any child care or early childhood education provider residing or
24 working in Nebraska may report his or her educational degrees and
25 professional credentials held, relevant training completed, and work
26 history to the Nebraska Early Childhood Professional Record System.

27 Sec. 2. Section 73-106, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 73-106 Whenever any public school district in the state expends
30 public funds for the construction, remodeling, or repair of any school-
31 owned building or for site improvements, other than those expenditures

1 authorized by section 79-10,104 for facilities which are not to be owned
2 by the district following their completion, the school board or its
3 representative shall advertise for bids in the regular manner established
4 by the board and accept or reject bids pursuant to section 73-101, except
5 that nothing in this section applies to such construction, remodeling,
6 repair, or site improvements when the contemplated expenditure for the
7 complete project does not exceed one hundred forty thousand dollars. This
8 section does not apply to (a) the acquisition of existing buildings,
9 purchase of new sites, or site expansions by the school district or (b)
10 situations where a certificate has been issued under the Emergency
11 Management Act that immediate action is needed to secure any school-owned
12 building from further damage, injury, or potential loss of life due to a
13 natural or manmade disaster.

14 Sec. 3. Section 79-215, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 79-215 (1) Except as otherwise provided in this section, a student
17 is a resident of the school district where he or she resides and shall be
18 admitted to any such school district upon request without charge.

19 (2) A school board shall admit a student upon request without charge
20 if at least one of the student's parents resides in the school district.

21 (3) A school board shall admit any homeless student upon request
22 without charge if the district is the district in which the student (i)
23 is currently located, (ii) attended when permanently housed, or (iii) was
24 last enrolled.

25 (4) A school board may allow a student whose residency in the
26 district ceases during a school year to continue attending school in such
27 district for the remainder of that school year.

28 (5) A school board may admit nonresident students to the school
29 district pursuant to a contract with the district where the student is a
30 resident and shall collect tuition pursuant to the contract.

31 (6) A school board may admit nonresident students to the school

1 district pursuant to the enrollment option program as authorized by
2 sections 79-232 to 79-246, and such admission shall be without charge.

3 (7) A school board of any school district that is a member of a
4 learning community shall admit nonresident students to the school
5 district pursuant to the open enrollment provisions of a diversity plan
6 in a learning community as authorized by section 79-2110, and such
7 admission shall be without charge.

8 (8) A school board may admit a student who is a resident of another
9 state to the school district and collect tuition in advance at a rate
10 determined by the school board.

11 (9) When a student as a ward of the state or as a ward of any court
12 (a) has been placed in a school district other than the district in which
13 he or she resided at the time he or she became a ward and such ward does
14 not reside in a foster family home licensed or approved by the Department
15 of Health and Human Services or a foster home maintained or used pursuant
16 to section 83-108.04 or (b) has been placed in any institution which
17 maintains a special education program which has been approved by the
18 State Department of Education and such institution is not owned or
19 operated by the district in which he or she resided at the time he or she
20 became a ward, the cost of his or her education and the required
21 transportation costs associated with the student's education shall be
22 paid by the state, but not in advance, to the receiving school district
23 or approved institution under rules and regulations prescribed by the
24 Department of Health and Human Services and the student shall remain a
25 resident of the district in which he or she resided at the time he or she
26 became a ward. Any student who is a ward of the state or a ward of any
27 court who resides in a foster family home licensed or approved by the
28 Department of Health and Human Services or a foster home maintained or
29 used pursuant to section 83-108.04 shall be deemed a resident of the
30 district in which he or she resided at the time he or she became a foster
31 child, unless it is determined under section 43-1311 or 43-1312 that he

1 or she will not attend such district in which case he or she shall be
2 deemed a resident of the district in which the foster family home or
3 foster home is located.

4 (10)(a) When a student is not a ward of the state or a ward of any
5 court and is residing in a residential setting located in Nebraska for
6 reasons other than to receive an education and the residential setting is
7 operated by a service provider which is certified or licensed by the
8 Department of Health and Human Services or is enrolled in the medical
9 assistance program established pursuant to the Medical Assistance Act and
10 Title XIX or XXI of the federal Social Security Act, as amended, the
11 student shall remain a resident of the district in which he or she
12 resided immediately prior to residing in such residential setting. The
13 resident district for a student who is not a ward of the state or a ward
14 of any court does not change when the student moves from one residential
15 setting to another.

16 (b) If a student is residing in a residential setting as described
17 in subdivision (10)(a) of this section and such residential setting does
18 not maintain an interim-program school as defined in section 79-1119.01
19 or an approved or accredited school, the resident school district shall
20 contract with the district in which such residential setting is located
21 for the provision of all educational services, including all special
22 education services and support services as defined in section 79-1125.01,
23 unless a parent or guardian and the resident school district agree that
24 an appropriate education will be provided by the resident school district
25 while the student is residing in such residential setting. If the
26 resident school district is required to contract, the district in which
27 such residential setting is located shall contract with the resident
28 district and provide all educational services, including all special
29 education services, to the student. If the two districts cannot agree on
30 the amount of the contract, the State Department of Education shall
31 determine the amount to be paid by the resident district to the district

1 in which such residential setting is located based on the needs of the
2 student, approved special education rates, the department's general
3 experience with special education budgets, and the cost per student in
4 the district in which such residential setting is located. Once the
5 contract has been entered into, all legal responsibility for special
6 education and related services shall be transferred to the school
7 district in which the residential setting is located.

8 (c) If a student is residing in a residential setting as described
9 in subdivision (10)(a) of this section and such residential setting
10 maintains an interim-program school as defined in section 79-1119.01 or
11 an approved or accredited school, the department shall reimburse such
12 residential setting for the provision of all educational services,
13 including all special education services and support services, with the
14 amount of payment for all educational services determined pursuant to the
15 average per pupil cost of the service agency as defined in section
16 79-1116. The resident school district shall retain responsibility for
17 such student's individualized education plan, if any. The educational
18 services may be provided through (i) such interim-program school or
19 approved or accredited school, (ii) a contract between the residential
20 setting and the school district in which such residential setting is
21 located, (iii) a contract between the residential setting and another
22 service agency as defined in section 79-1124, or (iv) a combination of
23 such educational service providers.

24 (d) If a school district pays a school district in which a
25 residential setting is located for educational services provided pursuant
26 to subdivision (10)(b) of this section and it is later determined that a
27 different school district was the resident school district for such
28 student at the time such educational services were provided, the school
29 district that was later determined to be the resident school district
30 shall reimburse the school district that initially paid for the
31 educational services one hundred ten percent of the amount paid.

1 (e) A student residing in a residential setting described in this
2 subsection shall be defined as a student with a handicap pursuant to
3 Article VII, section 11, of the Constitution of Nebraska, and as such the
4 state and any political subdivision may contract with institutions not
5 wholly owned or controlled by the state or any political subdivision to
6 provide the educational services to the student if such educational
7 services are nonsectarian in nature.

8 (11) In the case of any individual eighteen years of age or younger
9 who is a ward of the state or any court and who is placed in a county
10 detention home established under section 43-2,110, the cost of his or her
11 education shall be paid by the state, regardless of the district in which
12 he or she resided at the time he or she became a ward, to the agency or
13 institution which: (a) Is selected by the county board with jurisdiction
14 over such detention home; (b) has agreed or contracted with such county
15 board to provide educational services; and (c) has been approved by the
16 State Department of Education pursuant to rules and regulations
17 prescribed by the State Board of Education.

18 (12) No tuition shall be charged for students who may be by law
19 allowed to attend the school without charge.

20 (13) On a form prescribed by the State Department of Education, an
21 adult with legal or actual charge or control of a student shall provide
22 the name of the student, the name of the adult with legal or actual
23 charge or control of the student, the address where the student is
24 residing, and the telephone number and address where the adult may
25 generally be reached during the school day. If the student is homeless or
26 if the adult does not have a telephone number and address where he or she
27 may generally be reached during the school day, those parts of the form
28 may be left blank and a box may be marked acknowledging that these are
29 the reasons these parts of the form were left blank. The adult with legal
30 or actual charge or control of the student shall also sign the form.

31 (14) The department may adopt and promulgate rules and regulations

1 to carry out the department's responsibilities under this section.

2 Sec. 4. Section 79-301, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-301 (1) The State Department of Education provided for in Article
5 VII, section 2, of the Constitution of Nebraska shall consist of a State
6 Board of Education and a Commissioner of Education. The State Department
7 of Education shall have general supervision and administration of the
8 school system of the state and of such other activities as the
9 Legislature may direct.

10 (2) The State Board of Education, acting as a unit, shall be the
11 policy-forming, planning, and evaluative body for the state school
12 program. Except in the appointment of a Commissioner of Education, the
13 board shall deliberate and take action with the professional advice and
14 counsel of the Commissioner of Education.

15 (3) The Commissioner of Education shall be the executive officer of
16 the State Board of Education and the administrative head of the
17 professional, technical, and clerical staff of the State Department of
18 Education. The commissioner shall act under the authority of the State
19 Board of Education. The commissioner shall have the responsibility for
20 carrying out the requirements of law and of board policies, standards,
21 rules, and regulations and for providing the educational leadership and
22 services deemed necessary by the board for the proper conduct of the
23 state school program. In the event of vacancy in office or the absence or
24 incapacity of the Commissioner of Education, a ~~the~~ deputy commissioner
25 shall carry out any ~~all~~ the duties imposed by law upon the commissioner.

26 Sec. 5. Section 79-318, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 79-318 The State Board of Education shall:

29 (1) Appoint and fix the compensation of the Commissioner of
30 Education;

31 (2) Remove the commissioner from office at any time for conviction

1 of any crime involving moral turpitude or felonious act, for
2 inefficiency, or for willful and continuous disregard of his or her
3 duties as commissioner or of the directives of the board;

4 (3) Upon recommendation of the commissioner, appoint and fix the
5 compensation of all new professional positions in the department,
6 including any deputy commissioners ~~a deputy commissioner and all~~
7 ~~professional employees of the board;~~

8 (4) Organize the State Department of Education into such divisions,
9 branches, or sections as may be necessary or desirable to perform all its
10 proper functions and to render maximum service to the board and to the
11 state school system;

12 (5) Provide, through the commissioner and his or her professional
13 staff, enlightened professional leadership, guidance, and supervision of
14 the state school system, including educational service units. In order
15 that the commissioner and his or her staff may carry out their duties,
16 the board shall, through the commissioner: (a) Provide supervisory and
17 consultation services to the schools of the state; (b) issue materials
18 helpful in the development, maintenance, and improvement of educational
19 facilities and programs; (c) establish rules and regulations which govern
20 standards and procedures for the approval and legal operation of all
21 schools in the state and for the accreditation of all schools requesting
22 state accreditation. All public, private, denominational, or parochial
23 schools shall either comply with the accreditation or approval
24 requirements prescribed in this section and section 79-703 or, for those
25 schools which elect not to meet accreditation or approval requirements,
26 the requirements prescribed in subsections (2) through (6) of section
27 79-1601. Standards and procedures for approval and accreditation shall be
28 based upon the program of studies, guidance services, the number and
29 preparation of teachers in relation to the curriculum and enrollment,
30 instructional materials and equipment, science facilities and equipment,
31 library facilities and materials, and health and safety factors in

1 buildings and grounds. Rules and regulations which govern standards and
2 procedures for private, denominational, and parochial schools which
3 elect, pursuant to the procedures prescribed in subsections (2) through
4 (6) of section 79-1601, not to meet state accreditation or approval
5 requirements shall be as described in such section; (d) institute a
6 statewide system of testing to determine the degree of achievement and
7 accomplishment of all the students within the state's school systems if
8 it determines such testing would be advisable; (e) prescribe a uniform
9 system of records and accounting for keeping adequate educational and
10 financial records, for gathering and reporting necessary educational
11 data, and for evaluating educational progress; (f) cause to be published
12 laws, rules, and regulations governing the schools and the school lands
13 and funds with explanatory notes for the guidance of those charged with
14 the administration of the schools of the state; (g) approve teacher
15 education programs conducted in Nebraska postsecondary educational
16 institutions designed for the purpose of certificating teachers and
17 administrators; (h) approve certificated-employee evaluation policies and
18 procedures developed by school districts and educational service units;
19 and (i) approve general plans and adopt educational policies, standards,
20 rules, and regulations for carrying out the board's responsibilities and
21 those assigned to the State Department of Education by the Legislature;

22 (6) Adopt and promulgate rules and regulations for the guidance,
23 supervision, accreditation, and coordination of educational service
24 units. Such rules and regulations for accreditation shall include, but
25 not be limited to, (a) a requirement that programs and services offered
26 to school districts by each educational service unit shall be evaluated
27 on a regular basis, but not less than every seven years, to assure that
28 educational service units remain responsive to school district needs and
29 (b) guidelines for the use and management of funds generated from the
30 property tax levy and from other sources of revenue as may be available
31 to the educational service units, to assure that public funds are used to

1 accomplish the purposes and goals assigned to the educational service
2 units by section 79-1204. The State Board of Education shall establish
3 procedures to encourage the coordination of activities among educational
4 service units and to encourage effective and efficient educational
5 service delivery on a statewide basis;

6 (7) Prepare and distribute reports designed to acquaint school
7 district officers, teachers, and patrons of the schools with the
8 conditions and needs of the schools;

9 (8) Provide for consultation with professional educators and lay
10 leaders for the purpose of securing advice deemed necessary in the
11 formulation of policies and in the effectual discharge of its duties;

12 (9) Make studies, investigations, and reports and assemble
13 information as necessary for the formulation of policies, for making
14 plans, for evaluating the state school program, and for making essential
15 and adequate reports;

16 (10) Submit to the Governor and the Legislature a budget necessary
17 to finance the state school program under its jurisdiction, including the
18 internal operation and maintenance of the State Department of Education;

19 (11) Interpret its own policies, standards, rules, and regulations
20 and, upon reasonable request, hear complaints and disputes arising
21 therefrom;

22 (12) With the advice of the Department of Motor Vehicles, adopt and
23 promulgate rules and regulations containing reasonable standards, not
24 inconsistent with existing statutes, governing: (a) The general design,
25 equipment, color, operation, and maintenance of any vehicle with a
26 manufacturer's rated seating capacity of eleven or more passengers used
27 for the transportation of public, private, denominational, or parochial
28 school students; and (b) the equipment, operation, and maintenance of any
29 vehicle with a capacity of ten or less passengers used for the
30 transportation of public, private, denominational, or parochial school
31 students, when such vehicles are owned, operated, or owned and operated

1 by any public, private, denominational, or parochial school or privately
2 owned or operated under contract with any such school in this state,
3 except for vehicles owned by individuals operating a school which elects
4 pursuant to section 79-1601 not to meet accreditation or approval
5 requirements. Similar rules and regulations shall be adopted and
6 promulgated for operators of such vehicles as provided in section 79-607;

7 (13) Accept, on behalf of the Nebraska Center for the Education of
8 Children who are Blind or Visually Impaired, devise of real property or
9 donations or bequests of other property, or both, if in its judgment any
10 such devise, donation, or bequest is for the best interest of the center
11 or the students receiving services from the center, or both, and irrigate
12 or otherwise improve any such real estate when in the board's judgment it
13 would be advisable to do so;

14 (14) Accept, in order to administer the Interstate Compact on
15 Educational Opportunity for Military Children, any devise, donation, or
16 bequest received by the State Department of Education pursuant to section
17 79-2206; and

18 (15) Upon acceptance of any devise, donation, or bequest as provided
19 in this section, administer and carry out such devise, donation, or
20 bequest in accordance with the terms and conditions thereof. If not
21 prohibited by the terms and conditions of any such devise, donation, or
22 bequest, the board may sell, convey, exchange, or lease property so
23 devised, donated, or bequeathed upon such terms and conditions as it
24 deems best and remit all money derived from any such sale or lease to the
25 State Treasurer for credit to the State Department of Education Trust
26 Fund.

27 None of the duties prescribed in this section shall prevent the
28 board from exercising such other duties as in its judgment may be
29 necessary for the proper and legal exercise of its obligations.

30 Sec. 6. Section 79-420, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 79-420 Within thirty days after the creation of a new school
2 district pursuant to sections 79-413 to 79-419, the State Committee for
3 the Reorganization of School Districts shall appoint from among the legal
4 voters of the new school district created the number of members necessary
5 to constitute a school board of the class in which the new school
6 district has been classified. Members of the first board shall be
7 appointed so that their terms will expire in accord with provisions of
8 law governing school districts of the class involved. The board so
9 appointed shall organize at once in the manner prescribed by law. A
10 reorganized school district shall be formed, organized, and have a
11 governing board not later than June ~~April~~ 1 following the last legal
12 action, as prescribed in section 79-413, necessary to effect the changes
13 in boundaries as set forth in the petition, although the physical
14 reorganization of such reorganized school district may not take effect
15 until the commencement of the following school year. At the next ~~annual~~
16 ~~school meeting or~~ election following the establishment of the new school
17 district and at subsequent ~~annual meetings or~~ elections, successors shall
18 be elected in the manner provided by law for election of board members of
19 the class to which the school district belongs.

20 Sec. 7. Section 79-760.01, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 79-760.01 The State Board of Education shall adopt measurable
23 academic content standards for at least the grade levels required for
24 statewide assessment pursuant to section 79-760.03. The standards shall
25 cover the subject areas of reading, writing, mathematics, science, and
26 social studies. The standards adopted shall be sufficiently clear and
27 measurable to be used for testing student performance with respect to
28 mastery of the content described in the state standards. The State Board
29 of Education shall develop a plan to review and update standards for each
30 subject area every seven ~~five~~ years. ~~The state board shall review and~~
31 ~~update the standards in reading by July 1, 2009, the standards in~~

1 ~~mathematics by July 1, 2010, and the standards in all other subject areas~~
2 ~~by July 1, 2013.~~ The state board plan shall include a review of commonly
3 accepted standards adopted by school districts.

4 Sec. 8. Section 79-760.02, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 79-760.02 In accordance with timelines that are adopted by the State
7 Board of Education, but in no event later than one year following the
8 adoption or modification of state standards, each school district shall
9 adopt measurable quality academic content standards in the subject areas
10 of reading, writing, mathematics, science, and social studies. The
11 standards may be the same as, or may be equal to or exceed in rigor, the
12 measurable academic content standards adopted by the state board and
13 shall cover at least the same grade levels. School districts may work
14 collaboratively with educational service units, with learning
15 communities, or through interlocal agreements to develop such standards.
16 ~~Educational service units and learning communities shall develop a~~
17 ~~composite set of standards shared by member school districts.~~

18 Sec. 9. Section 79-760.06, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-760.06 (1) On or before August 1, 2012, the State Board of
21 Education shall establish an accountability system to be used to measure
22 the performance of individual public schools and school districts. The
23 accountability system shall combine multiple indicators, including, but
24 not limited to, graduation rates, student growth and student improvement
25 on the assessment instruments provided in section 79-760.03, and other
26 indicators of the performance of public schools and school districts as
27 established by the state board.

28 (2) Beginning with the reporting of data from school year 2014-15,
29 the indicators selected by the state board for the accountability system
30 shall be combined into a school performance score and district
31 performance score. The state board shall establish levels of performance

1 based upon school performance scores and district performance scores in
2 order to classify the performance of public schools and school districts
3 beginning with the reporting of data from school year 2014-15. The state
4 board shall designate priority schools based on such classification.
5 Schools designated as priority schools shall be at the lowest performance
6 level at the time of the initial priority school designation. Schools
7 designated as priority schools shall remain priority schools until such
8 designation is removed by the state board. No more than three schools may
9 have a priority school designation at one time. Schools designated as
10 priority schools shall be subject to the requirements of section
11 79-760.07. Progress plans for the initial schools designated as priority
12 schools shall be approved by the state board no later than August 15 ~~1~~,
13 2016. The State Department of Education shall annually report the
14 performance level of individual public schools and school districts as
15 part of the statewide assessment and reporting system.

16 Sec. 10. Section 79-1205, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 79-1205 On or before August 1 ~~July 31, 2007, and on or before July~~
19 ~~31~~ of each year ~~thereafter~~, the State Board of Education shall adjust the
20 boundaries of any educational service unit the boundaries of which do not
21 align with the boundaries of the member school districts on August ~~July 1~~
22 of such year. Such boundary adjustments shall align the boundaries of the
23 educational service unit with the boundaries of the member school
24 districts as the boundaries of the member school districts existed on
25 August ~~July 1~~ of such year. Such boundary adjustments shall be referred
26 to the appropriate county and educational service unit officials, and
27 such officials shall implement the adjustments and make the necessary
28 changes in the educational service unit maps and tax records.

29 Sec. 11. Section 79-1315, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 79-1315 (1) The Nebraska Educational Telecommunications Commission

1 shall be composed of eleven members, as follows: (a) The Commissioner of
2 Education or his or her designee; (b) the President of the University of
3 Nebraska or his or her designee; (c) a representative of the state
4 colleges; (d) a representative of the community colleges; (e) a
5 representative of private educational institutions of the State of
6 Nebraska; and (f) six members of the general public, none of whom shall
7 be associated with any of the institutions listed in subdivisions (a)
8 through (e) of this subsection and two of whom shall be from each
9 congressional district. No more than four of the members shall be
10 actively engaged in the teaching profession or administration of an
11 educational institution.

12 (2) The members described in subdivisions (1)(c) through (1)(f) of
13 this section shall be appointed by the Governor with the approval of the
14 Legislature for terms of four years, and the term of the member described
15 in subdivision (1)(d) of this section shall be the same as the term of
16 the member described in subdivision (1)(c) of this section. Vacancies
17 shall be filled by the Governor for the unexpired term. The commission
18 shall be nonpolitical in character, and selection of the members of the
19 commission shall be made on a nonpolitical basis. No member of the
20 commission shall receive any compensation for his or her services.
21 Reimbursement shall be provided for reasonable and necessary expenses
22 incurred in attending scheduled meetings of the commission as provided in
23 sections 81-1174 to 81-1177.

24 If the Commissioner of Education is unable to attend a commission
25 meeting, ~~the deputy commissioner of education or~~ his or her designee is
26 authorized to act on ~~his or her~~ behalf of the commissioner, and if the
27 President of the University of Nebraska or his or her designee is unable
28 to attend a commission meeting, the Executive Vice President and Provost
29 for academic affairs is authorized to act on his or her behalf.

30 Sec. 12. Section 79-2204, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 79-2204 (1) The State Council on Educational Opportunity for
2 Military Children is created within the department. The council shall
3 consist of:

4 (a) The following ex officio members:

5 (i) The Commissioner of Education;

6 (ii) The chairperson of the Education Committee of the Legislature,
7 who shall serve as a nonvoting member of the council;

8 (iii) The compact commissioner appointed pursuant to section
9 79-2205; and

10 (iv) The military family education liaison, who shall serve as a
11 member of the council after his or her appointment pursuant to subsection
12 (3) of this section; and

13 (b) The following members appointed by the State Board of Education:

14 (i) The superintendent of a school district that has a high
15 concentration of children of military families; and

16 (ii) A representative of a military installation located in this
17 state.

18 (2) The members of the council appointed by the State Board of
19 Education shall serve three-year terms. Vacancies in the council shall be
20 filled in the same manner as the initial appointments. The members of the
21 council shall be reimbursed for their actual and necessary expenses as
22 provided in sections 81-1174 to 81-1177.

23 (3) The council shall have the following duties:

24 (a) To advise the department with regard to the state's
25 participation in and compliance with the Interstate Compact on
26 Educational Opportunity for Military Children; and

27 (b) To appoint a military family education liaison to assist
28 families and the state in implementing the compact.

29 (4) When the council holds a single meeting in a calendar year, that
30 meeting may be held by videoconferencing notwithstanding subdivision (2)
31 (e) of section 84-1411.

1 Sec. 13. Section 79-2205, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-2205 A ~~The~~ deputy commissioner of education as designated by the
4 Commissioner of Education shall serve as the compact commissioner and
5 shall be responsible for administering the state's participation in the
6 Interstate Compact on Educational Opportunity for Military Children.

7 Sec. 14. Original sections 73-106, 79-215, 79-301, 79-318, 79-420,
8 79-760.01, 79-760.02, 79-760.06, 79-1205, 79-1315, 79-2204, and 79-2205,
9 Reissue Revised Statutes of Nebraska, and section 71-1962, Revised
10 Statutes Cumulative Supplement, 2014, are repealed.