



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 467

Hearing Date: February 7, 2005
Committee On: Education

Introducer(s): (Byars)

Title: Adopt the Creating Essential Educational Opportunities for All Students Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - Advanced to General File with Amendments
 - X Indefinitely Postponed
-

Vote Results:

7	Yes	Senators Bourne, Howard, Kopplin, McDonald, Raikes, Schrock, and Stuhr
0	No	
0	Present, not voting	
1	Absent	Senator Byars

Proponents:

Senator Dennis Byars
 Fred Meyer
 Doug Christensen
 Joe Higgins
 Brian Hale
 Gil Kettelhut
 Randy Peck
 Norm Ronell
 Mike Ough
 Al Inzerello
 Milford Smith

 Virgil Horne
 Duane Obermier

Representing:

Introducer
 State Board of Education
 Nebraska Department of Education
 State Board of Education
 Nebraska Association of School Boards
 Educational Service Unit #3
 Educational Service Unit #8
 Educational Service Unit #7
 Educational Service Unit #2
 Westside Community Schools
 Nebraska Coalition for Educational Equity and Adequacy
 Lincoln Public Schools
 Nebraska State Education Association

Opponents:

Mitch Rowley
 Tom Seib

Representing:

Nebraska Catholic Conference
 Catholic and Private Schools of Nebraska

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 467 would create the Creating Essential Educational Opportunities for All Students Act, which contains provisions for:

1. Describing an essential education;
2. Stating legislative principles;
3. Appropriations to provide department capacity;
4. Appropriations for regional provision of standards, assessments, and improvement services;
5. Grants to low-performing districts;
6. A High Qualified Teacher Program to provide tuition reimbursement; and
7. Extended teacher contracts.

In addition to creation of the named act, the measure would:

1. Amend the distribution of lottery proceeds;
2. Replace the mentor teacher program with the Beginning Teacher Mentoring and Induction Program;
3. Increase teacher certification fees;
4. Require full-day kindergarten by 2010-11;
5. Increase appropriations and state intents for early childhood education programs;
6. Create a High Cost Fund for high-need school-age students with disabilities;
7. Shift the appropriations for deaf or hard of hearing and for the Nebraska Center for the Education of Children who are Blind or Visually Impaired to the general special education appropriation; and
8. Change the purpose of the School Technology Fund and appropriate funds.

Essential Education

Legislative findings would state:

1. The goal of the state is that all students should have equitable opportunities to obtain an essential education; and
2. An essential education is obtained when students are:
 - a. Proficient in meeting academic content standards set by the State Board of Education;
 - b. Successful at each educational level and in making transitions between levels from early childhood education through postsecondary education or career entry; and
 - c. Effective in functioning in and contributing to our culturally diverse and democratic society.

Legislative Principles

With this measure, the Legislature would adopt the following principles:

1. The Legislature and the State Department of Education set the policies and standards for Nebraska schools;
2. Each student should be able to attend school in a preK-12 district;

3. School districts are political subdivisions created by the Legislature and accountable for reporting their performance;
4. Schools boards are responsible for determining how to provide integrated, planned curriculum based upon standards set by the Legislature and department;
5. Schools are created by school boards as places where instruction occurs, and their existence depends upon the capacity to provide an essential education;
6. School boards must have the authority and resources to provide an essential education in a safe, clean, and supportive learning environment;
7. Highly qualified teachers and staff are necessary to meet the needs of all students;
8. A comprehensive plan of support programs and services is necessary to meet the needs of the diverse students; and
9. The vast geographic area and the sparse population in some areas require that regional support services be available to assist districts.

Department Capacity

An intent is stated for the Legislature to appropriate \$1.5 million annually to the department to provide capacity to:

1. Consult with and provide technical assistance to districts for essential education;
2. Provide technical assistance for low-performing districts;
3. Provide leadership, support, and technical assistance for strategic initiatives to address students who are English language learners and students challenged by poverty, mobility impairments, and other special needs;
4. Provide training and technical assistance to regional entities; and
5. Provide mentoring for new principals, superintendents, and school board members.

Regional Services

An intent is stated for the Legislature to appropriate \$5 million to the department to contract with regional entities, including education service units (E.S.U.'s) and postsecondary institutions, to provide support services to districts in the implementation of standards, assessments, and school improvement.

Low-Performing District Grants

An intent is stated for the Legislature to appropriate \$1 million annually to the department to establish a program of grants to assist school district identified as low-performing districts. Districts could apply on or before February 1 of each year beginning with the 2005-06 school year to receive funding to address areas of low performance. The application would need to identify:

1. Specific weaknesses in the assessment system or student performance and proven strategies to improve;
2. Training needed for teachers or administrators to improve assessments or student performance;
3. Consultants or experts needed to assist with improving assessments or student performance; and

4. The use of other districts, E.S.U.'s, or postsecondary institutions to assist with improving assessments or student performance.

The State Board would set priorities for the awarding of grants on or before February 1 of each year. Successful applicants would be notified by March 2 of the award of a grant and the amount.

Highly Qualified Teacher Program

The Highly Qualified Teacher Program would be created to provide each child with a highly qualified teacher as determined by the State Board. Any teacher regularly employed by a school district, E.S.U., or state-operated school may qualify for reimbursement for tuition, mandatory fees, and required textbooks for coursework leading to college credit earned after September 1, 2005, at any standard institution of higher education in Nebraska. The maximum reimbursement would be limited to the highest per-credit-hour tuition charged by a Nebraska public institution.

The reimbursements would be limited to coursework to:

1. Prepare the teacher to develop assessments;
2. Obtain an endorsement in the area of teaching to which the teacher is assigned;
3. Obtain additional college credits in the assigned area of teaching; and
4. Obtain an additional endorsement.

Reimbursement could be requested after completion of 9 credit hours. The request would need to include a transcript of coursework completed, a statement of tuition and mandatory fees paid by the teacher, and the cost of purchased required textbooks. Reimbursements would not be subject to state withholding or income tax.

Teachers receiving reimbursement would be required to agree in writing to continue teaching in Nebraska in a school district, E.S.U. or state-operated school for a period of 1 year for each 9 credit hours reimbursed. Teachers who fail to uphold the agreement would be required to repay any reimbursement received plus interest at the rate fixed pursuant to § 45-103.

Extended Contracts

On or before September 30 each year beginning in 2006, every teacher employed by a school district, E.S.U., or state-operated school offering educational programs in elementary or high school grades may elect to extend their standard teaching contract for up to 3 additional days for work associated with standards, assessments, accountability, and school improvement. The school board, E.S.U. board, or governing authority of any state-operated school would determine how teachers may use extended contact days in the specified areas and would report on or before October 31 the number of teachers electing to extend their contracts and the amount of funding needed. If sufficient funding has not been appropriated, the department would be required to submit a deficit appropriation request.

Teachers electing an extension would be compensated at a per diem rate of pay calculated by dividing their standard teaching salary by 185 and multiplying by the number of extended contact days, up to 3. The compensation would be paid in a lump sum as soon as the funds are received from the department. Implementation of the extended contracts would be a negotiable

term or condition of employment pursuant to the Industrial Relations Act and the State Employees Collective Bargaining Act.

The department would be authorized to adopt and promulgate rules and regulations to carry out the named act.

Lottery

Section 9-812 would be amended by moving the reinstatement of the requirement for 25% of sales to be transferred to the Education Innovation Fund, the Nebraska Scholarship Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund from January 1, 2008 to July 1, 2006. The requirement was in place prior to October 1, 2003, but was suspended until January 1, 2008 to allow an increase in prizes in an attempt to increase sales. A protection for the named funds is in place that does not allow the amount transferred to be less than the dollar amount transferred in 2002-03.

Section 9-812 would also be amended by directing money in the Education Innovation Fund to be used for the Beginning Teacher Mentoring and Induction Program beginning in 2006-07, except that \$1 million would be transferred to the School District Reorganization Fund for that year. Without the measure, the money would be used for the mentor teacher program, the Attracting Excellence to Teaching Program, and innovative grants allocated by the Governor beginning in 2007-08. The statute currently requires the funds for 2005-06 and 2006-07 to be allocated to the General Fund, except \$1 million each of those years would go to the School District Reorganization Fund. Provisions for the innovative grants and the Excellence in Education Council would be eliminated.

Section 79-8,136 would be amended by deleting provisions for the transfer of funds from the Education Innovation Fund to the Attracting Excellence to Teaching Program Cash Fund.

Beginning Teacher Mentoring and Induction Program

Section 79-761 would be amended by replacing the mentor teacher program with the Beginning Teacher Mentoring and Induction Program. The new program would be created to promote excellence in teaching, enhance student achievement, and increase the retention of beginning teachers who are in their first 3 years of teaching. Beginning with the 2006-07 school year, every district would be required to require all beginning teachers to participate in the program.

School boards would be required to apply for funding by August 1 for the following school year and meets the requirements set by the State Board. Payments would be included as part of the formula need calculation pursuant to § 79-1007.02 beginning with school fiscal year 2010-11 and would be used to pay:

1. \$500 per semester to each mentor who fully participates in the program;
2. For training of mentors and administrators to implement:
 - a. The program;
 - b. The evaluation process; and
 - c. The criteria for beginning teacher evaluation; and

3. For provision of professional development to beginning teachers by E.S.U.'s or standard institutions of higher education.

Certification Fees

Section 79-809 would be amended by increasing the fee for an entry-level certificate from \$45 to \$55 and for a certificate for only nonpublic school from \$30 to \$40. Section 79-810 would be amended to harmonize with the changes to § 79-809.

Full-Day Kindergarten

Section 79-728 would be amended by requiring every school district maintaining elementary grades to offer full-day kindergarten by the 2010-11 school year.

Early Childhood Education

Section 79-1101 would be amended by adding legislative intent to have all at-risk four year old children able to enroll in early childhood education programs by September 1, 2010. Intent would also be added for school district that have received grant funding for early childhood education programs for 3 consecutive years to have the programs included as part of the formula need calculation in the Tax Equity and Educational Opportunities Support Act beginning with school fiscal year 2010-2011. The purpose of the program is also amended to increase state assistance to all school districts.

Section 79-1103 would be amended by adding an intent to appropriate an additional \$15 million annually to expand the availability of early childhood education programs to meet the needs of at-risk children who are at least four years old, but not yet school age.

High Cost Fund

Section 79-1142 would be amended by creating a High Cost Fund for the purpose of assisting school district in addressing the needs of high-need school-age students with disabilities. The fund would consist of a portion of the special education appropriation as determined by the department. A school district could apply to be reimbursed from the fund at a pro rata amount determined by the department, in the year the cost is incurred, for the cost of providing special education and related services to high-need school-age students with disabilities. Any money in the fund not expended in each fiscal year shall be allocated to school districts through the special education reimbursement process. Each fiscal year the department would establish a schedule for reimbursements from the fund to eligible school districts. Any costs reimbursed from the fund in the year incurred shall not be eligible for reimbursement the following year.

Applications would:

1. Address the financial impact of the student on the budget of the school district;
2. Ensure that the cost of the student is greater than 3 times the average per pupil expenditure in the state; and
3. Meet the eligibility criteria established by the department, including the number and percentage of high-need school-age students with disabilities served by the district.

The section would also be amended by the addition of a requirement for the department to annually contract with one or more school districts or E.S.U.'s or with a public institution of city, county, or state government to provide regional and statewide educational and support services for students who are deaf or hard or hearing.

Appropriation for Deaf or Hard of Hearing Programs and the Nebraska Center for the Education of Children who are Blind or Visually Impaired

Section 79-1144 would be amended by causing appropriations for programs for students who are deaf or hard of hearing and for the Nebraska Center for the Education of Children who are Blind or Visually Impaired to be added to funds appropriated for general special education and allowing part of the appropriation to be used for those purposes.

School Technology Fund

Section 79-1310 would be amended by changing the purpose of the School Technology Fund. The fund was created to assist school district with internet connectivity and other telecomputing needs. The new use of the fund would be for projects started on or after July 1, 2005.

Legislative findings would state that the Nebraska Information Technology Commission has identified 3 strategic technology initiatives that will increase the potential for providing an essential education to all students. The State Board could authorize disbursement of the fund to:

1. Develop a broadband, scalable telecommunications infrastructure for use in distance learning classrooms;
2. Develop an internet protocol-based network to connect all existing and future distance learning and video conferencing facilities;
3. Upgrade telecommunications equipment; and
4. Provide training and support programs for educators in the development and use of distance learning.

Funds would be awarded on the basis of need as designated by the State Board. An intent would be stated to appropriate \$10 million annually to the School Technology Fund beginning in 2005-06.

Section 79-1328 would be outright repealed. The section provides for Distance Education Network Completion Grants which were only available for 2001-02 and 2002-03.

Explanation of amendments, if any:

Senator Ron Raikes, Chairperson