



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 579

Hearing Date: February 7, 2005
Committee On: Education

Introducer(s): (Raikes)
Title: Change provisions relating to schools

Roll Call Vote – Final Committee Action:

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

Vote Results:

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

Proponents:

Tammy Barry
Brian Halstead
Russ Inbody

Representing:

On behalf of Senator Ron Raikes – Introducer
Nebraska Department of Education
Nebraska Department of Education

Opponents:

Representing:

Neutral:

Jim Cunningham

Representing:

Nebraska Catholic Conference

Summary of purpose and/or changes:

Legislative Bill 579 is the Department of Education technical bill for 2005. The measure would clarify or make minor revisions to provisions for exempt schools, student transportation, residency, option enrollment, school district reporting requirements, reorganization incentives, reorganizing educational service units, and the Early Childhood Training Center. Substantive changes would include allowing State Board of Education members to be candidates for state offices, reducing the time a district would be allowed to contract for the instruction of all students from 3 years to 2 years, and a requirement for districts to provide transportation allowances to parents of students who live more than 3 miles from the pick up point for transportation provided by the school. A public hearing requirement would be eliminated for itemized estimates for environmental hazards, accessibility barrier elimination, or modifications

for life safety code violations, indoor air quality, or mold abatement and prevention. The sections regarding the Diagnostic Resource Center in Cozad would be outright repealed. A section that requires all schools within the limits of cities of the metropolitan class to be under the control of the Class V school district would also be outright repealed.

Section 43-2007 would be amended by requiring the parents and guardians of students enrolled in exempt schools to provide a certified copy of the student's birth certificate or other reliable proof of the student's identity and age upon enrollment, instead of by October 1st of the first year of the child's attendance.

In § 60-658, the definition of school bus would be amended by replacing a reference to the 1990 Revised Edition of the National Standards for School Buses and National Standards for School Bus Operations from the National Safety Council with a reference to requirements adopted and promulgated pursuant to § 79-318(13), which requires the State Board of Education to adopt and promulgate rules and regulations for vehicles used to transport school children. The definition would also be amended by referring to requirements for general design, equipment, and color, instead of the current color and identification requirements. This change makes the definition consistent with the State Board of Education requirement in § 79-318(13).

Section 79-215 would be amended by clarifying that the state or a court must be the party who places a ward of the state or court in a school district other than the resident school district or an institution for the cost of education to be paid by the state. Clarification is also added stating that a state ward only remains a resident of the district in which he or she resided when they became a ward until he or she is no longer a ward.

Section 79-233 would be amended by broadening the definition of resident school district for purposes of the enrollment option program to include the school district in which the student is admitted as a resident of the school district pursuant to § 79-215. Section 79-215 provides for students to be considered resident students in certain circumstances when they do not reside in the school district. Some of those circumstances include the school district in which a state ward lived prior to becoming a ward and being placed in a setting other than a foster family home and the school district in which a non-custodial parent lives.

Section 79-234 would be amended by providing procedures for students who are allowed to option for a second time due to relocation, merger of the option school district, or the option school district's status as a Class I school district. The student's parent or guardian would be required to submit an application to the new option school district within 30 days of the date of a relocation or the effective date of a merger. If the option school district is a Class I school district, applications would be subject to the deadlines and requirements of § 79-237. Parents and guardians would not be relieved from the compulsory attendance requirements in § 79-210 during the pendency of the application or approval.

Section 79-237 would be amended by requiring applications submitted after March 15th to have a release approval from the resident school district to be approved by the option school district. A deadline of 60 days following submission of the application is added for the option school district to notify the resident school district and the parents or guardians of the acceptance or rejection for applications submitted after March 15th. For cancellations, the parent or guardian

would be required to provide the notification in writing to the option and resident school districts on a form prescribed by the department in advance of the cancellation. A requirement that the notification be provided by March 15th for automatic approval is removed.

Section 79-238 would be amended by requiring school boards to adopt standards and conditions for the approval or disapproval of a release of a resident student submitting an application after March 15th.

Section 79-239 would be amended by requiring written notifications of rejections by either an option or resident school district to be sent by certified mail. A written request and copy of the rejection notice would be required for a parent or guardian to appeal a rejection to the State Board of Education.

Section 79-240 would be amended by deleting a provision allowing the resident and option school district to agree to waive deadlines for applications and for approvals or rejections. The agreement would be achieved if both districts waive the deadlines. A provision for siblings of option students to continue attending the option school district is also deleted.

Section 79-313 would be amended by eliminating a prohibition against State Board of Education members being candidates for state office or boards or commissions that are not limited to an advisory capacity.

Section 79-318 would be amended by expanding the application of requirements for vehicles used to transport school children to include vehicles owned, operated, or contracted by any public, private, denominational, or parochial school. Currently, the State Board of Education is required to adopt rules and regulations for vehicles owned, operated, or contracted by school districts. The rules and regulations would not be applicable to vehicles owned by individuals operating exempt schools.

Section 79-528 would be amended by requiring census reports to be filed with the Commissioner of Education, instead of the Department of Education. The requirement to identify the number of boys and the number of girls in each age category would be eliminated. The requirements for the annual statistical summary and annual financial report to be filed under oath are eliminated. The fall school district membership report would be filed with the Commissioner of Education, instead of being filed with the department.

Section 79-598 would be amended by reducing the amount of time a school district may contract out all of their students from 3 years to 2 years. A provision would be removed requiring an enrollment of at least 5 pupils and an application to the state committee before reopening a school district that has contracted for instruction for 2 or more years

Section 79-606 would be amended by replacing the terms “children” and “school children” with “students.”

Section 79-608 would be amended by replacing a requirement for a special school bus operator’s permit to be obtained before the opening of a school term or before operating a school bus with a

requirement for special school bus operator's permits to expire each year on the birth date of the holder.

Section 79-611 would be amended by recognizing that a school board may partially provide free transportation to students. The determination of whether or not a student lives more than 4 miles from the school would be measured by the shortest route that must actually and necessarily be traveled by motor vehicle to reach the student's residence. When a student qualifies for free transportation or the allowance for transportation and lives more than 3 miles from the location where the student must be picked up and dropped off for school-provided free transportation, the school-provided transportation would be deemed partially provided free transportation. Schools partially providing free transportation shall pay an allowance to the student's parent or guardian equal to 285% of the mileage rate provided in § 81-1176 multiplied by each mile actually and necessarily traveled beyond which the one-way distance from the residence to the pick up and drop off location off exceeds 3 miles. This rate is the same as the general transportation allowance paid when no free transportation is provided.

Section 79-1003 would be amended by specifically including unifies systems in the definition of local system.

Section 79-1010 would be amended by allowing school districts to pay back reorganization incentives in a period of 5 years or less as agreed to by the school district and the department. Currently, incentives are paid back over 5 years. The department would be required to take into consideration the ability of the school district to repay incentives in the fewest number of years and meet the educational needs of the students.

Section 79-1011 would be amended by extending the period for the State Committee for the Reorganization of School Districts to approve incentive payments from 30 to 40 days.

Section 79-1092 would be amended by eliminating a cross reference to § 79-535, which would be outright repealed.

Section 79-10,110 would be amended by eliminating a requirement for school boards to conduct a public hearing on the itemized estimates for environmental hazards, accessibility barrier elimination, or modifications for life safety code violations, indoor air quality, or mold abatement and prevention prior to presenting such estimate to the county clerk.

Section 79-1102 would be amended by requiring the Department of Education to designate an educational service unit to operate an Early Childhood Training Center. Currently, the center is required to be established under the jurisdiction of the Department of Education.

Section 79-1110 would be amended by eliminating sections that would be outright repealed from the Special Education Act.

Section 79-1212 would be amended by replacing a requirement for the Commissioner of Education to call a meeting of the board members of each educational service units that is being reorganized with a requirement for a meeting of each of the boards of those educational service units called by the president of the respective boards.

Section 79-1601 would be amended by replacing the terms “pupils” and “children” with “students.” Clarification is also added that individuals utilized, but not employed, by exempt schools are not required to meet certification requirements.

Section 79-1606 would be amended by replacing the term “pupils” with “students.”

Section 85-607 would be amended by replacing the term “child” with “student.”

Outright Repeals

Section 79-535 would be outright repealed. The section provides that all schools within the limits of cities of the metropolitan class shall be under the direction and control of the board of education of the Class V school district.

Sections 79-1168 to 79-1178 would be outright repealed. These sections provide for the Diagnostic Resource Center in Cozad.

Explanation of amendments, if any:

The Committee Amendments would increase the maximum fees for entry-level certificates by \$10 from \$45 to \$55 for certificates valid in all schools and from \$30 to \$40 for certificates valid only in nonpublic schools. The amendments also clarify that repayment of reorganization incentives takes place over 5 years, unless the school district and the department agree to a shorter time frame. A grammatical correction is made to existing provisions regarding the application of general school laws to private, denominational, and parochial schools.

Senator Ron Raikes, Chairperson