LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1144

 Introduced by Ashford, 20; Nordquist, 7; Pahls, 31.
Read first time January 19, 2012
Committee: Education

A BILL

FOR AN ACT relating to schools; to amend sections 79-1001, 79-1003,
79-1007.11, and 85-1412, Revised Statutes Supplement,
2011; to provide for career academy schools; to provide
for a career academy school allowance under the Tax
Equity and Educational Opportunities Support Act; to
harmonize provisions; and to repeal the original
sections.

Be it enacted by the people of the State of Nebraska,
Section 1. (1) Any school district, with the approval of the department, may establish and operate a career academy school. The purpose of the career academy school is to provide holistic education to help students find a career-based educational alternative to a college-bound educational curriculum. A school district may partner with another school district, an educational service unit, a learning community, a community college, or a private entity in the establishment and operation of a career academy school.

(2) A career academy school established pursuant to subsection (1) of this section shall:

(a) Recruit students who seek a career-based curriculum, which curriculum shall be based on criteria determined by the State Department of Education;

(b) Recruit and hire instructors based on their expertise in career-based education;

(c) Serve students in grades seven through twelve; and

(d) Provide an academic curriculum focusing on mathematics, science, and technology with a transition component to prepare youth for the workforce, including, but not limited to, internships, job training, and skills training.

(3) The number of students enrolled in a career academy school and their grade levels shall be accounted for separately by the operating school district in the reports required pursuant to section 79-528.

In addition to funding provided pursuant to section 3 of
this act, a career academy school may also receive private donations
for operating expenses.

Sec. 2. Section 79-1001, Revised Statutes Supplement, 2011, is amended to read:

79-1001 Sections 79-1001 to 79-1033 and section 3 of this act shall be known and may be cited as the Tax Equity and Educational Opportunities Support Act.

Sec. 3. For school fiscal year 2013-14 and each school fiscal year thereafter, the department shall determine the career academy school allowance for each school district which submits the information required for the calculation on a form prescribed by the department on or before October 15 of the school fiscal year preceding the school fiscal year for which aid is being calculated. The career academy school allowance for each school district shall equal the sum of the allowances calculated pursuant to this section for each career academy school approved by the department and operated by the school district for the school fiscal year for which aid is being calculated.

For the school fiscal year containing the majority of the first school year that a school will be in operation as a career academy school meeting the requirements of section 1 of this act, the career academy school allowance for such career academy school shall equal the statewide average general fund operating expenditures per formula student multiplied by 0.10 then multiplied by the estimated number of students who will be participating in the career academy.
school as reported on the form required pursuant to this section.

For the school fiscal year containing the majority of the second school year that a school will be in operation as a career academy school meeting the requirements of section 1 of this act, the career academy school allowance for such career academy school shall equal the statewide average general fund operating expenditures per formula student multiplied by 0.10 then multiplied by (1) for state aid certified pursuant to section 79-1022, the difference of the product of two multiplied by the number of students participating in the career academy school as reported on the fall membership report from the school fiscal year immediately preceding the school fiscal year in which the aid is to be paid minus the estimated number of students used in the certification of state aid pursuant to section 79-1022 for the school fiscal year immediately preceding the school fiscal year in which the aid is to be paid and (2) for the final calculation of state aid pursuant to section 79-1065, the difference of the product of two multiplied by the number of students participating in the career academy school as reported on the annual statistical summary report from the school fiscal year immediately preceding the school fiscal year in which the aid was paid minus the estimated number of students used in the final calculation of state aid pursuant to section 79-1065 for the school fiscal year immediately preceding the school fiscal year in which the aid is to be paid.

For the school fiscal year containing the majority of the
third school year that a school will be in operation as a career
academy school meeting the requirements of section 1 of this act and
each school fiscal year thereafter, the career academy school
allowance for such career academy school shall equal the statewide
average general fund operating expenditures per formula student
multiplied by 0.10 then multiplied by the number of students
participating in the career academy school as reported on the fall
membership report from the school fiscal year immediately preceding
the school fiscal year in which the aid is to be paid for state aid
certified pursuant to section 79-1022 and as reported on the annual
statistical summary report from the school fiscal year immediately
preceding the school fiscal year in which the aid was paid for the
final calculation of state aid pursuant to section 79-1065.

Sec. 4. Section 79-1003, Revised Statutes Supplement, 2011, is amended to read:

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

(1) Adjusted general fund operating expenditures means
(a) for school fiscal years 2010-11 through 2012-13, the difference
of the general fund operating expenditures as calculated pursuant to
subdivision (22) of this section increased by, or for aid calculated
for school fiscal year 2010-11 multiplied by, the cost growth factor
calculated pursuant to section 79-1007.10, minus the transportation
allowance, special receipts allowance, poverty allowance, limited
English proficiency allowance, distance education and
telecommunications allowance, elementary site allowance, elementary class size allowance, summer school allowance, instructional time allowance, teacher education allowance, and focus school and program allowance, and (b) for school fiscal year 2013-14 and each school fiscal year thereafter, the difference of the general fund operating expenditures as calculated pursuant to subdivision (22) of this section increased by the cost growth factor calculated pursuant to section 79-1007.10, minus the transportation allowance, special receipts allowance, poverty allowance, limited English proficiency allowance, distance education and telecommunications allowance, elementary site allowance, summer school allowance, instructional time allowance, teacher education allowance, career academy school allowance, and focus school and program allowance;

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

(3) Allocated income tax funds means the amount of assistance paid to a local system pursuant to section 79-1005.01 as
adjusted by the minimum levy adjustment pursuant to section 79-1008.02;

(4) Average daily membership means the average daily membership for grades kindergarten through twelve attributable to the local system, as provided in each district's annual statistical summary, and includes the proportionate share of students enrolled in a public school instructional program on less than a full-time basis;

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

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

(7) Categorical funds means funds limited to a specific purpose by federal or state law, including, but not limited to, Title I funds, Title VI funds, federal vocational education funds, federal school lunch funds, Indian education funds, Head Start funds, and funds from the Education Innovation Fund. Categorical funds does not include funds received pursuant to section 79-1028.02 or 79-1028.04;

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

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

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

(11) Department means the State Department of Education;

(12) District means any Class I, II, III, IV, V, or VI school district and, beginning with the calculation of state aid for school fiscal year 2011-12 and each school fiscal year thereafter, a unified system as defined in section 79-4,108;

(13) Ensuing school fiscal year means the school fiscal year following the current school fiscal year;

(14) Equalization aid means the amount of assistance calculated to be paid to a local system pursuant to sections 79-1007.11 to 79-1007.23, 79-1007.25, 79-1008.01 to 79-1022, 79-1022.02, 79-1028.02, and 79-1028.04;

(15) Fall membership means the total membership in kindergarten through grade twelve attributable to the local system as reported on the fall school district membership reports for each district pursuant to section 79-528;
(16) Fiscal year means the state fiscal year which is the period from July 1 to the following June 30;

(17) Formula students means:

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

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

(18) Free lunch and free milk student means a student who qualified for free lunches or free milk from the most recent data
available on November 1 of the school fiscal year immediately preceding the school fiscal year in which aid is to be paid;

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

(20) General fund budget of expenditures means the total budget of disbursements and transfers for general fund purposes as certified in the budget statement adopted pursuant to the Nebraska Budget Act, except that for purposes of the limitation imposed in section 79-1023 and the calculation pursuant to subdivision (2) of section 79-1027.01, the general fund budget of expenditures does not include any special grant funds, exclusive of local matching funds, received by a district;

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

(22) General fund operating expenditures means:

(a) For state aid calculated for school fiscal years 2010-11 and 2011-12, as reported on the annual financial report for the second school fiscal year immediately preceding the school fiscal year in which aid is to be paid, the total general fund expenditures minus (i) the amount of all receipts to the general fund, to the extent that such receipts are not included in local system formula resources, from early childhood education tuition, summer school tuition, educational entities as defined in section 79-1201.01 for providing distance education courses through the Educational Service Unit Coordinating Council to such educational entities, private
foundations, individuals, associations, charitable organizations, the
textbook loan program authorized by section 79-734, federal impact
aid, and levy override elections pursuant to section 77-3444, (ii)
the amount of expenditures for categorical funds, tuition paid,
transportation fees paid to other districts, adult education,
community services, redemption of the principal portion of general
fund debt service, retirement incentive plans authorized by section
79-855, and staff development assistance authorized by section
79-856, (iii) the amount of any transfers from the general fund to
any bond fund and transfers from other funds into the general fund,
(iv) any legal expenses in excess of fifteen-hundredths of one
percent of the formula need for the school fiscal year in which the
expenses occurred, (v) expenditures to pay for sums agreed to be paid
by a school district to certificated employees in exchange for a
voluntary termination occurring prior to July 1, 2009, and (vi)(A)
expenditures in school fiscal years 2009-10 through 2013-14 to pay
for employer contributions pursuant to subsection (2) of section
79-958 to the School Retirement System of the State of Nebraska to
the extent that such expenditures exceed the employer contributions
under such subsection that would have been made at a contribution
rate of seven and thirty-five hundredths percent or (B) expenditures
in school fiscal years 2009-10 through 2013-14 to pay for school
district contributions pursuant to subdivision (1)(c)(i) of section
79-9,113 to the retirement system established pursuant to the Class V
School Employees Retirement Act to the extent that such expenditures

exceed the school district contributions under such subdivision that
would have been made at a contribution rate of seven and thirty-seven
hundredths percent; and

(b) For state aid calculated for school fiscal years
2012-13 and each school fiscal year thereafter, as reported on the
annual financial report for the second school fiscal year immediately
preceding the school fiscal year in which aid is to be paid, the
total general fund expenditures minus (i) the amount of all receipts
to the general fund, to the extent that such receipts are not
included in local system formula resources, from early childhood
education tuition, summer school tuition, educational entities as
defined in section 79-1201.01 for providing distance education
courses through the Educational Service Unit Coordinating Council to
such educational entities, private foundations, individuals,
associations, charitable organizations, the textbook loan program
authorized by section 79-734, federal impact aid, and levy override
elections pursuant to section 77-3444, (ii) the amount of
expenditures for categorical funds, tuition paid, transportation fees
paid to other districts, adult education, community services,
redemption of the principal portion of general fund debt service,
retirement incentive plans authorized by section 79-855, and staff
development assistance authorized by section 79-856, (iii) the amount
of any transfers from the general fund to any bond fund and transfers
from other funds into the general fund, (iv) any legal expenses in
excess of fifteen-hundredths of one percent of the formula need for
the school fiscal year in which the expenses occurred, (v) expenditures to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination occurring prior to July 1, 2009, or occurring on or after the last day of the 2010-11 school year and prior to the first day of the 2013-14 school year, (vi)(A) expenditures in school fiscal years 2009-10 through 2016-17 to pay for employer contributions pursuant to subsection (2) of section 79-958 to the School Employees Retirement System of the State of Nebraska to the extent that such expenditures exceed the employer contributions under such subsection that would have been made at a contribution rate of seven and thirty-five hundredths percent or (B) expenditures in school fiscal years 2009-10 through 2016-17 to pay for school district contributions pursuant to subdivision (1)(c)(i) of section 79-9,113 to the retirement system established pursuant to the Class V School Employees Retirement Act to the extent that such expenditures exceed the school district contributions under such subdivision that would have been made at a contribution rate of seven and thirty-seven hundredths percent, and (vii) any amounts paid by the district for lobbyist fees and expenses reported to the Clerk of the Legislature pursuant to section 49-1483.

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

(23) High school district means a school district
providing instruction in at least grades nine through twelve;

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

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

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

(27) Local system means a learning community for purposes
of calculation of state aid for the second full school fiscal year
after becoming a learning community and each school fiscal year
thereafter, a unified system, a Class VI district and the associated
Class I districts, or a Class II, III, IV, or V district and any
affiliated Class I districts or portions of Class I districts. The membership, expenditures, and resources of Class I districts that are affiliated with multiple high school districts will be attributed to local systems based on the percent of the Class I valuation that is affiliated with each high school district;

(28) Low-income child means a child under nineteen years of age living in a household having an annual adjusted gross income for the second calendar year preceding the beginning of the school fiscal year for which aid is being calculated equal to or less than the maximum household income that would allow a student from a family of four people to be a free lunch and free milk student during the school fiscal year immediately preceding the school fiscal year for which aid is being calculated;

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

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

(31) Poverty students means the number of low-income
students or the number of students who are free lunch and free milk
students in a district plus the difference of the number of low-
income students or the number of students who are free lunch and free
milk students in a district, whichever is greater, minus the average
number of poverty students for such district, prior to such addition,
for the three immediately preceding school fiscal years if such
difference is greater than zero;

(32) Qualified early childhood education average daily
membership means the product of the average daily membership for
school fiscal year 2006-07 and each school fiscal year thereafter of
students who will be eligible to attend kindergarten the following
school year and are enrolled in an early childhood education program
approved by the department pursuant to section 79-1103 for such
school district for such school year multiplied by the ratio of the
actual instructional hours of the program divided by one thousand
thirty-two if: (a) The program is receiving a grant pursuant to such
section for the third year; (b) the program has already received
grants pursuant to such section for three years; or (c) the program
has been approved pursuant to subsection (5) of section 79-1103 for
such school year and the two preceding school years, including any
such students in portions of any of such programs receiving an
expansion grant;

(33) Qualified early childhood education fall membership
means the product of membership on the last Friday in September 2006
and each year thereafter of students who will be eligible to attend
kindergarten the following school year and are enrolled in an early childhood education program approved by the department pursuant to section 79-1103 for such school district for such school year multiplied by the ratio of the planned instructional hours of the program divided by one thousand thirty-two if: (a) The program is receiving a grant pursuant to such section for the third year; (b) the program has already received grants pursuant to such section for three years; or (c) the program has been approved pursuant to subsection (5) of section 79-1103 for such school year and the two preceding school years, including any such students in portions of any of such programs receiving an expansion grant;

(34) Regular route transportation means the transportation of students on regularly scheduled daily routes to and from the attendance center;

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

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

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

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

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

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

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

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

(39) Special grant funds means the budgeted receipts for
grants, including, but not limited to, categorical funds,
reimbursements for wards of the court, short-term borrowings
including, but not limited to, registered warrants and tax
anticipation notes, interfund loans, insurance settlements, and
reimbursements to county government for previous overpayment. The
state board shall approve a listing of grants that qualify as special
grant funds;
(40) State aid means the amount of assistance paid to a district pursuant to the Tax Equity and Educational Opportunities Support Act;

(41) State board means the State Board of Education;

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

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

(44) Statewide average general fund operating expenditures per formula student means the statewide total general fund operating expenditures for all districts divided by the statewide total formula students for all districts;

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

(46) Temporary aid adjustment factor means (a) for school fiscal years before school fiscal year 2007-08, one and one-fourth percent of the sum of the local system's transportation allowance, the local system's special receipts allowance, and the product of the local system's adjusted formula students multiplied by the average formula cost per student in the local system's cost grouping and (b) for school fiscal year 2007-08, one and one-fourth percent of the sum of the local system's transportation allowance, special receipts allowance, and distance education and telecommunications allowance and the product of the local system's adjusted formula students
multiplied by the average formula cost per student in the local
system's cost grouping;

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

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

(49) Very sparse local system means a local system that
has:

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

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

Sec. 5. Section 79-1007.11, Revised Statutes Supplement,
2011, is amended to read:

79-1007.11 (1) Except as otherwise provided in this
section, for school fiscal year 2010-11, each school district's
formula need shall equal the difference of the sum of the school
district's basic funding, poverty allowance, limited English
proficiency allowance, elementary class size allowance, focus school
and program allowance, summer school allowance, special receipts
allowance, transportation allowance, elementary site allowance,
instructional time allowance, teacher education allowance, distance
education and telecommunications allowance, averaging adjustment, new
learning community transportation adjustment, student growth
adjustment, and new school adjustment, minus the sum of the limited
English proficiency allowance correction, poverty allowance
correction, and local choice adjustment.

(2) Except as otherwise provided in this section, for
school fiscal years 2011-12 and 2012-13, each school district's
formula need shall equal the difference of the sum of the school
district's basic funding, poverty allowance, limited English
proficiency allowance, elementary class size allowance, focus school
and program allowance, summer school allowance, special receipts
allowance, transportation allowance, elementary site allowance,
instructional time allowance, teacher education allowance, distance
education and telecommunications allowance, averaging adjustment, new
learning community transportation adjustment, student growth
adjustment, any positive student growth adjustment correction, and
new school adjustment, minus the sum of the limited English
proficiency allowance correction, poverty allowance correction, any
negative student growth adjustment correction, and local choice adjustment.

(3) Except as otherwise provided in this section, for school fiscal year 2013-14 and each school fiscal year thereafter, each school district's formula need shall equal the difference of the sum of the school district's basic funding, poverty allowance, limited English proficiency allowance, career academy school allowance, focus school and program allowance, summer school allowance, special receipts allowance, transportation allowance, elementary site allowance, instructional time allowance, teacher education allowance, distance education and telecommunications allowance, averaging adjustment, new learning community transportation adjustment, student growth adjustment, any positive student growth adjustment correction, and new school adjustment, minus the sum of the limited English proficiency allowance correction, poverty allowance correction, any negative student growth adjustment correction, and local choice adjustment.

(4) For state aid calculated for all school fiscal years except school fiscal year 2011-12, if the formula need calculated for a school district pursuant to subsections (1) through (3) of this section is less than one hundred percent of the formula need for such district for the school fiscal year immediately preceding the school fiscal year for which aid is being calculated, the formula need for such district shall equal one hundred percent of the formula need for such district for the school fiscal year immediately preceding the
school fiscal year for which aid is being calculated. For state aid calculated for school fiscal year 2011-12, if the formula need calculated for a school district pursuant to subsection (2) of this section is less than ninety-five percent of the formula need for such district for the school fiscal year immediately preceding the school fiscal year for which aid is being calculated, the formula need for such district shall equal ninety-five percent of the formula need for such district for the school fiscal year immediately preceding the school fiscal year for which aid is being calculated.

(5) For state aid calculated for school fiscal years except school fiscal year 2011-12, except as provided in subsection (7) of this section, if the formula need calculated for a school district pursuant to subsections (1) through (3) of this section is more than one hundred twelve percent of the formula need for such district for the school fiscal year immediately preceding the school fiscal year for which aid is being calculated, the formula need for such district shall equal one hundred twelve percent of the formula need for such district for the school fiscal year immediately preceding the school fiscal year for which aid is being calculated, except that the formula need shall not be reduced pursuant to this subsection for any district receiving a student growth adjustment for the school fiscal year for which aid is being calculated. For state aid calculated for school fiscal year 2011-12, except as provided in subsection (7) of this section, if the formula need calculated for a school district pursuant to subsection (2) of this section is more
than one hundred seven percent of the formula need for such district
for the school fiscal year immediately preceding the school fiscal
year for which aid is being calculated, the formula need for such
district shall equal one hundred seven percent of the formula need
for such district for the school fiscal year immediately preceding
the school fiscal year for which aid is being calculated, except that
the formula need shall not be reduced pursuant to this subsection for
any district receiving a student growth adjustment for the school
fiscal year for which aid is being calculated.

(6) For purposes of subsections (4) and (5) of this
section, the formula need for the school fiscal year immediately
preceding the school fiscal year for which aid is being calculated
shall be the formula need used in the final calculation of aid
pursuant to section 79-1065 and for districts that were affected by a
reorganization with an effective date in the calendar year preceding
the calendar year in which aid is certified for the school fiscal
year for which aid is being calculated, the formula need for the
school fiscal year immediately preceding the school fiscal year for
which aid is being calculated shall be attributed to the affected
school districts based on information provided to the department by
the school districts or proportionally based on the adjusted
valuation transferred if sufficient information has not been provided
to the department.

(7) For state aid calculated for the first full school
fiscal year of a new learning community, if the formula need
calculated for a member school district pursuant to subsections (1) through (4) of this section is less than the sum of the school district's state aid certified for the school fiscal year immediately preceding the first full school fiscal year of the learning community plus the school district's other actual receipts included in local system formula resources pursuant to section 79-1018.01 for such school fiscal year plus the product of the school district's general fund levy for such school fiscal year up to one dollar and five cents multiplied by the school district's assessed valuation for such school fiscal year, the formula need for such school district for the school fiscal year for which aid is being calculated shall equal such sum.

Sec. 6. Section 85-1412, Revised Statutes Supplement, 2011, is amended to read:

85-1412 The commission shall have the following additional powers and duties:

(1) Conduct surveys and studies as may be necessary to undertake the coordination function of the commission pursuant to section 85-1403 and request information from governing boards and appropriate administrators of public institutions and other governmental agencies for research projects. All public institutions and governmental agencies receiving state funds shall comply with reasonable requests for information under this subdivision. Public institutions may comply with such requests pursuant to section 85-1417;
(2) Recommend to the Legislature and the Governor legislation it deems necessary or appropriate to improve postsecondary education in Nebraska and any other legislation it deems appropriate to change the role and mission provisions in sections 85-917 to 85-966.01;

(3) Establish any advisory committees as may be necessary to undertake the coordination function of the commission pursuant to section 85-1403 or to solicit input from affected parties such as students, faculty, governing boards, administrators of the public institutions, administrators of the private nonprofit institutions of postsecondary education and proprietary institutions in the state, and community and business leaders regarding the coordination function of the commission;

(4) Participate in or designate an employee or employees to participate in any committee which may be created to prepare a coordinated plan for the delivery of educational programs and services in Nebraska through the telecommunications system;

(5) Seek a close liaison with the State Board of Education and the State Department of Education in recognition of the need for close coordination of activities between elementary and secondary education and postsecondary education;

(6) Administer the Integrated Postsecondary Education Data System or other information system or systems to provide the commission with timely, comprehensive, and meaningful information pertinent to the exercise of its duties. The information system shall
be designed to provide comparable data on each public institution. The commission shall also administer the uniform information system prescribed in sections 85-1421 to 85-1427 known as the Nebraska Educational Data System. Public institutions shall supply the appropriate data for the information system or systems required by the commission;

(7) Administer the Access College Early Scholarship Program Act, the Nebraska Opportunity Grant Act, and the Postsecondary Institution Act;

(8) Accept and administer loans, grants, and programs from the federal or state government and from other sources, public and private, for carrying out any of its functions, including the administration of privately endowed scholarship programs. Such loans and grants shall not be expended for any other purposes than those for which the loans and grants were provided. The commission shall determine eligibility for such loans, grants, and programs, and such loans and grants shall not be expended unless approved by the Governor;

(9) On or before December 1 of each even-numbered year, submit to the Legislature and the Governor a report of its objectives and activities and any new private colleges in Nebraska and the implementation of any recommendations of the commission for the preceding two calendar years;

(10) Provide staff support for interstate compacts on postsecondary education; and
(11) Request inclusion of the commission in any existing grant review process and information system and

(12) In collaboration with the State Department of Education, public and private postsecondary educational institutions, private, denominational, or parochial secondary schools, educational service units, and school districts, conduct a study regarding the need for uniform policies and practices for dual-enrollment courses and career academies in Nebraska, including transferability of dual-enrollment courses and consistency of administration of career academies. The study shall also include a review of any program that provides Nebraska high school students with the opportunity to earn college credit or advanced placement through participation in courses and examinations administered by a not-for-profit organization and of the need for uniform policies and practices related to the acceptance and transferability of such courses and the college credit or advanced placement earned as a result of a student's performance on such examinations. The commission shall report the findings of such study and its recommendations, including recommendations for possible legislation, to the Legislature on or before December 15, 2011. For purposes of this subdivision, dual-enrollment course has the same definition as provided in section 79-1201.01.

Sec. 7. Original sections 79-1001, 79-1003, 79-1007.11, and 85-1412, Revised Statutes Supplement, 2011, are repealed.