

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~~ 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.