

**ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018**  
**COMMITTEE STATEMENT**  
**LB1081**

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**Hearing Date:** Monday February 12, 2018  
**Committee On:** Education  
**Introducer:** Education  
**One Liner:** Change education provisions regarding reporting, penalties, residency, boundaries, priority schools, subpoena authority, poverty, and limited English proficiency

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

**Aye:** 8 Senators Ebke, Groene, Erdman, Kolowski, Linehan, Morfeld, Pansing  
Brooks, Walz

**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**  
LaMont Rainey  
Brian Halstead

**Representing:**  
Introducer on behalf of the Education Committee  
Nebraska Department of Education

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Section 1. Requires the Learning Community Coordinating Council (LCCC) to file an Annual Financial Report with NDE. Currently, NDE compiles this data by pulling the data from the Learning Community and its member school districts.

Section 2. Amends 79-262 (School board or board of education; rules and standards; establish; distribute and post.) to require that all school boards in collaboration with the county attorney in which their principal office is located, review the rules and standards for student conduct adopted by the school board which would require the school to contact law enforcement if a student were to display such conduct.

Section 3. Amends 79-293 (Nebraska Criminal Code violation; principal or principal's designee; notify law enforcement authorities; immunity.) to change the reference from 79-267 to 79-262, as such section requires school principals to contact law enforcement in certain instances.

Section 4. Amends 79-2,136 (Part-time enrollment; school board; duties; section, how construed.) which section provides for part-time enrollment of students, to provide that districts under this section can enroll nonresident students as allowed under 79-215, which section provides for student admission and tuition.

Section 5. Amends 79-408 (Class IV school district; boundaries; body corporate; powers; retirement plans; restrictions.) to provide that a territory within a city of the primary or metropolitan class that is not a part of a learning community shall constitute a Class IV school district. Currently, only a territory within a city of the primary class may be a Class IV school

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district. (Please note: that once a city is designated a metropolitan class city, it must become part of a Learning Community.)

Section 5 also repeals obsolete language that permitted a Class IV district to adopt or amend their own retirement plans and annuities. The retirement duties that are being removed under this bill are currently handled by the Public Employee Retirement Board (PERB) for a Class IV school district.

Section 6. Amends 79-528 (Reports; filing requirements; contents.) to no longer require the Nebraska Department of Education to file the following reports with the Learning Community Coordinating Council:

- Census count of 5-18 year olds in the Learning Community based on the number of 5-18 year old students attending a member school district according to the school district reports filed with the department;

- End-of-the-school-year annual statistical summary based on member school districts, the summary shows (a) the number of children attending school during the year under 5 years of age, (b) the length of time the school has been taught by a qualified teacher, (c) the length of time taught by each substitute teacher, and (d) such other information as the Commissioner of Education directs.

- The Annual Financial Report (AFR) for the LCCC based on the annual financial report filed by each member school district, which report includes; (1) the aggregate amount of money received from all sources during the year and the aggregate amount of money expended during the school year both for member school districts, (2) the aggregate amount of bonded indebtedness for all member school districts, (3) such other aggregate information necessary to fulfill the requirements of the Tax Equity and Educational Opportunities Support Act (TEEOSA) and section 79-1114 for all member school districts; (4) such other aggregate information as the Commissioner of Education directs for all member school districts.

- The Fall Learning Community Membership Report contains the following information: (1) the aggregate students by grade level for all member school districts, (2) school district levies and total assessed valuation for the current fiscal year, (3) students enrolled in the district as option students, resident students in another district as option students...; (4) such other information as the Commissioner of Education directs for all member school districts.

Section 6 also changes the reporting date of the "fall school district membership report" from "the last Friday in September" to "October 1" of a given year. This aligns data report for state and federal purposes.

Section 7. Amends 79-529 (Failure to file annual financial report; use of other reports.) by making a technical clean-up striking the phrase "subdivision (3) (a)" and replacing it with "subsection (3)" of section 79-528.

Section 8. Amends 79-760.06 (Accountability system; combine multiple indicators; State Department of Education; powers; duties; designation of priority schools.) to change the current provision that "no more than three" schools may be designated priority schools to now provide that "no less than three" schools may be designated priority schools. This change does not require an increase in the number of priority schools but permits more schools can be designated a priority school and federal funds from ESSA can be used.

This section also strikes an obsolete reference for progress plans for the initial schools designated as priority schools by August 15, 2016, as that date has already passed and those plans implemented.

Section 9. Amends 79-760.07 (Priority school; intervention team; members; duties; expenses; develop progress plan; contents; compliance required; review; school board; duties; Commissioner of Education; report; contents.) changes from five to three, the number of years a school can be designated a priority school before the State Board shall reevaluate the progress plan to determine if significant revision to the plan, a new plan or an alternative administrative structure is necessary. This changes permits the State Board to consider the revision of a plan of a priority school on a 3-year cycle which aligns with federal law.

Section 10. Amends section 79-870 (Commissioner; commission; board; witnesses; subpoena.) to clarify that a subpoena issued by the Commissioner is to be used for investigatory purposes to carry out duties assigned in section 79-866 and mirrors language used by Legislature for other agencies for investigatory subpoenas.

Section 11. Amends 79-1003 (Terms, defined./TEEOSA) subsection (34) to change the date under the "qualified early childhood education fall membership" definition from "the last Friday in September" to "October 1" of each school year.

Section 12. Amends 79-1007.06 (Poverty allowance; calculation.) to strike obsolete language, as well as to strike the reference to the requirement that a school district that designates a maximum poverty allowance of more than a dollar must submit a poverty plan pursuant to 79-1013, which section is repealed under section 21 of this bill.

Section 13. Amends 79-1007.07 (Financial reports relating to poverty allowance; department; duties; report; appeal of department decisions.) to strike the requirement that the Annual Financial Report submitted to NDE contain a narrative description of the programs used in relation to the poverty plan submitted pursuant to 79-1013 as that section is repealed under section 21 of this act. School districts would still be required to submit the expenditures and sources of funding for each program related to poverty.

Section 14. Amends 79-1007.08 (Limited English proficiency allowance; calculation.) to strike obsolete language as well as to strike the requirement for school districts that designate a maximum of more than a dollar under the Limited English Proficiency Plan under section 79-1014 as such section is repealed under section 20 of this act.

Section 15. Amends 79-1007.09 (Financial reports relating to limited English proficiency; department; duties; report; appeal of department decisions.) to strike references related to the outright repeal of the limited English proficiency plan under section 79-1014 that is repealed under section 21 of the bill. Also strikes obsolete language related to federal ARRA and ED Jobs funds that no longer exist.

Section 16. Amends 79-11,155 (Student achievement coordinator; appointment; qualifications; duties.) to strike the requirement that the student achievement coordinator must review the poverty plans and limited English proficiency plans which are outright repealed in section 21 of the bill.

Section 17. Amends 79-2104 (Learning community coordinating council; powers.) subsection (13), to strike the requirement that the Learning Community Coordinating Council will approve or disapprove poverty plans and limited English proficiency plans of through achievement sub-councils under 79-2117 since these plans are outright repealed in section 21 of the bill.

Section 18. Amends 79-2104.02 (Learning community coordinating council; use of funds; report.) to strike references to poverty plan and limited English proficiency plans included in this section as part the requirement that evaluation of programs related to the community achievement plan.

Section 19. Amends 79-2117 (Learning community coordinating council; achievement sub council; membership; meeting; hearing; duties.) to strike the references to poverty and limited English proficiency plans that are outright repealed in section 21 of the bill.

Section 20. General repeal.

Section 21. Outright repeals sections 79-1013 and 79-1014. These sections were first enacted in 2006 as a response to lawsuits filed regarding poverty funding and funding for limited English proficiency components in the "old" TEEOSA. The completion of the plans and their review by NDE or the Learning Community were designed to determine how school districts were addressing the needs of poverty students and students with limited English proficiency with the funding and to determine best practices. According to NDE, since 2006, all reviews to date have shown school districts are utilizing best practices for these students and the plans no longer serve a purpose that is not already demonstrated with federal plans and school improvement plans required for accreditation.

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Mike Groene, Chairperson