

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB1131

Hearing Date: Tuesday February 04, 2020
Committee On: Education
Introducer: Groene
One Liner: Change provisions relating to education

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Brewer, Groene, Kolowski, Linehan, Murman, Morfeld, Walz,
Pansing Brooks

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

Nicole Barrett
Brian Halstead
Mike Baumgartner

Representing:

Education Committee
Nebraska Department of Education
Coordinating Commission for Postsecondary Education

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB1131 is the technical bill introduced to update statutes primarily due to outdated language. It incorporates changes brought to the Committee's attention from both the Nebraska Department of Education (NDE) and the Coordinating Commission for Postsecondary Education (CCPE), as well as updates identified by the Education Committee.

Sections 1-9:

Updates references to "regionally accredited" postsecondary institutions to simply "accredited" in order to reflect recent changes made by the U.S. Department of Education.

Section 10:

Amends Neb. Rev. Stat. Sec. 71-8404 to provide for a "flat fee" of \$35 to be paid to a provider (physician, psychologist, chiropractor, dentist, hospital, clinic or any other licensed health care provider) of electronic records needed by the Nebraska Department of Education Office of Disability Determinations.

Section 11:

Continues the updates of statutory references from "regionally accredited" to "accredited".

Section 12:

Harmonizes language in Neb. Rev. Stat. Sec. 77-1601.02 related to property tax requests because total budgeted operating expenditures sometimes decrease at some districts; however, current statutory language only references how much total budgeted operating expenditures will exceed the prior year's budget.

Section 13:

Continues the updates of statutory references from "regionally accredited" to "accredited".

Section 14:

Amends Neb. Rev. Stat. Sec. 77-27,119 to conform school district references to current law. "High school district" is changed to "school district" because all school districts now have high schools.

Sections 15-18:

Strikes language no longer needed due to enactment of LB377 in 2018, which eliminated three school classifications.

Section 19:

Amends definition of basic skills competency in Neb. Rev. Stat. Sec. 79-807 to include earned college credit as an alternative to taking a competency exam for entry-level teacher's certificate or permit applications.

Sections 20-21:

Continues the updates of statutory references from "regionally accredited" to "accredited".

Sections 22-23:

Updates sections of the Tax Equity and Educational Opportunities Support Act (TEEOSA) to eliminate outdated language, as well as updates provisions as follows: (1) Changes "vocational" to "career and technical" education; (2) Corrects "Education Innovation Fund" to "Nebraska Education Improvement Fund"; (3) Clarifies in the general fund operating expenditures definition that "tuition paid" means "tuition paid to other school districts" and "tuition paid to postsecondary institutions for college credit"; and (4) Changes "attendance center" to "schools such students attend" and "school attendance center" to "school".

Section 24:

Removes provisions from Neb. Rev. Stat. Sec. 79-1035 related to income from solar or wind agreements on school lands used to fund a sunseting NDE grant program for effective educators. Beginning in February 2021, the income from such solar and wind agreements will be distributed to all school districts as part of the apportionment of the Temporary School Fund.

Section 25:

Amends Neb. Rev. Stat. Sec. 79-1065.02 to provide similar procedures for adjustment of valuation of Educational Service Units (ESU) due to annexations as currently exists for adjustment of valuation of school districts due to annexation. When property is transferred after valuations are certified, ESUs' taxing ability and core service aid amounts do not accurately reflect current valuations. This change corrects the difference.

Sections 26-28:

Continues striking language no longer needed due to enactment of LB377 in 2018.

Section 29:

Amends Neb. Rev. Stat. Sec. 79-1103 to eliminate the requirement of the Education Committee to hold a hearing on the report evaluating early childhood education. The report will still be required to be filed with the Legislature by January 1 of each odd-numbered year.

Section 30:

Clarifies terminology in Neb. Rev. Stat. Sec. 79-1241.03 related to the distribution of funds to ESUs and the ESU Coordinating Council for core services and technology infrastructure, as well as shifts payment dates to the last business day of the month instead of the first business day to be consistent with TEEOSA payments.

Section 31:

Amends Nebraska's representative membership of the Education Commission of the States, pursuant to Neb. Rev. Stat. Sec. 79-1504, to permanently include the chairperson of the Education Committee, the Commissioner of Education and the executive director of CCPE. These members are in addition to the Governor, two members appointed by the Executive Board and one member appointed by the Governor. It further clarifies that the Governor's appointed member shall either be an elected member of a school board, or an employee or board member of a state association of school boards.

Section 32:

Continues striking language no longer needed due to enactment of LB377 in 2018.

Sections 33-34:

Changes the dates for two reports to be filed with the Legislature by a learning community from January 1st to February 1st of each year and eliminates language no longer needed in statute.

Sections 35-38:

Amends the Nebraska Reading Improvement Act, Neb. Rev. Stat. Sec. 79-2601 to 79-2607, as follows:

- Clarifies dates:
 - First administration of assessment must occur within the first thirty days that school is in session, and
 - Results are provided to teachers within fifteen contract days
- Harmonizes language used for consistency purposes throughout the Act and uses current language that aligns with language used in other state and federal laws
- Strikes language not needed and corrects language about a student's individualized reading improvement plan

Sections 39-41:

Continues the updates of statutory references from "regionally accredited" to "accredited".

Section 42:

Repeals original sections of statute that are amended as identified above.

Section 43:

Outright repeals the following sections of statute:

- Neb. Rev. Stat. Sec. 79-308 Grant funding for teacher's institutes and conferences for school years 2016-17 through 2019-20.
- Neb. Rev. Stat. Sec. 79-309.01 Related to use of funds for solar and wind agreements on school lands.

Explanation of amendments:

The Committee considered and adopted AM2456 which substitutes for the bill and revises the language of LB1131 as introduced. It adds amended provisions of LB640 and LB950, as well as the provisions of LB1076.

The original provisions of LB1131 are amended as follows:

First, several sections of the original bill have been struck, thereby not including any related changes in AM2456:

- Section 19 allowing earned college credit in lieu of the basic skills competency exam
- Section 29 eliminating the biennial hearing on the Early Childhood Education report
- Section 31 changing representatives to the Education Commission of the States
- Section 36 changing the grades for a reading deficiency identification
- Section 43 outright repealing two sections of statute

Second, changes in the Reading Improvement Act were revised to better specify the harmonization and clarification in statute while minimizing the overall changes to the Act (Sections 35, 37 and 38).

Finally, changes to Neb. Rev. Stat. Sec. 79-1035 (Section 24) were made that keep with the original intent in LB1131 without striking some of the reporting requirements effective for a couple years beyond the sunset of the funding provision from the income of solar and wind agreements on school lands.

Some original sections of LB1131 have been moved in AM2456 as follows:

- LB1131 Sec. 1-18 remain the same in AM2456 Sec. 1-18
- Sec. 19 is struck in the amendment
- Sec. 20-28 remain the same in AM2456 Sec. 20-28
- Sec. 29 is struck in the amendment
- Sec. 30, related to ESUs and the ESU Coordinating Council, is in AM2456 Sec. 29
- Sec. 31 is struck in the amendment
- Sec. 32, striking language no longer needed due to LB377, is in AM2456 Sec. 30
- Sec. 33-34, related to learning community report dates, are in AM2456 Sec. 31-32
- Sec. 35, related to the Reading Improvement Act, is in AM2456 Sec. 33
- Sec. 36 is struck in the amendment
- Sec. 37-38, related to the Reading Improvement Act, are in AM2456 Sec. 34-35
- Sec. 39-41, updating language to "accredited", are in AM2456 Sec. 36-38
- Sec. 42, repealing original sections of statute that are amended in the bill, is in AM2456 Sec. 48
- Sec. 43 is struck in the amendment

LB640 (Howard) Include study relative to the Holocaust and other genocides in provisions relating to multicultural education

Revises Neb. Rev. Stat. Sec. 79-719, defining multicultural studies, to include the study of the Holocaust and other acts of genocide.

The amended provisions of LB640 can be found in AM2456 Sec. 19.

Testifiers for LB640 (March 18, 2019)

Proponents:

- Senator Sara Howard, Introducer
- Mark Dreiling, Office of Congressman Don Bacon
- Dan Donovan, Self
- Kael Sagheer, Institute For Holocaust Education
- Ari Kohen, Institute For Holocaust Education

Opponents:

- Shehab Salahaldin, Self
- Ufuk Kilic, Turkish Student Association
- Itartum Hussein, Self

Neutral:

- Jack Moles, Nebraska Rural Community Schools Association

The Committee vote to incorporate the amended provisions of LB640 into LB1131 was:

AYE: 8 Brewer, Groene, Kolowski, Linehan, Morfeld, Murman, Pansing Brooks, Walz

NAY: 0

PRESENT NOT VOTING: 0

ABSENT: 0

LB1076 (Bolz) Change provisions relating to eligible programs for the Community College Gap Assistance Program Act

Amends Neb. Rev. Stat. Sec. 85-2003, related to the Community College Gap Assistance Program, to include other eligible institutions including Nebraska's four tribal colleges. Other eligible institutions means an accredited college, which is further specified for purposes of this act as a not-for-profit, two-year postsecondary institution with a physical presence in Nebraska.

Strikes the annual award restriction from the Community College Gap Assistance Program Fund during any fiscal year of \$1.5 million.

The provisions of LB1076 can be found in AM2456 Sec. 39-46.

Testifiers for LB1076 (February 11, 2020)

Proponents:

- Senator Kate Bolz, Introducer
- Michael Oltrogge, Nebraska Indian Community College
- Greg Adams, Nebraska Community College Association
- Dr. Gabriel Bruguier, Nebraska Commission on Indian Affairs
- Mike Baumgartner, Coordinating Commission for Postsecondary Education
- Dawne Price, Nebraska Indian Community College

Opponents: None

Neutral: None

The Committee vote to incorporate LB1076 into LB1131 was:

AYE: 8 Brewer, Groene, Kolowski, Linehan, Morfeld, Murman, Pansing Brooks, Walz

NAY: 0

PRESENT NOT VOTING: 0

ABSENT: 0

LB950 (Murman) Change eligibility requirements for the Access College Early Scholarship Program

Revises Neb. Rev. Stat. Sec. 85-2104 related to the eligibility provisions for the Access College Early Scholarship Program. It allows the Commissioner of Education to verify an applicant's eligibility upon request of CCPE, while retaining all of the existing eligibility criteria in statute.

The amended provisions of LB950 can be found in AM2456 Sec. 47.

Testifiers for LB950 (January 27, 2020)

Proponents:

- Senator Dave Murman, Introducer
- Mike Baumgartner, Coordinating Commission for Postsecondary Education
- Brian Halstead, Nebraska Department of Education
- Heather Phipps, Millard Public Schools
- Daphne Hall, Education Quest Foundation

Opponents: None

Neutral: None

AYE: 8 Brewer, Groene, Kolowski, Linehan, Morfeld, Murman, Pansing Brooks, Walz

NAY: 0

PRESENT NOT VOTING: 0

ABSENT: 0

Mike Groene, Chairperson