

AMENDMENTS TO LB528

Introduced by Education.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 1-116, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 1-116 Any person making initial application to take the examination
6 described in section 1-114 shall be eligible to take the examination if
7 he or she has completed at least one hundred fifty semester hours or two
8 hundred twenty-five quarter hours of postsecondary academic credit and
9 has earned a baccalaureate or higher degree from a college or university
10 accredited by an ~~a regional~~ accrediting agency recognized by the United
11 States Department of Education or a similar agency as determined to be
12 acceptable by the board. The person shall demonstrate that accounting,
13 auditing, business, and other subjects at the appropriate academic level
14 as required by the board are included within the required hours of
15 postsecondary academic credit. A person who expects to complete the
16 postsecondary academic credit and earn the degree as required by this
17 section may take test sections of the examination within one hundred
18 twenty days prior to completing the postsecondary academic credit and
19 earning the degree, but such person shall not receive any credit for such
20 test sections unless evidence satisfactory to the board showing that such
21 person has completed the postsecondary academic credit and earned the
22 degree as required by this section is received by the board within one
23 hundred fifty days following when the first test section of the
24 examination is taken. The board shall not prescribe the specific
25 curricula of colleges or universities. If the applicant is an individual,
26 the application shall include the applicant's social security number.

27 Sec. 2. Section 13-506, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 13-506 (1) Each governing body shall each year or biennial period
3 conduct a public hearing on its proposed budget statement. Such hearing
4 shall be held separately from any regularly scheduled meeting of the
5 governing body and shall not be limited by time. Notice of place and time
6 of such hearing, together with a summary of the proposed budget
7 statement, shall be published at least four calendar days prior to the
8 date set for hearing in a newspaper of general circulation within the
9 governing body's jurisdiction. For purposes of such notice, the four
10 calendar days shall include the day of publication but not the day of
11 hearing. When the total operating budget, not including reserves, does
12 not exceed ten thousand dollars per year or twenty thousand dollars per
13 biennial period, the proposed budget summary may be posted at the
14 governing body's principal headquarters. At such hearing, the governing
15 body shall make at least three copies of the proposed budget statement
16 available to the public and shall make a presentation outlining key
17 provisions of the proposed budget statement, including, but not limited
18 to, a comparison with the prior year's budget. Any member of the public
19 desiring to speak on the proposed budget statement shall be allowed to
20 address the governing body at the hearing and shall be given a reasonable
21 amount of time to do so. After such hearing, the proposed budget
22 statement shall be adopted, or amended and adopted as amended, and a
23 written record shall be kept of such hearing. The amount to be received
24 from personal and real property taxation shall be certified to the
25 levying board after the proposed budget statement is adopted or is
26 amended and adopted as amended. If the levying board represents more than
27 one county, a member or a representative of the governing board shall,
28 upon the written request of any represented county, appear and present
29 its budget at the hearing of the requesting county. The certification of
30 the amount to be received from personal and real property taxation shall
31 specify separately (a) the amount to be applied to the payment of

1 principal or interest on bonds issued by the governing body and (b) the
2 amount to be received for all other purposes. If the adopted budget
3 statement reflects a change from that shown in the published proposed
4 budget statement, a summary of such changes shall be published within
5 twenty calendar days after its adoption in the manner provided in this
6 section, but without provision for hearing, setting forth the items
7 changed and the reasons for such changes.

8 (2) Upon approval by the governing body, the budget shall be filed
9 with the auditor. The auditor may review the budget for errors in
10 mathematics, improper accounting, and noncompliance with the Nebraska
11 Budget Act or sections 13-518 to 13-522. If the auditor detects such
12 errors, he or she shall immediately notify the governing body of such
13 errors. The governing body shall correct any such error as provided in
14 section 13-511. Warrants for the payment of expenditures provided in the
15 budget adopted under this section shall be valid notwithstanding any
16 errors or noncompliance for which the auditor has notified the governing
17 body.

18 (3) Each school district shall include in the notice required
19 pursuant to subsection (1) of this section the following statement: For
20 more information on statewide receipts and expenditures, and to compare
21 cost per pupil and performance to other school districts, go to: [Insert
22 Internet address for the web site established pursuant to section 3 of
23 this act]. In addition, each school district shall electronically publish
24 such statement on the school district web site. Such electronic
25 publication shall be prominently displayed with an active link to the
26 Internet address for the web site established pursuant to section 3 of
27 this act to allow the public access to the information.

28 Sec. 3. The State Department of Education shall establish and
29 maintain a web site that allows the public to access statewide and school
30 district data regarding, at a minimum: Total receipts and receipts
31 classified by source as local, county, state, federal, or other; total

1 expenditures and expenditures classified by functions as determined by
2 the department; cost per pupil as determined pursuant to section 79-598;
3 and performance as reported pursuant to section 79-760.06.

4 Sec. 4. Section 38-316, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 38-316 (1) To be licensed to practice as an alcohol and drug
7 counselor, an applicant shall meet the requirements for licensure as a
8 provisional alcohol and drug counselor under section 38-314, shall
9 receive a passing score on an examination approved by the board, and
10 shall have six thousand hours of supervised clinical work experience
11 providing alcohol and drug counseling services to alcohol and other drug
12 clients for remuneration. The experience shall be polydrug counseling
13 experience.

14 (2) The experience shall include carrying a client caseload as the
15 primary alcohol and drug counselor performing the core functions of
16 assessment, treatment planning, counseling, case management, referral,
17 reports and record keeping, and consultation with other professionals for
18 those clients. The experience shall also include responsibility for
19 performance of the five remaining core functions although these core
20 functions need not be performed by the applicant with each client in
21 their caseload.

22 (3) Experience that shall not count towards licensure shall include,
23 but not be limited to:

24 (a) Providing services to individuals who do not have a diagnosis of
25 alcohol and drug abuse or dependence such as prevention, intervention,
26 and codependency services or other mental health disorder counseling
27 services, except that this shall not exclude counseling services provided
28 to a client's significant others when provided in the context of
29 treatment for the diagnosed alcohol or drug client; and

30 (b) Providing services when the experience does not include primary
31 case responsibility for alcohol or drug treatment or does not include

1 responsibility for the performance of all of the core functions.

2 (4) The maximum number of hours of experience that may be accrued
3 are forty hours per week or two thousand hours per year.

4 (5)(a) A postsecondary educational degree may be substituted for
5 part of the supervised clinical work experience. The degree shall be from
6 ~~an a-regionally~~ accredited postsecondary educational institution or the
7 educational program ~~shall be accredited by a nationally recognized~~
8 ~~accreditation agency.~~

9 (b) An associate's degree in addictions or chemical dependency may
10 be substituted for one thousand hours of supervised clinical work
11 experience.

12 (c) A bachelor's degree with a major in counseling, addictions,
13 social work, sociology, or psychology may be substituted for two thousand
14 hours of supervised clinical work experience.

15 (d) A master's degree or higher in counseling, addictions, social
16 work, sociology, or psychology may be substituted for four thousand hours
17 of supervised clinical work experience.

18 (e) A substitution shall not be made for more than one degree.

19 Sec. 5. Section 38-10,109, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-10,109 (1) The procedure for renewing a school license shall be
22 in accordance with section 38-143, except that in addition to all other
23 requirements, the school of cosmetology or school of esthetics shall
24 provide evidence of minimal property damage, bodily injury, and liability
25 insurance coverage and shall receive a satisfactory rating on an
26 accreditation inspection conducted by the department within the six
27 months immediately prior to the date of license renewal.

28 (2) Any school of cosmetology or school of esthetics which has
29 current accreditation from ~~an a-national~~ accrediting organization
30 approved by the board shall be considered to satisfy the accreditation
31 requirements outlined in this section, except that successful completion

1 of an operation inspection shall be required. Each school of cosmetology
2 or school of esthetics, whether or not it is ~~nationally~~ accredited, shall
3 satisfy all curriculum and sanitation requirements outlined in the
4 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
5 Practice Act to maintain its license.

6 (3) Any school not able to meet the requirements for license renewal
7 shall have its license placed on inactive status until all deficiencies
8 have been corrected, and the school shall not operate in any manner
9 during the time its license is inactive. If the deficiencies are not
10 corrected within six months of the date of license renewal, the license
11 may be revoked unless the department approves an extension of the time
12 limit. The license of a school that has been revoked or expired for any
13 reason shall not be reinstated. An original application for licensure
14 shall be submitted and approved before such school may reopen.

15 Sec. 6. Section 38-1813, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 38-1813 (1) A person shall be qualified to be a licensed medical
18 nutrition therapist if such person furnishes evidence that he or she:

19 (a) Has met the requirements for and is a registered dietitian by
20 the American Dietetic Association or an equivalent entity recognized by
21 the board;

22 (b)(i) Has satisfactorily passed an examination approved by the
23 board;

24 (ii) Has received a baccalaureate degree from an accredited college
25 or university with a major course of study in human nutrition, food and
26 nutrition, dietetics, or an equivalent major course of study approved by
27 the board; and

28 (iii) Has satisfactorily completed a program of supervised clinical
29 experience approved by the department. Such clinical experience shall
30 consist of not less than nine hundred hours of a planned continuous
31 experience in human nutrition, food and nutrition, or dietetics under the

1 supervision of an individual meeting the qualifications of this section;
2 or

3 (c)(i) Has satisfactorily passed an examination approved by the
4 board; and

5 (ii)(A) Has received a master's or doctorate degree from an
6 accredited college or university in human nutrition, nutrition education,
7 food and nutrition, or public health nutrition or in an equivalent major
8 course of study approved by the board; or

9 (B) Has received a master's or doctorate degree from an accredited
10 college or university which includes a major course of study in clinical
11 nutrition. Such course of study shall consist of not less than a combined
12 two hundred hours of biochemistry and physiology and not less than
13 seventy-five hours in human nutrition.

14 (2) For purposes of this section, accredited college or university
15 means an institution currently listed with the United States Secretary of
16 Education as accredited. Applicants who have obtained their education
17 outside of the United States and its territories shall have their
18 academic degrees validated as equivalent to a baccalaureate or master's
19 degree conferred by a United States ~~regionally~~ accredited college or
20 university.

21 (3)(a) The practice of medical nutrition therapy shall be performed
22 under the consultation of a physician licensed pursuant to section
23 38-2026 or sections 38-2029 to 38-2033.

24 (b) A licensed medical nutrition therapist may order patient diets,
25 including therapeutic diets, in accordance with this subsection.

26 Sec. 7. Section 38-2613, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 38-2613 (1) An optometrist licensed in this state may use topical
29 ocular pharmaceutical agents for diagnostic purposes authorized under
30 subdivision (1)(b) of section 38-2605, if such person is certified by the
31 department, with the recommendation of the board, as qualified to use

1 topical ocular pharmaceutical agents for diagnostic purposes.

2 (2) Such certification shall require (a) satisfactory completion of
3 a pharmacology course at an institution accredited by an ~~a regional or~~
4 ~~professional~~ accrediting organization which is recognized by the United
5 States Department of Education and approved by the board and passage of
6 an examination approved by the board or (b) evidence provided by the
7 optometrist of certification in another state for use of diagnostic
8 pharmaceutical agents which is deemed by the board as satisfactory
9 validation of such qualifications.

10 Sec. 8. Section 38-2616, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 38-2616 No school of optometry shall be approved by the board as an
13 accredited school unless the school is accredited by an ~~a regional or~~
14 ~~professional~~ accrediting organization which is recognized by the United
15 States Department of Education.

16 Sec. 9. Section 38-3106, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-3106 Institution of higher education means a university,
19 professional school, or other institution of higher learning that:

20 (1) In the United States, is ~~regionally~~ accredited by an ~~a regional~~
21 ~~or professional~~ accrediting organization recognized by the United States
22 Department of Education;

23 (2) In Canada, holds a membership in the Association of Universities
24 and Colleges of Canada; or

25 (3) In other countries, is accredited by the respective official
26 organization having such authority.

27 Sec. 10. Section 58-809, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 58-809 Private institution of higher education means a not-for-
30 profit educational institution located within this state which is not
31 owned or controlled by the state or any political subdivision, agency,

1 instrumentality, district, or municipality thereof, which is authorized
2 by law to provide a program of education beyond the high school level,
3 and which:

4 (1) Admits as regular students only individuals having a certificate
5 of graduation from a high school or the recognized equivalent of such a
6 certificate;

7 (2) Provides an educational program for which it awards a bachelor's
8 degree; provides an educational program, admission into which is
9 conditioned upon the prior attainment of a bachelor's degree or its
10 equivalent, for which it awards a postgraduate degree; provides a program
11 of not less than two years in length which is acceptable for full credit
12 toward a bachelor's degree; or offers a two-year program in engineering,
13 mathematics, or the physical or biological sciences which is designed to
14 prepare the student to work as a technician and at a semiprofessional
15 level in engineering, research, medicine, or other technological fields
16 which require the understanding and application of basic engineering,
17 scientific, or mathematical principles or knowledge;

18 (3) Is accredited by an ~~a regionally recognized~~ accrediting agency
19 or association or, if not so accredited, is an institution whose credits
20 are accepted, on transfer, by not less than three institutions which are
21 so accredited, for credit on the same basis as if transferred from an
22 institution so accredited; and

23 (4) Has a student admissions policy that does not violate any other
24 Nebraska or federal law against discrimination on the basis of race,
25 color, creed, national origin, ancestry, age, gender, or handicap.

26 Sec. 11. Section 72-232, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 72-232 The Board of Educational Lands and Funds shall have authority
29 to adopt such rules and regulations as it shall deem necessary in the
30 leasing of school lands and to prescribe such terms and conditions of the
31 lease, not inconsistent with sections 72-205, 72-232 to 72-235, 72-240.02

1 to 72-240.05, and 72-242, as it shall deem necessary to protect the
2 interests of the state. The board shall adopt and enforce a soil
3 conservation program. Failure of the lessee to utilize the land for the
4 purpose for which the land was leased or to observe and carry out soil
5 conservation requirements as provided in the rules and regulations of the
6 board shall be cause for cancellation of the lease. ~~No individual,
7 partnership, limited liability company, or corporation shall be entitled
8 to hold under lease a total of more than six hundred forty acres of state
9 educational lands, whether acquired by direct lease or by assignment.
10 Such limitation shall not apply when the land to be leased is bounded
11 entirely on one side thereof by lands owned or operated by such applicant
12 or assignee.~~

13 Sec. 12. Section 72-233, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 72-233 Applications to lease any school lands shall be made to the
16 Board of Educational Lands and Funds. Each such application shall contain
17 an affidavit that the applicant desires to lease and operate such land
18 for the applicant's own use and benefit and that the applicant will not
19 sublease or otherwise dispose of the same without the written approval of
20 the board and will commit no waste or damage on the land nor permit
21 others to do so. The Board of Educational Lands and Funds may, at least
22 once in each year, designate a day and hour for offering, in a public
23 manner ~~at the office of the county treasurer~~ in the respective counties,
24 lease contracts on all the educational lands in each respective county
25 which may be subject to lease at the time of such offering. The offering
26 shall be announced in a public manner by publishing a notice thereof
27 three weeks preceding the auction in one or more of the legal newspapers
28 published or of general circulation in the county in which the unleased
29 land is located. If the board is unable to have a representative attend
30 the offering, the county treasurer may, upon the direction of the board,
31 act for it. Adjournments may be taken from day to day until all of the

1 lands have been offered. No lease shall be sublet or assigned without the
2 written approval of the board.

3 Sec. 13. Section 72-234, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 72-234 The board shall, if the foregoing proceedings appear to be
6 regular, issue to the applicant a lease on the land. Each lease shall
7 contain a covenant or provision (1) that the Board of Educational Lands
8 and Funds may, whenever such board deems it to be for the best interest
9 of the state, adjust the rental of such lands; (2) that the lessee will
10 not sublease or otherwise dispose of such lands without the written
11 consent of the board and will commit no waste or damage on the land nor
12 permit others to do so; (3) that the lessee will observe and carry out
13 soil conservation requirements according to the rules and regulations of
14 the board; (4) that the lessee will pay for the use of such lands the
15 fair market rental as determined by the board; (5) that, upon a failure
16 to pay any rental for a period of sixty days ~~six months~~ from the time the
17 payment becomes due or upon failure to perform any of the covenants of
18 the lease, the lease may be forfeited and fully set aside, as provided
19 for in sections 72-235 to 72-239; (6) that the lessee will promptly pay
20 the rental semiannually in advance; (7) that in the event the lessee
21 shall fail to pay rental in advance by the due date, interest shall be
22 assessed at an annual interest rate of nine percent until such time as
23 the rent is paid; and (8) that the premises will be surrendered at the
24 expiration of the lease, unless renewed, or upon violation of any of the
25 terms of the lease. Leases shall be for periods of five to twelve years
26 less the period intervening between the date of the execution of the
27 lease and December 31 of the previous year. The board may offer a lease
28 for a period of less than five years if a lease failed to generate
29 interest at an auction and if the board agrees that reducing the minimum
30 lease term will attract a bid or bids for such a lease. When two or more
31 contiguous tracts are under separate lease with different expiration

1 dates, the board may, if it is deemed to be in the best interest of the
2 state, offer leases for less than twelve years on tracts having the
3 earlier lease expiration date, to coincide with the last expiring lease,
4 in order that all contiguous lands eventually may be offered under one
5 lease.

6 Sec. 14. Section 72-235, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 72-235 If any lessee of educational lands fails to perform any of
9 the covenants of the lease or is in default of semiannual rental due the
10 state for a period of sixty days ~~six months~~, the Board of Educational
11 Lands and Funds may forfeit the lease of such person. If the lessee is in
12 default in the payment of rental, the board may cause notice to be given
13 such delinquent lessee in accordance with section 72-236 that, if such
14 delinquency is not paid within thirty days from the date of service of
15 such notice by either registered or certified mail or the date of the
16 first publication of such notice, his or her lease will be declared
17 forfeited. If the amounts due are not paid within such time, the board
18 may declare the lease forfeited and the land described therein shall
19 revert to the state. Before a forfeiture of a lease shall be declared for
20 a failure to perform the covenants of the lease other than the payment of
21 rentals, the board shall give notice of such proposed forfeiture to such
22 lessee, or to his or her personal representative or next of kin if he or
23 she is dead, by either registered or certified mail, setting forth a time
24 such a lessee, or his or her personal representative or next of kin, may
25 show cause and have a hearing as to whether or not such lease shall be
26 forfeited. The order of forfeiture shall be entered upon the records of
27 the board. The board is required to serve such notice of delinquency and
28 proceed with the forfeiture, as stated in such notice, at least once in
29 each year. The provisions of this section and sections 72-236 to 72-239
30 shall apply to all lands heretofore or hereinafter leased as educational
31 lands of this state.

1 Sec. 15. Section 76-2203.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 76-2203.01 Accredited degree-awarding community college, college, or
4 university means an institution that is approved or accredited by an a
5 ~~regional or national~~ accreditation association or ~~an~~ agency recognized by
6 the United States Secretary of Education.

7 Sec. 16. Section 77-1601.02, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 77-1601.02 (1) If the annual assessment of property would result in
10 an increase in the total property taxes levied by a county, municipality,
11 school district, learning community, sanitary and improvement district,
12 natural resources district, educational service unit, or community
13 college, as determined using the previous year's rate of levy, such
14 political subdivision's property tax request for the current year shall
15 be no more than its property tax request in the prior year, and the
16 political subdivision's rate of levy for the current year shall be
17 decreased accordingly when such rate is set by the county board of
18 equalization pursuant to section 77-1601. The governing body of the
19 political subdivision shall pass a resolution or ordinance to set the
20 amount of its property tax request after holding the public hearing
21 required in subsection (3) of this section. If the governing body of a
22 political subdivision seeks to set its property tax request at an amount
23 that exceeds its property tax request in the prior year, it may do so
24 after holding the public hearing required in subsection (3) of this
25 section and by passing a resolution or ordinance that complies with
26 subsection (4) of this section.

27 (2) If the annual assessment of property would result in no change
28 or a decrease in the total property taxes levied by a county,
29 municipality, school district, learning community, sanitary and
30 improvement district, natural resources district, educational service
31 unit, or community college, as determined using the previous year's rate

1 of levy, such political subdivision's property tax request for the
2 current year shall be no more than its property tax request in the prior
3 year, and the political subdivision's rate of levy for the current year
4 shall be adjusted accordingly when such rate is set by the county board
5 of equalization pursuant to section 77-1601. The governing body of the
6 political subdivision shall pass a resolution or ordinance to set the
7 amount of its property tax request after holding the public hearing
8 required in subsection (3) of this section. If the governing body of a
9 political subdivision seeks to set its property tax request at an amount
10 that exceeds its property tax request in the prior year, it may do so
11 after holding the public hearing required in subsection (3) of this
12 section and by passing a resolution or ordinance that complies with
13 subsection (4) of this section.

14 (3) The resolution or ordinance required under this section shall
15 only be passed after a special public hearing called for such purpose is
16 held and after notice is published in a newspaper of general circulation
17 in the area of the political subdivision at least four calendar days
18 prior to the hearing. For purposes of such notice, the four calendar days
19 shall include the day of publication but not the day of hearing. If the
20 political subdivision's total operating budget, not including reserves,
21 does not exceed ten thousand dollars per year or twenty thousand dollars
22 per biennial period, the notice may be posted at the governing body's
23 principal headquarters. The hearing notice shall contain the following
24 information: The certified taxable valuation under section 13-509 for the
25 prior year, the certified taxable valuation under section 13-509 for the
26 current year, and the percentage increase or decrease in such valuations
27 from the prior year to the current year; the dollar amount of the prior
28 year's tax request and the property tax rate that was necessary to fund
29 that tax request; the property tax rate that would be necessary to fund
30 last year's tax request if applied to the current year's valuation; the
31 proposed dollar amount of the tax request for the current year and the

1 property tax rate that will be necessary to fund that tax request; the
2 percentage increase or decrease in the property tax rate from the prior
3 year to the current year; and the percentage increase or decrease in the
4 total operating budget from the prior year to the current year.

5 (4) Any resolution or ordinance setting a political subdivision's
6 property tax request at an amount that exceeds the political
7 subdivision's property tax request in the prior year shall include, but
8 not be limited to, the following information:

9 (a) The name of the political subdivision;

10 (b) The amount of the property tax request;

11 (c) The following statements:

12 (i) The total assessed value of property differs from last year's
13 total assessed value by percent;

14 (ii) The tax rate which would levy the same amount of property taxes
15 as last year, when multiplied by the new total assessed value of
16 property, would be \$..... per \$100 of assessed value;

17 (iii) The (name of political subdivision) proposes to adopt a
18 property tax request that will cause its tax rate to be \$..... per \$100
19 of assessed value; and

20 (iv) Based on the proposed property tax request and changes in other
21 revenue, the total operating budget of (name of political subdivision)
22 will (increase or decrease) exceed last year's budget by percent;
23 and

24 (d) The record vote of the governing body in passing such resolution
25 or ordinance.

26 (5) Any resolution or ordinance setting a property tax request under
27 this section shall be certified and forwarded to the county clerk on or
28 before October 13 of the year for which the tax request is to apply.

29 (6) Any levy which is not in compliance with this section and
30 section 77-1601 shall be construed as an unauthorized levy under section
31 77-1606.

1 Sec. 17. Section 77-2704.12, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 77-2704.12 (1) Sales and use taxes shall not be imposed on the gross
4 receipts from the sale, lease, or rental of and the storage, use, or
5 other consumption in this state of purchases by (a) any nonprofit
6 organization created exclusively for religious purposes, (b) any
7 nonprofit organization providing services exclusively to the blind, (c)
8 any nonprofit private educational institution established under sections
9 79-1601 to 79-1607, (d) any ~~regionally or nationally~~ accredited,
10 nonprofit, privately controlled college or university with its primary
11 campus physically located in Nebraska, (e) any nonprofit (i) hospital,
12 (ii) health clinic when one or more hospitals or the parent corporations
13 of the hospitals own or control the health clinic for the purpose of
14 reducing the cost of health services or when the health clinic receives
15 federal funds through the United States Public Health Service for the
16 purpose of serving populations that are medically underserved, (iii)
17 skilled nursing facility, (iv) intermediate care facility, (v) assisted-
18 living facility, (vi) intermediate care facility for persons with
19 developmental disabilities, (vii) nursing facility, (viii) home health
20 agency, (ix) hospice or hospice service, (x) respite care service, (xi)
21 mental health substance use treatment center licensed under the Health
22 Care Facility Licensure Act, or (xii) center for independent living as
23 defined in 29 U.S.C. 796a, (f) any nonprofit licensed residential child-
24 caring agency, (g) any nonprofit licensed child-placing agency, or (h)
25 any nonprofit organization certified by the Department of Health and
26 Human Services to provide community-based services for persons with
27 developmental disabilities.

28 (2) Any organization listed in subsection (1) of this section shall
29 apply for an exemption on forms provided by the Tax Commissioner. The
30 application shall be approved and a numbered certificate of exemption
31 received by the applicant organization in order to be exempt from the

1 sales and use tax.

2 (3) The appointment of purchasing agents shall be recognized for the
3 purpose of altering the status of the construction contractor as the
4 ultimate consumer of building materials which are physically annexed to
5 the structure and which subsequently belong to the owner of the
6 organization or institution. The appointment of purchasing agents shall
7 be in writing and occur prior to having any building materials annexed to
8 real estate in the construction, improvement, or repair. The contractor
9 who has been appointed as a purchasing agent may apply for a refund of or
10 use as a credit against a future use tax liability the tax paid on
11 inventory items annexed to real estate in the construction, improvement,
12 or repair of a project for a licensed not-for-profit institution.

13 (4) Any organization listed in subsection (1) of this section which
14 enters into a contract of construction, improvement, or repair upon
15 property annexed to real estate without first issuing a purchasing agent
16 authorization to a contractor or repairperson prior to the building
17 materials being annexed to real estate in the project may apply to the
18 Tax Commissioner for a refund of any sales and use tax paid by the
19 contractor or repairperson on the building materials physically annexed
20 to real estate in the construction, improvement, or repair.

21 (5) Any person purchasing, storing, using, or otherwise consuming
22 building materials in the performance of any construction, improvement,
23 or repair by or for any institution enumerated in subsection (1) of this
24 section which is licensed upon completion although not licensed at the
25 time of construction or improvement, which building materials are annexed
26 to real estate and which subsequently belong to the owner of the
27 institution, shall pay any applicable sales or use tax thereon. Upon
28 becoming licensed and receiving a numbered certificate of exemption, the
29 institution organized not for profit shall be entitled to a refund of the
30 amount of taxes so paid in the performance of such construction,
31 improvement, or repair and shall submit whatever evidence is required by

1 the Tax Commissioner sufficient to establish the total sales and use tax
2 paid upon the building materials physically annexed to real estate in the
3 construction, improvement, or repair.

4 Sec. 18. Section 77-27,119, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 77-27,119 (1) The Tax Commissioner shall administer and enforce the
7 income tax imposed by sections 77-2714 to 77-27,135, and he or she is
8 authorized to conduct hearings, to adopt and promulgate such rules and
9 regulations, and to require such facts and information to be reported as
10 he or she may deem necessary to enforce the income tax provisions of such
11 sections, except that such rules, regulations, and reports shall not be
12 inconsistent with the laws of this state or the laws of the United
13 States. The Tax Commissioner may for enforcement and administrative
14 purposes divide the state into a reasonable number of districts in which
15 branch offices may be maintained.

16 (2)(a) The Tax Commissioner may prescribe the form and contents of
17 any return or other document required to be filed under the income tax
18 provisions. Such return or other document shall be compatible as to form
19 and content with the return or document required by the laws of the
20 United States. The form shall have a place where the taxpayer shall
21 designate the ~~high~~ school district in which he or she lives and the
22 county in which the ~~high~~ school district is headquartered. The Tax
23 Commissioner shall adopt and promulgate such rules and regulations as may
24 be necessary to insure compliance with this requirement.

25 (b) The State Department of Education, with the assistance and
26 cooperation of the Department of Revenue, shall develop a uniform system
27 for numbering all school districts in the state. Such system shall be
28 consistent with the data processing needs of the Department of Revenue
29 and shall be used for the school district identification required by
30 subdivision (a) of this subsection.

31 (c) The proper filing of an income tax return shall consist of the

1 submission of such form as prescribed by the Tax Commissioner or an exact
2 facsimile thereof with sufficient information provided by the taxpayer on
3 the face of the form from which to compute the actual tax liability. Each
4 taxpayer shall include such taxpayer's correct social security number or
5 state identification number and the school district identification number
6 of the school district in which the taxpayer resides on the face of the
7 form. A filing is deemed to occur when the required information is
8 provided.

9 (3) The Tax Commissioner, for the purpose of ascertaining the
10 correctness of any return or other document required to be filed under
11 the income tax provisions, for the purpose of determining corporate
12 income, individual income, and withholding tax due, or for the purpose of
13 making an estimate of taxable income of any person, shall have the power
14 to examine or to cause to have examined, by any agent or representative
15 designated by him or her for that purpose, any books, papers, records, or
16 memoranda bearing upon such matters and may by summons require the
17 attendance of the person responsible for rendering such return or other
18 document or remitting any tax, or any officer or employee of such person,
19 or the attendance of any other person having knowledge in the premises,
20 and may take testimony and require proof material for his or her
21 information, with power to administer oaths or affirmations to such
22 person or persons.

23 (4) The time and place of examination pursuant to this section shall
24 be such time and place as may be fixed by the Tax Commissioner and as are
25 reasonable under the circumstances. In the case of a summons, the date
26 fixed for appearance before the Tax Commissioner shall not be less than
27 twenty days from the time of service of the summons.

28 (5) No taxpayer shall be subjected to unreasonable or unnecessary
29 examinations or investigations.

30 (6) Except in accordance with proper judicial order or as otherwise
31 provided by law, it shall be unlawful for the Tax Commissioner, any

1 officer or employee of the Tax Commissioner, any person engaged or
2 retained by the Tax Commissioner on an independent contract basis, any
3 person who pursuant to this section is permitted to inspect any report or
4 return or to whom a copy, an abstract, or a portion of any report or
5 return is furnished, any employee of the State Treasurer or the
6 Department of Administrative Services, or any other person to divulge,
7 make known, or use in any manner the amount of income or any particulars
8 set forth or disclosed in any report or return required except for the
9 purpose of enforcing sections 77-2714 to 77-27,135. The officers charged
10 with the custody of such reports and returns shall not be required to
11 produce any of them or evidence of anything contained in them in any
12 action or proceeding in any court, except on behalf of the Tax
13 Commissioner in an action or proceeding under the provisions of the tax
14 law to which he or she is a party or on behalf of any party to any action
15 or proceeding under such sections when the reports or facts shown thereby
16 are directly involved in such action or proceeding, in either of which
17 events the court may require the production of, and may admit in
18 evidence, so much of such reports or of the facts shown thereby as are
19 pertinent to the action or proceeding and no more. Nothing in this
20 section shall be construed (a) to prohibit the delivery to a taxpayer,
21 his or her duly authorized representative, or his or her successors,
22 receivers, trustees, personal representatives, administrators, assignees,
23 or guarantors, if directly interested, of a certified copy of any return
24 or report in connection with his or her tax, (b) to prohibit the
25 publication of statistics so classified as to prevent the identification
26 of particular reports or returns and the items thereof, (c) to prohibit
27 the inspection by the Attorney General, other legal representatives of
28 the state, or a county attorney of the report or return of any taxpayer
29 who brings an action to review the tax based thereon, against whom an
30 action or proceeding for collection of tax has been instituted, or
31 against whom an action, proceeding, or prosecution for failure to comply

1 with the Nebraska Revenue Act of 1967 is being considered or has been
2 commenced, (d) to prohibit furnishing to the Nebraska Workers'
3 Compensation Court the names, addresses, and identification numbers of
4 employers, and such information shall be furnished on request of the
5 court, (e) to prohibit the disclosure of information and records to a
6 collection agency contracting with the Tax Commissioner pursuant to
7 sections 77-377.01 to 77-377.04, (f) to prohibit the disclosure of
8 information pursuant to section 77-27,195, 77-4110, 77-5731, 77-6521,
9 77-6837, or 77-6839, (g) to prohibit the disclosure to the Public
10 Employees Retirement Board of the addresses of individuals who are
11 members of the retirement systems administered by the board, and such
12 information shall be furnished to the board solely for purposes of its
13 administration of the retirement systems upon written request, which
14 request shall include the name and social security number of each
15 individual for whom an address is requested, (h) to prohibit the
16 disclosure of information to the Department of Labor necessary for the
17 administration of the Employment Security Law, the Contractor
18 Registration Act, or the Employee Classification Act, (i) to prohibit the
19 disclosure to the Department of Motor Vehicles of tax return information
20 pertaining to individuals, corporations, and businesses determined by the
21 Department of Motor Vehicles to be delinquent in the payment of amounts
22 due under agreements pursuant to the International Fuel Tax Agreement
23 Act, and such disclosure shall be strictly limited to information
24 necessary for the administration of the act, (j) to prohibit the
25 disclosure under section 42-358.08, 43-512.06, or 43-3327 to any court-
26 appointed individuals, the county attorney, any authorized attorney, or
27 the Department of Health and Human Services of an absent parent's
28 address, social security number, amount of income, health insurance
29 information, and employer's name and address for the exclusive purpose of
30 establishing and collecting child, spousal, or medical support, (k) to
31 prohibit the disclosure of information to the Department of Insurance,

1 the Nebraska State Historical Society, or the State Historic Preservation
2 Officer as necessary to carry out the Department of Revenue's
3 responsibilities under the Nebraska Job Creation and Mainstreet
4 Revitalization Act, or (1) to prohibit the disclosure to the Department
5 of Insurance of information pertaining to authorization for, and use of,
6 tax credits under the New Markets Job Growth Investment Act. Information
7 so obtained shall be used for no other purpose. Any person who violates
8 this subsection shall be guilty of a felony and shall upon conviction
9 thereof be fined not less than one hundred dollars nor more than five
10 hundred dollars, or be imprisoned not more than five years, or be both so
11 fined and imprisoned, in the discretion of the court and shall be
12 assessed the costs of prosecution. If the offender is an officer or
13 employee of the state, he or she shall be dismissed from office and be
14 ineligible to hold any public office in this state for a period of two
15 years thereafter.

16 (7) Reports and returns required to be filed under income tax
17 provisions of sections 77-2714 to 77-27,135 shall be preserved until the
18 Tax Commissioner orders them to be destroyed.

19 (8) Notwithstanding the provisions of subsection (6) of this
20 section, the Tax Commissioner may permit the Secretary of the Treasury of
21 the United States or his or her delegates or the proper officer of any
22 state imposing an income tax, or the authorized representative of either
23 such officer, to inspect the income tax returns of any taxpayer or may
24 furnish to such officer or his or her authorized representative an
25 abstract of the return of income of any taxpayer or supply him or her
26 with information concerning an item of income contained in any return or
27 disclosed by the report of any investigation of the income or return of
28 income of any taxpayer, but such permission shall be granted only if the
29 statutes of the United States or of such other state, as the case may be,
30 grant substantially similar privileges to the Tax Commissioner of this
31 state as the officer charged with the administration of the income tax

1 imposed by sections 77-2714 to 77-27,135.

2 (9) Notwithstanding the provisions of subsection (6) of this
3 section, the Tax Commissioner may permit the Postal Inspector of the
4 United States Postal Service or his or her delegates to inspect the
5 reports or returns of any person filed pursuant to the Nebraska Revenue
6 Act of 1967 when information on the reports or returns is relevant to any
7 action or proceeding instituted or being considered by the United States
8 Postal Service against such person for the fraudulent use of the mails to
9 carry and deliver false and fraudulent tax returns to the Tax
10 Commissioner with the intent to defraud the State of Nebraska or to evade
11 the payment of Nebraska state taxes.

12 (10)(a) Notwithstanding the provisions of subsection (6) of this
13 section, the Tax Commissioner shall, upon written request by the Auditor
14 of Public Accounts or the office of Legislative Audit, make tax returns
15 and tax return information open to inspection by or disclosure to
16 officers and employees of the Auditor of Public Accounts or employees of
17 the office of Legislative Audit for the purpose of and to the extent
18 necessary in making an audit of the Department of Revenue pursuant to
19 section 50-1205 or 84-304. The Auditor of Public Accounts or office of
20 Legislative Audit shall statistically and randomly select the tax returns
21 and tax return information to be audited based upon a computer tape
22 provided by the Department of Revenue which contains only total
23 population documents without specific identification of taxpayers. The
24 Tax Commissioner shall have the authority to approve the statistical
25 sampling method used by the Auditor of Public Accounts or office of
26 Legislative Audit. Confidential tax returns and tax return information
27 shall be audited only upon the premises of the Department of Revenue. All
28 audit workpapers pertaining to the audit of the Department of Revenue
29 shall be stored in a secure place in the Department of Revenue.

30 (b) When selecting tax returns or tax return information for a
31 performance audit of a tax incentive program, the office of Legislative

1 Audit shall select the tax returns or tax return information for either
2 all or a statistically and randomly selected sample of taxpayers who have
3 applied for or who have qualified for benefits under the tax incentive
4 program that is the subject of the audit. When the office of Legislative
5 Audit reports on its review of tax returns and tax return information, it
6 shall comply with subdivision (10)(c) of this section.

7 (c) No officer or employee of the Auditor of Public Accounts or
8 office of Legislative Audit employee shall disclose to any person, other
9 than another officer or employee of the Auditor of Public Accounts or
10 office of Legislative Audit whose official duties require such
11 disclosure, any return or return information described in the Nebraska
12 Revenue Act of 1967 in a form which can be associated with or otherwise
13 identify, directly or indirectly, a particular taxpayer.

14 (d) Any person who violates the provisions of this subsection shall
15 be guilty of a Class IV felony and, in the discretion of the court, may
16 be assessed the costs of prosecution. The guilty officer or employee
17 shall be dismissed from employment and be ineligible to hold any position
18 of employment with the State of Nebraska for a period of two years
19 thereafter. For purposes of this subsection, officer or employee shall
20 include a former officer or employee of the Auditor of Public Accounts or
21 former employee of the office of Legislative Audit.

22 (11) For purposes of subsections (10) through (13) of this section:

23 (a) Tax returns shall mean any tax or information return or claim
24 for refund required by, provided for, or permitted under sections 77-2714
25 to 77-27,135 which is filed with the Tax Commissioner by, on behalf of,
26 or with respect to any person and any amendment or supplement thereto,
27 including supporting schedules, attachments, or lists which are
28 supplemental to or part of the filed return;

29 (b) Return information shall mean:

30 (i) A taxpayer's identification number and (A) the nature, source,
31 or amount of his or her income, payments, receipts, deductions,

1 exemptions, credits, assets, liabilities, net worth, tax liability, tax
2 withheld, deficiencies, overassessments, or tax payments, whether the
3 taxpayer's return was, is being, or will be examined or subject to other
4 investigation or processing or (B) any other data received by, recorded
5 by, prepared by, furnished to, or collected by the Tax Commissioner with
6 respect to a return or the determination of the existence or possible
7 existence of liability or the amount of liability of any person for any
8 tax, penalty, interest, fine, forfeiture, or other imposition or offense;
9 and

10 (ii) Any part of any written determination or any background file
11 document relating to such written determination; and

12 (c) Disclosures shall mean the making known to any person in any
13 manner a return or return information.

14 (12) The Auditor of Public Accounts shall (a) notify the Tax
15 Commissioner in writing thirty days prior to the beginning of an audit of
16 his or her intent to conduct an audit, (b) provide an audit plan, and (c)
17 provide a list of the tax returns and tax return information identified
18 for inspection during the audit. The office of Legislative Audit shall
19 notify the Tax Commissioner of the intent to conduct an audit and of the
20 scope of the audit as provided in section 50-1209.

21 (13) The Auditor of Public Accounts or the office of Legislative
22 Audit shall, as a condition for receiving tax returns and tax return
23 information: (a) Subject employees involved in the audit to the same
24 confidential information safeguards and disclosure procedures as required
25 of Department of Revenue employees; (b) establish and maintain a
26 permanent system of standardized records with respect to any request for
27 tax returns or tax return information, the reason for such request, and
28 the date of such request and any disclosure of the tax return or tax
29 return information; (c) establish and maintain a secure area or place in
30 the Department of Revenue in which the tax returns, tax return
31 information, or audit workpapers shall be stored; (d) restrict access to

1 the tax returns or tax return information only to persons whose duties or
2 responsibilities require access; (e) provide such other safeguards as the
3 Tax Commissioner determines to be necessary or appropriate to protect the
4 confidentiality of the tax returns or tax return information; (f) provide
5 a report to the Tax Commissioner which describes the procedures
6 established and utilized by the Auditor of Public Accounts or office of
7 Legislative Audit for insuring the confidentiality of tax returns, tax
8 return information, and audit workpapers; and (g) upon completion of use
9 of such returns or tax return information, return to the Tax Commissioner
10 such returns or tax return information, along with any copies.

11 (14) The Tax Commissioner may permit other tax officials of this
12 state to inspect the tax returns and reports filed under sections 77-2714
13 to 77-27,135, but such inspection shall be permitted only for purposes of
14 enforcing a tax law and only to the extent and under the conditions
15 prescribed by the rules and regulations of the Tax Commissioner.

16 (15) The Tax Commissioner shall compile the school district
17 information required by subsection (2) of this section. Insofar as it is
18 possible, such compilation shall include, but not be limited to, the
19 total adjusted gross income of each school district in the state. The Tax
20 Commissioner shall adopt and promulgate such rules and regulations as may
21 be necessary to insure that such compilation does not violate the
22 confidentiality of any individual income tax return nor conflict with any
23 other provisions of state or federal law.

24 Sec. 19. Section 79-202, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 79-202 (1) A person who has legal or actual charge or control of a
27 child who is at least sixteen years of age but less than eighteen years
28 of age may withdraw such child from school before graduation and be
29 exempt from the mandatory attendance requirements of section 79-201 if an
30 exit interview is conducted and the withdrawal form is signed as required
31 by subsections (2) through (5) of this section for a child enrolled in a

1 public, private, denominational, or parochial school or if a signed
2 ~~notarized~~ release form is filed with the Commissioner of Education as
3 required by subsection (6) of this section for a child enrolled in a
4 school that elects pursuant to section 79-1601 not to meet accreditation
5 or approval requirements.

6 (2) Upon the written request of any person who has legal or actual
7 charge or control of a child who is at least sixteen years of age but
8 less than eighteen years of age, the superintendent of a school district
9 or the superintendent's designee shall conduct an exit interview if the
10 child (a) is enrolled in a school operated by the school district or (b)
11 resides in the school district and is enrolled in a private,
12 denominational, or parochial school.

13 (3) The superintendent or the superintendent's designee shall set
14 the time and place for the exit interview which shall be personally
15 attended by: (a) The child, unless the withdrawal is being requested due
16 to an illness of the child making attendance at the exit interview
17 impossible or impracticable; (b) the person who has legal or actual
18 charge or control of the child who requested the exit interview; (c) the
19 superintendent or the superintendent's designee; (d) the child's
20 principal or the principal's designee if the child at the time of the
21 exit interview is enrolled in a school operated by the school district;
22 and (e) any other person requested by any of the required parties who
23 agrees to attend the exit interview and is available at the time
24 designated for the exit interview which may include, but need not be
25 limited to, other school district personnel or the child's principal or
26 such principal's designee if the child is enrolled in a private,
27 denominational, or parochial school.

28 (4) At the exit interview, the person making the written request
29 pursuant to subsection (2) of this section shall present evidence that
30 (a) the person has legal or actual charge or control of the child and (b)
31 the child would be withdrawing due to either (i) financial hardships

1 requiring the child to be employed to support the child's family or one
2 or more dependents of the child or (ii) an illness of the child making
3 attendance impossible or impracticable. The superintendent or
4 superintendent's designee shall identify all known alternative
5 educational opportunities, including vocational courses of study, that
6 are available to the child in the school district and how withdrawing
7 from school is likely to reduce potential future earnings for the child
8 and increase the likelihood of the child being unemployed in the future.
9 Any other relevant information may be presented and discussed by any of
10 the parties in attendance.

11 (5)(a) At the conclusion of the exit interview, the person making
12 the written request pursuant to subsection (2) of this section may sign
13 the withdrawal form provided by the school district agreeing to the
14 withdrawal of the child or may rescind the written request for the
15 withdrawal.

16 (b) Any withdrawal form signed by the person making the written
17 request pursuant to subsection (2) of this section shall be valid only if
18 (i) the child signs the form unless the withdrawal is being requested due
19 to an illness of the child making attendance at the exit interview
20 impossible or impracticable and (ii) the superintendent or
21 superintendent's designee signs the form acknowledging that the interview
22 was held, the required information was provided and discussed at the
23 interview, and, in the opinion of the superintendent or the
24 superintendent's designee, the person making the written request pursuant
25 to subsection (2) of this section does in fact have legal or actual
26 charge or control of the child and the child is experiencing either (A)
27 financial hardships requiring the child to be employed to support the
28 child's family or one or more dependents of the child or (B) an illness
29 making attendance impossible or impracticable.

30 (6) A person who has legal or actual charge or control of the child
31 who is at least sixteen years of age but less than eighteen years of age

1 may withdraw such a child before graduation and be exempt from the
2 mandatory attendance requirements of section 79-201 if such child has
3 been enrolled in a school that elects pursuant to section 79-1601 not to
4 meet the accreditation or approval requirements by filing with the State
5 Department of Education a signed ~~notarized~~ release on a form prescribed
6 by the Commissioner of Education.

7 (7) A child who has been withdrawn from school pursuant to this
8 section may enroll in a school district at a later date as provided in
9 section 79-215 or may enroll in a private, denominational, or parochial
10 school or a school which elects pursuant to section 79-1601 not to meet
11 accreditation or approval requirements. Any such enrollment shall void
12 the withdrawal form previously entered, and the provisions of sections
13 79-201 to 79-210 shall apply to the child.

14 (8) The commissioner ~~Commissioner of Education~~ shall prescribe the
15 required form for withdrawals pursuant to this section and determine and
16 direct either that (a) withdrawal forms of school districts for any child
17 who is withdrawn from school pursuant to this section and subdivision (3)
18 (c) of section 79-201 shall be provided annually to the department ~~State~~
19 ~~Department of Education~~ or (b) data regarding such students shall be
20 collected under subsection (2) of section 79-528.

21 Sec. 20. Section 79-308, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 79-308 (1) The Commissioner of Education shall organize institutes
24 and conferences at such times and places as he or she deems practicable.
25 He or she shall, as far as practicable, attend such institutes and
26 conferences, provide proper instructors for the same, and in other ways
27 seek to improve the efficiency of teachers and advance the cause of
28 education in the state.

29 (2) The Legislature finds that (a) an educator-effectiveness system
30 includes a quality evaluation system with the primary goal of improving
31 instruction and learning in every school district and (b) school

1 districts have an opportunity to receive training on the quality
2 evaluation models.

3 (3) Beginning with the 2016-17 school year through the 2020-21
4 ~~2019-20~~ school year, school districts may apply to the State Department
5 of Education for grant funding for a period of up to two years to
6 implement an evaluation model for effective educators and to obtain the
7 necessary training for administrators and teachers for such model.

8 ~~(4) The State Board of Education may adopt and promulgate rules and~~
9 ~~regulations to carry out this section.~~

10 Sec. 21. Section 79-309.01, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 79-309.01 (1) The Commissioner of Education shall use the separate
13 accounting provided by the State Treasurer through 2020 under subdivision
14 (1)(b) of section 79-1035 to determine the amount that is attributable to
15 income from solar or wind agreements on school lands. This amount shall
16 provide funds for the grants described in section 79-308 through the
17 2020-21 ~~2019-20~~ school year.

18 (2) On or before June 30, 2022, any unencumbered and unspent funds
19 from any separate accounting provided by the State Treasurer under
20 subdivision (1)(b) of section 79-1035 shall be transferred to the
21 temporary school fund.

22 (3) For purposes of this section, agreement means any lease,
23 easement, covenant, or other such contractual arrangement.

24 Sec. 22. Section 79-422, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 79-422 ~~(1)~~ Bonded indebtedness approved by legal voters prior to
27 any change in school district boundary lines pursuant to sections 79-413
28 to 79-421 shall remain the obligation of the school district voting such
29 bonds unless otherwise specified in the petitions. When a district is
30 dissolved by petitions and the area is attached to two or more districts,
31 the petitions shall specify the disposition of assets and unbonded

1 obligations of the original district.

2 ~~(2) Bonded indebtedness approved by legal voters for high school~~
3 ~~facilities prior to the establishment of an affiliation shall remain the~~
4 ~~obligation of the high school district unless otherwise specified in the~~
5 ~~petitions.~~

6 Sec. 23. Section 79-433, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 79-433 For purposes of the Reorganization of School Districts Act,
9 unless the context otherwise requires:

10 (1) Reorganization of school districts means the formation of new
11 school districts, the alteration of boundaries of established school
12 districts that are not members of a learning community, ~~the affiliation~~
13 ~~of school districts,~~ and the dissolution or disorganization of
14 established school districts through or by means of any one or
15 combination of the methods set out in section 79-434; and

16 (2) State committee means the State Committee for the Reorganization
17 of School Districts created by section 79-435.

18 Sec. 24. Section 79-449, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-449 Whenever two or more school districts are involved in a
21 reorganization plan, the old districts shall continue to be responsible
22 for any indebtedness incurred before the reorganization takes place
23 unless a different arrangement is included in the plan voted upon by the
24 people. ~~Bonded indebtedness incurred for high school facilities prior to~~
25 ~~the adoption of any affiliation plan shall remain the obligation of the~~
26 ~~high school district unless otherwise specified in the petitions.~~

27 Sec. 25. Section 79-611, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 79-611 (1) The school board of any school district shall provide
30 free transportation, partially provide free transportation, or pay an
31 allowance for transportation in lieu of free transportation as follows:

1 (a) When a student attends an elementary school in his or her own
2 school district and lives more than four miles from ~~the public~~
3 ~~schoolhouse in~~ such elementary school district as measured by the
4 shortest route that must actually and necessarily be traveled by motor
5 vehicle to reach the student's residence;

6 (b) When a student is required to attend an elementary school
7 outside of his or her own school district and lives more than four miles
8 from such elementary school as measured by the shortest route that must
9 actually and necessarily be traveled by motor vehicle to reach the
10 student's residence;

11 (c) When a student attends a secondary school in his or her own
12 Class III school district and lives more than four miles from such
13 secondary school ~~the public schoolhouse~~ as measured by the shortest route
14 that must actually and necessarily be traveled by motor vehicle to reach
15 the student's residence. This subdivision does not apply to any
16 elementary-only school district that merged with a high-school-only
17 school district to form a new Class III school district on or after
18 January 1, 1997, and before June 16, 2006; and

19 (d) When a student, other than a student in grades ten through
20 twelve in a Class V school district, attends an elementary or junior high
21 school in his or her own Class V school district and lives more than four
22 miles from ~~the public schoolhouse in~~ such elementary or junior high
23 school district as measured by the shortest route that must actually and
24 necessarily be traveled by motor vehicle to reach the student's
25 residence.

26 (2)(a) For school years prior to school year 2017-18 and as required
27 pursuant to subsection (3) of section 79-241, the school board of any
28 school district that is a member of a learning community shall provide
29 free transportation for a student who resides in such learning community
30 and attends school in such school district if (i) the student is
31 transferring pursuant to the open enrollment provisions of section

1 79-2110, qualifies for free or reduced-price lunches, lives more than one
2 mile from the school to which he or she transfers, and is not otherwise
3 disqualified under subdivision (2)(c) of this section, (ii) the student
4 is transferring pursuant to the open enrollment provisions of section
5 79-2110, is a student who contributes to the socioeconomic diversity of
6 enrollment at the school building he or she attends, lives more than one
7 mile from the school to which he or she transfers, and is not otherwise
8 disqualified under subdivision (2)(c) of this section, (iii) the student
9 is attending a focus school or program and lives more than one mile from
10 the school building housing the focus school or program, or (iv) the
11 student is attending a magnet school or program and lives more than one
12 mile from the magnet school or the school housing the magnet program.

13 (b) For purposes of this subsection, student who contributes to the
14 socioeconomic diversity of enrollment at the school building he or she
15 attends has the definition found in section 79-2110. This subsection does
16 not prohibit a school district that is a member of a learning community
17 from providing transportation to any intradistrict student.

18 (c) For any student who resides within a learning community and
19 transfers to another school building pursuant to the open enrollment
20 provisions of section 79-2110 and who had not been accepted for open
21 enrollment into any school building within such school district prior to
22 September 6, 2013, the school board is exempt from the requirement of
23 subdivision (2)(a) of this section if (i) the student is transferring to
24 another school building within his or her home school district or (ii)
25 the student is transferring to a school building in a school district
26 that does not share a common border with his or her home school district.

27 (3) The transportation allowance which may be paid to the parent,
28 custodial parent, or guardian of students qualifying for free
29 transportation pursuant to subsection (1) or (2) of this section shall
30 equal two hundred eighty-five percent of the mileage rate provided in
31 section 81-1176, multiplied by each mile actually and necessarily

1 traveled, on each day of attendance, beyond which the one-way distance
2 from the residence of the student to the school ~~schoolhouse~~ exceeds three
3 miles. Such transportation allowance does not apply to students residing
4 in a learning community who qualify for free or reduced-price lunches.

5 (4) Whenever students from more than one family travel to school in
6 the same vehicle, the transportation allowance prescribed in subsection
7 (3) of this section shall be payable as follows:

8 (a) To the parent, custodial parent, or guardian providing
9 transportation for students from other families, one hundred percent of
10 the amount prescribed in subsection (3) of this section for the
11 transportation of students of such parent's, custodial parent's, or
12 guardian's own family and an additional five percent for students of each
13 other family not to exceed a maximum of one hundred twenty-five percent
14 of the amount determined pursuant to subsection (3) of this section; and

15 (b) To the parent, custodial parent, or guardian not providing
16 transportation for students of other families, two hundred eighty-five
17 percent of the mileage rate provided in section 81-1176 multiplied by
18 each mile actually and necessarily traveled, on each day of attendance,
19 from the residence of the student to the pick-up point at which students
20 transfer to the vehicle of a parent, custodial parent, or guardian
21 described in subdivision (a) of this subsection.

22 (5) When a student who qualifies under the mileage requirements of
23 subsection (1) of this section lives more than three miles from the
24 location where the student must be picked up and dropped off in order to
25 access school-provided free transportation, as measured by the shortest
26 route that must actually and necessarily be traveled by motor vehicle
27 between his or her residence and such location, such school-provided
28 transportation shall be deemed partially provided free transportation.
29 School districts partially providing free transportation shall pay an
30 allowance to the student's parent or guardian equal to two hundred
31 eighty-five percent of the mileage rate provided in section 81-1176

1 multiplied by each mile actually and necessarily traveled, on each day of
2 attendance, beyond which the one-way distance from the residence of the
3 student to the location where the student must be picked up and dropped
4 off exceeds three miles.

5 (6) The board may authorize school-provided transportation to any
6 student who does not qualify under the mileage requirements of subsection
7 (1) of this section and may charge a fee to the parent or guardian of the
8 student for such service. No transportation payments shall be made to a
9 family for mileage not actually traveled by such family. The number of
10 days the student has attended school shall be reported monthly by the
11 teacher to the board of such public school district.

12 (7) No more than one allowance shall be made to a family
13 irrespective of the number of students in a family being transported to
14 school.

15 (8) No student shall be exempt from school attendance on account of
16 distance from the school ~~public schoolhouse~~.

17 Sec. 26. Sections 26 to 28 of this act shall be known and may be
18 cited as the Alternative Certification for Quality Teachers Act.

19 Sec. 27. The Legislature finds and declares that:

20 (1) Like many other states, Nebraska is facing a teacher and
21 substitute teacher shortage;

22 (2) Mandatory training days and family leave policies draw many
23 regular teachers out of their classrooms, causing schools to hire
24 substitute teachers;

25 (3) The Internal Revenue Service requires a separation period for
26 recently retired teachers who may otherwise be interested in returning to
27 the classroom as a substitute teacher;

28 (4) In the fall of 2016, the State Department of Education conducted
29 a teacher vacancy survey of all school districts, educational service
30 units, and nonpublic school systems;

31 (5) Such survey showed that the state continues to have hundreds of

1 unfilled teaching positions across the state;

2 (6) The most widely reported solution for filling teaching vacancies
3 was to hire an individual who holds a transitional, provisional, or
4 temporary teaching certificate; and

5 (7) Filling teaching vacancies and having an adequate number of
6 substitute teachers is imperative for delivering a high-quality learning
7 experience to students.

8 Sec. 28. (1) In addition to certificates issued pursuant to
9 sections 79-806 to 79-815:

10 (a) The Commissioner of Education shall, subject to the provisions
11 of subsection (3) of this section, grant a temporary certificate to teach
12 on a full-time basis to any applicant who:

13 (i) Has completed a teacher education program at a standard
14 institution of higher education as defined in section 79-807; and

15 (ii) Currently possesses a certificate to teach in good standing
16 from another state; and

17 (b) The commissioner may, subject to the provisions of subsection
18 (3) of this section, grant a temporary certificate to teach on a full-
19 time basis to any applicant who:

20 (i) Has earned and been awarded a bachelor's degree, graduate
21 degree, or professional degree from a college or university accredited by
22 an accrediting organization recognized by the United States Department of
23 Education; and

24 (ii) Has satisfactorily demonstrated basic skills competency and
25 passed any appropriate subject area examination as designated by the
26 State Board of Education.

27 (2) Any temporary certificate to teach issued pursuant to this
28 section shall be valid for a period not to exceed two years, during which
29 the holder of such temporary certificate must obtain a certificate to
30 teach pursuant to sections 79-806 to 79-815 by completing the
31 requirements contained in such sections.

1 (3) Issuance of a temporary certificate to teach pursuant to this
2 section shall be subject to a criminal history record information check
3 pursuant to section 79-814.01, payment of any required fees, and
4 compliance with any rules and regulations adopted and promulgated by the
5 State Board of Education to carry out this section.

6 Sec. 29. Section 79-8,133, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 79-8,133 The Attracting Excellence to Teaching Program is created.
9 For purposes of the Attracting Excellence to Teaching Program:

10 (1) Department means the State Department of Education;

11 (2) Eligible institution means a not-for-profit college or
12 university which (a) is located in Nebraska, (b) is accredited by an a
13 ~~regional~~ accrediting agency recognized by the United States Department of
14 Education as determined to be acceptable by the State Board of Education,
15 (c) has a teacher education program, and (d) if a privately funded
16 college or university, has not opted out of the program pursuant to rules
17 and regulations;

18 (3) Eligible student means an individual who (a) is a full-time
19 student, (b) is enrolled in an eligible institution in an undergraduate
20 or a graduate teacher education program working toward his or her initial
21 certificate to teach in Nebraska, (c) if enrolled at a state-funded
22 eligible institution, is a resident student as described in section
23 85-502 or, if enrolled in a privately funded eligible institution, would
24 be deemed a resident student if enrolled in a state-funded eligible
25 institution, (d) for applicants applying for the first time on or after
26 April 23, 2009, is a student majoring in a shortage area, and (e) for
27 applicants applying to receive a loan during fiscal year 2011-12 or
28 2012-13, is a student who previously received a loan pursuant to the
29 Attracting Excellence to Teaching Program in the fiscal year immediately
30 preceding the fiscal year in which the new loan would be received;

31 (4) Full-time student means, in the aggregate, the equivalent of a

1 student who in a twelve-month period is enrolled in twenty-four semester
2 credit hours for undergraduate students or eighteen semester credit hours
3 for graduate students of classroom, laboratory, clinical, practicum, or
4 independent study course work;

5 (5) Majoring in a shortage area means pursuing a degree which will
6 allow an individual to be properly endorsed to teach in a shortage area;

7 (6) Shortage area means a secular field of teaching for which there
8 is a shortage, as determined by the department, of properly endorsed
9 teachers at the time the borrower first receives funds pursuant to the
10 program; and

11 (7) Teacher education program means a program of study approved by
12 the State Board of Education pursuant to subdivision (5)(g) of section
13 79-318.

14 Sec. 30. Section 79-8,137.01, Revised Statutes Cumulative
15 Supplement, 2020, is amended to read:

16 79-8,137.01 The Enhancing Excellence in Teaching Program is created.
17 For purposes of the Enhancing Excellence in Teaching Program:

18 (1) Department means the State Department of Education;

19 (2) Eligible graduate program means a program of study offered by an
20 eligible institution which results in obtaining a graduate degree or a
21 graduate course of study leading to an endorsement in a shortage area
22 specified by the State Board of Education;

23 (3) Eligible institution means a not-for-profit college or
24 university which (a) is located in Nebraska, (b) is accredited by an a
25 ~~regional~~ accrediting agency recognized by the United States Department of
26 Education as determined to be acceptable by the State Board of Education,
27 (c) has a teacher education program, and (d) if a privately funded
28 college or university, has not opted out of the Enhancing Excellence in
29 Teaching Program pursuant to rules and regulations;

30 (4) Eligible student means an individual who (a) is a certificated
31 teacher employed to teach in an approved or accredited school in

1 Nebraska, (b) is enrolled in an eligible graduate program, (c) if
2 enrolled at a state-funded eligible institution, is a resident student as
3 described in section 85-502 or, if enrolled in a privately funded
4 eligible institution, would be deemed a resident student if enrolled in a
5 state-funded eligible institution, (d) is majoring in a shortage area,
6 curriculum and instruction, a subject area in which the individual
7 already holds a secular teaching endorsement, or a subject area that will
8 result in an additional secular teaching endorsement which the
9 superintendent of the school district or head administrator of the
10 private, denominational, or parochial school employing the individual
11 believes will be beneficial to the students of such school district or
12 school as evidenced by a statement signed by the superintendent or head
13 administrator, and (e) is applying for a loan pursuant to the Enhancing
14 Excellence in Teaching Program to be received at a time other than during
15 fiscal year 2011-12 or 2012-13;

16 (5) Majoring in a shortage area or subject area means pursuing a
17 degree or course of study which will allow an individual to be properly
18 endorsed to teach in such shortage area or subject area; and

19 (6) Shortage area means a secular field of teaching or endorsement
20 area for which there is a shortage, as determined by the department, of
21 properly endorsed teachers at the time the borrower first receives funds
22 pursuant to the Enhancing Excellence in Teaching Program.

23 Sec. 31. Section 79-1003, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 79-1003 For purposes of the Tax Equity and Educational Opportunities
26 Support Act:

27 (1) Adjusted general fund operating expenditures means ~~(a) for~~
28 ~~school fiscal years 2013-14 through 2015-16, the difference of the~~
29 ~~general fund operating expenditures as calculated pursuant to subdivision~~
30 ~~(23) of this section increased by the cost growth factor calculated~~
31 ~~pursuant to section 79-1007.10, minus the transportation allowance,~~

1 ~~special receipts allowance, poverty allowance, limited English~~
2 ~~proficiency allowance, distance education and telecommunications~~
3 ~~allowance, elementary site allowance, summer school allowance,~~
4 ~~instructional time allowance, teacher education allowance, and focus~~
5 ~~school and program allowance, (b) for school fiscal years 2016-17 through~~
6 ~~2018-19, the difference of the general fund operating expenditures as~~
7 ~~calculated pursuant to subdivision (23) of this section increased by the~~
8 ~~cost growth factor calculated pursuant to section 79-1007.10, minus the~~
9 ~~transportation allowance, special receipts allowance, poverty allowance,~~
10 ~~limited English proficiency allowance, distance education and~~
11 ~~telecommunications allowance, elementary site allowance, summer school~~
12 ~~allowance, and focus school and program allowance, and (c) for school~~
13 ~~fiscal year 2019-20 and each school fiscal year thereafter, the~~
14 ~~difference of the general fund operating expenditures as calculated~~
15 ~~pursuant to subdivision (23) of this section increased by the cost growth~~
16 ~~factor calculated pursuant to section 79-1007.10, minus the~~
17 ~~transportation allowance, special receipts allowance, poverty allowance,~~
18 ~~limited English proficiency allowance, distance education and~~
19 ~~telecommunications allowance, elementary site allowance, summer school~~
20 ~~allowance, community achievement plan allowance, and focus school and~~
21 ~~program allowance;~~

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

1 (3) Allocated income tax funds means the amount of assistance paid
2 to a local system pursuant to section 79-1005.01;

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

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

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

12 (7) Categorical funds means funds limited to a specific purpose by
13 federal or state law, including, but not limited to, Title I funds, Title
14 VI funds, federal career and technical ~~vocational~~ education funds,
15 federal school lunch funds, Indian education funds, and Head Start funds,
16 ~~and funds from the Education Innovation Fund~~;

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

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

28 (10) Converted contract option student means a student who will be
29 an option student pursuant to the enrollment option program established
30 in section 79-234 for the school fiscal year for which aid is being
31 calculated and who would have been covered by a converted contract if the

1 contract were still in effect and such school fiscal year is the first
2 school fiscal year for which such contract is not in effect;

3 (11) Department means the State Department of Education;

4 (12) District means any school district or unified system as defined
5 in section 79-4,108;

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

8 (14) Equalization aid means the amount of assistance calculated to
9 be paid to a local system pursuant to section 79-1008.01;

10 (15) Fall membership means the total membership in kindergarten
11 through grade twelve attributable to the local system as reported on the
12 fall school district membership reports for each district pursuant to
13 section 79-528;

14 (16) Fiscal year means the state fiscal year which is the period
15 from July 1 to the following June 30;

16 (17) Formula students means:

17 (a) For state aid certified pursuant to section 79-1022, the sum of
18 the product of fall membership from the school fiscal year immediately
19 preceding the school fiscal year in which the aid is to be paid
20 multiplied by the average ratio of average daily membership to fall
21 membership for the second school fiscal year immediately preceding the
22 school fiscal year in which the aid is to be paid and the prior two
23 school fiscal years plus sixty percent of the qualified early childhood
24 education fall membership plus tuitioned students from the school fiscal
25 year immediately preceding the school fiscal year in which aid is to be
26 paid minus the product of the number of students enrolled in kindergarten
27 that is not full-day kindergarten from the fall membership multiplied by
28 0.5; and

29 (b) For the final calculation of state aid pursuant to section
30 79-1065, the sum of average daily membership plus sixty percent of the
31 qualified early childhood education average daily membership plus

1 tuitioned students minus the product of the number of students enrolled
2 in kindergarten that is not full-day kindergarten from the average daily
3 membership multiplied by 0.5 from the school fiscal year immediately
4 preceding the school fiscal year in which aid was paid;

5 (18) Free lunch and free milk calculated students means, using the
6 most recent data available on November 1 of the school fiscal year
7 immediately preceding the school fiscal year in which aid is to be paid,
8 (a) for schools that did not provide free meals to all students pursuant
9 to the community eligibility provision, students who individually
10 qualified for free lunches or free milk pursuant to the federal Richard
11 B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq., and the
12 federal Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq., as such acts
13 and sections existed on January 1, 2021 ~~2015~~, and rules and regulations
14 adopted thereunder, plus (b) for schools that provided free meals to all
15 students pursuant to the community eligibility provision, ~~(i) for school~~
16 ~~fiscal year 2016-17, the product of the students who attended such school~~
17 ~~multiplied by the identified student percentage calculated pursuant to~~
18 ~~such federal provision or (ii) for school fiscal year 2017-18 and each~~
19 ~~school fiscal year thereafter,~~ the greater of the number of students in
20 such school who individually qualified for free lunch or free milk using
21 the most recent school fiscal year for which the school did not provide
22 free meals to all students pursuant to the community eligibility
23 provision or one hundred ten percent of the product of the students who
24 qualified for free meals at such school pursuant to the community
25 eligibility provision multiplied by the identified student percentage
26 calculated pursuant to such federal provision, except that the free lunch
27 and free milk calculated ~~calculated~~ students ~~calculated~~ for any school pursuant to
28 subdivision ~~(18)(b)~~ ~~(18)(b)(ii)~~ of this section shall not exceed one
29 hundred percent of the students qualified for free meals at such school
30 pursuant to the community eligibility provision;

31 ~~(19) Free lunch and free milk student means, for school fiscal years~~

1 ~~prior to school fiscal year 2016-17, a student who qualified for free~~
2 ~~lunches or free milk from the most recent data available on November 1 of~~
3 ~~the school fiscal year immediately preceding the school fiscal year in~~
4 ~~which aid is to be paid;~~

5 ~~(19) (20)~~ Full-day kindergarten means kindergarten offered by a
6 district for at least one thousand thirty-two instructional hours;

7 ~~(20) (21)~~ General fund budget of expenditures means the total budget
8 of disbursements and transfers for general fund purposes as certified in
9 the budget statement adopted pursuant to the Nebraska Budget Act, except
10 that for purposes of the limitation imposed in section 79-1023, the
11 general fund budget of expenditures does not include any special grant
12 funds, exclusive of local matching funds, received by a district;

13 ~~(21) (22)~~ General fund expenditures means all expenditures from the
14 general fund;

15 ~~(22) (23)~~ General fund operating expenditures means, for state aid
16 calculated for ~~school fiscal years 2012-13~~ and each school fiscal year
17 thereafter, as reported on the annual financial report for the second
18 school fiscal year immediately preceding the school fiscal year in which
19 aid is to be paid, the total general fund expenditures minus (a) the
20 amount of all receipts to the general fund, to the extent that such
21 receipts are not included in local system formula resources, from early
22 childhood education tuition, summer school tuition, educational entities
23 as defined in section 79-1201.01 for providing distance education courses
24 through the Educational Service Unit Coordinating Council to such
25 educational entities, private foundations, individuals, associations,
26 charitable organizations, the textbook loan program authorized by section
27 79-734, federal impact aid, and levy override elections pursuant to
28 section 77-3444, (b) the amount of expenditures for categorical funds,
29 tuition paid to other school districts, tuition paid to postsecondary
30 institutions for college credit, transportation fees paid to other
31 districts, adult education, community services, redemption of the

1 principal portion of general fund debt service, retirement incentive
2 plans authorized by section 79-855, and staff development assistance
3 authorized by section 79-856, (c) the amount of any transfers from the
4 general fund to any bond fund and transfers from other funds into the
5 general fund, (d) any legal expenses in excess of fifteen-hundredths of
6 one percent of the formula need for the school fiscal year in which the
7 expenses occurred, ~~(e) (e)(i) for state aid calculated for school fiscal~~
8 ~~years prior to school fiscal year 2018-19, expenditures to pay for sums~~
9 ~~agreed to be paid by a school district to certificated employees in~~
10 ~~exchange for a voluntary termination occurring prior to July 1, 2009,~~
11 ~~occurring on or after the last day of the 2010-11 school year and prior~~
12 ~~to the first day of the 2013-14 school year, or, to the extent that a~~
13 ~~district has demonstrated to the State Board of Education pursuant to~~
14 ~~section 79-1028.01 that the agreement will result in a net savings in~~
15 ~~salary and benefit costs to the school district over a five-year period,~~
16 ~~occurring on or after the first day of the 2013-14 school year or (ii)~~
17 ~~for state aid calculated for school fiscal year 2018-19 and each school~~
18 ~~fiscal year thereafter,~~ expenditures to pay for incentives agreed to be
19 paid by a school district to certificated employees in exchange for a
20 voluntary termination of employment for which the State Board of
21 Education approved an exclusion pursuant to subdivision (1)(h), (i), (j),
22 or (k) of section 79-1028.01, (f)(i) expenditures to pay for employer
23 contributions pursuant to subsection (2) of section 79-958 to the School
24 Employees Retirement System of the State of Nebraska to the extent that
25 such expenditures exceed the employer contributions under such subsection
26 that would have been made at a contribution rate of seven and thirty-five
27 hundredths percent or (ii) expenditures to pay for school district
28 contributions pursuant to subdivision (1)(c)(i) or (1)(d)(i) of section
29 79-9,113 to the retirement system established pursuant to the Class V
30 School Employees Retirement Act to the extent that such expenditures
31 exceed the school district contributions under such subdivision that

1 would have been made at a contribution rate of seven and thirty-seven
2 hundredths percent, and (g) any amounts paid by the district for lobbyist
3 fees and expenses reported to the Clerk of the Legislature pursuant to
4 section 49-1483.

5 For purposes of this subdivision (22) ~~(23)~~ of this section, receipts
6 from levy override elections shall equal ninety-nine percent of the
7 difference of the total general fund levy minus a levy of one dollar and
8 five cents per one hundred dollars of taxable valuation multiplied by the
9 assessed valuation for school districts that have voted pursuant to
10 section 77-3444 to override the maximum levy provided pursuant to section
11 77-3442;

12 (23) ~~(24)~~ Income tax liability means the amount of the reported
13 income tax liability for resident individuals pursuant to the Nebraska
14 Revenue Act of 1967 less all nonrefundable credits earned and refunds
15 made;

16 (24) ~~(25)~~ Income tax receipts means the amount of income tax
17 collected pursuant to the Nebraska Revenue Act of 1967 less all
18 nonrefundable credits earned and refunds made;

19 (25) ~~(26)~~ Limited English proficiency students means the number of
20 students with limited English proficiency in a district from the most
21 recent data available on November 1 of the school fiscal year preceding
22 the school fiscal year in which aid is to be paid plus the difference of
23 such students with limited English proficiency minus the average number
24 of limited English proficiency students for such district, prior to such
25 addition, for the three immediately preceding school fiscal years if such
26 difference is greater than zero;

27 (26) ~~(27)~~ Local system means a unified system or a school district;

28 (27) ~~(28)~~ Low-income child means ~~(a) for school fiscal years prior~~
29 ~~to 2016-17, a child under nineteen years of age living in a household~~
30 ~~having an annual adjusted gross income for the second calendar year~~
31 ~~preceding the beginning of the school fiscal year for which aid is being~~

1 ~~calculated equal to or less than the maximum household income that would~~
2 ~~allow a student from a family of four people to be a free lunch and free~~
3 ~~milk student during the school fiscal year immediately preceding the~~
4 ~~school fiscal year for which aid is being calculated and (b) for school~~
5 ~~fiscal year 2016-17 and each school fiscal year thereafter,~~ a child under
6 nineteen years of age living in a household having an annual adjusted
7 gross income for the second calendar year preceding the beginning of the
8 school fiscal year for which aid is being calculated equal to or less
9 than the maximum household income pursuant to sections 9(b)(1) and 17(c)
10 (4) of the Richard B. Russell National School Lunch Act, 42 U.S.C.
11 1758(b)(1) and 42 U.S.C. 1766(c)(4), respectively, and sections 3(a)(6)
12 and 4(e)(1)(A) of the Child Nutrition Act of 1966, 42 U.S.C. 1772(a)(6)
13 and 42 U.S.C. 1773(e)(1)(A), respectively, as such acts and sections
14 existed on January 1, 2021 ~~2015~~, for a household of that size that would
15 have allowed the child to meet the income qualifications for free meals
16 during the school fiscal year immediately preceding the school fiscal
17 year for which aid is being calculated;

18 ~~(28)~~ (28) ~~(29)~~ Low-income students means the number of low-income
19 children within the district multiplied by the ratio of the formula
20 students in the district divided by the total children under nineteen
21 years of age residing in the district as derived from income tax
22 information;

23 ~~(29)~~ (29) ~~(30)~~ Most recently available complete data year means the most
24 recent single school fiscal year for which the annual financial report,
25 fall school district membership report, annual statistical summary,
26 Nebraska income tax liability by school district for the calendar year in
27 which the majority of the school fiscal year falls, and adjusted
28 valuation data are available;

29 ~~(30)~~ (30) ~~(31)~~ Poverty students means ~~(a) for school fiscal years prior~~
30 ~~to 2016-17, the number of low-income students or the number of students~~
31 ~~who are free lunch and free milk students in a district plus the~~

1 ~~difference of the number of low-income students or the number of students~~
2 ~~who are free lunch and free milk students in a district, whichever is~~
3 ~~greater, minus the average number of poverty students for such district,~~
4 ~~prior to such addition, for the three immediately preceding school fiscal~~
5 ~~years if such difference is greater than zero and (b) for school fiscal~~
6 ~~year 2016-17 and each school fiscal year thereafter, the unadjusted~~
7 ~~poverty students plus the difference of such unadjusted poverty students~~
8 ~~minus the average number of poverty students for such district, prior to~~
9 ~~such addition, for the three immediately preceding school fiscal years if~~
10 ~~such difference is greater than zero;~~

11 (31) ~~(32)~~ Qualified early childhood education average daily
12 membership means the product of the average daily membership ~~for school~~
13 ~~fiscal year 2006-07 and each school fiscal year thereafter~~ of students
14 who will be eligible to attend kindergarten the following school year and
15 are enrolled in an early childhood education program approved by the
16 department pursuant to section 79-1103 for such school district for such
17 school year multiplied by the ratio of the actual instructional hours of
18 the program divided by one thousand thirty-two if: (a) The program is
19 receiving a grant pursuant to such section for the third year; (b) the
20 program has already received grants pursuant to such section for three
21 years; or (c) the program has been approved pursuant to subsection (5) of
22 section 79-1103 for such school year and the two preceding school years,
23 including any such students in portions of any of such programs receiving
24 an expansion grant;

25 (32) ~~(33)~~ Qualified early childhood education fall membership means
26 the product of membership on October 1 of each school year of students
27 who will be eligible to attend kindergarten the following school year and
28 are enrolled in an early childhood education program approved by the
29 department pursuant to section 79-1103 for such school district for such
30 school year multiplied by the ratio of the planned instructional hours of
31 the program divided by one thousand thirty-two if: (a) The program is

1 receiving a grant pursuant to such section for the third year; (b) the
2 program has already received grants pursuant to such section for three
3 years; or (c) the program has been approved pursuant to subsection (5) of
4 section 79-1103 for such school year and the two preceding school years,
5 including any such students in portions of any of such programs receiving
6 an expansion grant;

7 (33) ~~(34)~~ Regular route transportation means the transportation of
8 students on regularly scheduled daily routes to and from the schools such
9 students attend attendance center;

10 (34) ~~(35)~~ Reorganized district means any district involved in a
11 consolidation and currently educating students following consolidation;

12 (35) ~~(36)~~ School year or school fiscal year means the fiscal year of
13 a school district as defined in section 79-1091;

14 (36) ~~(37)~~ Sparse local system means a local system that is not a
15 very sparse local system but which meets the following criteria:

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

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

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

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

1 (37) ~~(38)~~ Special education means specially designed kindergarten
2 through grade twelve instruction pursuant to section 79-1125, and
3 includes special education transportation;

4 (38) ~~(39)~~ Special grant funds means the budgeted receipts for
5 grants, including, but not limited to, categorical funds, reimbursements
6 for wards of the court, short-term borrowings including, but not limited
7 to, registered warrants and tax anticipation notes, interfund loans,
8 insurance settlements, and reimbursements to county government for
9 previous overpayment. The state board shall approve a listing of grants
10 that qualify as special grant funds;

11 (39) ~~(40)~~ State aid means the amount of assistance paid to a
12 district pursuant to the Tax Equity and Educational Opportunities Support
13 Act;

14 (40) ~~(41)~~ State board means the State Board of Education;

15 (41) ~~(42)~~ State support means all funds provided to districts by the
16 State of Nebraska for the general fund support of elementary and
17 secondary education;

18 (42) ~~(43)~~ Statewide average basic funding per formula student means
19 the statewide total basic funding for all districts divided by the
20 statewide total formula students for all districts;

21 (43) ~~(44)~~ Statewide average general fund operating expenditures per
22 formula student means the statewide total general fund operating
23 expenditures for all districts divided by the statewide total formula
24 students for all districts;

25 (44) ~~(45)~~ Teacher has the definition found in section 79-101;

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

1 ~~year 2007-08, one and one-fourth percent of the sum of the local system's~~
2 ~~transportation allowance, special receipts allowance, and distance~~
3 ~~education and telecommunications allowance and the product of the local~~
4 ~~system's adjusted formula students multiplied by the average formula cost~~
5 ~~per student in the local system's cost grouping;~~

6 (45) ~~(47)~~ Tuition receipts from converted contracts means tuition
7 receipts received by a district from another district in the most
8 recently available complete data year pursuant to a converted contract
9 prior to the expiration of the contract;

10 (46) ~~(48)~~ Tuitioned students means students in kindergarten through
11 grade twelve of the district whose tuition is paid by the district to
12 some other district or education agency;

13 (47) ~~(49)~~ Unadjusted poverty students means, ~~for school fiscal year~~
14 ~~2016-17 and each school fiscal year thereafter,~~ the greater of the number
15 of low-income students or the free lunch and free milk calculated
16 students in a district; and

17 (48) ~~(50)~~ Very sparse local system means a local system that has:

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

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

29 Sec. 32. Section 79-1007.11, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 79-1007.11 ~~(1) Except as otherwise provided in this section, for~~

1 ~~school fiscal years 2013-14 through 2015-16, each school district's~~
2 ~~formula need shall equal the difference of the sum of the school~~
3 ~~district's basic funding, poverty allowance, limited English proficiency~~
4 ~~allowance, focus school and program allowance, summer school allowance,~~
5 ~~special receipts allowance, transportation allowance, elementary site~~
6 ~~allowance, instructional time allowance, teacher education allowance,~~
7 ~~distance education and telecommunications allowance, averaging~~
8 ~~adjustment, new learning community transportation adjustment, student~~
9 ~~growth adjustment, any positive student growth adjustment correction, and~~
10 ~~new school adjustment, minus the sum of the limited English proficiency~~
11 ~~allowance correction, poverty allowance correction, and any negative~~
12 ~~student growth adjustment correction.~~

13 ~~(2) Except as otherwise provided in this section, for school fiscal~~
14 ~~year 2016-17, each school district's formula need shall equal the~~
15 ~~difference of the sum of the school district's basic funding, poverty~~
16 ~~allowance, limited English proficiency allowance, focus school and~~
17 ~~program allowance, summer school allowance, special receipts allowance,~~
18 ~~transportation allowance, elementary site allowance, distance education~~
19 ~~and telecommunications allowance, averaging adjustment, new learning~~
20 ~~community transportation adjustment, student growth adjustment, any~~
21 ~~positive student growth adjustment correction, and new school adjustment,~~
22 ~~minus the sum of the limited English proficiency allowance correction,~~
23 ~~poverty allowance correction, and any negative student growth adjustment~~
24 ~~correction.~~

25 ~~(3) Except as otherwise provided in this section, for school fiscal~~
26 ~~years 2017-18 and 2018-19, each school district's formula need shall~~
27 ~~equal the difference of the sum of the school district's basic funding,~~
28 ~~poverty allowance, poverty allowance adjustment, limited English~~
29 ~~proficiency allowance, focus school and program allowance, summer school~~
30 ~~allowance, special receipts allowance, transportation allowance,~~
31 ~~elementary site allowance, distance education and telecommunications~~

1 ~~allowance, averaging adjustment, new community achievement plan~~
2 ~~adjustment, student growth adjustment, any positive student growth~~
3 ~~adjustment correction, and new school adjustment minus the sum of the~~
4 ~~limited English proficiency allowance correction, poverty allowance~~
5 ~~correction, and any negative student growth adjustment correction.~~

6 (1) ~~(4)~~ Except as otherwise provided in this section, ~~for school~~
7 ~~fiscal year 2019-20 and each school fiscal year thereafter,~~ each school
8 district's formula need shall equal the difference of the sum of the
9 school district's basic funding, poverty allowance, limited English
10 proficiency allowance, focus school and program allowance, summer school
11 allowance, special receipts allowance, transportation allowance,
12 elementary site allowance, distance education and telecommunications
13 allowance, community achievement plan allowance, averaging adjustment,
14 new community achievement plan adjustment, student growth adjustment, any
15 positive student growth adjustment correction, and new school adjustment
16 minus the sum of the limited English proficiency allowance correction,
17 poverty allowance correction, and any negative student growth adjustment
18 correction.

19 (2) ~~(5)~~ If the formula need calculated for a school district
20 pursuant to subsection ~~subsections~~ (1) ~~through~~ ~~(4)~~ of this section is
21 less than one hundred percent of the formula need for such district for
22 the school fiscal year immediately preceding the school fiscal year for
23 which aid is being calculated, the formula need for such district shall
24 equal one hundred percent of the formula need for such district for the
25 school fiscal year immediately preceding the school fiscal year for which
26 aid is being calculated.

27 (3) ~~(6)~~ If the formula need calculated for a school district
28 pursuant to subsection ~~subsections~~ (1) ~~through~~ ~~(4)~~ of this section is
29 more than one hundred twelve percent of the formula need for such
30 district for the school fiscal year immediately preceding the school
31 fiscal year for which aid is being calculated, the formula need for such

1 district shall equal one hundred twelve percent of the formula need for
2 such district for the school fiscal year immediately preceding the school
3 fiscal year for which aid is being calculated, except that the formula
4 need shall not be reduced pursuant to this subsection for any district
5 receiving a student growth adjustment for the school fiscal year for
6 which aid is being calculated.

7 (4) ~~(7)~~ For purposes of subsections (2) and (3) ~~(5)~~ and ~~(6)~~ of this
8 section, the formula need for the school fiscal year immediately
9 preceding the school fiscal year for which aid is being calculated shall
10 be the formula need used in the final calculation of aid pursuant to
11 section 79-1065 and for districts that were affected by a reorganization
12 with an effective date in the calendar year preceding the calendar year
13 in which aid is certified for the school fiscal year for which aid is
14 being calculated, the formula need for the school fiscal year immediately
15 preceding the school fiscal year for which aid is being calculated shall
16 be attributed to the affected school districts based on information
17 provided to the department by the school districts or proportionally
18 based on the adjusted valuation transferred if sufficient information has
19 not been provided to the department.

20 Sec. 33. Section 79-1035, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 79-1035 (1)(a) The State Treasurer shall, ~~each year~~ on or before the
23 ~~third Monday in January 25 of each year~~, make a complete exhibit of all
24 money belonging to the permanent school fund and the temporary school
25 fund as returned to him or her from the several counties, together with
26 the amount derived from other sources, and deliver such exhibit duly
27 certified to the Commissioner of Education and the chairperson of the
28 Education Committee of the Legislature.

29 (b) ~~Through 2021 Beginning in 2016 and each year thereafter~~, the
30 exhibit required in subdivision (1)(a) of this section shall include a
31 separate accounting, not to exceed an amount of ten million dollars, of

1 the income from solar and wind agreements on school lands. The amount of
2 income from solar and wind agreements on school lands shall be used to
3 fund the grants described in section 79-308. The Board of Educational
4 Lands and Funds shall provide the State Treasurer with the information
5 necessary to make the exhibit required by this subsection. Separate
6 accounting shall not be made for income from solar or wind agreements on
7 school lands that exceeds the sum of ten million dollars.

8 (2) On or before February 25 following receipt of the exhibit from
9 the State Treasurer pursuant to subsection (1) of this section, the
10 Commissioner of Education shall make the apportionment of the temporary
11 school fund to each school district as follows: From the whole amount,
12 ~~less the amount of income from solar and wind agreements on school lands,~~
13 there shall be paid to those districts in which there are school or
14 saline lands, which lands are used for a public purpose, an amount in
15 lieu of tax money that would be raised if such lands were taxable, to be
16 fixed in the manner prescribed in section 79-1036; and the remainder
17 shall be apportioned to the districts according to the pro rata
18 enumeration of children who are five through eighteen years of age in
19 each district last returned from the school district. The calculation of
20 apportionment for each school fiscal year shall include any corrections
21 to the prior school fiscal year's apportionment.

22 (3) The Commissioner of Education shall certify the amount of the
23 apportionment of the temporary school fund as provided in subsection (2)
24 of this section to the Director of Administrative Services. The Director
25 of Administrative Services shall draw a warrant on the State Treasurer in
26 favor of the various districts for the respective amounts so certified by
27 the Commissioner of Education.

28 ~~(4) For purposes of this section, agreement means any lease,~~
29 ~~easement, covenant, or other such contractual arrangement.~~

30 Sec. 34. Section 79-1065.02, Revised Statutes Cumulative Supplement,
31 2020, is amended to read:

1 79-1065.02 (1) State aid payments pursuant to the Tax Equity and
2 Educational Opportunities Support Act and payments of core services and
3 technology infrastructure funds pursuant to section 79-1241.03 shall be
4 adjusted when property within the boundaries of a school district or
5 educational service unit is transferred to another school district or
6 educational service unit ~~due to a change in school district boundaries~~ in
7 response to annexation of the transferred property by a city or village.

8 (2)(a) For a school district to ~~(2)~~ To qualify for additional state
9 aid pursuant to this section, the school district from which property is
10 being transferred shall apply on a form prescribed by the State
11 Department of Education on or before August 20 preceding the first school
12 fiscal year for which the property will not be available for taxation for
13 the school district's general fund levy. ~~On or before such deadline, the~~
14 ~~applicant school district shall send copies of the application to the~~
15 ~~high school districts of the local systems receiving valuation in the~~
16 ~~transfer. For purposes of this section, property is deemed transferred~~
17 ~~from the school district whether the property was within the boundaries~~
18 ~~of the school district or the property was affiliated with the school~~
19 ~~district.~~

20 (b) For an educational service unit to qualify for additional core
21 services and technology infrastructure funds pursuant to this section,
22 the educational service unit from which property is being transferred
23 shall apply on a form prescribed by the State Department of Education on
24 or before August 20 preceding the first school fiscal year for which the
25 property will not be available for taxation for the educational service
26 unit's general fund levy.

27 (3)(a) (3) Upon receipt of an the application from a school
28 district, the department, with the assistance of the Property Tax
29 Administrator, shall calculate the amount of additional state aid, if
30 any, that the local system, as defined in section 79-1003, for the
31 applicant school district would have received for such school fiscal year

1 if the adjusted valuation for the transferred property had not been
2 included in the adjusted valuation of such local system for the
3 calculation of state aid for such school fiscal year. On or before
4 September 20 of such school fiscal year, the department shall certify to
5 the applicant school district the amount of additional state aid, if any,
6 such school ~~the~~ district will receive. Except as otherwise provided in
7 this subdivision ~~subsection~~, if such ~~applicant~~ school district receives a
8 lump-sum payment pursuant to subsection (2) of section 79-1022, such
9 lump-sum payment shall be increased by the amount of additional state
10 aid. Except as otherwise provided in this subdivision ~~subsection~~, if such
11 ~~applicant~~ school district does not receive a lump-sum payment pursuant to
12 ~~such~~ subsection (2) of section 79-1022, state aid payments shall be
13 increased by one-tenth of the amount of additional state aid for each of
14 the ten state aid payments for such school fiscal year. If a portion of
15 the total reduction calculated pursuant to subdivision (4)(a) ~~subsection~~
16 ~~(4)~~ of this section for local systems receiving valuation in the transfer
17 of property that is the subject of the application is delayed until
18 future years, the additional state aid to be paid in the school fiscal
19 year described in subdivision (2)(a) ~~subsection (2)~~ of this section shall
20 be reduced by the amount of the total reduction that is delayed until
21 future years. The amount of the reduction shall be paid as additional aid
22 in the next school fiscal year.

23 (b) Upon receipt of an application from an educational service unit,
24 the department, with the assistance of the Property Tax Administrator,
25 shall calculate the amount of additional core services and technology
26 infrastructure funds, if any, that such educational service unit would
27 have received for such school fiscal year if the adjusted valuation for
28 the transferred property had not been included in the adjusted valuation
29 of such educational service unit for the calculation of core services and
30 technology infrastructure funds for such school fiscal year. On or before
31 September 20 of such school fiscal year, the department shall certify to

1 the applicant educational service unit the amount of additional core
2 services and technology infrastructure funds, if any, such educational
3 service unit will receive. Except as otherwise provided in this
4 subdivision, payments of core services and technology infrastructure
5 funds shall be increased by one-tenth of the amount of any additional
6 core services and technology infrastructure funds for each of the ten
7 payments of core services and technology infrastructure funds for such
8 school fiscal year. If a portion of the total reduction calculated
9 pursuant to subdivision (4)(b) of this section for an educational service
10 unit receiving valuation in the transfer of property that is the subject
11 of the application is delayed until future years, the additional state
12 aid or core services and technology infrastructure funds to be paid to
13 the applicant educational service unit in the school fiscal year
14 described in subdivision (2)(b) of this section shall be reduced by the
15 amount of the total reduction that is delayed until future years. The
16 amount of the reduction shall be paid as additional core services and
17 technology infrastructure funds to such educational service unit in the
18 next school fiscal year.

19 (4)(a) (4) The state aid payments shall be reduced for the high
20 school ~~districts~~ district of each receiving local system. An amount equal
21 to the additional state aid calculated pursuant to subdivision (3)(a)
22 ~~subsection (3)~~ of this section for the local system of an applicant
23 school district shall be attributed to the local systems receiving
24 valuation in such transfer based upon the ratio of the adjusted valuation
25 received by each local system divided by the total adjusted valuation
26 transferred from the applicant school district. For any ~~If such high~~
27 school district of a receiving local system that receives a lump-sum
28 payment pursuant to subsection (2) of section 79-1022, such lump-sum
29 payment shall be reduced by the amount attributed to the receiving local
30 system. For any ~~If the high~~ school district of a receiving local system
31 that does not receive a lump-sum payment pursuant to ~~such~~ subsection (2)

1 of section 79-1022, state aid payments shall be reduced by one-tenth of
2 the amount attributed to such receiving local system for each of the ten
3 state aid payments for such school fiscal year. If the total reduction is
4 greater than the total state aid payments for such school fiscal year,
5 the remainder shall be subtracted from state aid payments in future
6 school fiscal years until the total reduction has been subtracted from
7 state aid payments. On or before September 20 of such school fiscal year,
8 the department shall certify to each ~~the high~~ school district of the
9 receiving local system the amount of the reduction in state aid.

10 (b) Core services and technology infrastructure funds shall be
11 reduced for each receiving educational service unit. An amount equal to
12 the additional core services and technology infrastructure funds
13 calculated pursuant to subdivision (3)(b) of this section for the
14 applicant educational service unit shall be attributed to the educational
15 service units receiving valuation in such transfer based upon the ratio
16 of the adjusted valuation received by each educational service unit
17 divided by the total adjusted valuation transferred from the applicant
18 educational service unit. Core services and technology infrastructure
19 funds shall be reduced by one-tenth of the amount attributed to any such
20 receiving educational service unit for each of the ten payments of core
21 services and technology infrastructure funds for such school fiscal year.
22 If the total reduction is greater than the total payments of core
23 services and technology infrastructure funds for any such educational
24 service unit for such school fiscal year, the remainder shall be
25 subtracted from payments of core services and technology infrastructure
26 funds in future school fiscal years until the total reduction has been
27 subtracted from such payments. On or before September 20 of such school
28 fiscal year, the department shall certify to the receiving educational
29 service units the amount of the reduction in core services and technology
30 infrastructure funds.

31 (5) For purposes of the final calculation of state aid for school

1 districts pursuant to section 79-1065, the adjusted valuation of the
2 property that was transferred shall also be transferred for purposes of
3 adjusted valuation for the final calculation of state aid. For
4 determining adjustments in state aid pursuant to section 79-1065, the
5 final calculation of state aid shall be compared to the state aid
6 certified for such school fiscal year combined with any adjustments in
7 state aid payments and transfers from other districts pursuant to this
8 section.

9 Sec. 35. Section 79-1074, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 79-1074 ~~(1)~~—The county clerk of any county in which a part of a
12 ~~joint~~ school district or learning community is located shall, on or
13 before the date prescribed in subsection (1) of section 13-509, certify
14 the taxable valuation of all taxable property of such part of the school
15 ~~joint~~ district or learning community to the clerk of the headquarters
16 county in which the schoolhouse or the administrative office of the
17 school district or learning community is located.

18 ~~(2) The county clerk of any county in which a part of a joint~~
19 ~~affiliated school system or learning community is located shall, on or~~
20 ~~before the date prescribed in subsection (1) of section 13-509, certify~~
21 ~~the taxable valuation of all taxable property of such part of the joint~~
22 ~~affiliated school system or learning community to the clerk of the~~
23 ~~headquarters county in which the schoolhouse or the administrative office~~
24 ~~of the high school district or learning community is located.~~

25 Sec. 36. Section 79-1075, Revised Statutes Cumulative Supplement,
26 2020, is amended to read:

27 79-1075 ~~(1)~~—The county board of the county in which is located the
28 ~~schoolhouse or the administrative office of any joint~~ school district ~~or,~~
29 ~~for years prior to 2017, learning community~~ shall make a levy for the
30 school district ~~or, for years prior to 2017, learning community,~~ as may
31 be necessary, and the county clerk of that headquarters county shall

1 certify the levy, on or before the date prescribed in section 77-1601, to
2 the county clerk of each county in which is situated any portion of the
3 ~~joint school district or learning community~~. This section shall apply to
4 all taxes levied on behalf of school districts, including, but not
5 limited to, taxes authorized by sections 10-304, 10-711, 77-1601, 79-747,
6 79-1084, 79-1085, 79-1086, 79-10,100, 79-10,110, 79-10,110.02, 79-10,118,
7 79-10,120, and 79-10,126.

8 ~~(2) The county board of the county in which is located the~~
9 ~~schoolhouse or the administrative office of the high school district of a~~
10 ~~joint affiliated school system shall make a levy for the joint affiliated~~
11 ~~school system, as may be necessary, and the county clerk of that~~
12 ~~headquarters county shall certify the levy, on or before the date~~
13 ~~prescribed in section 77-1601, to the county clerk of each county in~~
14 ~~which is situated any portion of the joint affiliated school system. This~~
15 ~~section shall apply to all taxes levied on behalf of affiliated school~~
16 ~~systems, including, but not limited to, taxes authorized by sections~~
17 ~~79-10,110 and 79-10,110.02.~~

18 Sec. 37. Section 79-10,119, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-10,119 A ~~Class III, IV, or V~~ school district may purchase,
21 acquire, own, manage, and hold title to real estate for future school
22 sites which at the time of such purchasing or acquiring is outside such
23 school district in a territory not more than three miles beyond the
24 limits of such district but contiguous thereto. Such district shall not
25 erect school buildings on the real estate prior to the inclusion of such
26 real estate within the boundaries of such a school district. If the real
27 estate so acquired adjoins the purchaser's district, the acquisition of
28 the real estate constitutes an annexation of such real estate to the
29 purchaser's district. The intervention of a street, road, or highway
30 between the real estate to be acquired and the purchaser's district does
31 not preclude such real estate from being considered as adjoining the

1 purchaser's district.

2 Sec. 38. Section 79-1241.03, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 79-1241.03 (1) Two percent of the appropriation funds ~~appropriated~~
5 for core services and technology infrastructure funds shall be
6 transferred to the Educational Service Unit Coordinating Council. The
7 remainder of such funds shall be distributed pursuant to subsections (2)
8 through (5) of this section.

9 (2)(a) The distance education and telecommunications allowance for
10 each educational service unit shall equal eighty-five percent of the
11 difference of the costs for telecommunications services, for access to
12 data transmission networks that transmit data to and from the educational
13 service unit, and for the transmission of data on such networks paid by
14 the educational service unit as reported on the annual financial report
15 for the most recently available complete data year minus the receipts
16 from the federal Universal Service Fund pursuant to 47 U.S.C. 254, as
17 such section existed on January 1, 2021 ~~2007~~, for the educational service
18 unit as reported on the annual financial report for the most recently
19 available complete data year and minus any receipts from school districts
20 or other educational entities for payment of such costs as reported on
21 the annual financial report of the educational service unit.

22 (b) The base allocation of each educational service unit shall equal
23 two and one-half percent of the funds appropriated for distribution
24 pursuant to this section.

25 (c) The satellite office allocation for each educational service
26 unit shall equal one percent of the funds appropriated for distribution
27 pursuant to this section for each office of the educational service unit,
28 except the educational service unit headquarters, up to the maximum
29 number of satellite offices. The maximum number of satellite offices used
30 for the calculation of the satellite office allocation for any
31 educational service unit shall equal the difference of the ratio of the

1 number of square miles within the boundaries of the educational service
2 unit divided by four thousand minus one with the result rounded to the
3 closest whole number.

4 (d) The statewide adjusted valuation shall equal the total adjusted
5 valuation for all member districts of educational service units pursuant
6 to section 79-1016 used for the calculation of state aid for school
7 districts pursuant to the Tax Equity and Educational Opportunities
8 Support Act for the school fiscal year for which the distribution is
9 being calculated pursuant to this section.

10 (e) The adjusted valuation for each educational service unit shall
11 equal the total adjusted valuation of the member school districts
12 pursuant to section 79-1016 used for the calculation of state aid for
13 school districts pursuant to the act for the school fiscal year for which
14 the distribution is being calculated pursuant to this section, except
15 that such adjusted valuation for member school districts that are also
16 member districts of a learning community shall be reduced by ten percent.
17 The adjusted valuation for each learning community shall equal ten
18 percent of the total adjusted valuation of the member school districts
19 pursuant to section 79-1016 used for the calculation of state aid for
20 school districts pursuant to the act for the school fiscal year for which
21 the distribution is being calculated pursuant to this section.

22 (f) The local effort rate shall equal \$0.0135 per one hundred
23 dollars of adjusted valuation.

24 (g) The statewide student allocation shall equal the difference of
25 the sum of the amount appropriated for distribution pursuant to this
26 section plus the product of the statewide adjusted valuation multiplied
27 by the local effort rate minus the distance education and
28 telecommunications allowance, base allocation, and satellite office
29 allocation for all educational service units and minus any adjustments
30 required by subsection (4) of this section.

31 (h) The sparsity adjustment for each educational service unit and

1 learning community shall equal the sum of one plus one-tenth of the ratio
2 of the square miles within the boundaries of the educational service unit
3 divided by the fall membership of the member school districts for the
4 school fiscal year immediately preceding the school fiscal year for which
5 the distribution is being calculated pursuant to this section.

6 (i) The adjusted students for each multidistrict educational service
7 unit shall equal the fall membership for the school fiscal year
8 immediately preceding the school fiscal year for which aid is being
9 calculated of the member school districts that will not be members of a
10 learning community and ninety percent of the fall membership for such
11 school fiscal year of the member school districts that will be members of
12 a learning community pursuant to this section multiplied by the sparsity
13 adjustment for the educational service unit. The adjusted students for
14 each single-district educational service unit shall equal ninety-five
15 percent of the fall membership for the school fiscal year immediately
16 preceding the school fiscal year for which aid is being calculated if the
17 member school district will not be a member of a learning community and
18 eighty-five percent of the fall membership for such school fiscal year if
19 the member school district will be a member of a learning community
20 pursuant to this section, multiplied by the sparsity adjustment for the
21 educational service unit. The adjusted students for each learning
22 community shall equal ten percent of the fall membership for such school
23 fiscal year of the member school districts multiplied by the sparsity
24 adjustment for the learning community.

25 (j) The per student allocation shall equal the statewide student
26 allocation divided by the total adjusted students for all educational
27 service units and learning communities.

28 (k) The student allocation for each educational service unit and
29 learning community shall equal the per student allocation multiplied by
30 the adjusted students for the educational service unit or learning
31 community.

1 (1) The needs for each educational service unit shall equal the sum
2 of the distance education and telecommunications allowance, base
3 allocation, satellite office allocation, and student allocation for the
4 educational service unit and the needs for each learning community shall
5 equal the student allocation for the learning community.

6 (m) The distribution of core services and technology infrastructure
7 funds for each educational service unit and learning community shall
8 equal the needs for each educational service unit or learning community
9 minus the product of the adjusted valuation for the educational service
10 unit or learning community multiplied by the local effort rate.

11 (3) If an educational service unit is the result of a merger or
12 received new member school districts from another educational service
13 unit, the educational service unit shall be considered a new educational
14 service unit for purposes of this section. For each new educational
15 service unit, the needs minus the distance education and
16 telecommunications allowance for such new educational service unit shall,
17 for each of the three fiscal years following the fiscal year in which the
18 merger takes place or the new member school districts are received, equal
19 an amount not less than the needs minus the distance education and
20 telecommunications allowance for the portions of the educational service
21 units transferred to the new educational service unit for the fiscal year
22 immediately preceding the merger or receipt of new member school
23 districts, except that if the total amount available to be distributed
24 pursuant to subsections (2) through (5) of this section for the year for
25 which needs are being calculated is less than the total amount
26 distributed pursuant to such subsections for the fiscal year immediately
27 preceding the merger or receipt of new member school districts, the
28 minimum needs minus the distance education and telecommunications
29 allowance for each educational service unit pursuant to this subsection
30 shall be reduced by a percentage equal to the ratio of such difference
31 divided by the total amount distributed pursuant to subsections (2)

1 through (5) of this section for the fiscal year immediately preceding the
2 merger or receipt of new member school districts. The needs minus the
3 distance education and telecommunications allowance for the portions of
4 educational service units transferred to the new educational service unit
5 for the fiscal year immediately preceding a merger or receipt of new
6 member school districts shall equal the needs minus the distance
7 education and telecommunications allowance calculated for such fiscal
8 year pursuant to subsections (2) through (5) of this section for any
9 educational service unit affected by the merger or the transfer of school
10 districts multiplied by a ratio equal to the valuation that was
11 transferred to the new educational service unit for which the minimum is
12 being calculated divided by the total valuation of the educational
13 service unit transferring the territory.

14 (4) If the minimum needs minus the distance education and
15 telecommunications allowance pursuant to subsection (3) of this section
16 for any educational service unit exceeds the amount that would otherwise
17 be calculated for such educational service unit pursuant to subsection
18 (2) of this section, the statewide student allocation shall be reduced
19 such that the total amount to be distributed pursuant to this section
20 equals the appropriation for core services and technology infrastructure
21 funds and no educational service unit has needs minus the distance
22 education and telecommunications allowance less than the greater of any
23 minimum amounts calculated for such educational service unit pursuant to
24 subsection (3) of this section.

25 (5) The State Department of Education shall certify the distribution
26 of core services and technology infrastructure funds pursuant to
27 subsections (2) through (5) of this section to each educational service
28 unit and learning community on or before July 1 of each year for the
29 following school fiscal year. Except as otherwise provided in this
30 subsection, any funds appropriated for distribution pursuant to this
31 section shall be distributed in ten as nearly as possible equal payments

1 on the last ~~first~~ business day of each month beginning in September of
2 each school fiscal year and ending in June. Payments ~~Funds distributed~~ to
3 educational service units pursuant to this section shall be used for core
4 services and technology infrastructure with the approval of
5 representatives of two-thirds of the member school districts of the
6 educational service unit, representing a majority of the adjusted
7 students in the member school districts used in calculations pursuant to
8 this section for such funds. The valuation of individual school districts
9 shall not be considered in the utilization of such core services or
10 technology infrastructure funds by member school districts for funds
11 received after July 1, 2010. Funds distributed to learning communities
12 shall be used for evaluation and research pursuant to section 79-2104.02
13 with the approval of the learning community coordinating council.

14 (6) For purposes of this section, the determination of whether or
15 not a school district will be a member of an educational service unit or
16 a learning community shall be based on the information available May 1
17 for the following school fiscal year.

18 (7) It is the intent of the Legislature that:

19 (a) Funding for core services and technology infrastructure for each
20 educational service unit consist of both amounts received pursuant to
21 this section and an amount greater than or equal to the product of the
22 adjusted valuation for the educational service unit multiplied by the
23 local effort rate; and

24 (b) Each multidistrict educational service unit use an amount equal
25 to at least five percent of such funding for core services and technology
26 infrastructure for cooperative projects between member school districts
27 and that each such educational service unit use an amount equal to at
28 least five percent of such funding for core services and technology
29 infrastructure for statewide projects managed by the Educational Service
30 Unit Coordinating Council.

31 Sec. 39. Section 79-1605, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 79-1605 The superintendent of the high school district ~~and its~~
3 ~~affiliated territory~~ in which any private, denominational, or parochial
4 school is located, which school is not otherwise inspected by an area or
5 diocesan representative holding a Nebraska certificate to administer,
6 shall inspect such schools and report to the proper officers any evidence
7 of failure to observe any of the provisions of sections 79-1601 to
8 79-1607. The Commissioner of Education, when in his or her judgment it is
9 deemed advisable, may appoint a public school official other than such
10 superintendent, including a member of the State Department of Education,
11 for such inspections. Such appointee shall hold a Nebraska certificate to
12 administer. The State Board of Education shall require the
13 superintendents and appointed public school officials to make such
14 inspections at least twice a year, and the school officers of such
15 schools and the teachers giving instruction in such schools shall permit
16 such inspection and assist and cooperate in the making of the same.

17 Sec. 40. Section 79-2104.02, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

19 79-2104.02 Each learning community coordinating council shall use
20 any funds received pursuant to section 79-1241.03 for evaluation of
21 programs related to the community achievement plan developed with the
22 assistance of the student achievement coordinator or other department
23 staff designated by the Commissioner of Education and evaluation and
24 research regarding the progress of the learning community pursuant to
25 plans developed by the learning community coordinating council with
26 assistance from the Educational Service Unit Coordinating Council and
27 adjusted on an ongoing basis. The evaluation regarding the progress of
28 the learning community shall be conducted by one or more other entities
29 or individuals who are not employees of the learning community and shall
30 measure progress toward the goals and objectives of the learning
31 community, which goals and objectives shall include reduction of

1 excessive absenteeism of students in the member school districts of the
2 learning community and closing academic achievement gaps based on
3 socioeconomic status, and the effectiveness of the approaches used by the
4 learning community or pilot project to reach such goals and objectives.
5 Any research conducted pursuant to this section shall also be related to
6 such goals and objectives or programs related to the community
7 achievement plan. Each learning community shall report evaluation and
8 research results electronically to the Education Committee of the
9 Legislature on or before ~~February~~ January 1 of each year.

10 Sec. 41. Section 79-2118, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 79-2118 (1) Each learning community, together with its member school
13 districts, shall develop a diversity plan to provide educational
14 opportunities pursuant to sections 79-769 and 79-2110 in each subcouncil
15 district designed to attract students from diverse backgrounds, which
16 plan may be revised from time to time. The initial diversity plan shall
17 be completed by December 31 of the year the initial learning community
18 coordinating council for the learning community takes office. The goal of
19 the diversity plan shall be to ~~annually~~ increase the socioeconomic
20 diversity of enrollment at each grade level in each school building
21 within the learning community ~~until such enrollment reflects the average~~
22 ~~socioeconomic diversity of the entire enrollment of the learning~~
23 ~~community.~~

24 (2) Each diversity plan for a learning community shall include
25 specific provisions relating to each subcouncil district within such
26 learning community. The specific provisions relating to each subcouncil
27 district shall be approved by both the achievement subcouncil for such
28 district and by the learning community coordinating council.

29 (3) The learning community coordinating council shall report
30 electronically to the Education Committee of the Legislature on or before
31 ~~February~~ January 1 of each odd-numbered year on the diversity and changes

1 in diversity at each grade level in each school building within the
2 learning community and on the academic achievement for different
3 demographic groups in each school building within the learning community.

4 Sec. 42. Section 79-2603, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 79-2603 (1) Each ~~For school year 2019-20 and each school year~~
7 ~~thereafter,~~ each school district shall administer an approved reading
8 assessment three times during the school year to all students in
9 kindergarten through grade three, except for any student receiving
10 specialized instruction for limited English proficiency who has been
11 receiving such instruction for less than two years, any student receiving
12 special education services for whom such assessment would conflict with
13 the individualized education plan, and any student receiving services
14 under a plan pursuant to the requirements of section 504 of the federal
15 Rehabilitation Act of 1973, 29 U.S.C. 794, or Title II of the federal
16 Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to 12165, as
17 such acts and sections existed on January 1, 2021 ~~2018~~, for whom such
18 assessment would conflict with such section 504 or Title II plan. The
19 first administration of such assessment for kindergarten students ~~each~~
20 ~~such school year~~ shall occur within the first forty-five calendar ~~thirty~~
21 ~~days~~ that school is in session of each ~~the school year and for all other~~
22 grades within the first thirty calendar days that school is in session of
23 each school year.

24 (2) For purposes of the Nebraska Reading Improvement Act, an
25 approved reading assessment means an assessment of student reading skills
26 approved by the State Department of Education which:

27 (a) Measures progress toward proficiency in the reading skills
28 assessed pursuant to subsection (5) of section 79-760.03 on the statewide
29 assessment of reading for grade three;

30 (b) Is valid and reliable;

31 (c) Is aligned with academic content standards for reading adopted

1 by either the State Board of Education pursuant to section 79-760.01 or
2 the school district administering such assessment pursuant to section
3 79-760.02;

4 (d) Allows teachers access to results in a reasonable time period as
5 established by the department, not to exceed fifteen contract ~~working~~
6 days; and

7 (e) Is commercially available and complies with requirements
8 established by the department.

9 (3) On or before March 1, 2019, and on or before each March 1
10 thereafter, the department shall make public the list of approved reading
11 assessments for the subsequent school year and the threshold level of
12 performance for each such assessment. A student performing below the
13 threshold level shall be identified as having a reading deficiency for
14 purposes of the Nebraska Reading Improvement Act.

15 (4) Diagnostic assessments used within a supplemental reading
16 intervention program do not require department approval.

17 Sec. 43. Section 79-2605, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

19 79-2605 (1) Each school district shall provide a supplemental
20 reading intervention program for the purpose of ensuring that students
21 can read at or above grade level at the end of third grade. School
22 districts may work collaboratively with a reading specialist at the State
23 Department of Education, with educational service units, with learning
24 communities, or through interlocal agreements to develop and provide such
25 supplemental reading intervention programs. Each supplemental reading
26 intervention program shall be:

27 (a) Provided ~~Be provided~~ to any student identified as having a
28 reading deficiency;

29 (b) Implemented ~~Be implemented~~ during regular school hours in
30 addition to regularly scheduled reading instruction unless otherwise
31 agreed to by a parent or guardian; and

1 (c) ~~Made~~ Make available as a summer reading program between each
2 school year ~~summer~~ for any student who has been enrolled in grade one,
3 grade two, or grade three or in a higher grade and is identified as
4 continuing to have a reading deficiency at the conclusion of the school
5 year preceding such summer reading program. Such summer reading program
6 may be (i) held in conjunction with existing summer programs in the
7 school district, (ii) held ~~or~~ in a community reading program not
8 affiliated with the school district, or (iii) ~~may be~~ offered online.

9 (2) The supplemental reading intervention program may also include:

10 (a) Reading intervention ~~techniques that are based on scientific~~
11 ~~research and best practices that are evidence-based;~~

12 (b) Diagnostic assessments to identify specific skill-based
13 strengths and weaknesses a student may have;

14 (c) Frequent monitoring of ~~frequently monitor~~ student progress
15 throughout the school year with and ~~adjust~~ instruction adjusted
16 accordingly;

17 (d) ~~(e)~~ Intensive intervention using strategies selected from the
18 following list to match the weaknesses identified in the diagnostic
19 assessment:

20 (i) Development in phonemic awareness, phonics, fluency, vocabulary,
21 and reading comprehension;

22 (ii) Explicit and systematic instruction with detailed explanations,
23 extensive opportunities for guided practice, and opportunities for error
24 corrections and feedback; or

25 (iii) Daily targeted individual or small-group reading intervention
26 based on student needs as determined by diagnostic assessment data
27 subject to planned extracurricular school activities;

28 (e) ~~(d)~~ Strategies and resources to assist with reading skills at
29 home, including parent-training workshops and suggestions for parent-
30 guided home reading; or

31 (f) ~~(e)~~ Access to before-school or after-school supplemental reading

1 intervention with a teacher or tutor who has specialized training in
2 reading intervention.

3 Sec. 44. Section 79-2606, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 79-2606 (1) The school of any student who is identified as having a
6 reading deficiency shall notify such student's parents or guardians
7 either in writing or by electronic communication no later than fifteen
8 working days after the identification of the reading deficiency that the
9 student has been identified as having a reading deficiency and that an
10 individualized individual reading improvement plan will be established
11 and shared with the parents or guardians.

12 (2) Any student who is identified as having a reading deficiency
13 shall receive an individualized individual reading improvement plan,
14 which shall include a supplemental reading intervention program, no later
15 than thirty days after the identification of such reading deficiency. The
16 reading improvement plan may be created by the teacher, the principal,
17 other pertinent school personnel, and the parents or guardians of the
18 student and shall describe the reading intervention services the student
19 will receive through the supplemental reading intervention program
20 pursuant to section 79-2605 to remedy such reading deficiency. Each such
21 student shall receive reading intervention services through the
22 supplemental reading intervention program pursuant to section 79-2605
23 until the student is no longer identified as having a reading deficiency.

24 Sec. 45. Section 85-505, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 85-505 Any member of the Nebraska National Guard who enrolls in any
27 state-supported university, college, or community college or any
28 independent, not-for-profit, ~~regionally~~ accredited college or university
29 in this state shall be entitled to a credit of one hundred percent of the
30 resident tuition charges of such school for a diploma, certificate,
31 associate degree, or baccalaureate degree program or fifty percent of the

1 resident tuition charges of such school for a graduate or professional
2 degree program, except that any member who attends an independent, not-
3 for-profit, ~~regionally~~ accredited college or university in this state
4 shall receive a credit in an amount no higher than such member would
5 receive if attending the University of Nebraska-Lincoln. Such entitlement
6 shall be for a period of ten years from the date of the member's initial
7 membership so long as the member maintains satisfactory performance with
8 the guard and pursues a course of study in such institution in a manner
9 which satisfies the normal requirements of the institution. If a member
10 is unable to complete the course of study within the ten-year period due
11 to deployment on federal or state active-duty status for not less than
12 one hundred twenty days, the Adjutant General may extend the entitlement
13 period for such member for a period equal to the period of such person's
14 active-duty status, not to exceed a maximum of five years. During the
15 extended entitlement period, the member shall be subject to all remaining
16 conditions and limitations of the tuition assistance program prescribed
17 in sections 85-505 to 85-508. The number of individuals granted tuition
18 credit shall not exceed the number specified in section 85-505.01 during
19 any fiscal year, and the amount of tuition credits granted shall not
20 exceed nine hundred thousand dollars during any fiscal year. When
21 determining to whom such tuition credit shall be awarded, priority shall
22 be given to those individuals who have previously received tuition
23 credits while a National Guard member, and the Nebraska National Guard
24 shall apply those program qualifications and limitations consistent with
25 efficient and effective program management as determined by the Adjutant
26 General.

27 Sec. 46. Section 85-507, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 85-507 The spouse and children of any member of the Nebraska
30 National Guard who dies while serving in the active service of the state
31 shall be entitled to a credit of one hundred percent of the tuition

1 charges in any state-supported university, college, or community college
2 or any independent, not-for-profit, ~~regionally~~ accredited college or
3 university in this state, except that any spouse or child who attends an
4 independent, not-for-profit, ~~regionally~~ accredited college or university
5 in this state shall receive a credit in an amount no higher than that
6 spouse or child would receive if attending the University of Nebraska-
7 Lincoln. Such tuition credit shall be for any undergraduate course of
8 education not exceeding four years, except that no credit shall be
9 granted to the spouse after the tenth anniversary of the member's death
10 and no credit shall be granted to a child after such child's twenty-fifth
11 birthday. All persons eligible for tuition credit under this section
12 shall obtain a certificate of eligibility from the Adjutant General of
13 the Nebraska National Guard and present such certificate to the
14 educational institution.

15 Sec. 47. Section 85-1609, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 85-1609 Accreditation by ~~national or regional~~ accrediting agencies
18 recognized by the United States Department of Education such as the
19 Association of Independent Colleges and Schools, the Accrediting Council
20 for Continuing Education and Training, the National Accrediting
21 Association of Cosmetology Arts and Sciences, or the National Association
22 of Trade and Technical Schools may be accepted by the department as
23 evidence of compliance with the minimum standards established pursuant to
24 sections 85-1606 and 85-1608. Accreditation by a recognized, specialized
25 accrediting agency such as the Council on Medical Education of the
26 American Medical Association, the Commission on Accreditation of the
27 American Dental Association, or the American Veterinary Medical
28 Association may be accepted as evidence of such compliance only as to the
29 portion or program of a school accredited by such agency if the school as
30 a whole is not accredited.

31 Sec. 48. Section 85-1802, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 85-1802 For purposes of sections 85-1801 to 85-1817:

3 (1) Administrative fund means the College Savings Plan
4 Administrative Fund created in section 85-1807;

5 (2) Beneficiary means the individual designated by a participation
6 agreement to benefit from advance payments of qualified higher education
7 expenses on behalf of the beneficiary;

8 (3) Benefits means the payment of qualified higher education
9 expenses on behalf of a beneficiary by the Nebraska educational savings
10 plan trust during the beneficiary's attendance at an eligible educational
11 institution;

12 (4) Eligible educational institution means an institution described
13 in 20 U.S.C. 1088 which is eligible to participate in a program under
14 Title IV of the federal Higher Education Act of 1965;

15 (5) Expense fund means the College Savings Plan Expense Fund created
16 in section 85-1807;

17 (6) Nebraska educational savings plan trust means the trust created
18 in section 85-1804;

19 (7) Nonqualified withdrawal refers to (a) a distribution from an
20 account to the extent it is not used to pay the qualified higher
21 education expenses of the beneficiary, (b) a qualified rollover permitted
22 by section 529 of the Internal Revenue Code where the funds are
23 transferred to a qualified tuition program sponsored by another state or
24 entity, or (c) a distribution from an account to pay the costs of
25 attending kindergarten through grade twelve;

26 (8) Participant or account owner means an individual, an
27 individual's legal representative, or any other legal entity authorized
28 to establish a savings account under section 529 of the Internal Revenue
29 Code who has entered into a participation agreement for the advance
30 payment of qualified higher education expenses on behalf of a
31 beneficiary. For purposes of section 77-2716, as to contributions by a

1 custodian to a custodial account established pursuant to the Nebraska
2 Uniform Transfers to Minors Act or similar law in another state, which
3 account has been established under a participation agreement, participant
4 includes the parent or guardian of a minor, which parent or guardian is
5 also the custodian of the account;

6 (9) Participation agreement means an agreement between a participant
7 and the Nebraska educational savings plan trust entered into under
8 sections 85-1801 to 85-1817;

9 (10) Program fund means the College Savings Plan Program Fund
10 created in section 85-1807;

11 (11) Qualified higher education expenses means the certified costs
12 of tuition and fees, books, supplies, and equipment required for
13 enrollment or attendance at an eligible educational institution.
14 Reasonable room and board expenses, based on the minimum amount
15 applicable for the eligible educational institution during the period of
16 enrollment, shall be included as qualified higher education expenses for
17 those students enrolled on at least a half-time basis. In the case of a
18 special needs beneficiary, expenses for special needs services incurred
19 in connection with enrollment or attendance at an eligible educational
20 institution shall be included as qualified higher education expenses.
21 Expenses paid or incurred on or after January 1, 2022, ~~in 2009 or 2010~~
22 for the purchase of computer technology or equipment or Internet access
23 and related services, subject to the limitations set forth in section 529
24 of the Internal Revenue Code, shall be included as qualified higher
25 education expenses. Qualified higher education expenses does not include
26 any amounts in excess of those allowed by section 529 of the Internal
27 Revenue Code;

28 (12) Section 529 of the Internal Revenue Code means such section of
29 the code and the regulations interpreting such section; and

30 (13) Tuition and fees means the quarter or semester charges imposed
31 to attend an eligible educational institution.

1 Sec. 49. Section 85-2002, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 85-2002 For purposes of the Community College Gap Assistance Program
4 Act:

5 (1) Accredited college means a not-for-profit, two-year
6 postsecondary institution with a physical presence in this state that has
7 been accredited by an accrediting agency recognized by the United States
8 Department of Education to provide institutional accreditation for degree
9 granting institutions;

10 (2) (1) Committee means the Nebraska Community College Student
11 Performance and Occupational Education Grant Committee;

12 (3) (2) Community college gap assistance program means the program
13 created pursuant to section 85-2003;

14 (4) (3) Eligible program means a program offered by a community
15 college or other eligible institution that (a) either (i) is not offered
16 for credit and has a duration of not less than sixteen contact hours in
17 length or (ii) is offered for credit but is of insufficient clock,
18 semester, or quarter hours to be eligible for Federal Pell Grants, (b) is
19 aligned with training programs with stackable credentials that lead to a
20 program awarding college credit, an associate's degree, a diploma, or a
21 certificate in an in-demand occupation, and (c) does any of the
22 following:

23 (i) Offers a state, national, or locally recognized certificate;

24 (ii) Offers preparation for a professional examination or licensure;

25 (iii) Provides endorsement for an existing credential or license;

26 (iv) Represents recognized skill standards defined by an industrial
27 sector; or

28 (v) Offers a similar credential or training;~~and~~

29 (5) (4) In-demand occupation means:

30 (a) Financial services;

31 (b) Transportation, warehousing, and distribution logistics;

- 1 (c) Precision metals manufacturing;
- 2 (d) Biosciences;
- 3 (e) Renewable energy;
- 4 (f) Agriculture and food processing;
- 5 (g) Business management and administrative services;
- 6 (h) Software and computer services;
- 7 (i) Research, development, and engineering services;
- 8 (j) Health services;
- 9 (k) Hospitality and tourism; and
- 10 (l) Any other industry designated as an in-demand occupation by the
- 11 committee; and -

12 (6) Other eligible institution means an accredited college with
13 which the Coordinating Commission for Postsecondary Education has a
14 contract pursuant to subsection (4) of section 85-2010.

15 Sec. 50. Section 85-2003, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 85-2003 (1) The community college gap assistance program is created.
18 The program shall be under the direction of the committee and shall be
19 administered by the Coordinating Commission for Postsecondary Education.
20 The purpose of the community college gap assistance program is to provide
21 ~~funding to community colleges to award~~ community college gap assistance
22 to students in eligible programs.

23 (2) To be eligible for community college gap assistance under the
24 community college gap assistance program, an applicant:

25 (a) Shall have a family income which is at or below two hundred
26 fifty percent of Office of Management and Budget income poverty
27 guidelines; and

28 (b) Shall be a resident of Nebraska as provided in section 85-502.

29 (3) Eligibility for such tuition assistance shall not be construed
30 to guarantee enrollment in any eligible program.

31 Sec. 51. Section 85-2004, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 85-2004 Application for community college gap assistance under the
3 community college gap assistance program shall be made to the community
4 college or other eligible institution in which the applicant is enrolled
5 or intends to enroll. An application shall be valid for six months from
6 the date of signature on the application. The applicant shall provide
7 documentation of all sources of income. An applicant shall not receive
8 community college gap assistance for more than one eligible program.

9 Sec. 52. Section 85-2005, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 85-2005 (1) An applicant for community college gap assistance under
12 the community college gap assistance program shall demonstrate capacity
13 to achieve the following outcomes:

- 14 (a) The ability to be accepted to and complete an eligible program;
15 (b) The ability to be accepted into and complete a postsecondary
16 certificate, diploma, or degree program for credit;
17 (c) The ability to obtain full-time employment; and
18 (d) The ability to maintain full-time employment over time.

19 (2) The committee may grant community college gap assistance under
20 the community college gap assistance program to an applicant in any
21 amount up to the full amount of eligible costs.

22 (3) The committee shall deny an application when the community
23 college or other eligible institution receiving the application
24 determines that funding for an applicant's participation in an eligible
25 program is available from any other public or private funding source.

26 Sec. 53. Section 85-2007, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 85-2007 An applicant for community college gap assistance under the
29 community college gap assistance program shall complete an initial
30 assessment administered by the community college or other eligible
31 institution receiving the application to determine the applicant's

1 readiness to complete an eligible program. The initial assessment shall
2 include any assessments required by the eligible program.

3 Sec. 54. Section 85-2008, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 85-2008 (1) A recipient of community college gap assistance under
6 the community college gap assistance program shall:

7 (a) Maintain regular contact with faculty of the eligible program to
8 document the applicant's progress in the program;

9 (b) Sign any necessary releases to provide relevant information to
10 ~~community college faculty or case managers or faculty of the community~~
11 college or other eligible institution, if applicable;

12 (c) Discuss with faculty of the eligible program any issues that may
13 affect the recipient's ability to complete the eligible program and
14 obtain and maintain employment;

15 (d) Attend all required courses regularly; and

16 (e) Meet with faculty of the eligible program to develop a job-
17 search plan.

18 (2) A community college or other eligible institution may terminate
19 community college gap assistance under the community college gap
20 assistance program for a recipient who fails to meet the requirements of
21 this section.

22 Sec. 55. Section 85-2009, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 85-2009 (1) The Community College Gap Assistance Program Fund is
25 created. The fund shall be under the direction of the committee and shall
26 be administered by the Coordinating Commission for Postsecondary
27 Education. The fund shall consist of money received pursuant to section
28 9-812, any other money received by the state in the form of grants or
29 gifts from nonfederal sources, such other amounts as may be transferred
30 or otherwise accrue to the fund, and any investment income earned on the
31 fund. The fund shall be used to carry out the community college gap

1 ~~assistance program provide aid or grants to the community colleges~~
2 pursuant to the Community College Gap Assistance Program Act. Any money
3 in the fund available for investment shall be invested by the state
4 investment officer pursuant to the Nebraska Capital Expansion Act and the
5 Nebraska State Funds Investment Act.

6 ~~(2) The total of community college gap assistance awarded from the~~
7 ~~Community College Gap Assistance Program Fund during any fiscal year~~
8 ~~shall not exceed one million five hundred thousand dollars.~~

9 (2) In addition to community college gap assistance awarded to
10 students, money ~~(3) Money~~ in the fund may also be used by the committee:

11 (a) To establish application and funding procedures; and

12 (b) To assist community colleges in defraying the costs of direct
13 staff support services, including, but not limited to, marketing,
14 outreach, applications, interviews, and assessments as follows: (i) Up to
15 twenty percent of any amount allocated for such purposes to the two
16 smallest community colleges; (ii) up to ten percent of any such amount to
17 the two largest community colleges; and (iii) up to fifteen percent of
18 any such amount to the remaining two community colleges. For purposes of
19 this subsection, community college size shall be determined based on the
20 most recent three-year rolling average full-time equivalent enrollment;
21 and -

22 (c) To assist other eligible institutions as specified in contracts
23 entered into pursuant to subsection (4) of section 85-2010 in defraying
24 the costs of direct staff support services, including, but not limited
25 to, marketing, outreach, applications, interviews, and assessments
26 related to the community college gap assistance program.

27 Sec. 56. Section 85-2010, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 85-2010 (1) The committee shall develop a common applicant tracking
30 system for the community college gap assistance program that shall be
31 implemented consistently by each participating community college and

1 other eligible institution.

2 (2) The committee shall coordinate statewide oversight, evaluation,
3 and reporting efforts for the community college gap assistance program.

4 (3) The committee shall meet at least quarterly to evaluate and
5 monitor the performance of the community college gap assistance program
6 to determine if performance measures are being met and shall take
7 necessary steps to correct any deficiencies. Performance measures
8 include, but are not limited to, eligible program completion rates, job
9 attainment rates, and continuing education rates.

10 (4) With committee approval, the Coordinating Commission for
11 Postsecondary Education may contract with an accredited college to be an
12 other eligible institution and administer the community college gap
13 assistance program for applicants enrolled in or intending to enroll in
14 an eligible program offered by such college.

15 Sec. 57. Section 85-2104, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 85-2104 Applications for the Access College Early Scholarship
18 Program shall be prioritized for students qualifying pursuant to
19 subdivision (1) or (2) of this section, and applications for students
20 qualifying only pursuant to subdivision (3) of this section shall only be
21 considered if funds are available after fulfilling the applications for
22 students qualifying pursuant to subdivision (1) or (2) of this section.
23 Priority dates shall be determined by the commission on a term basis. The
24 Commissioner of Education may verify eligibility for a student described
25 in subdivision (1)(c) of this section when requested by the commission. A
26 student who is applying to take one or more courses for credit from a
27 qualified postsecondary educational institution is eligible for the
28 Access College Early Scholarship Program if:

29 (1) Such student or the student's parent or legal guardian is
30 eligible to receive:

31 (a) Supplemental Security Income;

- 1 (b) Supplemental Nutrition Assistance Program benefits;
2 (c) Free or reduced-price lunches under United States Department of
3 Agriculture child nutrition programs;
4 (d) Aid to families with dependent children; or
5 (e) Assistance under the Special Supplemental Nutrition Program for
6 Women, Infants, and Children;

7 (2) The student or the student's parent or legal guardian has
8 experienced an extreme hardship; or

9 (3) Such student is requesting assistance pursuant to the program to
10 cover the cost of tuition and fees for a course that is part of a career
11 plan of study, up to two hundred fifty dollars per term, and the
12 student's family has an annual household income at or below two hundred
13 percent of the federal poverty level.

14 Sec. 58. Section 85-2802, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 85-2802 For purposes of the Meadowlark Act:

17 (1) Contribution means a donation which is made for the purpose of
18 providing a source of funding for the Meadowlark Program established in
19 section 85-2804;

20 (2) (1) Eligible educational institution has the same meaning as in
21 section 85-1802;

22 (3) (2) Nebraska educational savings plan trust has the same meaning
23 as in section 85-1802;

24 (4) (3) Qualified higher education expenses has the same meaning as
25 in section 85-1802; and

26 (5) (4) Qualified individual means an individual born on or after
27 January 1, 2020, who is a resident of this state at the time of birth. ;
28 and

29 ~~(5) Qualified private contribution means a contribution from an~~
30 ~~individual or private entity which is made for the purpose of providing a~~
31 ~~source of funding for the Meadowlark Program established in section~~

1 ~~85-2804.~~

2 Sec. 59. Section 85-2803, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 85-2803 (1) There is hereby established in the state treasury a
5 trust fund to be known as the Meadowlark Endowment Fund. The fund shall
6 be administered by the State Treasurer and shall consist of qualified
7 private contributions and any amounts appropriated or transferred to the
8 fund by the Legislature. No General Funds shall be transferred to the
9 Meadowlark Endowment Fund. Any money in the fund available for investment
10 shall be invested by the state investment officer pursuant to the
11 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
12 Act. No portion of the principal of the fund shall be expended for any
13 purpose except investment pursuant to this subsection.

14 (2) The State Treasurer may accept ~~qualified private~~ contributions
15 and shall credit all such contributions received either to the Meadowlark
16 Endowment Fund or to accounts opened under the Meadowlark Program, at the
17 direction of the donor. Such contributions shall not be used to pay
18 expenses associated with attending kindergarten through grade twelve.

19 (3) On or before April 1 of each year, the State Treasurer shall
20 determine the total amount of ~~qualified private~~ contributions received
21 under subsection (2) of this section in the previous calendar year and
22 shall transfer an equal amount from the College Savings Plan Expense Fund
23 or the Unclaimed Property Escheat Trust Fund, as determined by the State
24 Treasurer, to the Meadowlark Endowment Fund or to accounts opened under
25 the Meadowlark Program. For any amount transferred from the College
26 Savings Plan Expense Fund or the Unclaimed Property Escheat Trust Fund
27 that is not being transferred to the Meadowlark Endowment Fund, the State
28 Treasurer shall evenly distribute such amount to the accounts opened
29 under the Meadowlark Program in the previous calendar year.

30 Sec. 60. Beginning with the 2022-23 school year, each school board
31 shall require that the telephone number for a national suicide prevention

1 hotline, a local suicide prevention hotline, or a crisis text line is
2 printed on each new student identification card issued to a student
3 enrolled in a middle school grade or a high school grade, as defined by
4 such school board, in a school under the authority of such school board.
5 Nothing in this section shall be construed to require the issuance of
6 student identification cards to students in any school.

7 Sec. 61. Beginning with the 2022-23 academic year, each public
8 postsecondary institution authorized to operate in this state shall
9 require that the telephone number for a national suicide prevention
10 hotline, a local suicide prevention hotline, or a crisis text line is
11 printed on each new student identification card issued to a student
12 enrolled in such public postsecondary institution. Nothing in this
13 section shall be construed to require the issuance of student
14 identification cards to students in any postsecondary institution.

15 Sec. 62. Original sections 38-316, 38-10,109, 38-2613, 38-2616,
16 38-3106, 72-232, 72-233, 72-234, 72-235, 76-2203.01, 77-2704.12, 79-202,
17 79-422, 79-433, 79-449, 79-8,133, 79-10,119, 79-1605, 79-2118, and
18 85-1609, Reissue Revised Statutes of Nebraska, and sections 1-116,
19 13-506, 38-1813, 58-809, 77-1601.02, 77-27,119, 79-308, 79-309.01,
20 79-611, 79-8,137.01, 79-1003, 79-1007.11, 79-1035, 79-1065.02, 79-1074,
21 79-1075, 79-1241.03, 79-2104.02, 79-2603, 79-2605, 79-2606, 85-505,
22 85-507, 85-1802, 85-2002, 85-2003, 85-2004, 85-2005, 85-2007, 85-2008,
23 85-2009, 85-2010, 85-2104, 85-2802, and 85-2803, Revised Statutes
24 Cumulative Supplement, 2020, are repealed.

25 Sec. 63. The following sections are outright repealed: Section
26 72-234.01, Reissue Revised Statutes of Nebraska, and section 85-9,140,
27 Revised Statutes Cumulative Supplement, 2020.