

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 417**

Introduced by Bostar, 29.

Read first time January 17, 2025

Committee:

- 1 A BILL FOR AN ACT relating to education; to amend sections 79-760.03 and
- 2 79-760.05, Reissue Revised Statutes of Nebraska; to provide powers
- 3 and duties to the Board of Regents of the University of Nebraska to
- 4 administer the Nebraska Promise Program; to adopt the College
- 5 Promise Act; to change provisions relating to the Quality Education
- 6 Accountability Act and national assessments; to harmonize
- 7 provisions; to provide operative dates; to repeal the original
- 8 sections; and to declare an emergency.
- 9 Be it enacted by the people of the State of Nebraska,

1           **Section 1.**   (1) For purposes of this section, Nebraska Promise  
2 Program means a program at the University of Nebraska that covers  
3 undergraduate tuition costs for eligible students of up to fifteen credit  
4 hours per semester and thirty credit hours per academic year, after  
5 Federal Pell Grant funds and other grants and scholarships are  
6 subtracted, at any of the University of Nebraska's campuses or at the  
7 Nebraska College of Technical Agriculture.

8           (2) The Board of Regents of the University of Nebraska shall  
9 administer the Nebraska Promise Program.

10          (3)(a) To be eligible for the Nebraska Promise Program, a student  
11 shall:

12           (i) Be a Nebraska resident;

13           (ii) Have a family income of less than sixty-five thousand dollars  
14 per year as determined pursuant to the Free Application for Federal  
15 Student Aid or be eligible for a Federal Pell Grant; and

16           (iii) Be registered as a full-time undergraduate student at the  
17 University of Nebraska or at the Nebraska College of Technical  
18 Agriculture taking at least twelve credit hours per academic semester or  
19 the equivalent.

20          (b) To remain eligible for the Nebraska Promise Program, a student  
21 shall comply with all requirements of the University of Nebraska for  
22 program eligibility and shall maintain a grade point average of at least  
23 two and one-half on a four-point scale or its equivalent.

24          **Sec. 2.**   Sections 2 to 7 of this act shall be known and may be cited  
25 as the College Promise Act.

26          **Sec. 3.**   For purposes of the College Promise Act:

27           (1) Community college has the same meaning as in section 85-1503;  
28 and

29           (2) State college means a public postsecondary educational  
30 institution which is part of the Nebraska state college system.

31          **Sec. 4.**   (1) A student shall be entitled to a waiver of one hundred

1 percent of the resident tuition charges of any community college or state  
2 college in Nebraska if the student:

3 (a) Is a Nebraska resident; and

4 (b) Has a family income of less than sixty-five thousand dollars per  
5 year as determined pursuant to the Free Application for Federal Student  
6 Aid.

7 (2) To remain eligible for a tuition waiver, a student shall comply  
8 with all requirements of the community college or state college for  
9 continued attendance and award of an associate degree or baccalaureate  
10 degree and maintain a grade point average of at least two and one-half on  
11 a four-point scale or its equivalent. A student may receive the tuition  
12 waiver for up to two years at a community college or four years at a  
13 state college. The two-year or four-year eligibility starts once the  
14 student applies for and receives the tuition waiver for the first time.

15 **Sec. 5.** (1) A student shall include verification of the eligibility  
16 requirements on forms and in a manner prescribed by the community college  
17 or state college when applying to such community college or state college  
18 in order to receive the tuition waiver. Within forty-five days after  
19 receipt of a completed application, the community college or state  
20 college shall send written notice of the student's eligibility or  
21 ineligibility for the tuition waiver. If the student is determined to not  
22 be eligible for the tuition wavier, the notice shall include the reason  
23 for such determination and an indication that an appeal of the  
24 determination may be made pursuant to the appeals process developed by  
25 the Coordinating Commission for Postsecondary Education pursuant to  
26 section 6 of this act.

27 (2) If the student is eligible for the waiver, a community college  
28 or a state college shall waive one hundred percent of the student's  
29 tuition remaining due after subtracting awarded federal financial aid  
30 grants and state scholarships.

31 **Sec. 6.** (1) The Coordinating Commission for Postsecondary Education

1 shall develop an appeals procedure for tuition waiver determinations made  
2 pursuant to the College Promise Act.

3 (2) The commission may adopt and promulgate rules and regulations to  
4 carry out the College Promise Act.

5 **Sec. 7.** (1)(a) On or before June 1 of each year, the Coordinating  
6 Commission for Postsecondary Education shall certify the total amount of  
7 tuition waived by each of the community colleges and state colleges  
8 during the preceding school year pursuant to the College Promise Act and  
9 submit such certification to the State Treasurer.

10 (b) The State Treasurer shall transfer an amount equal to the  
11 certified amount submitted by the Coordinating Commission for  
12 Postsecondary Education pursuant to this section from the General Fund to  
13 the College Promise Fund in ten equal monthly payments beginning in  
14 September of the year in which such certification was made and continuing  
15 through June.

16 (2)(a) The Coordinating Commission for Postsecondary Education  
17 shall, from the amount appropriated by the Legislature for such purpose,  
18 make distributions to each community college and state college in an  
19 amount equal to the total value of all waivers provided by the community  
20 college or state college pursuant to the College Promise Act. The  
21 distributions shall be made in ten equal payments distributed monthly  
22 beginning in September and continuing through June. The community  
23 colleges shall receive no payments during the months of July and August.

24 (b) If the amount appropriated does not equal the total value of all  
25 waivers provided by the community college or state college pursuant to  
26 the College Promise Act, a community college or state college shall not  
27 provide additional waivers pursuant to the act in any future school year  
28 until the community college or state college has been fully reimbursed  
29 for the value of the tuition waivers previously provided pursuant to the  
30 College Promise Act.

31 (3) The College Promise Fund is created. The Coordinating Commission

1 for Postsecondary Education shall administer the fund to provide  
2 distributions to community colleges and state colleges pursuant to this  
3 section. The fund shall consist of transfers pursuant to this section and  
4 as authorized by the Legislature. It is the intent of the Legislature to  
5 fully fund the College Promise Fund each year in an amount equal to the  
6 total value of tuition waivers provided by the community colleges and  
7 state colleges pursuant to the College Promise Act. Any money in the fund  
8 available for investment shall be invested by the state investment  
9 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
10 State Funds Investment Act.

11 **Sec. 8.** Section 79-760.03, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 79-760.03 (1) For school year 2009-10 and each school year  
14 thereafter, the State Board of Education shall implement a statewide  
15 system for the assessment of student learning and for reporting the  
16 performance of school districts and learning communities pursuant to this  
17 section. The assessment and reporting system shall measure student  
18 knowledge of subject matter materials covered by measurable academic  
19 content standards selected by the state board.

20 (2) The state board shall adopt a plan for an assessment and  
21 reporting system and implement and maintain the assessment and reporting  
22 system according to such plan. The plan shall be submitted annually to  
23 the State Department of Education, the Governor, the chairperson of the  
24 Education Committee of the Legislature, and the Clerk of the Legislature.  
25 The plan submitted to the committee and the Clerk of the Legislature  
26 shall be submitted electronically. The state board shall select grade  
27 levels for assessment and reporting required pursuant to subsections (4)  
28 through (7) of this section. The purposes of the system are to:

29 (a) Determine how well public schools are performing in terms of  
30 achievement of public school students related to the state academic  
31 content standards;

1 (b) Report the performance of public schools based upon the results  
2 of state assessment instruments and national assessment instruments;

3 (c) Provide information for the public and policymakers on the  
4 performance of public schools; and

5 (d) Provide for the comparison among Nebraska public schools and the  
6 comparison of Nebraska public schools to public schools elsewhere.

7 (3) The Governor shall appoint a technical advisory committee to  
8 review (a) the statewide assessment plan, (b) state assessment  
9 instruments, and (c) the accountability system developed under the  
10 Quality Education Accountability Act. The technical advisory committee  
11 shall consist of three nationally recognized experts in educational  
12 assessment and measurement, one administrator from a school in Nebraska,  
13 and one teacher from a school in Nebraska. The members shall serve terms  
14 of three years, except that two of the members shall be appointed for  
15 initial terms of two years. Any vacancy shall be filled by the Governor  
16 for the remainder of the term. One of the members shall be designated as  
17 chairperson by the Governor. Members shall be reimbursed for expenses as  
18 provided in sections 81-1174 to 81-1177. The committee shall advise the  
19 Governor, the state board, and the State Department of Education on the  
20 development of statewide assessment instruments and the statewide  
21 assessment plan. The appointments to the committee shall be confirmed by  
22 the Legislature.

23 (4) Through school year 2016-17, the state board shall prescribe a  
24 statewide assessment of writing that relies on writing samples in each of  
25 three grades selected by the state board. Each year at least one of the  
26 three selected grades shall participate in the statewide writing  
27 assessment with each selected grade level participating at least once  
28 every three years.

29 (5) For school year 2009-10 and for each school year thereafter, the  
30 state board shall prescribe a statewide assessment of reading. The  
31 statewide assessment of reading shall include assessment instruments for

1 each of the grade levels three through eight and for one grade in high  
2 school and standards adopted by the state board pursuant to section  
3 79-760.01. For school year 2017-18 and each school year thereafter, the  
4 statewide assessment of reading shall include a component of writing as  
5 determined by the state board.

6 (6) For no later than school year 2010-11 and for each school year  
7 thereafter, the state board shall prescribe a statewide assessment of  
8 mathematics. The statewide assessment of mathematics shall include  
9 assessment instruments for each of the grade levels three through eight  
10 and for one grade in high school and standards adopted by the state board  
11 pursuant to section 79-760.01.

12 (7) For no later than school year 2011-12 and each school year  
13 thereafter, the state board shall prescribe a statewide assessment of  
14 science. The statewide assessment of science shall include assessment  
15 instruments for each of the grade levels selected by the state board and  
16 standards adopted by the state board pursuant to section 79-760.01. The  
17 grade levels shall include at least one grade in elementary school, one  
18 grade in middle school or junior high school, and one grade in high  
19 school.

20 (8) The department shall conduct studies to verify the technical  
21 quality of assessment instruments and demonstrate the comparability of  
22 assessment instrument results required by the Quality Education  
23 Accountability Act ~~act~~. The department shall annually report such  
24 findings to the Governor, the Legislature, and the state board. The  
25 report submitted to the Legislature shall be submitted electronically.

26 (9) The state board shall recommend national assessment instruments  
27 for the purpose of national comparison. Beginning with school year  
28 2017-18, the state board shall select a national assessment instrument  
29 that is also used as a standard college admission test which shall be  
30 administered to students in the eleventh grade in every public high  
31 school in each school district. Each school district shall report

1 individual student data for scores and sub-scores according to procedures  
2 established by the state board and the department pursuant to section  
3 79-760.05.

4 (10)(a) Beginning with school year 2025-26, in addition to the  
5 national assessment instrument recommended pursuant to subsection (9) of  
6 this section, the state board shall recommend nationally recognized,  
7 portable career-readiness assessments that lead to a National Career  
8 Readiness Certificate.

9 (b) The option to retake the national assessment instrument that is  
10 also used as a standard college admission test administered pursuant to  
11 subsection (9) of this section or to take any nationally recognized,  
12 portable career-readiness assessments that lead to a National Career  
13 Readiness Certificate recommended by the state board pursuant to  
14 subdivision (a) of this subsection shall be available to all twelfth-  
15 grade public students during the fall semester of a student's twelfth  
16 grade year. Each school district shall report individual student data for  
17 scores and sub-scores for any assessment taken pursuant to this  
18 subsection according to the procedures established by the state board and  
19 the department for assessments pursuant to section 79-760.05.

20 (c) An assessment described in this subsection shall be administered  
21 to any student that opts to take such assessment at no cost to such  
22 student.

23 (11) ~~(10)~~ The aggregate results of assessment instruments and  
24 national assessment instruments shall be reported by the district on a  
25 building basis to the public in that district, to the learning community  
26 coordinating council if such district is a member of a learning  
27 community, and to the department. Each learning community shall also  
28 report the aggregate results of any assessment instruments and national  
29 assessment instruments to the public in that learning community and to  
30 the department. The department shall report the aggregate results of any  
31 assessment instruments and national assessment instruments on a learning



1 community, district, and building basis as part of the statewide  
2 assessment and reporting system.

3 (12)(a) ~~(11)(a)~~ The assessment and reporting plan shall:

4 (i) Provide for the confidentiality of the results of individual  
5 students; and

6 (ii) Include all public schools and all public school students.

7 (b) The state board shall adopt criteria for the inclusion of  
8 students with disabilities, students entering the school for the first  
9 time, and students with limited English proficiency.

10 The department may determine appropriate accommodations for the  
11 assessment of students with disabilities or any student receiving special  
12 education programs and services pursuant to section 79-1139. Alternate  
13 academic achievement standards in reading, mathematics, and science and  
14 alternate assessment instruments aligned with the standards may be among  
15 the accommodations for students with severe cognitive disabilities.

16 (13) ~~(12)~~ The state board may select additional grade levels,  
17 subject areas, or assessment instruments for statewide assessment  
18 consistent with federal requirements.

19 (14) ~~(13)~~ The state board shall not require school districts to  
20 administer assessments or assessment instruments which are not consistent  
21 with the Quality Education Accountability Act act.

22 (15) ~~(14)~~ The state board may appoint committees of teachers, from  
23 each appropriate subject area, and administrators to assist in the  
24 development of statewide assessment instruments required by the act.

25 **Sec. 9.** Section 79-760.05, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 79-760.05 (1) The State Board of Education shall implement a  
28 statewide system for tracking individual student achievement, using the  
29 student identifier system of the State Department of Education, that can  
30 be aggregated to track student progress by demographic characteristics,  
31 including, but not limited to, race, poverty, high mobility, attendance,

1 and limited English proficiency, on available measures of student  
2 achievement which include, but need not be limited to, national  
3 assessment instruments, state assessment instruments, and the indicators  
4 used in the accountability system required pursuant to section 79-760.06.  
5 Such a system shall be designed so as to aggregate student data by  
6 available educational input characteristics, which may include class  
7 size, teacher education, teacher experience, special education, early  
8 childhood programs, federal programs, and other targeted education  
9 programs. School districts shall provide the department with individual  
10 student achievement data from assessment instruments required or  
11 voluntarily taken pursuant to section 79-760.03 in order to implement the  
12 statewide system.

13 (2)(a) On or before August 1, 2022, the state board shall also  
14 implement a statewide system for tracking individual student discipline,  
15 using the student identifier system of the department, that can be  
16 aggregated to track student discipline by type of discipline and  
17 demographic characteristics, including, but not limited to, race,  
18 poverty, high mobility, attendance, disability, and limited English  
19 proficiency. The state board shall cause each school district to report,  
20 by individual student, any:

21 (i) Act resulting in an in-school suspension, a short-term  
22 suspension, a long-term suspension, a one-semester expulsion, a two-  
23 semester expulsion, an assignment to an alternative school or  
24 alternative-learning program, the use of physical intervention with such  
25 student, or the restraint or seclusion of such student;

26 (ii) Offense constituting grounds for a long-term suspension, an  
27 expulsion, or a mandatory reassignment pursuant to section 79-267,  
28 regardless of consequences assigned; and

29 (iii) Act resulting in law enforcement involvement, including any  
30 incident reported to law enforcement or to an onsite school resource  
31 officer, and any school-related citation or arrest.

1 (b) For purposes of this subsection, school-related citation or  
2 arrest shall include a citation or arrest of a student for any activity  
3 conducted on school grounds; in a vehicle owned, leased, or contracted by  
4 a school being used for a school purpose or in a vehicle being driven for  
5 a school purpose by a school employee or by such employee's designee; or  
6 at a school-sponsored activity or athletic event.

7 (c) The system for tracking individual student discipline may also  
8 be used to record other disciplinary incidents.

9 (d) Each school shall designate at least one discipline data  
10 coordinator for the purposes of gathering and reporting the discipline  
11 data required pursuant to this subsection.

12 (3) The department shall annually analyze and report on student  
13 achievement and on student discipline for the state, each school  
14 district, each public school, and each learning community aggregated by  
15 the demographic characteristics described in subsection (1) of this  
16 section. The department shall report the findings to the Governor, the  
17 Legislature, school districts, educational service units, and each  
18 learning community. The report submitted to the Legislature shall be  
19 submitted electronically. Such analysis shall include aggregated data  
20 that would indicate differences in achievement and differences in student  
21 discipline due to available educational input characteristics described  
22 in subsection (1) of this section. Such analysis shall include indicators  
23 of progress toward state achievement goals for students in poverty,  
24 limited English proficient students, students with disabilities, and  
25 highly mobile students.

26 **Sec. 10.** Sections 1, 2, 3, 4, 5, 6, and 7 of this act become  
27 operative three calendar months after the adjournment of this legislative  
28 session. The other sections of this act become operative on their  
29 effective date.

30 **Sec. 11.** Original sections 79-760.03 and 79-760.05, Reissue Revised  
31 Statutes of Nebraska, are repealed.

1           **Sec. 12.**   Since an emergency exists, this act takes effect when  
2   passed and approved according to law.