

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 671

Introduced by Murman, 38.

Read first time January 22, 2025

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend sections 79-239,
2 79-266, 79-308, 79-528, 79-816, 79-8,114, 79-1035, 79-11,157.01,
3 79-3407, 79-3703, and 79-3704, Reissue Revised Statutes of Nebraska;
4 to change provisions relating to reports and documents required by
5 the State Department of Education, alternative schools, classes, and
6 educational programs, teacher's institutes and conferences, the
7 Nebraska Teacher Apprenticeship Program, grants for teachers, and
8 the College Pathway Program Act; to eliminate obsolete provisions;
9 to eliminate legislative intent relating to the Junior Mathematics
10 Prognosis Examination; to harmonize provisions; to repeal the
11 original sections; and to outright repeal sections 79-309.01 and
12 79-718, Reissue Revised Statutes of Nebraska.
13 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 79-239, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-239 (1) If an application is rejected by the option school
4 district or if the resident school district rejects a request for release
5 under subsection (1) of section 79-237, the rejecting school district
6 shall provide written notification to the parent or guardian stating (a)
7 the specific reasons for the rejection including, for students with an
8 individualized education program under the federal Individuals with
9 Disabilities Education Act, 20 U.S.C. 1400 et seq., or with a diagnosed
10 disability as defined in section 79-1118.01, a description of services
11 and accommodations required that the school district does not have the
12 capacity to provide, and (b) the process for appealing such rejection to
13 the State Board of Education. Such notification shall be sent by
14 certified mail.

15 (2) The parent or legal guardian may appeal a rejection to the State
16 Board of Education by filing a written request, together with a copy of
17 the rejection notice, with the State Board of Education. Such request and
18 copy of the notice must be received by the board within thirty days after
19 the date the notification of the rejection was received by the parent or
20 legal guardian. Such hearing shall be held in accordance with the
21 Administrative Procedure Act and shall determine whether the procedures
22 of sections 79-234 to 79-241 have been followed. Any rejection based upon
23 capacity limitations established under section 79-238 shall be the
24 responsibility of the school district to prove in any appeal filed with
25 the state board.

26 (3)(a) ~~Each Beginning July 1, 2024, and on or before July 1 of each~~
27 ~~year thereafter, each~~ school district shall provide as part of the report
28 required under subsection (2) of section 79-528, to the State Department
29 ~~of Education~~ information prescribed by the Commissioner of Education
30 relating to all applications received under section 79-237 ~~rejected~~ by
31 the ~~option~~ school district. Such information shall include, but not be

1 limited to, (a) the number of applications approved and rejected in each
2 ~~public school in~~ such district, (b) an explanation why each application
3 was rejected, (c) whether each application for option enrollment
4 indicated that the student had an individualized education program under
5 the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400
6 et seq., or had been identified as a student with a disability as defined
7 in section 79-1118.01, and (d) whether information regarding the
8 requirements of subsection (4) of section 79-238 was provided to the
9 applicant.

10 (b) The Commissioner of Education shall annually compile the
11 information received pursuant to this subsection and provide a report on
12 such information electronically to the Legislature beginning on September
13 1, 2024, and on or before September 1 of each year thereafter. The State
14 Board of Education may adopt and promulgate rules and regulations to
15 carry out this subsection.

16 **Sec. 2.** Section 79-266, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 79-266 (1) ~~Each Beginning July 1, 1997, each~~ school district shall
19 have an alternative school, class, or educational program or the
20 procedures of subsection (2) of this section available or in operation
21 for all expelled students.

22 Any two or more school boards or boards of education may join
23 together in providing alternative schools, classes, or educational
24 programs. Any district may by agreement with another district send its
25 suspended or expelled students to any alternative school, class, or
26 educational program already in operation by such other district. An
27 educational program may include, but shall not be limited to,
28 individually prescribed educational and counseling programs or a
29 community-centered classroom with experiences for the student as an
30 observer or aide in governmental functions, as an on-the-job trainee, or
31 as a participant in specialized tutorial experiences. Such programs shall

1 include an individualized learning program to enable the student to
2 continue academic work for credit toward graduation. The State Board
3 ~~Department~~ of Education shall include provisions ~~adopt and promulgate~~
4 ~~rules and regulations~~ relating to alternative schools, classes, and
5 educational programs in the rules and regulations for the accreditation
6 of schools as adopted and promulgated pursuant to sections 79-318 and
7 79-703.

8 (2) If a district does not provide an alternative school, class, or
9 educational program for expelled students, the district shall follow the
10 procedures in this subsection prior to expelling a student unless the
11 expulsion was required by subsection (4) of section 79-283: A conference
12 shall be called by a school administrator and held to assist the district
13 in the development of a plan with the participation of a parent or legal
14 guardian, the student, a school representative, and a representative of
15 either a community organization with a mission of assisting young people
16 or a representative of an agency involved with juvenile justice. The plan
17 shall be in writing and adopted by a school administrator and presented
18 to the student and the parent or legal guardian. The plan shall (a)
19 specify guidelines and consequences for behaviors which have been
20 identified as preventing the student from achieving the desired benefits
21 from the educational opportunities provided, (b) identify educational
22 objectives that must be achieved in order to receive credits toward
23 graduation, (c) specify the financial resources and community programs
24 available to meet both the educational and behavioral objectives
25 identified, and (d) require the student to attend monthly reviews in
26 order to assess the student's progress toward meeting the specified goals
27 and objectives.

28 (3) A school district that has expelled a student may suspend the
29 enforcement of such expulsion unless the expulsion was required by
30 subsection (4) of section 79-283. The suspension may be for a period not
31 to exceed the length of the expulsion. As a condition of such suspended

1 action, the school district may require participation in a plan pursuant
2 to subsection (2) of this section or assign the student to a school,
3 class, or educational program which the school district deems
4 appropriate.

5 At the conclusion of such suspension period, the school district
6 shall (a) reinstate any student who has satisfactorily participated in a
7 plan pursuant to subsection (2) of this section or the school, class, or
8 educational program to which such student has been assigned and permit
9 the student to return to the school of former attendance or to attend
10 other programs offered by the district or (b) if the student's conduct
11 has been unsatisfactory, enforce the remainder of the expulsion action.

12 If the student is reinstated, the district may also take action to
13 expunge the record of the expulsion action.

14 (4) At the conclusion of an expulsion, a school district shall
15 reinstate the student and accept nonduplicative, grade-appropriate
16 credits earned by the student during the term of expulsion from any
17 Nebraska accredited institution or institution accredited by one of the
18 six regional accrediting bodies in the United States.

19 **Sec. 3.** Section 79-308, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 79-308 ~~(1)~~The Commissioner of Education shall organize institutes
22 and conferences at such times and places as he or she deems practicable.
23 He or she shall, as far as practicable, attend such institutes and
24 conferences, provide proper instructors for the same, and in other ways
25 seek to improve the efficiency of teachers and advance the cause of
26 education in the state.

27 ~~(2) The Legislature finds that (a) an educator-effectiveness system~~
28 ~~includes a quality evaluation system with the primary goal of improving~~
29 ~~instruction and learning in every school district and (b) school~~
30 ~~districts have an opportunity to receive training on the quality~~
31 ~~evaluation models.~~

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

6 **Sec. 4.** Section 79-528, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 79-528 (1)(a) On or before July 20 in all school districts, the
9 superintendent shall file with the State Department of Education a report
10 showing the number of children from five through eighteen years of age
11 belonging to the school district according to the census taken as
12 provided in sections 79-524 and 79-578.

13 (b) The board of any district neglecting to take and report the
14 enumeration shall be liable to the school district for all school money
15 which such district may lose by such neglect.

16 (2) On or before June 30 the superintendent of each school district
17 shall file with the Commissioner of Education a report described as an
18 end-of-the-school-year annual statistical summary showing (a) the number
19 of children attending school during the year under five years of age, (b)
20 the length of time the school has been taught during the year by a
21 qualified teacher, (c) the length of time taught by each substitute
22 teacher, (d) the information required pursuant to subdivision (3)(a) of
23 section 79-239 relating to all applications received under section
24 79-237, (e) the information required pursuant to subsection (1) of
25 section 79-11,157.01 related to certain students who display deficiencies
26 in reading, and (f) ~~(d)~~ such other information as the Commissioner of
27 Education directs.

28 (3) On or before November 1 the superintendent of each school
29 district shall submit to the Commissioner of Education a report described
30 as the annual financial report showing (i) the amount of money received
31 from all sources during the year and the amount of money expended by the

1 school district during the year, (ii) the amount of bonded indebtedness,
2 (iii) such other information as shall be necessary to fulfill the
3 requirements of the Tax Equity and Educational Opportunities Support Act
4 and section 79-1114, and (iv) such other information as the Commissioner
5 of Education directs.

6 (4)(a) On or before October 15 of each year, the superintendent of
7 each school district shall file with the commissioner the fall school
8 district membership report, which report shall include the number of
9 children from birth through twenty years of age enrolled in the district
10 on October 1 of a given school year. The report shall enumerate (i)
11 students by grade level, (ii) school district levies and total assessed
12 valuation for the current fiscal year, (iii) students enrolled in the
13 district as option students, resident students enrolled in another
14 district as option students, students enrolled in the district as open
15 enrollment students, and resident students enrolled in another district
16 as open enrollment students, and (iv) such other information as the
17 Commissioner of Education directs.

18 (b) On or before October 15 of each year prior to 2017, each
19 learning community coordinating council shall issue to the department a
20 report which enumerates the learning community levies pursuant to
21 subdivision (2)(b) of section 77-3442 and total assessed valuation for
22 the current fiscal year.

23 (c) When any school district fails to submit its fall membership
24 report by November 1, the commissioner shall, after notice to the
25 district and an opportunity to be heard, direct that any state aid
26 granted pursuant to the Tax Equity and Educational Opportunities Support
27 Act be withheld until such time as the report is received by the
28 department. In addition, the commissioner shall direct the county
29 treasurer to withhold all school money belonging to the school district
30 until such time as the commissioner notifies the county treasurer of
31 receipt of such report. The county treasurer shall withhold such money.

1 **Sec. 5.** Section 79-816, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-816 (1) The State Department of Education shall create and
4 administer the Nebraska Teacher Apprenticeship Program. The purpose of
5 the program is to help recruit and increase the number of teachers
6 throughout the state by utilizing an apprenticeship model for training.
7 The program shall provide for an applicant who successfully completes the
8 program to obtain a certificate or permit issued by the Commissioner of
9 Education. The department may work with standard institutions of higher
10 education as defined in section 79-807, the Department of Labor, and
11 other entities the State Department of Education deems necessary to
12 develop and implement the program.

13 (2) An individual may apply for participation in the program if the
14 individual (a) is an employee of a school approved or accredited by the
15 State Department of Education or (b) has a contract to begin working for
16 a school approved or accredited by the State Department of Education at
17 the start of the school year for which the individual is applying for
18 participation in the program.

19 (3) The department shall determine requirements for completion of
20 the program by an applicant. The requirements shall include, but need not
21 be limited to:

22 (a) The completion of a one-year apprenticeship in a classroom;

23 (b) A baccalaureate degree from a standard institution of higher
24 education; and

25 (c) Successful completion of a subject area examination designated
26 ~~and pedagogy examination created by the~~ Commissioner of Education
27 ~~department~~ as part of the program.

28 (4) The Commissioner of Education shall issue a certificate to teach
29 as set forth pursuant to the rules and regulations adopted and
30 promulgated pursuant to sections 79-806 to 79-815 to an applicant who
31 successfully completes the program.

1 (5) It is the intent of the Legislature to appropriate one million
2 dollars for fiscal year 2023-24 and each fiscal year thereafter from the
3 Education Future Fund to the State Department of Education for the
4 program.

5 **Sec. 6.** Section 79-8,114, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 79-8,114 (1) A teacher may apply to the department for a grant. The
8 department shall not prioritize a grant based upon the school where the
9 applicant teaches.

10 (2) A teacher is eligible to apply for:

11 (a) A retention one grant of two thousand five hundred dollars if
12 the teacher has signed a contract to complete such teacher's second
13 complete school year of full-time employment as a teacher at a Nebraska
14 school in school year 2023-24, 2024-25, 2025-26, or 2026-27;

15 (b) A retention two grant of two thousand five hundred dollars if
16 the teacher has signed a contract to complete such teacher's fourth
17 complete school year of full-time employment as a teacher at a Nebraska
18 school in school year 2023-24, 2024-25, 2025-26, or 2026-27;

19 (c) A retention three grant of two thousand five hundred dollars if
20 the teacher has signed a contract to complete such teacher's sixth
21 complete school year of full-time employment as a teacher at a Nebraska
22 school in school year 2023-24, 2024-25, 2025-26, or 2026-27; and

23 (d)(i) A high-need retention grant of five thousand dollars if on or
24 after June 2, 2023, a teacher:

25 (A) Obtains an endorsement in special education, mathematics,
26 science, or technology, ~~or dual credit~~; and

27 (B)(I) For an application submitted prior to April 17, 2024, signs a
28 contract to complete a school year of full-time employment as a teacher
29 at a Nebraska school in school year 2024-25, 2025-26, or 2026-27; or

30 (II) For an application submitted on or after April 17, 2024, signs
31 a contract to complete a school year of full-time employment as a teacher

1 to teach in such endorsement area at a Nebraska school in school year
2 2024-25, 2025-26, or 2026-27.

3 (ii) A teacher shall only be eligible to receive one high-need
4 retention grant.

5 **Sec. 7.** Section 79-1035, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 79-1035 (1) ~~(1)(a)~~ The State Treasurer shall, on or before January
8 25 of each year, make a complete exhibit of all money belonging to the
9 permanent school fund and the temporary school fund as returned to him or
10 her from the several counties, together with the amount derived from
11 other sources, and deliver such exhibit duly certified to the
12 Commissioner of Education and the chairperson of the Education Committee
13 of the Legislature.

14 ~~(b) Through 2021, the exhibit required in subdivision (1)(a) of this~~
15 ~~section shall include a separate accounting, not to exceed an amount of~~
16 ~~ten million dollars, of the income from solar and wind agreements on~~
17 ~~school lands. The amount of income from solar and wind agreements on~~
18 ~~school lands shall be used to fund the grants described in section~~
19 ~~79-308. The Board of Educational Lands and Funds shall provide the State~~
20 ~~Treasurer with the information necessary to make the exhibit required by~~
21 ~~this subsection. Separate accounting shall not be made for income from~~
22 ~~solar or wind agreements on school lands that exceeds the sum of ten~~
23 ~~million dollars.~~

24 (2) On or before February 25 following receipt of the exhibit from
25 the State Treasurer pursuant to subsection (1) of this section, the
26 Commissioner of Education shall make the apportionment of the temporary
27 school fund to each school district as follows: From the whole amount,
28 there shall be paid to those districts in which there are school or
29 saline lands, which lands are used for a public purpose, an amount in
30 lieu of tax money that would be raised if such lands were taxable, to be
31 fixed in the manner prescribed in section 79-1036; and the remainder

1 shall be apportioned to the districts according to the pro rata
2 enumeration of children who are five through eighteen years of age in
3 each district last returned from the school district. The calculation of
4 apportionment for each school fiscal year shall include any corrections
5 to the prior school fiscal year's apportionment.

6 (3) The Commissioner of Education shall certify the amount of the
7 apportionment of the temporary school fund as provided in subsection (2)
8 of this section to the Director of Administrative Services. The Director
9 of Administrative Services shall issue payments to the various districts
10 for the respective amounts so certified by the Commissioner of Education.

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

13 **Sec. 8.** Section 79-11,157.01, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 79-11,157.01 (1) ~~Each On or before July 1 of each year, each school~~
16 ~~district shall provide in the report required pursuant to subsection (2)~~
17 ~~of section 79-528, information as to the State Department of Education,~~
18 ~~on forms prescribed by the Commissioner of Education department,~~
19 ~~information relating to students in kindergarten through third grade who~~
20 ~~display deficiencies in reading, including, but not limited to,~~
21 ~~characteristics of dyslexia. Such information shall include, but not be~~
22 ~~limited to, the number of students in each public school in such~~
23 ~~district;~~

24 ~~(a) Tested for a specific learning disability in the area of~~
25 ~~reading, including tests that identify characteristics of dyslexia and~~
26 ~~the results of such tests;~~

27 ~~(b) Identified as having a reading issue, including dyslexia,~~
28 ~~pursuant to the assessment administered under the Nebraska Reading~~
29 ~~Improvement Act; and~~

30 ~~(c) Identified as described in subdivision (b) of this subsection~~
31 ~~that have shown growth on the measure used to identify the reading issue.~~

1 (2) The Commissioner State Department of Education shall annually
2 compile the information received pursuant to subsection (1) of this
3 section and provide a report on such information electronically to the
4 Legislature on or before September 1 of each year. Such report shall
5 include, but not be limited to, the number of students who display
6 deficiencies in reading, including, but not limited to, characteristics
7 of dyslexia, by grade level in each school of the school district, unless
8 such information may be withheld under subdivision (1) of section
9 84-712.05.

10 (3) The State Board of Education may adopt and promulgate rules and
11 regulations to carry out this section.

12 **Sec. 9.** Section 79-3407, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 79-3407 The department shall prepare documents to be submitted by
15 school districts to aid the department in calculating each school
16 district's property tax request authority and unused property tax request
17 authority. Each school district shall submit such documents to the
18 department on or before October 15 ~~September 30~~ of each year. If a school
19 district fails to submit such documents to the department or if the
20 department determines from such documents that a school district is not
21 complying with the limits provided in the School District Property Tax
22 Limitation Act, the department shall notify the school district of its
23 determination. The Commissioner of Education shall then direct that any
24 state aid granted pursuant to the Tax Equity and Educational
25 Opportunities Support Act be withheld until such time as the school
26 district submits the required documents or complies with the School
27 District Property Tax Limitation Act. The state aid shall be held for six
28 months. If the school district complies within the six-month period, it
29 shall receive the suspended state aid. If the school district fails to
30 comply within the six-month period, the suspended state aid shall revert
31 to the General Fund.

1 **Sec. 10.** Section 79-3703, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-3703 (1) The State Department of Education shall ~~develop and~~
4 administer the College Pathway Program Act ~~to provide grants on or after~~
5 ~~July 1, 2024,~~ to contract with eligible providers to provide services in
6 accordance with subsection (2) of this section to underrepresented and
7 low-income students in high school and postsecondary education.

8 (2) A provider is eligible for funding a grant pursuant to the
9 College Pathway Program Act if the provider offers, exclusively to
10 underrepresented and low-income students, educational services that
11 provide materials, services, and supports to help a student graduate from
12 high school, apply for admission to a postsecondary institution, and
13 complete the requirements to receive an associate degree or a
14 baccalaureate degree. Such educational services may include:

15 (a) Assistance and tutorials which help students in completing
16 applications for a college or university, including applying for aid
17 through the Free Application for Federal Student Aid or other
18 scholarships;

19 (b) Assistance and materials which help students take the
20 appropriate high school classes in an area or field of study a student is
21 interested in and any classes necessary for a student to gain acceptance
22 at a postsecondary institution or complete the requirements and take the
23 appropriate postsecondary education classes to receive an associate
24 degree or a baccalaureate degree; and

25 (c) Any other services specified pursuant to rules and regulations
26 adopted and promulgated by the State Board of Education.

27 (3) Eligible providers may apply to the State Department of
28 Education for funding a grant in a manner prescribed by the Commissioner
29 of Education.

30 **Sec. 11.** Section 79-3704, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 79-3704 (1) On or before December 1, 2024, and each December 1
2 thereafter, the State Department of Education shall electronically submit
3 a report to the Clerk of the Legislature regarding the College Pathway
4 Program Act, including, but not limited to, the recipients of funding
5 ~~grants~~ and evaluations of the effectiveness of the grant program.

6 (2) The State Board of Education may adopt and promulgate rules and
7 regulations to carry out the College Pathway Program Act.

8 **Sec. 12.** Original sections 79-239, 79-266, 79-308, 79-528, 79-816,
9 79-8,114, 79-1035, 79-11,157.01, 79-3407, 79-3703, and 79-3704, Reissue
10 Revised Statutes of Nebraska, are repealed.

11 **Sec. 13.** The following sections are outright repealed: Sections
12 79-309.01 and 79-718, Reissue Revised Statutes of Nebraska.