

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1331

Introduced by Murman, 38.

Read first time January 17, 2024

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend sections 79-201,
2 79-205, 79-206, 79-207, 79-210, 79-1107, and 79-1108.03, Reissue
3 Revised Statutes of Nebraska, sections 79-209, 79-237, 79-8,150,
4 79-10,141, 79-1108.02, and 79-11,159, Revised Statutes Cumulative
5 Supplement, 2022, and sections 79-101, 79-238, 79-239, 79-729,
6 79-8,145.01, 79-1054, 79-10,150, 79-3501, 79-3602, and 79-3703,
7 Revised Statutes Supplement, 2023; to redefine terms; to change
8 provisions, terminology, duties, and penalties related to truancy
9 and attendance; to change powers and duties relating to the State
10 Department of Education, State Board of Education, and Commissioner
11 of Education; to change provisions relating to applications and
12 requirements for option students, high school graduation
13 requirements, alternative teacher certification programs, student
14 loan repayment assistance, innovation and improvement grant programs
15 established by the State Board of Education, the Summer Food Service
16 Program, special education expenditures, programs for learners with
17 high ability, behavioral health points of contact, state lottery
18 funds used for education, behavioral awareness training, and the
19 College Pathway Program; to harmonize provisions; to eliminate an
20 innovation grant program established by the department and a mental
21 health first aid training program; to repeal the original sections;
22 and to outright repeal section 79-11,160, Revised Statutes
23 Supplement, 2023.

1 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-101, Revised Statutes Supplement, 2023, is
2 amended to read:

3 79-101 For purposes of Chapter 79:

4 (1) School district means the territory under the jurisdiction of a
5 single school board authorized by Chapter 79;

6 (2) School means a school under the jurisdiction of a school board
7 authorized by Chapter 79;

8 (3) Legal voter means a registered voter as defined in section
9 32-115 who is domiciled in a precinct or ward in which he or she is
10 registered to vote and which precinct or ward lies in whole or in part
11 within the boundaries of a school district for which the registered voter
12 chooses to exercise his or her right to vote at a school district
13 election;

14 (4) Prekindergarten programs means all early childhood programs
15 provided for children who have not reached the age of five by the date
16 provided in section 79-214 for kindergarten entrance;

17 (5) Elementary grades means grades kindergarten through eight,
18 inclusive;

19 (6) High school grades means all grades above the eighth grade;

20 (7) School year means (a) for elementary grades other than
21 kindergarten, the time equivalent to at least one thousand thirty-two
22 instructional hours and (b) for high school grades, the time equivalent
23 to at least one thousand eighty instructional hours;

24 (8) Instructional hour means a period of time, at least sixty
25 minutes, which is actually used for the instruction of students;

26 (9) Teacher means any certified employee who is regularly employed
27 for the instruction of pupils in the public schools;

28 (10) Administrator means any certified employee such as
29 superintendent, assistant superintendent, principal, assistant principal,
30 school nurse, or other supervisory or administrative personnel who do not
31 have as a primary duty the instruction of pupils in the public schools;

1 (11) School board means the governing body of any school district.
2 Board of education has the same meaning as school board;

3 (12) Teach means and includes, but is not limited to, the following
4 responsibilities: (a) The organization and management of the classroom or
5 the physical area in which the learning experiences of pupils take place;
6 (b) the assessment and diagnosis of the individual educational needs of
7 the pupils; (c) the planning, selecting, organizing, prescribing, and
8 directing of the learning experiences of pupils; (d) the planning of
9 teaching strategies and the selection of available materials and
10 equipment to be used; and (e) the evaluation and reporting of student
11 progress;

12 (13) Permanent school fund means the fund described in section
13 79-1035.01;

14 (14) Temporary school fund means the fund described in section
15 79-1035.02;

16 (15) School lands means the lands described in section 79-1035.03.
17 Educational lands has the same meaning as school lands;

18 (16) Community eligibility provision means the alternative to
19 household applications for free and reduced-price meals in high-poverty
20 schools enacted in section 104(a) of the federal Healthy, Hunger-Free
21 Kids Act of 2010, section 11(a)(1) of the Richard B. Russell National
22 School Lunch Act, 42 U.S.C. 1759a(a)(1), as such act and section existed
23 on January 1, 2015, and administered by the United States Department of
24 Agriculture; and

25 (17)(a) Certificate, certificated, or certified, when referring to
26 an individual holding a certificate to teach, administer, or provide
27 special services, also includes an individual who holds a permit issued
28 by the Commissioner of Education pursuant to sections 79-806 to 79-815 or
29 an alternative certificate ~~to teach~~ issued pursuant to section
30 79-8,145.01.

31 (b) Certificate, certificated, or certified, when referring to an

1 individual holding a certificate to teach, also includes an individual
2 who is granted a certificate in accordance with the Interstate Teacher
3 Mobility Compact and section 79-816.01.

4 The State Board of Education may adopt and promulgate rules and
5 regulations to define school day and other appropriate units of the
6 school calendar.

7 Sec. 2. Section 79-201, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 79-201 (1) For purposes of this section, a child is of mandatory
10 attendance age if the child (a) will reach six years of age prior to
11 January 1 of the then-current school year and (b) has not reached
12 eighteen years of age.

13 ~~(2)(a) (2)~~ Except as provided in subsection (3) of this section,
14 every person residing in a school district within the State of Nebraska
15 who has legal or actual charge or control of any child who is of
16 mandatory attendance age or is enrolled in a public school shall cause
17 such child to enroll in, if such child is not enrolled, and attend
18 regularly a public, private, denominational, or parochial day school
19 which meets the requirements for legal operation prescribed in Chapter
20 79, or a school which elects pursuant to section 79-1601 not to meet
21 accreditation or approval requirements, each day that such school is open
22 and in session, except when excused by school authorities or when illness
23 or severe weather conditions make attendance impossible or impracticable.

24 (b) A violation of this subsection is a Class III misdemeanor.

25 (3) Subsection (2) of this section does not apply in the case of any
26 child who:

27 (a) Has obtained a high school diploma by meeting the graduation
28 requirements established in section 79-729;

29 (b) Has completed the program of instruction offered by a school
30 which elects pursuant to section 79-1601 not to meet accreditation or
31 approval requirements;

1 (c) Has reached sixteen years of age and has been withdrawn from
2 school pursuant to section 79-202;

3 (d)(i) Will reach six years of age prior to January 1 of the then-
4 current school year, but will not reach seven years of age prior to
5 January 1 of such school year, (ii) such child's parent or guardian has
6 signed an affidavit stating that the child is participating in an
7 education program that the parent or guardian believes will prepare the
8 child to enter grade one for the following school year, and (iii) such
9 affidavit has been filed by the parent or guardian with the school
10 district in which the child resides;

11 (e)(i) Will reach six years of age prior to January 1 of the then-
12 current school year but has not reached seven years of age, (ii) such
13 child's parent or guardian has signed an affidavit stating that the
14 parent or guardian intends for the child to participate in a school which
15 has elected or will elect pursuant to section 79-1601 not to meet
16 accreditation or approval requirements and the parent or guardian intends
17 to provide the Commissioner of Education with a statement pursuant to
18 subsection (3) of section 79-1601 on or before the child's seventh
19 birthday, and (iii) such affidavit has been filed by the parent or
20 guardian with the school district in which the child resides; or

21 (f) Will not reach six years of age prior to January 1 of the then-
22 current school year and such child was enrolled in a public school and
23 has discontinued the enrollment according to the policy of the school
24 board adopted pursuant to subsection (4) of this section.

25 (4) The board shall adopt policies allowing discontinuation of the
26 enrollment of students who will not reach six years of age prior to
27 January 1 of the then-current school year and specifying the procedures
28 therefor.

29 (5) Each school district that is a member of a learning community
30 shall report to the learning community coordinating council on or before
31 September 1 of each year for the immediately preceding school year the

1 following information:

2 (a) All reports of violations of this section made to the attendance
3 officer of any school in the district pursuant to section 79-209;

4 (b) The results of all investigations conducted pursuant to section
5 79-209, including the attendance record that is the subject of the
6 investigation and a list of services rendered in the case;

7 (c) The district's policy on excessive absenteeism; and

8 (d) Records of all notices served and reports filed pursuant to
9 section 79-209 and the district's policy on excessive absenteeism
10 ~~habitual truancy~~.

11 Sec. 3. Section 79-205, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 79-205 Each school district and each private, denominational, or
14 parochial school ~~teacher in the public, private, denominational, and~~
15 ~~parochial schools of this state~~ shall keep a record showing (1) the name,
16 age, and address of each child enrolled. Each teacher in such school
17 district or school shall record, ~~(2) the number and county of the school~~
18 ~~district in which the school is located,~~ (3) the number of days each
19 pupil was present and the number of days absent, and (4) the cause of
20 absence. On the third day on which a ~~the~~ public, private, denominational,
21 and parochial school is ~~schools are~~ in session at the beginning of each
22 school year, each ~~teacher shall send to the~~ superintendent of a school
23 district and each ~~or~~ administrator of a private, denominational, or
24 parochial ~~of the~~ school shall compile a list of the pupils enrolled in
25 such district or his or her school with the age, grade, and address of
26 each pupil.

27 Sec. 4. Section 79-206, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 79-206 Each superintendent ~~or administrator~~ of a school district,
30 using upon the receipt ~~of~~ the list specified in section 79-205, shall (1)
31 compare the names of the children enrolled with the last census report on

1 file in his or her office from such district, (2) prepare a list of all
2 children resident in such district under his or her jurisdiction who are
3 not attending school as provided in section 79-201, and (3) transmit the
4 list to the officer or officers in such district whose duty it is to
5 enforce the provisions of such section.

6 Sec. 5. Section 79-207, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 79-207 Whenever any child enters or withdraws from any school after
9 the third day in which school is in session, each ~~the~~ teacher shall
10 transmit at once the name of such child to the superintendent ~~as~~
11 ~~specified in section 79-206~~ and the superintendent shall use such
12 information in whatever way he or she deems necessary for the purpose of
13 enforcing section 79-201. At the end of each week, each teacher shall
14 report all absences and the cause of absence to the proper
15 superintendent. At the close of each period, each teacher shall transmit
16 to the superintendent a report showing (1) the name, age, and address of
17 each child enrolled, (2) the number of half days each child was absent,
18 (3) the number enrolled and the number attending on the last day of the
19 period, and (4) the average daily attendance for the period. The
20 provisions of this section requiring reports from each teacher shall not
21 apply to individual teachers in schools employing more than one teacher
22 but shall in such case apply to the head teacher, ~~principal, or~~
23 ~~superintendent,~~ or administrator, who shall obtain the required
24 information from the teachers under his or her supervision or control.
25 All reports and lists required in this section shall be as ~~upon blanks~~
26 prescribed by the Commissioner ~~State Department~~ of Education.

27 Sec. 6. Section 79-209, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 79-209 (1) In all school districts in this state, any
30 superintendent, principal, teacher, or member of the school board who
31 knows of any violation of subsection (2) of section 79-201 shall within

1 three days report such violation to the attendance officer of the school,
2 who shall immediately investigate the case. When of his or her personal
3 knowledge or by report or complaint from any resident of the district,
4 the attendance officer believes that there is a violation of subsection
5 (2) of section 79-201, the attendance officer shall immediately
6 investigate such alleged violation.

7 (2) All school boards shall have a written policy on attendance
8 developed and annually reviewed in collaboration with the county attorney
9 of the county in which the principal office of the school district is
10 located. The policy shall include a provision indicating how the school
11 district will handle cases in which excessive absences are due to
12 illness. The policy shall also state the circumstances and number of
13 absences or the hourly equivalent upon which the school shall render all
14 services to address barriers to attendance. Such services shall include,
15 but not be limited to:

16 (a) Verbal or written communication by school officials with the
17 person or persons who have legal or actual charge or control of any
18 child; and

19 (b) One or more meetings between, at a minimum, a school attendance
20 officer, a school social worker, or a school administrator or his or her
21 designee, the person who has legal or actual charge or control of the
22 child, and the child, when appropriate, to attempt to address the
23 barriers to attendance. The result of the meeting or meetings shall be to
24 develop a collaborative plan to reduce barriers identified to improve
25 regular attendance. The plan shall consider, but not be limited to:

- 26 (i) The physical, mental, or behavioral health of the child;
- 27 (ii) Educational counseling;
- 28 (iii) Educational evaluation;
- 29 (iv) Referral to community agencies for economic services;
- 30 (v) Family or individual counseling;
- 31 (vi) Assisting the family in working with other community services;

1 and

2 (vii) Referral to restorative justice practices or services.

3 (3) The school may report to the county attorney of the county in
4 which the person resides when the school has documented the efforts it
5 has made as required by subsection (2) of this section that the
6 collaborative plan to reduce barriers identified to improve regular
7 attendance has not been successful and that the child has been absent
8 more than twenty days per year. The school shall notify the child's
9 family in writing prior to referring the child to the county attorney.
10 Failure by the school to document the efforts required by subsection (2)
11 of this section is a defense to prosecution under section 79-201 and to
12 adjudication for educational neglect under subdivision (3)(a) or of
13 section 43-247 and habitual truancy under subdivision (3)(b) of section
14 43-247 based upon such absences. Illness that makes attendance impossible
15 or impracticable shall not be the basis for referral to the county
16 attorney.

17 (4) Nothing in this section shall preclude a county attorney from
18 being involved at any stage in the process to address excessive
19 absenteeism.

20 Sec. 7. Section 79-210, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 79-210 ~~Any person violating the provisions of sections 79-201 to~~
23 ~~79-209 shall be guilty of a Class III misdemeanor.~~

24 The State Board of Education may adopt and promulgate rules and
25 regulations to carry out sections 79-201 to 79-209.

26 Sec. 8. Section 79-237, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 79-237 (1) For a student to begin attendance as an option student in
29 an option school district, the student's parent or legal guardian shall
30 submit an application to the school board of the option school district
31 between September 1 and March 15 for attendance during the following and

1 subsequent school years. Except as provided in subsection (2) of this
2 section, applications submitted after March 15 shall contain a release
3 approval from the resident school district on the application form
4 prescribed ~~and furnished~~ by the Commissioner ~~State Department~~ of
5 Education pursuant to subsection (8) of this section. A district may not
6 accept or approve any applications submitted after such date without such
7 a release approval. The option school district shall provide the resident
8 school district with the name of the applicant on or before April 1 or,
9 in the case of an application submitted after March 15, within sixty days
10 after submission. The option school district shall notify, in writing,
11 the parent or legal guardian of the student and the resident school
12 district whether the application is accepted or rejected on or before
13 April 1 or, in the case of an application submitted after March 15,
14 within sixty days after submission. ~~An option school district that is a~~
15 ~~member of a learning community may not approve an application pursuant to~~
16 ~~this section for a student who resides in such learning community to~~
17 ~~attend prior to school year 2017-18.~~

18 (2) A student who relocates to a different resident school district
19 after February 1 or whose option school district merges with another
20 district effective after February 1 may submit an application to the
21 school board of an option school district for attendance during the
22 current or immediately following and subsequent school years ~~unless the~~
23 ~~applicant is a resident of a learning community and the application is~~
24 ~~for attendance to begin prior to school year 2017-18 in an option school~~
25 ~~district that is also a member of such learning community.~~ Such
26 application does not require the release approval of the resident school
27 district. The option school district shall accept or reject such
28 application within forty-five days.

29 (3) A parent or guardian may provide information on the application
30 for an option school district that is a member of a learning community
31 regarding the applicant's potential qualification for free or reduced-

1 price lunches. Any such information provided shall be subject to
2 verification and shall only be used for the purposes of subsection (4) of
3 section 79-238. Nothing in this subsection requires a parent or guardian
4 to provide such information. Determinations about an applicant's
5 qualification for free or reduced-price lunches for purposes of
6 subsection (4) of section 79-238 shall be based on any verified
7 information provided on the application. If no such information is
8 provided, the student shall be presumed not to qualify for free or
9 reduced-price lunches for the purposes of subsection (4) of section
10 79-238.

11 (4) Applications for students who do not actually attend the option
12 school district may be withdrawn in good standing upon mutual agreement
13 by both the resident and option school districts.

14 (5) No option student shall attend an option school district for
15 less than one school year unless the student relocates to a different
16 resident school district, completes requirements for graduation prior to
17 the end of his or her senior year, transfers to a private or parochial
18 school, or upon mutual agreement of the resident and option school
19 districts cancels the enrollment option and returns to the resident
20 school district.

21 (6) Except as provided in subsection (5) of this section or, for
22 open enrollment option students, in section 79-235.01, the option student
23 shall attend the option school district until graduation unless the
24 student relocates in a different resident school district, transfers to a
25 private or parochial school, or chooses to return to the resident school
26 district.

27 (7) In each case of cancellation pursuant to subsections (5) and (6)
28 of this section, the student's parent or legal guardian shall provide
29 written notification to the school board of the option school district
30 and the resident school district on forms prescribed ~~and furnished~~ by the
31 Commissioner of Education ~~department~~ under subsection (8) of this section

1 in advance of such cancellation.

2 (8) The application and cancellation forms shall be prescribed and
3 furnished by the Commissioner State Department of Education.

4 (9) An option student who subsequently chooses to attend a private
5 or parochial school and who is not an open enrollment option student
6 shall be automatically accepted to return to either the resident school
7 district or option school district upon the completion of the grade
8 levels offered at the private or parochial school. If such student
9 chooses to return to the option school district, the student's parent or
10 legal guardian shall submit another application to the school board of
11 the option school district which shall be automatically accepted, and the
12 deadlines prescribed in this section shall be waived.

13 Sec. 9. Section 79-238, Revised Statutes Supplement, 2023, is
14 amended to read:

15 79-238 (1)(a) Except as provided in this section and sections
16 79-235.01 and 79-240, the school board of the option school district
17 shall adopt by resolution specific capacity standards for acceptance and
18 rejection of applications.

19 (b) Capacity for special education services operated by an option
20 school district shall be determined on a case-by-case basis. If an
21 application for option enrollment received by a school district indicates
22 that the student has an individualized education program under the
23 federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et
24 seq., or has been diagnosed with a disability as defined in section
25 79-1118.01, such application shall be evaluated by the director of
26 special education services of the school district or the director's
27 designee who shall determine if the school district and the appropriate
28 class, grade level, or school building in such school district has the
29 capacity to provide the applicant the appropriate services and
30 accommodations.

31 (c) For all other students, standards may include the capacity of a

1 program, class, grade level, or school building. Capacity shall be
2 determined by setting a maximum number of option students that a district
3 will accept in any program, class, grade level, or school building, based
4 upon available staff, facilities, projected enrollment of resident
5 students, and projected number of students with which the option school
6 district will contract based on existing contractual arrangements.

7 (d) To facilitate option enrollment, school districts shall annually
8 establish, publish, and report the capacity for each school building
9 under such district's control pursuant to procedures, criteria, and
10 deadlines established by the State ~~Board~~ Department of Education. Except
11 as otherwise provided in this section, a school board may by resolution,
12 prior to October 15 of each school year, declare a program, a class, or a
13 school unavailable to option students for the next school year due to
14 lack of capacity. Standards shall not include previous academic
15 achievement, athletic or other extracurricular ability, disabilities,
16 proficiency in the English language, or previous disciplinary proceedings
17 except as provided in section 79-266.01. False or substantively
18 misleading information submitted by a parent or guardian on an
19 application to an option school district may be cause for the option
20 school district to reject a previously accepted application if the
21 rejection occurs prior to the student's attendance as an option student.

22 (2) The school board of every school district shall also adopt
23 specific standards and conditions for acceptance or rejection of a
24 request for release of a resident or option student submitting an
25 application to an option school district after March 15 under subsection
26 (1) of section 79-237. Standards shall not include that a request
27 occurred after the deadline set forth in this subsection.

28 (3) Any option school district that is not a member of a learning
29 community shall give first priority for enrollment to siblings of option
30 students, except that the option school district shall not be required to
31 accept the sibling of an option student if the district is at capacity

1 except as provided in subsection (1) of section 79-240.

2 (4) Any option school district that is in a learning community shall
3 give first priority for enrollment to siblings of option students
4 enrolled in the option school district, second priority for enrollment to
5 students who have previously been enrolled in the option school district
6 as an open enrollment student, third priority for enrollment to students
7 who reside in the learning community and who contribute to the
8 socioeconomic diversity of enrollment at the school building to which the
9 student will be assigned pursuant to section 79-235, and final priority
10 for enrollment to other students who reside in the learning community.
11 The option school district shall not be required to accept a student
12 meeting the priority criteria in this section if the district is at
13 capacity as determined pursuant to subsection (1) of this section except
14 as provided in section 79-235.01 or 79-240. For purposes of the
15 enrollment option program, a student who contributes to the socioeconomic
16 diversity of enrollment at a school building within a learning community
17 means (a) a student who does not qualify for free or reduced-price
18 lunches when, based upon the certification pursuant to section 79-2120,
19 the school building the student will be assigned to attend either has
20 more students qualifying for free or reduced-price lunches than the
21 average percentage of such students in all school buildings in the
22 learning community or provides free meals to all students pursuant to the
23 community eligibility provision or (b) a student who qualifies for free
24 or reduced-price lunches based on information collected voluntarily from
25 parents and guardians pursuant to section 79-237 when, based upon the
26 certification pursuant to section 79-2120, the school building the
27 student will be assigned to attend has fewer students qualifying for free
28 or reduced-price lunches than the average percentage of such students in
29 all school buildings in the learning community and does not provide free
30 meals to all students pursuant to the community eligibility provision.

31 Sec. 10. Section 79-239, Revised Statutes Supplement, 2023, is

1 amended to read:

2 79-239 (1) If an application is rejected by the option school
3 district or if the resident school district rejects a request for release
4 under subsection (1) of section 79-237, the rejecting school district
5 shall provide written notification to the parent or guardian stating (a)
6 the specific reasons for the rejection including, for students with an
7 individualized education program under the federal Individuals with
8 Disabilities Education Act, 20 U.S.C. 1400 et seq., or with a diagnosed
9 disability as defined in section 79-1118.01, a description of services
10 and accommodations required that the school district does not have the
11 capacity to provide, and (b) the process for appealing such rejection to
12 the State Board of Education. Such notification shall be sent by
13 certified mail.

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

25 (3)(a) Beginning July 1, 2024, and on or before July 1 of each year
26 thereafter, each school district shall provide to the State Department of
27 Education, ~~on forms prescribed by the department,~~ information prescribed
28 by the Commissioner of Education relating to all applications rejected by
29 the option school district. Such information shall include, but not be
30 limited to, (a) the number of applications rejected in each public school
31 in such district, (b) an explanation why each application was rejected,

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

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

14 Sec. 11. Section 79-729, Revised Statutes Supplement, 2023, is
15 amended to read:

16 79-729 (1) The Legislature recognizes the importance of assuring
17 that all persons who graduate from Nebraska high schools possess certain
18 minimum levels of knowledge, skills, and understanding. Each high school
19 student shall complete a minimum of two hundred high school credit hours
20 prior to graduation. At least eighty percent of the minimum credit hours
21 shall be core curriculum courses prescribed by the State Board of
22 Education.

23 (2) For students attending a public school:

24 (a) Beginning in school year 2023-24, at least five of the minimum
25 credit hours shall be a high school course in personal finance or
26 financial literacy; and

27 (b) Beginning in school year 2027-28, at least five of the minimum
28 credit hours shall include computer science and technology education as
29 required under section 79-3304.

30 (3)(a) Beginning in school year 2024-25, each public high school
31 student shall complete and submit to the United States Department of

1 Education a Free Application for Federal Student Aid prior to graduating
2 from such high school except as otherwise provided in this subsection.

3 (b) A public high school student shall not be required to comply
4 with subdivision (3)(a) of this section if:

5 (i) A parent or legal guardian of or a person standing in loco
6 parentis to such student signs and submits to the school principal the
7 appropriate form prescribed by the Commissioner of Education pursuant to
8 subdivision (3)(c) of this section indicating that such parent, legal
9 guardian, or person standing in loco parentis authorizes such student to
10 decline to complete and submit a Free Application for Federal Student
11 Aid;

12 (ii) The school principal or the school principal's designee signs
13 ~~and submits~~ the appropriate form prescribed by the Commissioner of
14 Education pursuant to subdivision (3)(c) of this section authorizing such
15 student to decline to complete and submit a Free Application for Federal
16 Student Aid for good cause as determined by the school principal or the
17 school principal's designee; or

18 (iii) A student who is nineteen years of age or older or is an
19 emancipated minor signs and submits the appropriate form prescribed by
20 the Commissioner of Education pursuant to subdivision (3)(c) of this
21 section stating that such student declines to complete and submit a Free
22 Application for Federal Student Aid.

23 (c) The Commissioner of Education shall prescribe the forms to be
24 used by each public high school for purposes of compliance with
25 subdivision (3)(b) of this section. Such forms shall be made available:

26 (i) By each public high school to students, parents and legal
27 guardians of students, and persons standing in loco parentis to students;
28 and

29 (ii) In English, Spanish, and any other language spoken by a
30 majority of the students enrolled in any English learner program at such
31 public high school.

1 (d) The school principal or the school principal's designee of each
2 public high school shall provide such compliance information to the
3 school district or governing authority for such public high school and to
4 the State Department of Education without disclosing, for any student who
5 has complied with the requirements of this subsection, personally
6 identifiable information distinguishing whether such compliance was
7 pursuant to subdivision (3)(a) or (b) of this section. Such school
8 principal or school principal's designee shall provide separately the
9 aggregate number of students who have not complied with this subsection,
10 who complied pursuant to subdivision (3)(a) of this section, and who
11 complied pursuant to subdivision (3)(b) of this section, unless otherwise
12 prohibited by federal or state law regarding the confidentiality of
13 student educational information.

14 (e) On or before December 31, 2025, and on or before December 31 of
15 each year thereafter, the Commissioner of Education shall electronically
16 submit a report with the information received by the State Department of
17 Education pursuant to subdivision (3)(d) of this section to the Clerk of
18 the Legislature.

19 (4) The State Board of Education may establish recommended statewide
20 graduation guidelines.

21 (5) This section does not apply to high school students whose
22 individualized education programs prescribe a different course of
23 instruction.

24 (6) For purposes of this section, high school means grades nine
25 through twelve and credit hour shall be defined by appropriate rules and
26 regulations of the State Board of Education but shall not be less than
27 the amount of credit given for successful completion of a course which
28 meets at least one period per week for at least one semester.

29 (7) The State Board of Education may ~~shall~~ adopt and promulgate
30 rules and regulations as necessary to implement this section. Such rules
31 and regulations may ~~shall~~ include, but are ~~not~~ be limited to:

1 (a) A timeline for the distribution of the Free Application for
2 Federal Student Aid and the forms prescribed pursuant to subdivision (3)
3 (c) of this section by public high schools and for the submission of the
4 Free Application for Federal Student Aid and the forms prescribed
5 pursuant to subdivision (3)(c) of this section; and

6 (b) Standards regarding the information that a public high school
7 must provide to students regarding:

8 (i) Instructions for filling out the Free Application for Federal
9 Student Aid;

10 (ii) The options available to a student under subdivision (3)(b) of
11 this section if a student wishes to decline to complete and submit a Free
12 Application for Federal Student Aid; and

13 (iii) The method by which a student shall provide proof to the
14 public high school that such student has completed and submitted the Free
15 Application for Federal Student Aid or a form prescribed pursuant to
16 subdivision (3)(c) of this section. ~~;~~ ~~and~~

17 ~~(c) A requirement for each public high school to report the number~~
18 ~~of students who completed and submitted a Free Application for Federal~~
19 ~~Student Aid and the number of students who instead submitted a form~~
20 ~~prescribed pursuant to subdivision (3)(c) of this section.~~

21 Sec. 12. Section 79-8,145.01, Revised Statutes Supplement, 2023, is
22 amended to read:

23 79-8,145.01 (1) In addition to certificates issued pursuant to
24 section 79-806 to 79-815, the Commissioner of Education shall, subject to
25 subsections (2) and (3) of this section, issue an alternative certificate
26 to teach on a full-time basis to any applicant who:

27 (a) Possesses a baccalaureate degree; and

28 (b) Has successfully completed an alternative teacher certification
29 program operated by an organization that satisfies the following
30 criteria:

31 (i) The organization operates in at least five states;

1 (ii) The organization has operated an alternative teacher
2 certification program for at least ten years; and

3 (iii) The program requires candidates to pass a subject area
4 examination and a the pedagogy examination, known as the professional
5 teaching knowledge examination, to receive a documentation of successful
6 completion of certificate under such program.

7 (2) An alternative A certificate issued by the Commissioner of
8 Education under this section only authorizes an individual to teach the
9 subject and educational levels for which the individual has successfully
10 completed an alternative teacher ~~certification~~ program.

11 (3) Issuance of an alternative certificate ~~to teach~~ pursuant to this
12 section shall also be subject to any rules, regulations, or procedures
13 established pursuant to subdivisions (1)(c) and (f) of section 79-808 and
14 section 79-810 a criminal history record information check pursuant to
15 section 79-814.01 and payment of any required fees.

16 (4) An individual who receives an alternative certificate ~~to teach~~
17 pursuant to this section shall:

18 (a) Participate in a school district clinical experience for one
19 semester in such individual's first semester of employment as a teacher
20 pursuant to this section; and

21 (b) Be subject to the same certification criteria as an individual
22 who completes a traditional teacher preparation program if converting the
23 alternative certificate ~~to teach~~ to a standard certificate to teach.

24 Sec. 13. Section 79-8,150, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 79-8,150 Applications prescribed by the Commissioner of Education
27 for student loan repayment assistance must be submitted no later than
28 June 10, 2023, and no later than July 1 ~~June 10~~ of each year thereafter,
29 ~~on a form developed by the department.~~ The Commissioner of Education
30 ~~department~~ shall determine whether to approve or deny each application
31 and shall notify each applicant of such determination no later than

1 September 10, 2023, and no later than October 1 ~~September 10~~ of each year
2 thereafter. Repayment assistance awarded under the program shall be paid,
3 in whole or in part as provided in section 79-8,151, no later than
4 November 10, 2023, and no later than December 15 ~~November 10~~ of each year
5 thereafter.

6 Sec. 14. Section 79-1054, Revised Statutes Supplement, 2023, is
7 amended to read:

8 79-1054 (1)(a) This subsection applies until July 1, 2024.

9 (b) The State Board of Education shall establish a competitive
10 innovation grant program with funding from the Nebraska Education
11 Improvement Fund pursuant to section 79-3501. Grantees shall be a school
12 district, an educational service unit, or a combination of entities that
13 includes at least one school district or educational service unit. For
14 grantees that consist of a combination of entities, a participating
15 school district or educational service unit shall be designated to act as
16 the fiscal agent and administer the program funded by the grant. The
17 state board shall only award grants pursuant to applications that the
18 state board deems to be sufficiently innovative and to have a high chance
19 of success.

20 (c) An application for a grant pursuant to this subsection shall
21 describe:

22 (i) Specific measurable objectives for improving education outcomes
23 for early childhood students, elementary students, middle school
24 students, or high school students or for improving the transitions
25 between any successive stages of education or between education and the
26 workforce;

27 (ii) The method for annually evaluating progress toward a measurable
28 objective, with a summative evaluation of progress submitted to the state
29 board and electronically to the Education Committee of the Legislature on
30 or before July 1, 2019;

31 (iii) The potential for the project to be both scalable and

1 replicable; and

2 (iv) Any cost savings that could be achieved by reductions in other
3 programs if the funded program is successful.

4 (d) Based on evaluations received on or before July 1, 2019, for
5 each grant, the State Board of Education shall recommend the grant
6 project as:

7 (i) Representing a best practice;

8 (ii) A model for a state-supported program; or

9 (iii) A local issue for further study.

10 (e) On or before December 1, 2017, and on or before December 1 of
11 each year thereafter, the state board shall electronically submit a
12 report to the Clerk of the Legislature on all such grants, including, but
13 not limited to, the results of the evaluations for each grant. The state
14 board may adopt and promulgate rules and regulations to carry out this
15 subsection, including, but not limited to, application procedures,
16 selection procedures, and annual evaluation reporting procedures.

17 ~~(2)(a) This subsection applies beginning July 1, 2024.~~

18 ~~(b) The State Board of Education shall establish innovation grant
19 programs in areas, including, but not limited to, (i) mental health first
20 aid, (ii) early literacy, (iii) quality instructional materials, (iv)
21 personalized learning through digital education, or (v) other innovation
22 areas identified by the board. It is the intent of the Legislature that
23 such grant programs shall be funded using lottery funds under section
24 79-3501. Grantees shall be a school district, an educational service
25 unit, or a combination of entities that includes at least one school
26 district or educational service unit.~~

27 ~~(c) An application for participating in an innovation grant pursuant
28 to this subsection shall describe:~~

29 ~~(i) Specific measurable objectives for improving education outcomes
30 for early childhood students, elementary students, middle school
31 students, or high school students or for improving the transitions~~

1 ~~between any successive stages of education or between education and the~~
2 ~~workforce;~~

3 ~~(ii) Participation in a method for annually evaluating progress~~
4 ~~toward a measurable objective, with a summative evaluation of progress~~
5 ~~submitted to the state board and electronically to the Education~~
6 ~~Committee of the Legislature on or before July 1 of each year;~~

7 ~~(iii) The potential for the grant program to be both scalable and~~
8 ~~replicable; and~~

9 ~~(iv) Any cost savings that could be achieved by reductions in other~~
10 ~~programs if the grant program is successful.~~

11 ~~(d) Based on evaluations received on or before July 1 of each year~~
12 ~~for each grant program, the State Board of Education shall recommend the~~
13 ~~grant program as:~~

14 ~~(i) Representing a best practice;~~

15 ~~(ii) A model for a state-supported program; or~~

16 ~~(iii) A local issue for further study.~~

17 ~~(e) On or before December 1 of each year, the state board shall~~
18 ~~electronically submit a report to the Clerk of the Legislature on all~~
19 ~~such grant programs, including, but not limited to, the results of the~~
20 ~~evaluations for each grant program. The state board may adopt and~~
21 ~~promulgate rules and regulations to carry out this subsection, including,~~
22 ~~but not limited to, application procedures, selection procedures, and~~
23 ~~annual evaluation reporting procedures.~~

24 ~~(2)(a) (3)(a) This subsection applies beginning July 1, 2024.~~

25 (b) The State Board of Education shall establish an improvement
26 grant program in areas including, but not limited to, (i) teacher
27 recruitment and retention, (ii) improvement for schools and school
28 districts, (iii) improvement in student performance in the subject areas
29 of reading and mathematics, and (iv) other improvement areas identified
30 by the state board. Such grants shall be funded using lottery funds under
31 section 79-3501.

1 (c) On or before December 1 of each calendar year, the state board
2 shall electronically submit a report to the Clerk of the Legislature on
3 all such grant programs, including, but not limited to, the recipients of
4 the programs and evaluations of the effectiveness of each grant program.
5 The state board may adopt and promulgate rules and regulations to carry
6 out this subsection.

7 ~~(3)(a)~~ ~~(4)(a)~~ This subsection applies beginning January 1, 2024.

8 (b) For purposes of this subsection, learning platform means a
9 three-dimensional, game-based learning platform for use by middle school
10 and high school students.

11 (c)(i) The State Board of Education shall establish a ~~an innovation~~
12 grant program to procure or purchase an annual license for learning
13 platforms for use in schools to engage students in coursework and careers
14 in science, technology, engineering, ~~entrepreneurship,~~ and mathematics.
15 Such grants shall be funded using lottery funds pursuant to section
16 79-3501.

17 (ii) The State Board of Education shall establish standards that a
18 learning platform shall meet in the subject areas of chemistry, and
19 physical science, ~~business,~~ and mathematics. The state board shall
20 develop the criteria to a plan related to how the state board shall
21 prioritize the grant applications.

22 (iii) A developer may apply to the Commissioner ~~State Department~~ of
23 Education ~~on forms and~~ in a manner prescribed by the state board
24 ~~department~~ for a grant under this subsection for a learning platform
25 that:

26 (A) Is designed to teach information related to chemistry, and
27 physical science, ~~business,~~ or mathematics;

28 (B) Aligns with the standards established by the state board
29 relating to chemistry, and physical science, ~~business,~~ or mathematics;

30 (C) Connects such standards with real-world technologies and
31 applications;

1 (D) Highlights science, technology, engineering, ~~entrepreneurship,~~
2 and mathematics career pathways in Nebraska; and

3 (E) Meets any additional requirements set out by the State Board of
4 Education.

5 (iv) Any developer that receives a grant under this subsection shall
6 provide access to and use of its learning platform to all Nebraska school
7 districts.

8 (v) Any grant awarded pursuant to this subsection shall be awarded
9 by July 1 of each year.

10 (d) On or before December 1 of each calendar year, the state board
11 shall electronically submit a report to the Clerk of the Legislature on
12 the grant program, including, but not limited to, the recipients of the
13 program and evaluations of the effectiveness of the grant program. The
14 State Board of Education may adopt and promulgate rules and regulations
15 to carry out this subsection.

16 (4)(a) ~~(5)(a)~~ The State Department of Education Improvement
17 ~~Innovative~~ Grant Fund is created. The fund shall be administered by the
18 State Department of Education and shall consist of transfers pursuant to
19 section 79-3501, repayments of grant funds, and interest payments
20 received in the course of administering this section. The fund shall be
21 used to carry out this section. Any money in the fund available for
22 investment shall be invested by the state investment officer pursuant to
23 the Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act.

25 (b) Of the ten percent of funds transferred to the fund pursuant to
26 section 79-3501, eight and three-fourths percent shall be used for
27 improvement ~~innovation~~ grants pursuant to subsection (3) ~~(4)~~ of this
28 section and the remaining one and one-fourth percent shall be used for
29 ~~innovation and improvement~~ grants pursuant to subsection ~~subsections~~ (2)
30 ~~and (3)~~ of this section.

31 Sec. 15. Section 79-10,141, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 79-10,141 (1) Because children are susceptible to hunger in the
3 summertime, resulting in negative health effects, the Legislature
4 intends, as a state nutrition and health policy, that the State of
5 Nebraska's participation in the Summer Food Service Program of the United
6 States Department of Agriculture be strengthened where it is needed to
7 provide adequate nutrition for children.

8 (2) To encourage participation and utilization of the Summer Food
9 Service Program, the department shall:

10 (a) Provide information to sponsors concerning the benefits and
11 availability of the Summer Food Service Program; and

12 (b) Award grants of up to fifteen thousand dollars on a competitive
13 basis to sponsors approved by the department. Grants awarded under this
14 section may be used for nonrecurring expenses incurred in initiating or
15 expanding services under the Summer Food Service Program, including, but
16 not limited to, the acquisition of equipment, salaries of staff, training
17 of staff in new capacities, outreach efforts to publicize new or expanded
18 services under the Summer Food Service Program, minor alterations to
19 accommodate new equipment, computer point-of-service systems for food
20 service, transportation costs associated with food delivery to
21 accommodate rural noncongregate meal service, and the purchase of
22 vehicles for transporting food to sites. Funds may be expended up to the
23 full cost of a qualifying expense incurred by a sponsor in initiating or
24 expanding the services under the Summer Food Service Program, and if the
25 funds are expended solely for the benefit of child nutrition programs
26 administered by the department, no proration of the expense shall be
27 required. Funds shall not be used for food, computers, except point-of-
28 service systems, or capital outlay. The total amount of grants awarded
29 under this section shall be limited to one hundred thousand dollars per
30 fiscal year.

31 (3) In awarding grants under this section, the department shall give

1 preference in the following order of priority to:

2 (a) Sponsors located within the boundaries of school districts in
3 which fifty percent or more of the students apply and qualify for free
4 and reduced-price lunches or located within the boundaries of a census
5 tract in which fifty percent or more of the children fall under the
6 poverty threshold as defined by the United States Department of
7 Agriculture;

8 (b) Sponsors in which health or education activities are emphasized;
9 and

10 (c) Sponsors that participate in the Summer Food Service Program at
11 the time of grant application.

12 (4) Sponsors may apply for grants under this section by:

13 (a) Submitting to the department a plan to start or expand services
14 under the Summer Food Service Program;

15 (b) Agreeing to operate the Summer Food Service Program for a period
16 of not less than two years; and

17 (c) Assuring that the expenditure of funds from state and local
18 resources for the maintenance of other child nutrition programs
19 administered by the department shall not be diminished as a result of
20 grants received under this section.

21 Sec. 16. Section 79-10,150, Revised Statutes Supplement, 2023, is
22 amended to read:

23 79-10,150 (1) On or before January 15 of each school fiscal year, a
24 school district with expected special education expenditures that total
25 (a) at least fifty thousand dollars annually or (b) one-half percent or
26 more of such school district's annual budget, whichever is greater, may
27 submit an application as prescribed by the Commissioner State Department
28 of Education to the State Department of Education department for a
29 payment from the Education Future Fund to cover an extraordinary increase
30 in special education expenditures pursuant to the requirements of this
31 section. Such application shall include the special education

1 expenditures of the applicant school district as of the immediately
2 preceding December 31 for the school fiscal year in which the application
3 is submitted.

4 (2) The department shall divide the special education expenditures
5 for the school fiscal year immediately preceding the school fiscal year
6 in which an application is submitted by two and multiply the result by
7 one hundred seven percent for each applicant school district.

8 (3) Each applicant school district shall qualify for a maximum
9 payment equal to the difference of the special education expenditures for
10 the current school fiscal year submitted pursuant to subsection (1) of
11 this section minus the amount calculated pursuant to subsection (2) of
12 this section for such school district for such school fiscal year.

13 (4) The department shall make a payment to each applicant school
14 district on or before January 31 for the school fiscal year in which the
15 application is submitted. Such payment shall equal the maximum payment
16 determined pursuant to subsection (3) of this section, except that if the
17 sum of all maximum payments for applicant school districts for such
18 school fiscal year exceeds the available balance for such purpose in the
19 Education Future Fund, each payment shall be reduced proportionally so
20 that the sum of all payments for applicant school districts for such
21 school fiscal year equals the available balance for such purpose in the
22 fund.

23 Sec. 17. Section 79-1107, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 79-1107 For purposes of sections 79-1106 to 79-1108.03:

26 (1) Approved accelerated or differentiated curriculum programs means
27 academic programs that serve the educational needs of learners with high
28 ability developed and approved under section 79-1108;

29 (2) Department means the State Department of Education; and

30 (3) Learner with high ability means a student that performs, or has
31 the capacity to perform, at greater levels in one or more domains of

1 ~~instruction in comparison to individuals of the same age, educational~~
2 ~~experience, or environment who gives evidence of high performance~~
3 ~~capability in such areas as intellectual, creative, or artistic capacity~~
4 ~~or in specific academic fields~~ and who requires accelerated or
5 differentiated curriculum programs in order to develop those abilities
6 ~~capabilities~~ fully.

7 Sec. 18. Section 79-1108.02, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 79-1108.02 (1) The department shall, annually on or before October
10 15, distribute funds appropriated for purposes of this section to (a)
11 local systems as defined in section 79-1003 or (b) a combination of
12 school districts ~~annually on or before October 15~~. The funds distributed
13 pursuant to this section shall be distributed based on a pro rata share
14 of the eligible costs submitted in grant applications.

15 (2) Local systems or combinations of school districts may apply to
16 the department for base funds and matching funds pursuant to this section
17 to be spent on approved accelerated or differentiated curriculum
18 programs. Each eligible local system or combination of school districts
19 shall receive one-tenth of one percent of the appropriation as base funds
20 plus a pro rata share of the remainder of the appropriation based on
21 identified students participating in an accelerated or differentiated
22 curriculum program, up to ten percent of the prior year's fall membership
23 as defined in section 79-1003, as matching funds. Eligible local systems
24 or combinations of school districts shall:

25 (a) Provide an approved accelerated or differentiated curriculum
26 program for students identified as learners with high ability;

27 (b) Provide funds from other sources for the approved accelerated or
28 differentiated curriculum program greater than or equal to fifty percent
29 of the matching funds received pursuant to this subsection;

30 (c) Provide an accounting of the funds received pursuant to this
31 section, funds required by subdivision (b) of this subsection, and the

1 total cost of the program on or before August 1 of the year following the
2 receipt of funds in a manner prescribed by the department, not to exceed
3 one report per year; and

4 (d) Provide data regarding the academic progress of students
5 participating in the accelerated or differentiated curriculum program in
6 a manner prescribed by the department, not to exceed one report per year.

7 If a local system or combination of school districts will not be
8 providing the necessary matching funds pursuant to subdivision (b) of
9 this subsection, the local system or combination of school districts
10 shall request a reduction in the amount received pursuant to this
11 subsection such that the local system or combination of school districts
12 will be in compliance with such subdivision. Local systems or
13 combinations of school districts not complying with the requirements of
14 this subsection shall ~~not~~ be ineligible for grant funds eligible local
15 systems in the following year.

16 Sec. 19. Section 79-1108.03, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 79-1108.03 The State Board of Education shall adopt and promulgate
19 rules and regulations to implement sections 79-1105 to 79-1108.03,
20 including criteria for the approval of accelerated or differentiated
21 curriculum programs, consistent methods for identification of learners
22 with high ability, and data requirements for measuring academic progress
23 of students participating in the accelerated or differentiated curriculum
24 programs.

25 Sec. 20. Section 79-11,159, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 79-11,159 (1) On or before August 1, 2023, each school district
28 shall designate one or more behavioral health points of contact for each
29 school building or other division as determined by the school district. A
30 behavioral health point of contact may be an administrator, a school
31 nurse, a school psychologist, or another designated person affiliated

1 with such school building or other division. Each behavioral health point
2 of contact shall have knowledge of community behavioral health service
3 providers and other resources available for students and families.

4 (2) On or before August 1, 2023, and on or before each August 1
5 thereafter, the State Department of Education, in consultation with the
6 Division of Behavioral Health of the Department of Health and Human
7 Services, shall provide each school district with a registry of state and
8 local behavioral health resources available to work with students and
9 families by geographic area. The registry shall be updated at least
10 annually and include resources for both school-based services and
11 services accessible by students' families outside of school.

12 (3) Each behavioral health point of contact shall coordinate access
13 to community behavioral health services for students and families and
14 facilitate access to services during the school day at the school the
15 student attends. Except as provided in section 43-2101, such facilitation
16 shall be approved by the student's parent or guardian. In addition, the
17 behavioral health point of contact shall also be responsible for the
18 duties set forth in section 79-3603.

19 (4) Before the beginning of school year 2023-24, and before the
20 beginning of each school year thereafter, each school district shall
21 report the designated behavioral health points of contact to the State
22 Department of Education.

23 Sec. 21. Section 79-3501, Revised Statutes Supplement, 2023, is
24 amended to read:

25 79-3501 (1) For fiscal years through fiscal year 2023-24, the money
26 available to be used for education pursuant to subdivision (3)(b) of
27 section 9-812 shall be transferred to the Nebraska Education Improvement
28 Fund.

29 (2) For fiscal years 2024-25 through 2028-29, the money available to
30 be used for education pursuant to subdivision (3)(b) of section 9-812
31 shall be transferred as follows:

- 1 (a) Eight percent to the Behavioral Training Cash Fund;
- 2 (b) Two percent to the College Pathway Program Cash Fund;
- 3 (c) Seven percent to the Community College Gap Assistance Program
- 4 Fund;
- 5 (d) Ten percent to the State Department of Education Improvement
- 6 Innovative Grant Fund;
- 7 (e) Three percent to fund distance education incentives pursuant to
- 8 section 79-1337;
- 9 (f) One percent to the Door to College Scholarship Fund;
- 10 (g) Eight percent to the Excellence in Teaching Cash Fund;
- 11 (h) One and one-half percent to the Expanded Learning Opportunity
- 12 Grant Fund;
- 13 (i) One and one-half percent to the Mental Health Training Cash
- 14 Fund; and
- 15 (j) Fifty-eight percent to the Nebraska Opportunity Grant Fund.
- 16 (3) For fiscal year 2029-30 and each fiscal year thereafter, the
- 17 money available to be used for education pursuant to subdivision (3)(b)
- 18 of section 9-812 shall be transferred as the Legislature may direct.
- 19 (4)(a) The Nebraska Education Improvement Fund is created. The fund
- 20 shall consist of money transferred pursuant to subsection (1) of this
- 21 section and any other funds transferred by the Legislature. The fund
- 22 shall be allocated, after actual and necessary administrative expenses,
- 23 as provided in this subsection for fiscal years 2016-17 through 2023-24.
- 24 A portion of each allocation for fiscal year 2023-24 may be retained by
- 25 the agency to which the allocation is made or the agency administering
- 26 the fund to which the allocation is made for actual and necessary
- 27 expenses incurred by such agency for administration, evaluation, and
- 28 technical assistance related to the purposes of the allocation, except
- 29 that no amount of the allocation to the Nebraska Opportunity Grant Fund
- 30 may be used for such purposes.
- 31 (b) For fiscal years 2017-18 through 2023-24, an amount equal to ten

1 percent of the revenue received by the Nebraska Education Improvement
2 Fund in the prior fiscal year shall be retained in the fund at all times
3 plus any interest earned during the current fiscal year. The balance of
4 the fund on July 26, 2024, less three percent of the money received for
5 the fourth quarter of fiscal year 2023-24, shall be transferred to the
6 Behavioral Training Cash Fund.

7 (c) For fiscal year 2023-24, the Nebraska Education Improvement Fund
8 shall be allocated as follows:

9 (i) One percent of the allocated funds to the Expanded Learning
10 Opportunity Grant Fund to carry out the Expanded Learning Opportunity
11 Grant Program Act;

12 (ii) Seventeen percent of the allocated funds to the State
13 Department of Education Improvement Innovative Grant Fund to be used for
14 competitive innovation grants pursuant to section 79-1054;

15 (iii) Nine percent of the allocated funds to the Community College
16 Gap Assistance Program Fund to carry out the community college gap
17 assistance program;

18 (iv) Eight percent of the allocated funds to the Excellence in
19 Teaching Cash Fund to carry out the Excellence in Teaching Act;

20 (v) Sixty-two percent of the allocated funds to the Nebraska
21 Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in
22 conjunction with appropriations from the General Fund; and

23 (vi) Three percent of the allocated funds to fund distance education
24 incentives pursuant to section 79-1337.

25 (d) For fiscal year 2029-30 and each fiscal year thereafter, the
26 Nebraska Education Improvement Fund shall be allocated as the Legislature
27 may direct.

28 (e) Any money in the fund available for investment shall be invested
29 by the state investment officer pursuant to the Nebraska Capital
30 Expansion Act and the Nebraska State Funds Investment Act.

31 (5) A portion of each transfer pursuant to subdivisions (2)(c), (e),

1 (f), (g), (h), and (i) of this section may be retained by the agency
2 administering the fund to which such transfer is made for actual and
3 necessary expenses incurred by such agency for administration,
4 evaluation, and technical assistance related to the purposes of the
5 transfer.

6 (6)(a) On or before September 20, 2022, and on or before each
7 September 20 thereafter, (i) any department or agency receiving a
8 transfer or acting as the administrator for a fund receiving a transfer
9 pursuant to subsection (2) or (4) of this section, (ii) any recipient or
10 subsequent recipient of money from any such fund, and (iii) any service
11 contractor responsible for managing any portion of any such fund or any
12 money disbursed from any such fund on behalf of any entity shall prepare
13 and submit an annual report to the Auditor of Public Accounts in a manner
14 prescribed by the auditor for the immediately preceding July 1 through
15 June 30 fiscal year detailing information regarding the use of such fund
16 or such money.

17 (b) The Auditor of Public Accounts shall annually compile a summary
18 of the annual reports received pursuant to subdivision (6)(a) of this
19 section, any audits related to transfers pursuant to subsection (2) or
20 (4) of this section conducted by the Auditor of Public Accounts, and any
21 findings or recommendations related to such transfers into a consolidated
22 annual report and shall submit such consolidated annual report
23 electronically to the Legislature on or before January 1, 2023, and on or
24 before each January 1 thereafter.

25 (c) For purposes of this subsection, recipient, subsequent
26 recipient, or service contractor means a nonprofit entity that expends
27 funds transferred pursuant to subsection (2) or (4) of this section to
28 carry out a state program or function, but does not include an individual
29 who is a direct beneficiary of such a program or function.

30 (7) On or before December 31, 2027, the Education Committee of the
31 Legislature shall electronically submit recommendations to the Clerk of

1 the Legislature regarding how the money used for education from the State
2 Lottery Operation Trust Fund should be allocated to best advance the
3 educational priorities of the state for the five-year period beginning
4 with fiscal year 2029-30.

5 Sec. 22. Section 79-3602, Revised Statutes Supplement, 2023, is
6 amended to read:

7 79-3602 (1)(a) Beginning in school year 2024-25, the Educational
8 Service Unit Coordinating Council shall (i) ensure annual behavioral
9 awareness training is available statewide and (ii) develop, implement,
10 and administer an ongoing statewide teacher support system.

11 (b) Beginning in school year 2026-27, each school district shall
12 ensure that each administrator, teacher, paraprofessional, school nurse,
13 and counselor receives behavioral awareness training. Each administrator,
14 teacher, paraprofessional, school nurse, and counselor who has received
15 such training shall receive a behavioral awareness training review at
16 least once every three years. Each school district may offer such
17 training, or similar training, to any other school employees at the
18 discretion of the school district. In addition, all school employees
19 shall have a basic awareness of the goals, strategies, and schoolwide
20 plans included in such training.

21 (c) Behavioral awareness training shall include, but not be limited
22 to, evidence-based training on a continuum that includes:

23 (i) Recognition of detrimental factors impacting student behavior,
24 including, but not limited to, signs of trauma;

25 (ii) Positive behavior support and proactive teaching strategies,
26 including, but not limited to, expectations and boundaries; and

27 (iii) Verbal intervention and de-escalation techniques.

28 (2)(a) On or before July 1, 2025, and on or before July 1 of each
29 year thereafter, each school district shall submit a behavioral awareness
30 training report to the Educational Service Unit Coordinating Council.
31 Such report shall include the school district behavioral awareness

1 training plan and summarize how such plan fulfills the requirements of
2 this section.

3 (b) On or before December 31, 2025, and each December 31 thereafter,
4 the Educational Service Unit Coordinating Council shall submit a report
5 to the Commissioner of Education and electronically to the Education
6 Committee of the Legislature summarizing the behavioral awareness
7 training reports received by school districts, the various trainings
8 provided across the state, the teacher support system, and a financial
9 report of funding received and expended in accordance with the Behavioral
10 Intervention Training and Teacher Support Act.

11 (3)(a) Behavioral awareness training and the teacher support system
12 required pursuant to this section shall be funded from the Behavioral
13 Training Cash Fund.

14 (b) Any funding received by a school district for behavioral
15 awareness training under the Behavioral Intervention Training and Teacher
16 Support Act shall be considered special grant funds under section
17 79-1003.

18 Sec. 23. Section 79-3703, Revised Statutes Supplement, 2023, is
19 amended to read:

20 79-3703 (1) The State Department of Education shall develop and
21 administer the College Pathway Program to provide grants on or after July
22 1, 2024, to eligible providers to provide services in accordance with
23 subsection (2) of this section to underrepresented and low-income
24 students in high school and postsecondary education.

25 (2) A provider is eligible for a grant pursuant to the College
26 Pathway Program Act if the provider offers, exclusively to
27 underrepresented and low-income students, educational services that
28 provide materials, services, and supports to help a student graduate from
29 high school, apply for admission to a postsecondary institution, and
30 complete the requirements to receive an associate degree or a
31 baccalaureate degree. Such educational services may include:

1 (a) Assistance and tutorials which help students in completing
2 applications for a college or university, including applying for aid
3 through the Free Application for Federal Student Aid or other
4 scholarships;

5 (b) Assistance and materials which help students take the
6 appropriate high school classes in an area or field of study a student is
7 interested in and any classes necessary for a student to gain acceptance
8 at a postsecondary institution or complete the requirements and take the
9 appropriate postsecondary education classes to receive an associate
10 degree or a baccalaureate degree; and

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

13 (3) Eligible providers may apply to the State Department of
14 Education for a grant ~~on forms~~ and in a manner prescribed by the
15 Commissioner of Education ~~department~~.

16 Sec. 24. Original sections 79-201, 79-205, 79-206, 79-207, 79-210,
17 79-1107, and 79-1108.03, Reissue Revised Statutes of Nebraska, sections
18 79-209, 79-237, 79-8,150, 79-10,141, 79-1108.02, and 79-11,159, Revised
19 Statutes Cumulative Supplement, 2022, and sections 79-101, 79-238,
20 79-239, 79-729, 79-8,145.01, 79-1054, 79-10,150, 79-3501, 79-3602, and
21 79-3703, Revised Statutes Supplement, 2023, are repealed.

22 Sec. 25. The following section is outright repealed: Section
23 79-11,160, Revised Statutes Supplement, 2023.