

# COMMITTEE STATEMENT

## LB 813

HEARING DATE: 2/9/99

COMMITTEE ON: Education

TITLE: (Bohlke) Change school regulation, finance, transportation, operation, and governance provisions

### ROLL CALL VOTE – FINAL COMMITTEE ACTION

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Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

#### Vote Results:

7	Yes	Senators Coordsen, Bohlke, Suttle, Price, Stuhr, Wickersham, Raikes
0	No	
0	Present, not voting	
1	Absent	Senator Brashear

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#### PROPONENTS

Thomasin Barry, Counsel for the Committee  
Brian Halstead

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#### REPRESENTING

Introducer  
Department of Education

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#### OPPONENTS

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#### REPRESENTING

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#### NEUTRAL

Marilyn Meerkatz

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#### REPRESENTING

Class I's United

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#### SUMMARY OF PURPOSE AND/OR CHANGES:

Legislative Bill 813 is the Department of Education technical bill. The main provisions of the bill are the renaming and modification of the mission of the Nebraska School for the Visually Handicapped, renaming the special education allowance as the special receipts allowance, distinguishing developmental delays from other disabilities, removing provisions for Class II school districts to hold annual and special meetings, modifying the college admissions test criteria for the quality education incentives, replacing current alternative teaching certificates with authority for the department to establish specific certificates without all of the statutory restrictions, and modification of various reporting requirements. There are also other minor modifications of current statutory requirements and the outright repeal of statutes that are no longer required with the modifications made in this bill.

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Section 1: Section 13-509 is amended to require county assessors to certify taxable values to the Department of Education.

Section 2: Section 43-2505 is amended to distinguish developmental delays from other disabilities.

Section 3: Section 48-304 is amended by deleting the requirement for the department to approve employment programs and by clarifying that the people authorized to issue employment certificates are authorized pursuant to section 48-302.

Section 4: Section 72-801 is amended by replacing the exception for the School for the Visually Handicapped in section 79-11,120 to the general rule that state buildings may not be leased. The new section referenced as an exception is section 79-11,109, which provides for the general control and oversight of the school by the department. Section 79-11,120 is outright repealed.

Section 5: Section 79-101 is amended by removing Class II districts from the annual meeting provisions.

Section 6: Section 79-318 is amended by revising the duties of the State Board regarding the acceptance of donations and bequests. The Board may no longer receive property on behalf of the School for the Deaf or any school for students with mental retardation owned by the state and under the control of the department. The School for the Visually Handicapped is renamed the Nebraska Center for the Education of Children who are Blind or Visually Impaired.

Section 7: Section 79-472 is amended to require the decision for a Class II district to become a Class I district to be made at a special meeting and for the new board of the Class I to be elected at a special meeting. Currently, these actions may be taken at either an annual or special meeting.

Section 8: Section 79-479 is amended by requiring legal descriptions and a map of parcels of land transferred to be provided to the county assessor, the Property Tax Administrator, and the department whenever the boundaries of a school district are changed due to the transfer of land.

Section 9: Section 79-492 is amended by removing Class II districts from the provisions for the election of officers at a time other than the annual meeting.

Section 10: Section 79-4,108 is amended to require unified systems to submit a single report document for each of the required reports and to submit a single budget document.

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Section 11: Section 79-528 is amended by removing a requirement for the reporting of levies for special building funds and sinking funds exempted from the levy limitations because the projects commenced prior to April 1, 1996.

Section 12: Section 79-540 is amended by removing Class II districts from school district meeting provisions.

Section 13: Section 79-556 is amended by removing a provision for Class II district annual meetings.

Section 14: Section 79-557 is amended by removing Class II districts from special meeting provisions.

Section 15: Section 79-558 is amended by removing Class II districts from special and annual meeting provisions. Language is also updated without changing the meaning.

Section 16: Section 79-602 is amended to allow the State Board to specify the location of inspection stickers for buses in rules and regulations. Currently, the stickers are required to be in the lower left hand inside corner of the windshield. An obsolete reference to boards of education is removed.

Section 17: Section 79-758 is amended by modifying the standard college admissions test requirements for the quality education incentives and changing the application and payment dates. Clarification is added that more than one standard college admissions test may be considered in determining if 60% of graduating seniors have taken a test. For determining if the scores are above the statewide average, the highest scores will be used, instead of the most recent, and if more than 60% of the students take the test in a local system, only the scores of the top-scoring students needed to reach the minimum 60% level will be counted to calculate the system average and the statewide average. The statewide average will only include the scores used in calculating local system averages. If a system qualifies for partial payment due to poverty, the system must still meet the requirement that 60% of the senior have taken a standard college admissions test. This is not a change, but a clarification. The application date is moved from July 1 to November 1 and the payment date is moved from September 1 to January 15. Clarification is added stating that local systems qualifying for partial payments due to poverty provisions are not eligible for the increased payments for very sparse systems.

Section 18: Section 79-803 is amended by allowing the commissioner to extend the term of a certificate if the certificate is in force the day the spouse of the certificate holder is inducted into the armed forces. The provisions are currently available only if the certificate holder is inducted.

Section 19: Section 79-1003 is amended by changing the special education allowance to the special receipts allowance, by deleting obsolete language, and modifying definitions.

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The exclusion of special grant funds from the general fund budget of expenditures for the purpose of calculating Class I budget limitations is extended to calculation pursuant to section 79-1027.01 for system budget reductions when the tax asking has to be reduced to meet levy limitations. The general fund operating expenditure and transportation allowance definitions are modified to clarify that the data is for local systems, not districts. The special grant fund definition is expanded to include reimbursements for wards of the court and short-term borrowings including, but not limited to, registered warrants and tax anticipation notes.

Section 20: Section 79-1007.02 is amended to incorporate the change in terminology from the special education allowance to the special receipts allowance.

Section 21: Section 79-1009 is amended by streamlining language without changing the meaning.

Section 22: Section 79-1016 is amended by requiring the Property Tax Administrator to certify school district adjusted valuations in addition to local system adjusted valuations.

Section 23: Section 79-1022 is amended to require school districts receiving less than \$10,000 per year to receive a lump-sum payment on the last business day of December, rather than the standard 10 equal payments.

Section 24: Section 79-1024 is amended by clarifying a subsection reference.

Section 25: Section 79-1026 is amended to incorporate the change in terminology from the special education allowance to the special receipts allowance.

Section 26: Section 79-1027 is amended by expanding and clarifying the funds included in the allowable reserve limitations. It is clarified that the total requirements are included for contingency funds and depreciation funds. Necessary employee benefit fund cash reserves are added.

Section 27: Section 79-1027.01 is amended by clarifying that reductions in property tax requests required to meet the levy limitations are modified for Class I districts by the percentage of affiliation with the high school district. A requirement is also added to clarify that Class I districts with multiple affiliations shall make reductions necessary to effect the total required within each local system requiring the reduction.

Section 28: Section 79-1029 is amended by reducing the required notice from 7 to 5 days for school boards to vote on exceeding the basic allowable growth rate.

Section 29: Section 79-1063 is amended by eliminating the School for the Deaf and any school for children with mental retardation owned by the state and controlled by the department from the list of recipients of property from donations or bequests. The

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Nebraska Center for the Education of Children who are Blind or Visually Impaired is added.

Section 30: Section 79-1072.01 is amended by directing the department to adjust payments of state aid for districts which received temporary mitigation funds and did not merge. If the total adjustment cannot be made from funds in the ensuing school fiscal year, the adjustment shall be prorated, with additional adjustments for future years. The requirement exists for these districts to return the funds. The new provisions just provide a methodology.

Section 31: Section 79-1083.02 is amended by clarifying which year's valuation is used to determine the primary high school district for affiliated Class I districts.

Section 32: Section 79-1083.03 is amended by requiring Class I district requests for additional budget authority to break down the total requested budget authority by special education, regular education, and special grant funds. The high school district will be required to forward the approval or denial of a request to the Class I district in writing. If a request is not approved or denied, the request will be considered approved. The budget authority that the primary high school districts certify to the department and affected districts is clarified as the total general fund budget of expenditures. A reference to primary high school districts is clarified by adding a statutory citation. Obsolete language is removed.

Section 33: Section 79-1090 is amended by replacing the September 10 deadline for approval of a school district budget with the date required by section 13-508. The dates pursuant to that section are August 1 for Class I districts and September 20 for all other districts.

Section 34: Section 79-10,110 is amended by clarifying that the levy limitation for environmental hazards or ADA compliance applies to districts other than Class I districts. Class I districts must have their use of such funds approved by the primary high school district pursuant to § 79-10,124. Outdated language is removed.

Section 35: Section 79-10,124 is amended by requiring the primary high school district to provide written notification of approval of the use of funds for environmental hazards or ADA compliance. The primary high school district reference is also clarified by adding a statutory citation.

Section 36: Section 79-1118.01 is amended by adding developmentally delayed to the list of disabilities and by defining a developmental delay as a significant delay in function in one or more of the following areas: (a) Cognitive development; (b) physical development; (c) communication development; (d) social or emotional development; or (e) adaptive behavior or skills development. The department is also required to establish eligibility criteria and age ranges for developmental delays.

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Section 37: Section 79-1128 is amended by deleting a required report from the commissioner listing districts not providing or contracting for approved special education programs.

Section 38: Section 79-1135 is amended by deleting language requiring special education plans for children under 5 to be reported annually on a date specified. Annual approval of modifications and expansions is also deleted. The remaining language allows the department to prescribe requirements for the plans and requires the department to review plans.

Section 39: Section 79-1138 is amended by eliminating dates that have passed.

Section 40: Section 79-1140 is amended by removing a reference to § 79-1141, which is outright repealed.

Section 41: Section 79-1142 is amended by eliminating obsolete language.

Section 42: Section 79-1144 is amended by removing a reference to § 79-1141, which is outright repealed. Obsolete language is also repealed.

Section 43: Section 79-1145 is amended by eliminating obsolete language.

Section 44: Section 79-1148 is amended by adding authority for the department to set up centers for children with disabilities. They are currently authorized to set up schools.

Section 45: Section 79-1155 is amended by streamlining language and by removing the actual number of special education students served and the disabilities of such children from a required report. A prohibition against service agencies receiving reimbursement for costs in excess of the approved budget is removed.

Section 46: Section 79-1156 is amended by removing specific requirements for the types of information the department collects for special education and support service programs.

Section 47: Section 79-1157 is amended by modifying the requirement to review special education programs. Currently, the programs must be reviewed every 3 years. The time frame is removed.

Section 48: Section 79-1162 is amended by removing a prohibition against reimbursement of expenses incurred more than 60 days prior to the filing of a petition by a parent for a hearing on special education issues.

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Section 49: Section 79-1167 is amended by removing a provision allowing a special education student to be reassigned by the district, without prejudice to the rights of any party, if the health or safety of the student or others would otherwise be endangered

Section 50: Section 79-1185 is amended by clarifying that the definition of support services applies to the entire Special Education Act, not just the section previously cited.

Section 51: Section 79-1188 is amended by allowing the waivers for special education to continue, despite an original termination date for the acceptance of applications of August 31, 1998.

Section 52: Section 79-11,109 is amended by replacing the existing authorization for oversight and control of programs for the education of blind and visually impaired students with authorization for oversight and control of the Nebraska Center for the Education of Children who are Blind and Visually Impaired. Authorization is added for the department to contract with a district, ESU, city, county, or state government to operate the center. The department may also lease the property and facilities of the former Nebraska School for the Visually Handicapped for services of the center.

Section 53: Section 79-11,110 is amended by renaming the School for the Visually Handicapped as the Center for the Education of Children who are Blind or Visually Impaired. The purpose of the center is clarified as educational services for students under 21 who are blind or visually impaired to such an extent that they cannot receive services in the public schools of this state. The currently listed services for school districts and ESU's are inservice training of teachers, itinerant teaching, counseling services, and the loan of equipment books, and learning media. Those services are replaced with instructional materials and technology support, assessment and evaluation services, teacher training and professional development, summer and weekend programs, residential services, center-based programs, public school combination programs, local public school support, and consultation services.

Section 54: Section 81-1108.22 is amended by removing a reference to property controlled by the Nebraska School for the Deaf and modifying a reference to property controlled by the Nebraska School for the Visually Handicapped to reflect control by the department over property formerly controlled by the school.

Section 55: Sections 17, 55, 56, and 59 become operative on the effective date of the bill with the emergency clause. All other section become operative three calendar months after adjournment.

Section 56: This is a repealer section.

Section 57: This is a repealer section.

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Section 58: This section outright repeals the following sections:

- 79-1134 - Reporting requirement for early identification of children with disabilities
- 79-1141 - District costs for School for the Visually Handicapped and the School for the Deaf
- 79-1186 - Completed requirement for reviewing special education rules and regulations
- 79-1198 - Department control of the School for the Deaf
- 79-11,111 - Department responsibility for visually handicapped students
- 79-11,112 - Non-resident admission to the School for the Visually Handicapped
- 79-11,113 - Health and welfare responsibilities for School for the Visually Handicapped
- 79-11,114 - Clothing for students at the School for the Visually Handicapped
- 79-11,115 - Clothing for students at the School for the Visually Handicapped
- 79-11,116 - School for the Visually Handicapped Cash Fund
- 79-11,117 - School for the Visually Handicapped Emergency Cash Fund
- 79-11,118 - School for the Visually Handicapped contracts for educational services
- 79-11,119 - Blind and impaired students required to attend approved programs
- 79,11,120 - School for the Visually Handicapped authorization for leasing property
- 90-118 - Name the School for the Deaf gymnasium as the Nick Petersen Gymnasium

Section 59: This section contains an emergency clause.

### EXPLANATION OF AMENDMENTS, IF ANY:

The Committee Amendments make three technical changes as follows:

1. Section 4 of the bill is amended by reinstating “delays” into a reference to the term “developmental delays”.
2. Section 17 of the bill is amended by deleting a sentence that requires the statewide average for standard college admissions tests to include all Nebraska public school students who have taken at least one of the tests. This sentence conflicted with a later sentence stating that the statewide average would include only the scores used to calculate local system averages.

Section 50 of the bill is amended by deleting the term “section” where the section number it related to was deleted.

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Senator Ardyce Bohlke, Chair  
Committee on Education