

Ninety-Fifth Legislature - First Session - 1997  
Introducer's Statement -of Intent

LB 347

Education Committee

CHAIRPERSON

Ardyce L. Bohlke

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 347 eliminates obsolete sections and provisions, corrects statutory references, transfers language, harmonizes provisions, and updates terminology and sentence structures. General bill drafting conventions were applied to simplify and clarify the language throughout the bill. These changes are a product of the recodification process.

Several sections are outright repealed due to obsolescence. Sections 79-224 to 79-231 allowed the transfer of elementary students and the property they resided on to districts with a closer schoolhouse. Those students can now use the option program, which does not require an annual renewal or the transfer of property. A reporting requirement for the option program in § 79-247 is repealed because it expired in 1995. Expired and contradictory language regarding payments for option students in § 79-245 is also deleted. The Nebraska Student Exchange Act in sections 79-2,108 to 79-2,113 is repealed due to lack of use.

The procedures applying to Class I districts that failed to affiliate or join a Class VI system contained in §§ 79-428 to 79-430 are repealed because all Class I's have affiliated or joined a Class VI system. Sections 79-424 and 79-431 are amended to allow the continuing affiliation of Class I districts that are reorganized and to provide for the dissolution of Class I districts that are not affiliated. Section 79-440 is amended to delete the expired deadline for reorganization plans to be submitted by county reorganization committees to the state reorganization committee. Sections 79-456, 79-457, and 79-459 allowed freeholders to transfer their land when there was a difference in the state accreditation of the schools involved. Now all districts must be accredited. Therefore, these provisions are obsolete and are being repealed. Language that needed to be retained for transfers based on rivers and other natural barriers was moved to §§ 79-462 and 79-463. Requirements for filing of reports by Class VI boards in § 79-538 is repealed because the Constitution and other statutes contain requirements applying to 111 districts.

Section 79-529 provides requirements for toilet facilities when interior facilities are not available. This section is repealed because there are not any known schools that are affected. The Federation of School Districts statutes in §§ 79-1401 to 79-1416 are repealed because they are not being used. Programs that are repealed because they were never funded or implemented include the Professional Staff Development Program (§ 79-879), aid for extended teacher contracts (§ 79-823), a scientist-in-residence program (§ 79-710), and an exemplary curriculum dissemination program (§ 79-711). Sections 79-1054 to 79-1061, containing provisions

regarding the federal Education Finance Act of 1949, are repealed due to obsolescence.

Some of the legislative findings that were timely in nature are deleted regarding school restructuring from § 79-748. Section 79-749, which established a School Restructuring Commission, is repealed due to the Commission's statutory termination in 1992. The Nebraska Schools Accountability Commission sections, §§ 79-751 to 79-755, are repealed in response to the Commission's issuance of a final report and the termination date of July 1, 1996. The Commission's cash fund is eliminated in § 79-756 and the remaining balance is transferred to the General Fund.

The Children With Disabilities and Family Service System Act (§§ 79-1189 to 79-1197) is repealed. The state plan was completed as directed under the Act.

An old reference to a procedure regarding teaching certificates for teachers with less than four years of college is deleted from § 79-814, because the procedure no longer exists. An exception to the certification requirements for teachers teaching exclusively in community colleges was removed from § 79-802. The community college provisions have been moved to Chapter 85, so this provision is no longer necessary.

Language transferring powers and duties from the State Superintendent of Public Instruction to the State Department of Education, State Board of Education, and the Commissioner of Education is deleted from § 79-301.

The monitoring provisions for learners with high ability in § 79-1109 are transferred to § 79-1105. Section 79-1105 is also amended to clarify that the consultant for learners with high ability will be full-time. The "gifted-terminology is also replaced with "learners with high ability."

A provision designating Fire Recognition Day is repeated in a new section. Authorization to fire departments regarding the day is moved from § 79-705 to the new section, which may be codified in a more appropriate location. Section is modified to make work permits under § 79-203 consistent with labor laws by adding the superintendent of the resident school district as one of the parties authorized to issue the permit.

The provisions of § 79-540 were clarified regarding challenges to the qualifications of voters at school district meetings. The existing language did not specify that the section only applied to Class I or 11 school districts, since those are the only district meetings where votes are taken, except by the board. Section 79-411 is also amended to delete a reference for Class VI annual meetings. The naming of Class VI districts offering 7th and 8th grades as junior-senior high school district is also deleted. Criminal penalties for failing to publish claims against the district is extended to Class I and VI districts in § 79-58 1. The penalties already exist for Class 11 and III districts. Language is deleted in § 79-526 requiring Class I and 11 districts to classify students according to a course of study provided by the Department of Education. Amendments to that section also allow the record of advancement of pupils to be kept in a form other than in "a book provided for such purpose."

Section 79-1301 requires the Department of Education to establish a technology consortium if funds are appropriated. The funding language is deleted. The consortium was formed without a specific appropriation. Section 79-1313 is amended to expand the means of transmission

available for the Nebraska Educational Telecommunications Commission to keep up with new developments in technology. An annual report to the Legislature and intent for underserved to have a priority are deleted from the section. The definitions in § 79-1314 and the provisions of § 79-1316 are amended to reflect those changes, to delete the definition of formal telecommunications, to add authorization for programming for tile deaf and hard of hearing, to add policies of the Coordinating Commission for Postsecondary Education to the educational telecommunications requirements, and to require established policies to be maintained. Two requirements are also deleted from § 79-1316. The priority for tile instructional needs of elementary and secondary school when two or more agencies desire to provide substantially equivalent programming is deleted. The requirement to maintain the proceedings of the Legislature in the film library is also deleted. The commission membership is amended in § 79-1315 to allow a designee to attend meetings if the Commissioner of Education or the deputy commissioner are unable to attend. The Commission's eminent domain powers in § 79-1322 are amended by deleting specific property descriptions and adding more general transmission purposes.

Section 79-743 is amended to narrow the scope of entities that may establish programs for instruction in vocations not requiring an advanced degree to school districts. Colleges and Universities had been included. A provision is deleted from § 79-744, which disallowed tile approval of programs that were inconsistent with postsecondary education.

School employee retirement definitions are clarified in section and the final average compensation definition is moved into the section. Other retirement provisions are moved, clarified, or condensed. Tile definition for "present senior school employee" is removed from the retirement sections in § 79-902. The term is not being used. In that same section, the definition of public school is clarified by narrowing tile definition to schools offering instruction in elementary or high school grades. The definition for "withdrawal from service" is removed from § 79-978 due to lack of use. An expired buy back period is deleted.

Higher education authorizations and regulation are repealed where the provisions are outside the scope of Chapter 79. In both cases there is no need to move the language to another Chapter.

The term "acoustically handicapped" is replaced with "deaf and hard of hearing" in §§79-11,100 and 79-11,106. Requirements for parents to pay for transportation to and from the schools for the deaf and visually handicapped are removed from §§79-11,102, 79-11,103, 79-11,114 and 79-11,115 to comply with federal law and state special education laws. Section 79-11,109 is amended to specify that NDE shall have oversight and general control of all programs of education and welfare for visually handicapped persons only as defined and identified under the Special Education Act.

References and procedures regarding the nonresident high school tuition funds are removed from §§ 79-1003, 79-1015, and 79-1018.

The terms describing technologies available to the Nebraska Educational Telecommunications are expanded and clarified.

Commission and the Director (if Instructional Telecommunication The Commission's annual report to the Legislature is eliminated and it is clarified that tile deputy commissioner of education may designate someone to participate in Commission meetings. Obsolete provisions for the implementation of public radio statewide are deleted. A requirement is codified for postsecondary education programming to be consistent with policies of the

Coordinating Commission for Postsecondary Education. The Commission's eminent domain powers are clarified and obsolete provisions are eliminated. The authorization for the Department of Education to contract regarding instructional telecommunications is amended to specifically include the Commission.

Legislative Bill 1014 from 1996 was similar to LB 347 and was advanced to general file by the Education Committee. These bills are trailer bills produced from the recodification process that resulted in LB 900 in 1996, which was passed and signed by the Governor last year.

DATE OF HEARING January 27, 1997

Senator Ardyce Bohlke  
Principal Introducer