

**Minutes for
Heartland Community Schools
Board of Education Regular Meeting**

Monday, February 11, 2013 7:00 PM
Conference Room
1501 Front Street
Henderson, NE 68371-8929

MISSION STATEMENT: Heartland Community Schools - Henderson/Bradshaw is dedicated to educating all students by providing challenging opportunities to learn according to individual needs.

Mr. Kent Allen: Present
Mr. Gary Braun: Present
Mr. Paul Brune: Present
Mr. Glenn Larson: Present
Mr. Boyd Stuhr: Present
Mrs. Debra Wilhelm: Present

1. Preliminary Procedures

Patron in attendance: Ken Spencer

1. Call to Order

2. Public Notice of the Meeting

3. Roll Call

2. Public Comments on Agenda Items

3. Public Comments on Topics Not on the Agenda

4. Reports

1. Superintendent's Report

2. Principals' Reports

Elementary news: National Geography Bee was held January 10. Ethan Hall was the winner and Kristine Goertzen the runner-up. York County Spelling Bee was held February 6 where Noah Hiebner placed 2nd. High School news: Heartland Student of the Month is Silvina Cruz. Megan Kroeker was chosen for All State Band-earned a piccolo solo in the evening concert. Sara Brune had art featured at NE Wesleyan. 15 students attended UNK Honor Band and Choral Clinic. Heartland hosted the Jr High Choral Festival-over 400 participants, 600 audience members.

5. Discussion Items

1. Board Retreat Review

2. School Calendar

3. Summer Projects Under Consideration

Possible summer projects: continuing with the carpeting project, remodeling a couple high-use bathrooms, address archway concerns, parking lot, elementary playground hill, theater doors.

4. History Regarding Offering of Contracts

5. Legislative Update

6. Technology Initiative Progress

Technology initiative is moving forward to put a device in the hands of every student grades 7-12 and increase devices in K-6.

7. NRCSA & NASB Meetings

8. Affordable Health Care Act Update

6. Old Business

7. New Business

1. NASB Membership

2. To renew membership in the Nebraska Association of School Board association Passed with a motion by Mr. Glenn Larson and a second by Mr. Gary Braun.

3. Mr. Kent Allen: Yea, Mr. Gary Braun: Yea, Mr. Paul Brune: Yea, Mr. Glenn Larson: Yea, Mr. Boyd Stuhr: Yea, Mrs. Debra Wilhelm: Yea

4. Local Substitute

5. To approve Jari Holliday as a local substitute Passed with a motion by Mr. Boyd Stuhr and a second by Mr. Glenn Larson.

6. Mr. Kent Allen: Yea, Mr. Gary Braun: Yea, Mr. Paul Brune: Yea, Mr. Glenn Larson: Yea, Mr. Boyd Stuhr: Yea, Mrs. Debra Wilhelm: Yea

7. Appoint Superintendent as Federal & State Program Representative

8. To appoint the superintendent as the official representative for all state and federal grants and programs Passed with a motion by Mr. Gary Braun and a second by Mrs. Debra Wilhelm.

9. Mr. Kent Allen: Yea, Mr. Gary Braun: Yea, Mr. Paul Brune: Yea, Mr. Glenn Larson: Yea, Mr. Boyd Stuhr: Yea, Mrs. Debra Wilhelm: Yea

10. Approval of Base Salary for Teachers

11. To approve a base salary for teachers of \$34,133 for 2013-14 as part of the stipulated 3.44% increase for year two of the prior contract Passed with a motion by Mr. Kent Allen and a second by Mr. Boyd Stuhr.

12. Mr. Kent Allen: Yea, Mr. Gary Braun: Yea, Mr. Paul Brune: Yea, Mr. Glenn Larson: Yea, Mr. Boyd Stuhr: Yea, Mrs. Debra Wilhelm: Yea

13. Background Checks for New Hires

14. To use OneSource for conducting background checks on all newly hired employees Passed with a motion by Mrs. Debra Wilhelm and a second by Mr. Gary Braun.

15. Mr. Kent Allen: Yea, Mr. Gary Braun: Yea, Mr. Paul Brune: Yea, Mr. Glenn Larson: Yea, Mr. Boyd Stuhr: Yea, Mrs. Debra Wilhelm: Yea

8. Personnel

1. Resignation(s)

9. Future Agenda Items

10. Consent Agenda

11. Motion to approve the consent agenda as revised Passed with a motion by Mr. Kent Allen and a second by Mr. Glenn Larson.

12. Mr. Kent Allen: Yea, Mr. Gary Braun: Yea, Mr. Paul Brune: Yea, Mr. Glenn Larson: Yea, Mr. Boyd Stuhr: Yea, Mrs. Debra Wilhelm: Yea

1. Approval of Minutes

2. Approval of Treasurer's Report

3. Approval of Claims

4. Financial Reports

5. Out of State Travel Requests

13. Adjournment

The next scheduled meeting to be held at 7:00 p.m. on March 11, 2013

14. Motion to adjourn the meeting at 9:15 p.m. Passed with a motion by Mr. Gary Braun and a second by Mr. Boyd Stuhr.

15. Mr. Kent Allen: Yea, Mr. Gary Braun: Yea, Mr. Paul Brune: Yea, Mr. Glenn Larson: Yea, Mr. Boyd Stuhr: Yea, Mrs. Debra Wilhelm: Yea

Board President

Board Secretary

Superintendent's Board Report February 11, 2013

We are picking up steam as we roll into the spring of the year. It is crazy busy with meetings, school improvement initiatives, budget requisitions, etc.. But, I am sure that it will be summer far too soon.

Some comments on agenda items:

5.4 In the past, the board has taken action to offer contracts to the current staff for the next school year. This practice is more a formality than necessary. Unless teachers have been notified that their contract will be cancelled, their contracts automatically renew for the following year on April 15th by state law. No action is necessary. I can think of some cases where the board has taken action on some teachers and not others. This is not only a very uncomfortable situation, but it puts the board in a position of not remaining impartial in the case of a hearing. The board is still expected to take action on all new teaching hires.

For classified staff (non-teachers), it is advised that the board not approve resignations or hiring as it may indicate additional appeal rights for these employees beyond the superintendent. If the board hires them, it may indicate they can appeal a firing, for example. It is advised that the superintendent attend to all hiring and firing of classified (at will) employees. I would also like to rewrite any of their contracts for next year with language related to this expectation and a couple of other items that were learned at the conference last week.

5.8 Also at the conference, there was new information relayed about the affordable health care act (Obamacare) that still may require us to offer health care to all employees. I'm not totally convinced that anyone knows just how to calculate the numbers at this point. I will update you on what I know now.

8.1 It does not appear as though we will have a resignation upon which to act, but I will leave the item on the agenda, just in case. The one employee that could take advantage of the early retirement incentive has decided to utilize the extended deadline before making her decision (Feb. 24th).

February 2013
Elementary Principal

1. The National Geography Bee was held on January 10. Ethan Hall was the winner and Kristine Goertzen was the runner-up. Semi-finalists were Josh Elliot, Hayes Oswald, Kyle Ott, Reid Huebert, Zach Dente and Cade Oswald. Other contestants were Leslie Braun, Aaron Buller, Isabelle Vanderneck, Peyton Ott, Emily Goertzen, Grace Janzen, Odessa Ohrt, Zach Taggart, and Benny Ginter.

2. Heartland students competed in the York County Spelling Bee on February 6.

Grades 3 and 4

Lauren Quiring
Lisa Buller
Kale Wetjen
Alternate – Ellyn Hall

Grade 5 & 6

Delaney Siebert
Noah Hiebner 2nd Place
Emily Goertzen
Timberly Carr
Alternate – Katrina Hiebner

Grades 7 & 8

Ellie Steingard
Addie Swartzendruber
Ethan Hall
Mark Perez
Alternate –Austin Stuhr

3. Winter session of our norm referenced test, NWEA-MAP, will take place February 13-27. This achievement test will be taken by students in grades 3-9.

4. State reading tests in reading and math will be taken online in April. Students in grades 5, 8, and 11 will also participate in the online state science assessment.

5. Susan Watt, Nora Ohrt and Eric Grey are attending the Adolescents in Literacy Series at the ESU. This workshop focuses on reading interventions for middle and high school students.

6. Marc Regier, Carrie Regier and Tara Maltsberger are attending the science day at ESU.

7. Lynn Hall is attending a workshop at the ESU on using iPads in the music classroom.

Nebraska Council of School Administrators

NCSA Legislative Bill Summaries

103rd Legislature, First Session

January 27, 2013

*Prepared by
Dr. Michael Dulaney
NCSA Executive Director*

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	LB 50	Ashford	Prohibit unreasonable placement of a firearm where a minor may possess it	Judiciary	3
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	LB 298	McCoy	Change provisions relating to controlled substances schedules	Judiciary	4
	LB 319	McGill	Change certain permit holder penalty provisions under the Concealed Handgun Permit Act	Judiciary	5
	LB 335	Christensen	Authorize possession of firearms as prescribed	Judiciary	6
	LB 352	Christensen	Provide signage requirements and duties for the Nebraska State Patrol under the Concealed Handgun Permit Act	Judiciary	7
	LB 451	Janssen	Prohibit federal restrictions on firearms, magazines, and firearm accessories as prescribed	Judiciary	8
	Curriculum	LB 116	Harms	Provide requirements for dual-enrollment courses	Education
LB 332		Harms	Change application provisions relating to the Access College Early Scholarship Program	Education	9
LB 365		Avery	Require instruction in certain emergency procedures as a prerequisite to high school graduation	Education	9
LB 366		Cook	Adopt the Remedial Adult Education Innovation Act	Education	10
Early Childhood Education	LB 190	Harms	Appropriate funds for the Early Childhood Education Endowment Fund	Appropriations	11
	LB 507	Campbell	Adopt the Step Up to Quality Child Care Act	Health	12

Education Innovation Fund	LB 495	Sullivan	Change provisions relating to the Education Innovation Fund and early childhood grant reporting	Education	14
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	LB 497	Sullivan	Change distribution and provide for a study of the Education Innovation Fund	Education	17
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	LB 510	Scheer	Change Open Meeting Act telephone conference call provisions and authorization for videoconferencing and teleconferencing		19
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	LB 121	Lautenbaugh	Provide for waiver of a Nebraska certificate to administer	Education	22
	LB 163	McGill	Provide for a report on education credentials and workforce needs	Business/Labor	22
	LB 177	Smith	Provide enforcement and penalty provisions to the Nebraska Wage Payment and Collection Act	Business/Labor	23
	LB 291	Nordquist	Change medical payment provisions of the Nebraska Workers' Compensation Act	Business/Labor	23
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	LB 307	Nelson	Change provisions of the Nebraska Workers' Compensation Act	Business/Labor	24
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	LB 324	Lautenbaugh	Change provisions of the Nebraska Workers' Compensation Act	Business/Labor	26
	LB 384	Nordquist	Adopt the Nebraska Exchange Transparency Act	Health	27
	LB 396	Conrad	Change Nebraska Workers' Compensation Court powers	Business/Labor	29
	LB 485	Conrad	Prohibit discrimination based upon sexual orientation as prescribed	Government	29
	LB 570	Harr	Adopt the Employers Certainty in Records Act	Business/Labor	29
	LB 584	Smith	Change Nebraska Workers' Compensation Act medical guidelines and independent medical examiner provisions	Business/Labor	30

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	LB 178	Kintner	Change provisions relating to transportation reimbursement and state aid relative to learning communities	Education	31
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	LB 192	Karpisek	Change provisions relating to requests for information by the Auditor of Public Accounts	Government	35
	LB 235	Howard	Change precinct size requirements and procedures for drawing boundaries and changing polling places and provide for election advisory committees	Government	35
	LB 254	Adams	Correct references related to Nebraska Educational Telecommunications Com.	Education	36
	LB 262	Cook	Provide duties relating to sharing of student information	Education	36
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	LB 309	Bolz	Adopt the Department of Health and Human Services Delivery Improvement and Efficiency Act	Health	37
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	LB 482	Kintner	Prohibit the state and political subdivisions from adopting certain policy recommendations	Government	44
	LB 540	Chambers	Prohibit rules and regulations requiring teachers to lead pledge of allegiance	Education	45
	LB 575	Harr	Provide for professional development training for school board and learning community coordinating council members	Education	45

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	LB 363	Avery	Change provisions relating to access to public records	Government	47
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	LB 323	Haar	Create the School Finance Review Committee	Education	57
	LB 346	Kolowski	Authorize school districts to levy a tax and exceed budget authority for school security measures	Revenue	58
	LB 357	Haar	Change a budget limitation exemption under the Tax Equity and Educational Opportunities Support Act	Education	58
	LB 407	Sullivan	Change calculation provisions under the Tax Equity and Educational Opportunities Support Act	Education	59
	LB 408	Sullivan	Change dates and provisions relating to certification and distribution of state aid	Education	59
	LB 416	Kolowski	Change teacher education allowance provisions relative to the state aid formula	Education	59
	LB 469	Scheer	Change an exemption to school budget lid relating to payments for a voluntary termination	Education	60
	LB 506	Bolz	Change elementary class size allowance in the state aid formula	Education	60
	LB 599	Sullivan	Change exemptions relating to school budget limitations	Education	61
	LB 604	Haar	Change computation of the cost growth factor relating to state aid to schools	Education	61

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	LB 645	Haar	Change teacher education allowance and fall personnel report provisions	Education	62
School Organization	LB 125	Lautenbaugh	Change provisions relating to boards of education of Class V school districts	Government	63
	LB 253	Adams	Correct references in school statutes	Education	64
	LB 593	Lautenbaugh	Adopt the Charter Schools Act	Education	64
Special Education	LB 343	Coash	Change terminology related to mental retardation	Education	65
	LB 356	Karpisek	Prohibit participation in extracurricular and co-curricular activities as prescribed	Education	65
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	LB 143	Bloomfield	Authorize schools to adopt a child sexual abuse policy as prescribed	Education	68
	LB 270	Campbell	Provide for a medicaid state plan amendment relating to services for children with serious emotional disturbance	Health	69
	LB 275	Nordquist	Adopt the Nebraska Coordinated School Health Act	Education	69
	LB 276	Nordquist	Change reimbursement provisions under the Early Intervention Act and require a medicaid state plan amendment	Health	70
	LB 447	Avery	Provide for sales tax on soft drinks, change the distribution of sales tax proceeds, and provide funding for projects to help children	Revenue	72
	LB 503	Coash	Rename the Child Protection Act and provide for alternative response to a report of child abuse or neglect	Health	73
	LB 555	Nordquist	Adopt the Preparing Students for Educational Success Act	Health	74
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	LB 74	Janssen	Exempt social security benefits from state income taxation	Revenue	77

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	LB 145	Brasch	Change valuation of agricultural land and horticultural land	Revenue	78
	LB 227	Kintner	Exclude retirement benefits from state income taxation	Revenue	78
	LB 238	Crawford	Exempt social security and certain retirement benefits from state income taxation	Revenue	79
	LB 317	Price	Change a duty of county assessors relating to real property valuation	Revenue	79
	LB 327	Pirsch	Change income tax rates	Revenue	80
	LB 328	Pirsch	Change corporate income tax rates	Revenue	81
	LB 405	McCoy	Eliminate certain sales tax exemptions, corporate and individual income taxes, and the franchise tax and change other tax provisions	Revenue	81
	LB 406	McCoy	Change tax provisions	Revenue	81
	LB 489	Rev. Com.	Change the sales tax rate	Revenue	81
	LB 490	Rev. Com.	Change the income tax rates	Revenue	81
	LB 531	Conrad	Change distribution of sales and use tax revenue, repeal the Build Nebraska Act	Revenue	82
	LB 532	Conrad	Change income tax rates	Revenue	82
	LB 547	Kolowski	Provide an income tax credit for payments to school districts for extracurricular activities and character education programs	Revenue	82
	LB 618	Karpisek	Create the Agricultural Land Valuation Task Force	Revenue	83
	Tort Claims	LB 284	Conrad	Change provisions of the Political Subdivisions Tort Claims Act relating to limits on actions and amounts recoverable	Judiciary
Transportation	LB 10	Krist	Change and eliminate provisions relating to occupant protection systems	Transportation	84
	LB 31	Hadley	Change provisions relating to parking permits for temporarily handicapped or disabled persons	Urban Affairs	84
	LB 118	Harms	Change texting enforcement provisions	Transportation	85
	LB 189	Harms	Change provisions and penalties relating to occupant protection systems	Transportation	85
	LB 258	Sullivan	Prohibit use of certain wireless devices by school bus drivers as prescribed	Transportation	85
	LB 393	Bloomfield	Change helmet and eye protection provisions regarding motorcycles	Transportation	85
	LB 500	Brasch	Change school bus operation provisions	Transportation	86

Career Academies

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 47	Ashford	Change provisions relating to career academies	Education

In 2012, the Legislature passed LB 870 providing that any school district, with the approval of NDE, may establish and operate a career academy. The purpose of a career academy is to provide students with a career-based educational curriculum. A school district may partner with another school district, an ESU, a learning community, a postsecondary educational institution, or a private entity in the establishment and operation of a career academy.

LB 47 first changes the purpose of a career academy, which would be to provide students with a career-based educational curriculum in at least grades eleven and twelve and may provide such career-based curriculum to students in grades nine and ten.

LB 47 then expands the existing provisions and allows a consortium, consisting of not fewer than three school districts and a community college or a publicly funded four-year college or university to establish and operate a career academy. At least one other public agency, private business, private-industry group, or other privately funded entity must participate in the consortium.

A consortium must enter into an interlocal agreement, which must:

- (a) Provide for a governing board of directors and the membership thereof; and
- (b) Determine which publicly funded participant in the agreement will have charge of the funds of the career academy. Such funds will be subject to all the same requirements of approval, audits, and budgeting as a school district in the State of Nebraska.

LB 47 changes existing provisions relevant to any career academy, whether formed by a school district or a consortium. A career academy must:

- (a) Recruit students who seek a career-based curriculum, which curriculum must be based on criteria determined by the department;
- (b) Recruit and hire instructors based on their expertise in career-based education; and
- (c) Provide a rigorous educational program that focuses on career clusters as described in the Nebraska Career Education Programs of Study published by NDE and on high-demand careers as determined by the Department of Labor. The program must include, but not be limited to: (i) Workplace skills, basic skills related to career pathways, technology, specific career or job skills, job shadowing, and internships; (ii) Assessment and counseling as determined by NDE; and (iii) An advisory board for each career cluster to provide input on skills and knowledge needed for employment.

Industry Credential Assessment Fund and Grants: LB 47 also creates the Industry Credential Assessment Fund, which would consist of money appropriated by the Legislature and funds contributed by private businesses, private-industry groups, or other privately funded entities for the purpose of defraying the cost to graduates of a career academy of an assessment to obtain an industry-recognized credential.

The fund would be administered by NDE. The department would separately account for funds appropriated by the Legislature and funds contributed by private businesses, private-industry groups, or other privately funded entities. A private business, private industry group, or other privately funded entity may specify the career field its contributions may be used to assist.

A student who completes a course of study in a career academy may apply to NDE to request assistance, in an amount not to exceed \$1,000, to defray the cost of an assessment required to obtain an industry recognized credential related to the course of study, which he/she has completed in the career academy. NDE must provide application forms and must make a timely decision to grant or not grant each request.

For each request granted by NDE, one-half of the amount of the grant will be taken from funds appropriated by the Legislature and one-half of such amount from funds contributed by private businesses, private-industry groups, or other privately funded entities. If a private business, private-industry group, or other privately funded entity has specified a career field, NDE must fund the grant accordingly.

If an applicant fails to earn the industry-recognized credential after twice taking and failing the assessment, no further applications from such applicant would be accepted by NDE.

For each full-time equivalent student enrolled in a career academy sponsored by a consortium, the resident school district of such student would receive a grant of \$1,500 per school year from funds available to the career education division of NDE. If there are insufficient funds available to fully fund such grant for each eligible student, grants would be prorated such that each eligible student receives the same amount of funds.

Spending Lid Exclusion: All expenses and revenue of a school district relating to a career academy would be exempt from budget and expenditure limitations, up to the total amount received as assessment grants.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 481	Lathrop	Create the Career Education Task Force	Education

LB 481 creates the Career Education Task Force. The 11-member task force would include:

- a. The Commissioner of Education or his/her designee;
- b. The Director of Economic Development or his/her designee;
- c. The Director of Career Education in the State Department of Education;
- d. One member of the Education Committee of the Legislature;
- e. One member of the Business and Labor Committee of the Legislature;
- f. One secondary teacher involved in career education programs;
- g. One representative from a school district career academy;
- h. One representative from a community college who is involved in career education programs;
- i. One representative of an association of school administrators;

- j. One representative of business; and
- k. One representative of labor.

Members of the task force would be appointed by June 15, 2013. The task force would report its findings by December 1, 2013 and would terminate on December 31, 2013.

The task force would study the following topics and make recommendations for Nebraska policies and potential legislation:

1. The purpose, role, and mission of career education programs;
2. The prevalence of and need for career education programs at both the middle school and high school levels;
3. The funding for career education programs, curriculum, and equipment at both the middle school and high school levels and the typical costs for training facilities and programs;
4. The availability of teachers of career education courses;
5. The status and role of career guidance in Nebraska schools;
6. The alignment of secondary career education curriculum to postsecondary career education programs' curriculum and entrance requirements;
7. The types and numbers of skilled workers that Nebraska is projected to need in the short-term and long-term future;
8. The role of businesses in successful career education programs;
9. The role of labor organizations in successful career education programs; and
10. Any other topics related to career education as determined by the task force.

Criminal and Juvenile Codes

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 44	Ashford	Change penalty provisions with respect to Class IA felonies committed by persons under the age of 18	Judiciary

LB 44 adds a new section to the Nebraska Criminal Code. The bill states that, notwithstanding any other provision of law, the penalty for any person convicted of a Class IA felony for an offense committed when such person was under the age of 18 years would be a maximum sentence of life imprisonment and a minimum sentence as yet not specified in the bill ("XXXX years imprisonment").

NOTE: The U.S. Supreme Court ruled last summer that giving young criminals mandatory life sentences without the possibility of parole violates the Eighth Amendment ban on cruel and unusual punishment.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 50	Ashford	Prohibit unreasonable placement of a firearm where a minor may unlawfully possess it	Judiciary

LB 50 amends the Nebraska Criminal Code relating to minors in possession of firearms.

The measure provides that any person 19 years of age or older in possession of a firearm will be subject to liability for civil damages if he/she unreasonably leaves the firearm in a place in which a person under the age of 19 years or a mentally incompetent person may take possession of it.

The bill would not apply to firearm activities in which a person under the age of 19 years or a mentally incompetent person may otherwise lawfully engage in, while being supervised by a person 19 years of age or older and not mentally incompetent, such as, but not limited to, hunting and target shooting.

The bill does not contain a penalty provision related to the new offense.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 148	Ashford	Include ammunition in certain offenses involving firearms	Education

LB 148 represents an attempt to help address the growing violence involving firearms by including possession of transfer of ammunition as well as firearms. The bill proposes to amend the following offenses to include both firearms and ammunition:

- Unlawful transfer of a firearm to a juvenile (§ 28-1204.01);
- Possession of a deadly weapon by a prohibited person (§ 28-1206);
- Presence of firearm in motor vehicle (§ 28-1212); and
- Obtaining handgun for prohibited transfer (§ 69-2422).

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 298	McCoy	Change provisions relating to controlled substances schedules	Judiciary

In 2011, the Legislature passed LB 19, introduced by Senator McCoy, amending the Uniformed Controlled Substances Act to include the class of synthetic cannabinoids used to make the drug commonly known as *K2* or *Spice*. LB 19 (2011) sought to apply a ban for synthetic cannabinoids. The new law provided penalties for possessing, manufacturing or distributing K2 to mirror those currently in statute for possession, manufacture, or distribution of marijuana.

LB 298 proposes to update the Nebraska controlled substances schedules to include the designer drugs that are currently being seen across the country and here in Nebraska.

Designer drugs are research chemicals that have been created explicitly to skirt current drug laws. These substances are manufactured cheaply by adding chemical groups to an already known drug, thusly creating a new chemical – one that still reacts in the body as a drug but is not illegal as it has a different chemical structure than the original drug.

These substances are called “research chemicals” or “designer drugs” and are sold legally in local head shops and even certain convenience stores; they are falsely labeled as common household products such as plant food, bath salts, pH stabilizer, glass cleaner, herbal incense, etc.

They are able to be sold legally because they are labeled as “not for human consumption” even though it is known that these chemicals are produced explicitly to provide a legal high and have no legitimate use.

There are no regulations on these substances and few to no lab studies of the effects of ingesting these substances. They are attractive especially to young people due to the false perception that they are safe (since they are sold legally), will not show up on a drug screen, and are easily obtained with little stigma as the purchaser can order on-line or just walk in to a local novelty store to purchase them.

There are few studies on the dangers of these substances – it is as if they are being carried out in real time on the street as evidenced through calls to poison control centers, emergency room visits, suicides, demonstrated irrational thinking and dangerous behaviors, and even deaths of users. A quick search of the internet will result in news stories from across the country of users showing violent behavior, committing suicide, and even dying from ingesting these substances. These substances are not regulated and often have a stronger effect than the illicit drugs they were made to mimic.

LB 298 adds to legislation relating to designer drugs that was passed in 2011 and 2012. This bill adds three new classes of chemicals to the current legislation on synthetic cannabinoids (a powerful THC mimic), thus catching up to the latest chemicals that the manufacturers of these products are using. This bill, like the two previous bills, uses a class approach to try to stay ahead of the manufacturers by anticipating any chemical changes they may make to the structure as the goal is that any change they may make would still be in the same “class” of chemicals. This will cover more of these substances than just listing the chemicals individually in the statute.

If passed, LB 298 would also add two additional types of designer drugs to the controlled substance schedule; these are chemically known as 1) substituted phenethylamines, a stimulant similar to methamphetamine, and 2) substituted tryptamines, which are hallucinogenic substances. Both of these classes of drugs have been in the news lately as being linked to teen deaths and many of them were added as schedule I controlled substances at the federal level in 2012. An example of a product found to contain phenethylamines that has received a lot of attention in the press is an attractively packaged product called “Smiles”, which is a white powder that is often added to a beverage and drank as the mode of ingesting.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 319	McGill	Change certain permitholder penalty provisions under the Concealed Handgun Permit Act	Judiciary

LB 319 amends the Concealed Handgun Permit Act (§ 69-2443) relating to violations, penalties, and revocation of permit.

Under current provisions, a permitholder convicted of a violation of the Act occurring on property owned by the state or any political subdivision of the state may have his/her permit revoked.

LB 319 provides that a permitholder convicted of a violation of the Act occurring on property owned or leased by the state or any political subdivision of the state may have his/her permit revoked.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 335	Christensen	Authorize possession of firearms as prescribed	Judiciary

LB 335 proposes to create a new section of law to reinforce and protect the right of each citizen to lawfully transport and store firearms within his/her private motor vehicle for lawful purposes in any place where the motor vehicle is otherwise permitted to be. The bill provides that the section is to be liberally construed to effectuate this purpose.

Under the bill, no business entity, owner, manager, or legal possessor of real property, or public or private employer may establish, maintain, or enforce a policy or rule that prohibits or has the effect of prohibiting a person's transportation or storage of a firearm or ammunition when:

- a. The firearm or ammunition: (i) Is kept from ordinary observation within the person's attended, privately-owned motor vehicle; or (ii) Is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's privately-owned motor vehicle or a container securely affixed to such vehicle; and
- b. The motor vehicle is operated or parked in a location where it is otherwise permitted to be.

A person who is injured or incurs damages, or the survivors of a person killed, as a result of a violation of this legislation may bring a civil action against any business entity, owner, manager, or legal possessor of real property, or public or private employer who committed or caused such violation.

An employee who is denied the opportunity to transport or store a firearm or ammunition by a policy or rule prohibited by this legislation may bring a civil action to enjoin any business entity, owner, manager, or legal possessor of real property, or public or private employer from violating the proposed law.

An employee terminated by a public or private employer for a violation of a policy or rule prohibited by this legislation is entitled to full recovery as specified below. If demand for the recovery has not been satisfied within 45 calendar days after demand is made, the employee may bring a civil action against the public or private employer and must be entitled to the following:

- a. Reinstatement to the same position held at the time of his/her termination from employment or an equivalent position;
- b. Reinstatement of the employee's full benefits and seniority rights, as appropriate; and
- c. Compensation, if applicable, for lost wages, benefits, or other lost remuneration caused by the termination.

No business entity, owner, manager, or legal possessor of real property, or public or private employer will be held liable in any civil action for damages, injuries, or death resulting from or

arising out of another person's actions involving a firearm or ammunition transported or stored according to the bill, including, but not limited to, the theft of a firearm from an employee's or invitee's automobile, unless the business entity, owner, manager, or legal possessor of real property, or public or private employer intentionally solicited or procured such other person's injurious actions.

The provisions of the legislation would not apply if:

- a. The person operating the motor vehicle is prohibited from possessing, receiving, or transporting firearms under state and federal law, or by any court order;
- b. The motor vehicle is on the grounds of an owner-occupied single-family detached residence or a tenant-occupied single-family detached residence;
- c. The motor vehicle is owned or leased by an employer and is being used by an employee during and in the course of the employee's duties on behalf of the employer; or
- d. The motor vehicle is located in any place where firearms are expressly prohibited by federal law.

The bill defines “motor vehicle” as any automobile, truck, minivan, sport utility vehicle, motorcycle, motor scooter, or any other vehicle required to be registered under state law when operated on the highways of this state.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 352	Christensen	Provide signage requirements and duties for the Nebraska State Patrol under the Concealed Handgun Permit Act	Judiciary

LB 352 amends the Concealed Handgun Permit Act to require the State Patrol to design a standardized sign for use by any person, entity, or employer in control of property prohibiting a permitholder from carrying a concealed handgun in or on the place or premises.

The sign must:

- a. be at least five inches tall and three and one-half inches wide;
- b. have a white background containing a two inch red circle with a slash covering an image of a black handgun;
- c. use contrasting black and red font and include the following text: NOTICE. Carrying a concealed handgun by a permitholder is PROHIBITED in or on this place or premises by the controllers of this property;
- d. be posted at each entrance to the place or premises between forty-eight inches and sixty-six inches above the floor or ground;
- e. if the place or premises is a building, be posted (i) either on the door of each entrance to the place or premises or within twelve inches on either side of the doorway of each entrance or (ii) on every door or within twelve inches on both sides of every doorway with double doors along the width of the entrance, if the entrance has multiple doorways;

- f. if the place or premises is not a building, be posted within twenty-four inches on either side of each designated motor vehicle, bicycle, or pedestrian entrance to the place or premises; and
- g. not be obstructed or altered in any way and, if the sign becomes illegible for any reason, be immediately replaced with a legible sign.

Posted conspicuous notice means a clearly visible sign posted at each entrance to a place or premises open to the public.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 451	Janssen	Prohibit federal restrictions on firearms, magazines, and firearm accessories as prescribed	Judiciary

Perhaps in anticipation of future federal legislative action, LB 451 declares that any federal law, rule, regulation, or order effective on or after January 1, 2013, is unenforceable within the borders of Nebraska IF the law, rule, regulation, or order:

- a. Bans or restricts or attempts to ban or restrict ownership of a semi-automatic firearm or any magazine of a firearm beyond those firearms which are already restricted in Nebraska; or
- b. Requires or attempts to require that any firearm, magazine, or other firearm accessory be registered in any manner beyond those firearms, magazines, or other firearm accessories which are already required to be registered in Nebraska.

Curriculum

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 116	Harms	Provide requirements for dual-enrollment courses	Education

LB 116 amends the Educational Service Units Act and changes the definition of dual-enrollment course.

Current law states that dual-enrollment course means a course taught to students for credit at both a high school and a postsecondary educational institution.

LB 116 adds to this definition that a dual-enrollment course when taught to high school students must be (1) of the same rigor, following the same course syllabus, the same approved course textbook, the same course outline, and the same student assessment as a comparable college level course offered at a campus of a postsecondary educational institution and (2) taught by an instructor possessing, at a minimum:

- (a) for academic transfer courses, a master's degree and at least eighteen hours of graduate-level study in the course content area and
- (b) for career and technical education courses, the postsecondary educational institution's equivalent faculty hiring requirements.

The bill provides that dual-enrollment courses offered by a postsecondary educational institution approved by the Coordinating Commission for Postsecondary Education to offer such courses must follow the dual-enrollment standards approved by the commission and by NDE.

Any dual-enrollment course not following such standards is not transferable to public postsecondary educational institutions in Nebraska.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 332	Harms	Change application provisions relating to the Access College Early Scholarship Program	Education

The Access College Early Scholarship Program was created in 2007 with the purpose of providing financial assistance to low-income students for courses to be taken for credit from a qualified postsecondary educational institution while still enrolled in high school. The program is administered by the Coordinating Commission for Postsecondary Education.

Under the Program, an applicant must complete an application form developed and provided by the commission and must submit the form to his/her guidance counselor.

LB 332 provides that the student may submit the form to either his/her guidance counselor or other official designated by the school.

The bill requires the guidance counselor or other official designated by the school to verify the student's eligibility under the Access College Early Scholarship Program Act and must then forward the application to the commission for review within 15 days following receipt of the form from the student.

The commission must notify the student and the student's guidance counselor or other official designated by the school of the verification of eligibility and the estimated award amount in writing within 30 days following receipt of the form from the student's guidance counselor or other official designated by the school.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 365	Avery	Require instruction in certain emergency procedures as a prerequisite to high school graduation	Education

LB 365 provides that, beginning with the 2013-14 school year, each student enrolled in a public high school in Nebraska, as a requirement for graduation, must complete an instructional program on basic first aid, cardiopulmonary resuscitation, and operation of an automated external defibrillator (AED) and successfully pass a written test on cardiopulmonary resuscitation and operation of an automated external defibrillator.

The program utilized may derive from and established by the American Heart Association, the American Red Cross, or another nationally recognized program that uses the most current national evidence-based emergency cardiovascular care guidelines.

The program must be taught by an educator or instructor, a member of the American Heart Association or an affiliate, a member of the American Red Cross or an affiliate, or an emergency care provider licensed under the Emergency Medical Services Practice Act. Intent language is included to encourage instructors to provide instruction, training, and resources at no cost to school districts.

Cardiopulmonary resuscitation may be taught in a psychomotor skills class and may include hands-on training with simulators to supplement cognitive skills training or a video presentation. Operation of an AED may be taught in a psychomotor skills class or by video presentation.

Students may choose to but are not required to become certified upon completion of such instruction. Instruction must be given by an instructor certified in cardiopulmonary resuscitation and operation of an AED.

A school administrator may waive the requirements of this bill for a student who is a child with a disability or a student who holds a valid certificate in any of the required areas of instruction.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 366	Cook	Adopt the Remedial Adult Education Innovation Act	Education

LB 366 creates the Remedial Adult Education Innovation Act to develop strategies and opportunities to increase the number of individuals who can attain a high school diploma or a diploma of high school equivalency and are workforce-ready upon receiving such diploma.

The bill appropriates an unspecified amount each fiscal year from the Education Innovation Fund (lottery funds) to NDE to provide reimbursement of expenses to programs that will effectively assist citizens to achieve adequate education levels and allow community colleges to carry out the purposes of the Remedial Adult Education Innovation Act by increasing the capacity of community colleges to deliver high-quality remedial adult education.

Funding priority would be given to community college programs that include adult education skill building, multiple pathways for attainment of a high school diploma or a diploma of high school equivalency, occupational training opportunities, and GED testing services.

NDE must adopt and promulgate rules and regulations to develop a process for applying for, evaluating applications for, and providing reimbursements as provided in the Remedial Adult Education Innovation Act. The rules and regulations must include provisions that institutions requesting reimbursement of expenses must maintain GED training and testing programs that:

- a. Provide for successful implementation by January 2014 of computerized GED Testing Centers which comply with GED Testing Service standards and provide open access to individuals across the state;
- b. Lead to the attainment of a high school diploma or a diploma of high school equivalency for participants; and
- c. Provide for both academic and support services needed for participants' educational and employment success.

Each program receiving reimbursement must report annually to the department. The report must give a description of the operation of the program for which reimbursement funds were provided and must include information on the following:

- a. The number of high school diplomas or diplomas of high school equivalency awarded pursuant to such program in the preceding twelve months;
- b. The number of participants in the program who moved successfully through the continuum of literacy skill levels offered by the program;
- c. The number of participants completing the program who secured entry-level career path employment in the preceding twelve months; and
- d. The number of participants completing the program who went on to postsecondary education or additional career training during the preceding twelve months.

Each institution that provides GED training and testing will receive a designated amount from NDE for each participant enrolled in its GED program as follows:

- a. Each such institution will receive one reimbursement payment for each student who enrolls in its GED program;
- b. Each such institution will receive one reimbursement payment for each enrolled student upon the student's initial examination for a GED; and
- c. Each institution will receive one reimbursement payment for each walk-in GED student not in the program who takes the GED examination.

An institution would receive no additional reimbursement for any student who fails his/her first GED examination and requires additional training and testing.

Each institution that provides GED training and testing would be eligible to receive a one-time payment in state matching funds for acquisition and upgrade of computerized GED Testing Center equipment and software, for each computerized GED Testing Center operated by such institution, in order to come into compliance with national standards which take effect in 2014.

Early Childhood Education

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 190	Harms	Appropriate funds for the Early Childhood Education Endowment Cash Fund	Appropriations

LB 190 requires an appropriation of \$10 million from the General Fund for each FY2013-14 and FY2014-15 to the Early Childhood Education Endowment Cash Fund.

The Early Childhood Education Endowment Cash Fund was created in 2006 under LB 1256 to provide early childhood education grants to programs for at-risk children from birth to age three.

<i>LB 507</i>	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Campbell	Adopt the Step Up to Quality Child Care Act	Health

LB 507 creates the Step Up to Quality Child Care Act with the purpose to:

- a. provide accountability for public dollars invested in child care and early childhood education programs,
- b. provide a path to higher quality, including incentives and supports, to child care and early childhood education program providers,
- c. to provide parents a tool by which to evaluate the quality of child care and early childhood education programs, and
- d. improve child development and school readiness outcomes for children.

LB 507 requires NDE and HHS, in collaboration with community and statewide partners, to develop, implement, and provide oversight for a quality rating and improvement system for applicable child care and early childhood education programs. The purposes of the quality rating and improvement system are to:

- a. Inform parents in understandable and measurable terms about program quality;
- b. Promote accountability for all public funding in child care and early childhood education;
- c. Improve child care program staff and director effectiveness through professional development, training, and postsecondary education opportunities; and
- d. Strengthen standards, assessment processes, and use of data to inform program quality and support continuous improvement.

The bill requires NDE and HHS to work collaboratively to:

- a. Develop the quality rating and improvement system criteria, which will include, but not be limited to: (i) Licensing requirements as specified in the Child Care Licensing Act; (ii) Professional growth, safety, and facility management; (iii) Child outcomes; (iv) Program curriculum and learning environment and interactions; (v) Professional development and training; (vi) Family engagement and partnership; (vii) Program administration; and (viii) Other standards required by NDE for early childhood education programs, federal performance standards for Head Start and Early Head Start programs, and standards required by approved national accreditation bodies; and
- b. Assign ratings to applicable child care and early childhood education programs based on quality rating and improvement program criteria.

To improve the quality of child care and early childhood education programs, NDE and HHS must work collaboratively to create a system of incentives and support as part of the quality rating and improvement system, including:

- a. Tiered child care subsidy reimbursements based upon quality ratings that reflect the cost of higher quality programs and promote affordability of high-quality child care and early childhood education programs for all families;
- b. Incentive bonuses given to providers upon completion of specific requirements to improve quality based upon the levels established in the quality rating and improvement system; and

- c. Other incentives as necessary to carry out the intent of the Step Up to Quality Child Care Act.

In collaboration with community-based organizations, postsecondary education, and other stakeholders, NDE and HHS must work collaboratively to provide:

- a. Professional development, training, and postsecondary education opportunities, including incentives and scholarships, for participating program staff and directors;
- b. Support that expands family engagement and understanding of quality early childhood education in ways that are inclusive and respectful of diversity of families and children with special needs; and
- c. Other support as necessary to carry out the intent of the Step Up to Quality Child Care Act.

Mandatory participation in the quality rating and improvement system would be implemented as follows:

- a. Beginning July 1, 2014, all applicable child care and early childhood education programs that received over \$500,000 in child care assistance for FY2011-12 must participate in the quality rating and improvement system;
- b. Beginning July 1, 2015, all applicable child care and early childhood education programs that received over \$250,000 in child care assistance for FY2011-12 must participate in the quality rating and improvement system; and
- c. Beginning July 1, 2016, all applicable child care and early childhood education programs that received over \$250,000 in child care assistance in the preceding fiscal year must participate in the quality rating and improvement system.

Participation in the quality rating and improvement system would be voluntary for all other applicable child care and early childhood education programs.

All participants in the quality rating and improvement system would be rated on quality scale of steps 1 through 5, based on criteria developed collaboratively between NDE and HHS. The criteria would provide that:

- a. Any program licensed under the Child Care Licensing Act which serves children from birth to kindergarten-entrance age upon entrance to the quality rating and improvement system would be rated at step one;
- b. Upon application to the quality rating and improvement system, any prekindergarten services and prekindergarten programs must be recognized for meeting criteria established by NDE to the quality rating and improvement system and must be rated at step three, after registering with the Nebraska Early Childhood Professional Record System (established in the bill);
- c. Upon application to the quality rating and improvement system, all federal Head Start programs and Early Head Start programs would be recognized for meeting performance standards required by the federal government and would be rated at step three, after registering with the Nebraska Early Childhood Professional Record System; and

- d. Upon application to the quality rating and improvement system, all child care programs accredited by nationally-recognized accrediting bodies established in quality rating and improvement system criteria would be recognized as meeting high quality program standards and must be rated at step three, after registering with the Nebraska Early Childhood Professional Record System.

To be awarded a rating at step two or higher, the child care license cannot be a provisional license or be on corrective action status, disciplinary limitation, probation, suspension, or revocation. Applicable child care and early childhood education programs must meet all the criteria of a step two rating prior to applying for a step three, step four, or step five rating. To meet criteria for step three, step four, or step five ratings, an applicable child care and early childhood education program must be independently evaluated based upon quality rating and improvement system criteria.

Participants in the quality rating and improvement system would apply to have their rating level reviewed and increased but can only apply for a rating review once annually.

Applicable child care and early childhood education programs with a rating at step two through step four would be reevaluated every two years. Applicable child care and early childhood education programs that have achieved step five ratings would be reevaluated every five years.

NDE and HHS may collaboratively develop other conditions that would require an applicable child care or early childhood education program to be reevaluated.

If an applicable child care and early childhood education program is at a rating higher than step one and the license is placed on corrective action status, disciplinary limitation, probation, or suspension, the program will go back to a step one rating. If a program's license is revoked, the program cannot receive a rating or participate in the quality rating and improvement system, based upon the terms specified by HHS.

Participation in or being rated under the quality rating and improvement system will not disqualify any applicable child care or early childhood education program from state and federal assistance.

NDE is required to create the Nebraska Early Childhood Professional Record System to track and verify degrees and credentials of child care and early childhood education professionals in the State of Nebraska and would provide information to the quality rating and improvement system regarding professional development of child care professionals and early childhood education, as necessary to meet quality ratings step two through five.

Education Innovation Fund

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 495	Sullivan	Change provisions relating to the Education Innovation Fund and early childhood grant reporting	Education

LB 495 changes the distribution of the proceeds from the Education Innovation Fund (state lottery funds).

Under current law (for fiscal year 2012-13), the Education Innovation Fund is allocated as follows:

- a. The first \$45,000 is transferred to the Excellence in Teaching Cash Fund to fund the Attracting Excellence to Teaching Program;
- b. the next \$3,365,962 is distributed to school districts as grants under the Early Childhood Education Grant Program;
- c. the next \$2,175,673 is distributed to local systems as grants for approved accelerated or differentiated curriculum programs for students identified as learners with high ability;
- d. the next \$108,136 is used by NDE for the development of an integrated early childhood, elementary, secondary, and postsecondary student information system;
- e. the next \$450,000 is used to fund the Center for Student Leadership and Extended Learning Act;
- f. the next \$114,629 is used by NDE to fund the multicultural education program;
- g. the next \$123,468 is used by NDE to employ persons to investigate and prosecute alleged violations under the PPC;
- h. up to the next \$160,000 is used by NDE to implement a pilot project for the district-wide administration of a standard college admission test;
- i. the next \$27,200 is used to fund the Interstate Compact on Educational Opportunity for Military Children;
- j. the next \$200,000 is used to provide grants to establish a career pathway program, developed in partnership among a provider of basic skills education and training, the provider of the Adult Education Program; and
- k. the amount remaining would be allocated, after administrative expenses, for distance education equipment and incentives.

Under LB 495, the distribution of funds would be as follows for fiscal year 2013-14:

- a. The first \$1 million dollars is to be transferred to the Excellence in Teaching Cash Fund to fund the Excellence in Teaching Act;
- b. the next allocation is to be distributed to local systems as grants for approved accelerated or differentiated curriculum programs for students identified as learners with high ability in an aggregated amount up to the amount distributed in the prior fiscal year increased by the basic allowable growth rate;
- c. up to the next \$160,000 is to be used by NDE to implement a pilot project for the district-wide administration of a standard college admission test;
- d. the next \$1,750,000 is to be allocated to early childhood education grants awarded by NDE;

- e. the next \$1 million is to be transferred to the Early Childhood Education Endowment Cash Fund;
- f. the next \$200,000 is to be used to provide grants to establish a career pathway program, developed in partnership among a provider of basic skills education and training, the provider of the Adult Education Program; and
- g. the amount remaining would be allocated, after administrative expenses, for distance education equipment and incentives.

Under LB 495, the distribution of funds would be as follows for fiscal year 2014-15:

- a. The first \$1 million dollars is to be transferred to the Excellence in Teaching Cash Fund to fund the Excellence in Teaching Act;
- b. the next allocation is to be distributed to local systems as grants for approved accelerated or differentiated curriculum programs for students identified as learners with high ability in an aggregated amount up to the amount distributed in the prior fiscal year increased by the basic allowable growth rate;
- c. the next \$1,850,000 is to be allocated to early childhood education grants awarded by NDE;
- d. the next \$1 million is to be transferred to the Early Childhood Education Endowment Cash Fund;
- e. the next \$200,000 is to be used to provide grants to establish a career pathway program, developed in partnership among a provider of basic skills education and training, the provider of the Adult Education Program; and
- f. the amount remaining would be allocated, after administrative expenses, for distance education equipment and incentives.

Under LB 495, the distribution of funds would be as follows for fiscal year 2015-16:

- a. The first \$1 million dollars is to be transferred to the Excellence in Teaching Cash Fund to fund the Excellence in Teaching Act;
- b. the next allocation is to be distributed to local systems as grants for approved accelerated or differentiated curriculum programs for students identified as learners with high ability in an aggregated amount up to the amount distributed in the prior fiscal year increased by the basic allowable growth rate;
- c. the next \$1,950,000 is to be allocated to early childhood education grants awarded by NDE;
- d. the next \$1 million is to be transferred to the Early Childhood Education Endowment Cash Fund; and
- e. the amount remaining would be allocated, after administrative expenses, for distance education equipment and incentives.

LB 495 provides intent language for the Legislature to replace funding from the Education Innovation Fund with General Fund appropriations to NDE beginning with FY2013-14 for:

1. the integrated early childhood, elementary, secondary, and postsecondary student information system;
2. the Center for Student Leadership and Extending Learning Act;
3. the multicultural education program; and
4. the employment of persons to investigate and prosecute alleged violations (PPC).

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 496	Sullivan	Change provisions relating to school reorganization incentive payments	Education

LB 496 changes the distribution of the available funds under the Education Innovation Fund (lottery proceeds) for fiscal years 2013-14, 2014-15, and 2015-16.

In each of these three fiscal years, an amount of \$1 million would be transferred from the Education Innovation Fund to the School District Reorganization Fund, which is revitalized in the bill.

The funds set aside in the School District Reorganization Fund would be used as base fiscal year incentive support payments to districts that apply and submit a plan for consolidation.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 497	Sullivan	Change distribution and provide for a study of the Education Innovation Fund	Education

Under the current provisions of the Nebraska Lottery Act, 19.75% of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund is transferred to the Education Innovation Fund.

Other funds that receive a portion of the proceeds include the Nebraska Opportunity Grant Fund, the Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and the Compulsive Gamblers Assistance Fund.

LB 497 changes the amount of funds allocated to the Education Innovation Fund beginning July 1, 2016, from the current 19.75% to 44.5% of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund.

The bill also provides a termination date of June 30, 2016 for obligation of any funds within the Education Innovation Fund. This would effectively free up the entire amount of funds distributed to the Education Innovation Fund on July 1, 2016. This would also effectively terminate the sole funding source of a variety of programs, including the Attracting Excellence to Teaching Program.

Lastly, the bill requires the Education Committee to conduct a study of potential uses of the funds dedicated to education from proceeds of the lottery. The committee must submit a report

on the findings and any recommendations by December 31, 2013. Factors the study must consider include:

1. The educational priorities of the state;
2. What types of educational activities are suited to being funded by state lottery funds as opposed to state general funds;
3. Whether state lottery funds should be used for significant projects requiring temporary funding or to sustain ongoing activities; and
4. Whether periodic reviews of the use of lottery funds for education should be scheduled.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 511	Scheer	Change allocation provisions relating to the Education Innovation Fund	Education

LB 511 changes the distribution of proceeds from the Education Innovation Fund for fiscal years 2016-17 through 2019-20.

During this timeframe, the bill allocates all proceeds in the fund to the Educational Technology Center, which is to provide leadership and support for the integration of technology and innovation into Nebraska elementary and secondary schools in order to provide quality education and equal opportunity for Nebraska learners.

The Center must create a plan with partners, including but not limited to, the ESUCC, the Nebraska Educational Telecommunications Commission, Network Nebraska, and representatives from school districts. The plan must include the development of an educational content or learning object repository system, learning management system deployment or enhancement, professional development and educational content development, and directory services to allow common access to such systems.

Systems may be sponsored by such partners and shall be hosted on Network Nebraska and made available to Network Nebraska participants. NDE must also develop a local technology grant to enhance school district technology adoption and integration, reserving at least one-half of the funds in the Education Innovation Fund for the grants.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 566	Karpisek	Create the Educational Technology Infrastructure Grant Program	Education

LB 566 changes the distribution of lottery proceeds under the Education Innovation Fund.

Beginning in fiscal year 2016-17 and thereafter, LB 566 would use the funds for grants to school districts under the Education Technology Infrastructure Grant Program, which is established in the bill.

Under the Program NDE would distribute the funds to school districts that apply to the department for base funds and matching funds to be spent on approved education technology infrastructure plans. To be eligible, a district must:

- a. Submit an approved education technology infrastructure plan identifying needs for transitioning into a digital learning environment, including servers, network management systems, wireless and wired distribution of digital information, and digital devices; and
- b. Demonstrate in its application how it will provide funds from other sources for the approved education technology infrastructure plan greater than or equal to 50% of the matching funds received.

Educational Service Units

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 409	Sullivan	Change distribution provisions for core services and educational technology funds	Education

LB 409 represents a technical bill and amends the Educational Service Unit Act, specifically the state aid formula for ESUs. The bill provides language in the ESU aid formula to account for the possibility of an ESU becoming a non-equalized unit (i.e., would not receive state aid in a given fiscal year). The bill was separated out from the main NDE technical cleanup provisions of LB 410.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 510	Scheer	Change Open Meeting Act telephone conference call provisions and authorization for videoconferencing and teleconferencing	Government

LB 510 adds the Educational Service Unit Coordinating Council (ESUCC) to the list of those governing bodies that may hold and conduct meetings by way of videoconferencing or telephone conference call as provided by law for other entities.

Employment Issues

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 58	Larson	Adopt the Workplace Privacy Act	Business/Labor

Under the measure, no employer may:

- (1) Require or request that an employee or applicant provide or disclose any user name or password or any other related account information in order to gain access to the employee's or applicant's social networking site profile or account by way of an electronic communication device;

- (2) Require or request that an employee or applicant log onto a social networking site by way of an electronic communication device in the presence of the employer or an agent of the employer so as to provide the employer access to the employee's or applicant's social networking profile or account; or
- (3) Access an employee's or applicant's social networking site profile or account indirectly through any other person who is a social networking contact of the employee or applicant.

An employer or an agent of the employer may not require an employee or applicant to waive or limit any protection granted under the Workplace Privacy Act as a condition of continued employment or of applying for or receiving an offer of employment. Any agreement to waive any right or protection under the act is against the public policy of this state and is void and unenforceable.

An employer or an agent of the employer may not retaliate or discriminate against an employee or applicant because the employee or applicant:

- (1) Refuses to provide or disclose any user name or password or in any other way provide access to a social networking site through an electronic communications device;
- (2) Files a complaint under the Workplace Privacy Act; or
- (3) Testifies, assists, or participates in an investigation, proceeding, or action concerning a violation of the act.

An employee may not download an employer's proprietary information or financial data to a personal web site or to a social networking site without authorization from the employer.

Nothing in the Workplace Privacy Act limits an employer's right to:

- (1) Promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use;
- (2) Request or require an employee or applicant to disclose access information to the employer to gain access to or operate: (a) An electronic communications device paid for in whole or in part by the employer; or (b) An account or service provided by the employer, obtained by virtue of the employee's employment relationship with the employer, or used for the employer's business purposes;
- (3) Access information about an employee or applicant that is in the public domain or is otherwise obtained in compliance with the Workplace Privacy Act; or
- (4) Conduct an investigation based upon the receipt of information about employee wrongdoing or unauthorized downloading of an employer's proprietary information or financial data to a personal web site or a social networking site.

Upon violation of the Workplace Privacy Act, an aggrieved person may, in addition to any other available remedy, institute a civil action in a court of competent jurisdiction within one year after the date of the alleged violation. In response to the action, a court may award reasonable attorney's fees and costs to a prevailing employee or applicant in addition to any award of actual damages.

LB 95	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Dubas	Adopt the Employee Credit Privacy Act	Business/Labor

LB 95 creates the Employee Credit Privacy Act to prevent a person from being discriminated against in obtaining or retaining employment because of his/her credit history or credit report unless such information directly relates to a bona fide occupational requirement for employment.

The bill defines “employee” as an individual who receives compensation for performing services for an employer under an express or implied contract of hire.

It defines “employer” as an individual or entity that permits one or more individuals to work or that accepts applications for employment or is an agent of an employer. The bill excludes those employers that are state or local government agencies that otherwise require use of the employee's or applicant's credit history or credit report.

Under the legislation, an employer may not:

- (a) Fail or refuse to hire or recruit, discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment because of the individual's credit history or credit report;
- (b) Inquire about an applicant's or employee's credit history; or
- (c) Order or obtain an applicant's or employee's credit report from a consumer reporting agency.

The exception to the above prohibitions would be an inquiry or employment action if a satisfactory credit history is an established “bona fide occupational requirement” of a particular position or a particular group of an employer's employees.

A satisfactory credit history is not a bona fide occupational requirement unless at least one of the following circumstances is present:

- (a) State or federal law requires bonding or other security covering an individual holding the position;
- (b) The duties of the position include signatory power over marketable assets of one hundred dollars or more per transaction;
- (c) The position is a managerial position which involves setting the direction or control of the business; or
- (d) The position meets criteria in administrative rules, if any, that the United States Department of Labor or the Nebraska Department of Labor has adopted and promulgated to establish the circumstances in which a credit history is a bona fide occupational requirement.

An employer may not discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to the Employee Credit Privacy Act, or has testified or is about to testify in any such proceeding.

An employer may not require an applicant or employee to waive any right under the Employee Credit Privacy Act. An agreement by an applicant or employee to waive any right under the act is invalid and unenforceable. A person who is injured by a violation of the Employee Credit Privacy Act may bring a civil action in district court to obtain injunctive relief, damages, or both.

The bill states that nothing in the Employee Credit Privacy Act would prohibit employers from conducting a thorough background investigation, which may include obtaining a report without information on credit history or an investigative report without information on credit history, or both, as permitted under the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq. Such information will be used for employment purposes only.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 121	Lautenbaugh	Provide for waiver of a Nebraska certificate to administer	Education

Under current law (§ 79-801), all persons holding the official title of (1) superintendent of schools, (2) principal or supervisor of an accredited school, or (3) supervisor of any special subjects or subject in which such persons actually supervise the work of other teachers in that subject or those subjects must hold a Nebraska certificate to administer.

LB 121 provides that the State Board of Education may waive the requirement of a Nebraska certificate to administer for a person holding the title of superintendent of schools, at the request of a school district's school board.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 163	McGill	Provide for a report on education credentials and workforce needs	Business/Labor

LB 163 requires the Department of Labor to produce an annual report regarding state workforce need projections and educational credential production.

The report would be subject to the availability of data collected by and accessible to state agencies. The Department of Labor must consult with NDE and the Coordinating Commission for Postsecondary Education to produce the report.

The report must:

- (a) Indicate the state's anticipated workforce needs and the number of degrees, certificates, and other educational credentials that public and private postsecondary educational institutions and private postsecondary career schools issue each year;
- (b) To the extent provided by sources external to the Department of Labor, indicate the number of degrees, certificates, and other educational credentials that high school vocational programs, apprenticeship programs, and other public or private workforce training programs issue each academic year;

- (c) Identify any workforce needs, including areas of specialization, within a particular vocation that may not be met by the issues of degrees, certificates, and credentials indicated above; and
- (d) Identify public or private institutions that may meet the projected workforce needs indicated above.

By January 15, 2014, and each January 15th thereafter, the Department of Labor must provide an electronic copy of the report to the Education Committee and the Business and Labor Committee of the Legislature, to the Governor, and to the governing boards of each public postsecondary educational institution in the state.

The Department of Labor must also work with NDE to provide a copy of the report to each school district and each private, parochial, and denominational elementary, middle, and high school in the state.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 177	Smith	Provide enforcement and penalty provisions to the Nebraska Wage Payment and Collection Act	Business/Labor

LB 177 amends the Nebraska Wage Payment and Collection Act by adding a new section relevant to enforcement.

The bill permits the Commissioner of Labor to investigate and subpoena records and witnesses related to the enforcement of the Nebraska Wage Payment and Collection Act and may assess a civil penalty of up to \$1,000 per violation of the Act as determined by the commissioner.

The commissioner must determine whether an employer who willfully violates the Act by not paying wages owed is liable for "waiting time damages" to the employee affected, in the amount of 50% of the wages owed. Procedures for notice and the opportunity for a hearing must be provided according to the Administrative Procedure Act. The employer may appeal an order of the commissioner in accordance with the Administrative Procedure Act.

Any employer that continues to violate the act by refusing to pay wages owed or waiting time damages will be reported by the commissioner to the county attorney for the county in which the violation occurred to prosecute the same in the county court in the county where the offense occurred. An employer found guilty of the offense would be guilty of a Class IV misdemeanor and would be charged with the costs of the action.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 291	Nordquist	Change medical payment provisions of the Nebraska Workers' Compensation Act	Business/Labor

LB 291 amends section 48-125 related to compensation payable under the Nebraska Workers' Compensation Act.

The bill provides that all medical payments payable under the Nebraska Workers' Compensation Act will be payable within 30 days after notice has been given or within 30 days after the entry of a final order, award, or judgment of the compensation court. If a medical payment is delinquent by 30 days or more, 50% would be added to the amount payable and must be paid to the employee.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 302	Wallman	Change total disability income benefits under the Nebraska Workers' Compensation Act	Business/Labor

LB 302 amends the Workers' Compensation Act (§ 48-121) relating to amounts and duration of payments.

The current law states that, for total disability, the compensation during the disability would be an amount equal to two-thirds of the wages received at the time of injury, but the compensation may not be more than the maximum or minimum weekly income benefit required under the Workers' Compensation Act. However, if at the time of injury the employee receives wages of less than the minimum weekly income benefit specified under the Act, then he/she would receive the full amount of such wages per week as compensation.

LB 302 adds new language to this section of the Act such that any weekly income benefit for total disability awarded must be adjusted each year in a proportion equal to annual increases resulting from the determination of the average weekly wage under the Act.

NOTE: The state average weekly wage is determined by the administrator of the Nebraska Workers' Compensation Court as follows: By October 1 each year, the total insured wages reported to the Department of Labor for the preceding calendar year, excluding federal employees, is divided by the average monthly number of employees insured under the Employment Security Law. The average monthly number of employees is determined by dividing the total number of employees insured under the Employment Security Law reported for such calendar year by 12. The state average annual wage is divided by 52, and the state average weekly wage is rounded to the nearest whole cent. The state average weekly wage as determined is applicable for the calendar year commencing January 1 following the October 1 determination.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 307	Nelson	Change provisions of the Nebraska Workers' Compensation Act	Business/Labor

Under the current provisions of the Workers' Compensation Act (§ 48-120), if the injured employee unreasonably refuses or neglects to avail himself or herself of medical or surgical treatment furnished by the employer, the employer is not liable for an aggravation of such injury due to such refusal and neglect and the compensation court or judge may suspend, reduce, or limit the compensation otherwise payable under the Act.

LB 307 also permits the compensation court or judge to terminate compensation otherwise payable under the Act.

The provides that the employee's refusal or neglect to avail himself/herself of medical or surgical treatment furnished by the employer will result in a rebuttable presumption that the employee's disability would have been reduced or his/her condition would have been improved if he/she had availed himself/herself of such medical or surgical treatment.

The bill further provides that if the treating physician has imposed temporary restrictions as a result of the workplace injury, the employer may provide work which will meet the restrictions for the employee at the employer's own company or at any other for-profit or not-for-profit organization or company. A refusal by the employee to do such accommodated work within the temporary restrictions imposed by the treating physician would result in a rebuttable presumption that the employee is ineligible to receive compensation for temporary disability.

Under LB 307, an employee convicted of a misdemeanor or felony in this state or any other jurisdiction is not entitled to compensation for temporary disability during any period of incarceration. Upon confirmation of the employee's incarceration, compensation for temporary disability may be terminated by the employer or insurance carrier without an order of the court.

The bill changes section 48-141 relating to lump-sum settlements such that a modification of an award in a case in which the parties cannot agree on the ground of increase or decrease of disability would be effective as of the date that the increase or decrease actually occurred. If the compensation court determines that an overpayment of income benefits has been made and no further income benefits are due, the compensation court in its discretion may order the employee or beneficiary to repay to the employer or the compensation insurer, risk management pool, or self-insurer the sum of the overpayment.

If the compensation court determines that an overpayment of income benefits has been made and further income benefits are due, the compensation court must order the overpayment to be recovered by shortening the period of future weekly income benefits or by reducing the weekly income benefit, or both. If the compensation court determines that an underpayment of income benefits has been made, whether or not further income benefits are due, the compensation court must order the employer or compensation insurer, risk management pool, or self-insurer to repay to the employee or beneficiary the sum of the underpayment. If future income benefits are due, the compensation court must order the underpayment to be recovered by lengthening the period of future weekly income benefits or by increasing the weekly income benefit or both.

Finally, LB 307 adds a new section to the Act stating that the Act must be fairly and impartially construed and applied according to the law and the evidence in the record. Notwithstanding any common law or case law to the contrary, the Act must not be presumed in favor of one party over another and must not be liberally construed in order to fulfill any beneficent purposes.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 310	Bolz	Clarify compensation for shoulder injuries under the Nebraska Workers' Compensation Act	Business/Labor

LB 310 amends section 48-121 under the Workers' Compensation Act as it pertains to schedules of compensation for injuries resulting in disability.

Under the current law, the total loss or permanent total loss of use of both hands, or both arms, or both feet, or both legs, or both eyes, or hearing in both ears, or of any two thereof, in one accident, would constitute total and permanent disability and would be compensated for accordingly.

In all other cases involving a loss or loss of use of both hands, both arms, both feet, both legs, both eyes, or hearing in both ears, total and permanent disability must be determined in accordance with the facts.

LB 310 specifies that loss of an arm does not include injuries to the shoulder regardless of the location of residual impairment, and therefore injuries to the shoulder must be compensated accordingly. (In many cases for total disability, the compensation during such disability would be two-thirds of the wages received at the time of injury.)

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 324	Lautenbaugh	Change provisions of the Nebraska Workers' Compensation Act	Business/Labor

LB 324 amends the Nebraska Workers' Compensation Act (§ 48-125) to change the amount of interest on the final award obtained, computed from the date compensation was payable until the date payment is made by the employer. The bill assigns the computation of interest at a rate equal to two percentage points above the bond investment yield, as published by the Secretary of the Treasury of the United States, of the average accepted auction price for the first auction of each annual quarter of the twenty-six-week United States Treasury bills in effect on the date of entry of the judgment (§ 45-103).

The bill also amends the Act (§ 48-144.01) relating to injury reports. The bill provides that an employee has the right, prior to an injury, to elect that the report filed with the Nebraska Workers' Compensation Court be kept confidential and not open to public inspection or copying, except as otherwise provided and as necessary for the compensation court to administer and enforce other provisions of the Nebraska Workers' Compensation Act. An election, once made, must remain in effect notwithstanding any change in employment by the employee, until and unless the election is revoked by the employee. An election or revocation must be made in a form and manner established by the compensation court. The compensation court must deny any request to inspect or copy the report for which an election has been made unless:

- a. The requester is the employee who is the subject of the report or an attorney or authorized agent of that employee. An attorney or authorized agent of the employee must provide a written authorization for inspection or copying from the employee if requested by the compensation court;
- b. the requester is the employer, workers' compensation insurer, risk management pool, or third-party administrator that is a party to the report or an attorney or authorized agent of such party. An attorney/authorized agent of a party must provide a written authorization for inspection or copying from the party if requested by the compensation court;
- c. the requester is (i) an attorney or an authorized agent of an insurer or a third-party administrator who is involved in administering any claim for insurance benefits related to

any injury of the employee whose report is filed with the compensation court or (ii) an attorney representing a party to a lawsuit filed by or on behalf of the employee whose report is filed with the compensation court. An attorney or authorized agent of such insurer or third-party administrator or an attorney representing a party to such a lawsuit must provide a written authorization for inspection or copying from the insurer, third-party administrator, or party, as applicable, if requested by the compensation court;

- d. the report will be used for the purpose of state or federal investigation or examinations or for the state or federal government to compile statistical information;
- e. the report requested is sought for the purpose of identifying the number and nature of any injuries to any employees of an employer identified in the request and the compensation court is able to and does redact any information revealing the identity of the employee prior to releasing the report;
- f. the report requested is a pleading filed with the compensation court or an exhibit submitted with a pleading filed with the compensation court;
- g. release of the report is ordered by a court of competent jurisdiction; or
- h. a revocation of such election has been made by the employee in a form and a manner established by the compensation court. Any request to inspect or copy a report must be submitted to the compensation court on a form prescribed by the compensation court.

Lastly, the bill provides that no compensation will be allowed if, at the time of or in the course of entering into employment or at the time of receiving notice of the removal of conditions from a conditional offer of employment:

- a. The employee knowingly and willfully made a false representation as to his/her physical or medical condition;
- b. the employer relied upon the false representation and the reliance was a substantial factor in the hiring; and
- c. a causal connection existed between the false representation and the injury.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 384	Nordquist	Adopt the Nebraska Exchange Transparency Act	Health

LB 384 creates the Nebraska Exchange Transparency Act with the purpose to provide state-based oversight, recommendations, and transparency regarding the implementation and operation of an affordable insurance exchange, as required by the federal Patient Protection and Affordable Care Act (42 U.S.C. 18001, et. seq.) by creating the Nebraska Exchange Stakeholder Commission.

The Nebraska Exchange Stakeholder Commission would be housed within the Department of Insurance and composed of 12 members as follows:

- (a) Nine members appointed by the Governor:

- 3 members who are health care consumer advocates, one from each congressional district, to represent the interests of individual consumers who will access health insurance in the exchange and appointed from a list of at least five individuals from each congressional district submitted to the Governor by the Executive Board;
 - 1 member to represent the interests of small businesses who are qualified to purchase health insurance in the exchange appointed from a list of at least five individuals submitted to the Governor by the Executive Board;
 - 2 members to represent the interests of health care providers in the state appointed from a list of at least ten individuals submitted to the Governor by the Health and Human Services Committee;
 - 1 member to represent the interests of health insurance carriers who are eligible to offer health insurance in the exchange appointed from a list of at least five individuals submitted to the Governor by the Banking, Commerce and Insurance Committee;
 - 1 member to represent the interests of health insurance agents who is not a captive agent of any health insurance carrier and appointed from a list of at least five individuals submitted to the Governor by the Banking, Commerce and Insurance Committee; and
 - 1 member who serves on the Nebraska Rural Health Advisory Commission;
- (b) The Director of Insurance or his/her designee who will be a nonvoting, ex officio member of the commission;
- (c) The director of the Division of Medicaid and Long-Term Care of the Department of Health and Human services or his/her designee who will be a nonvoting, ex officio member of the commission;
- (d) The director of the Division of Children and Family Services of the Department of Health and Human Services or his/her designee who will be a nonvoting, ex officio member of the commission.

The initial lists must be submitted to the Governor by July 31, 2013. The Governor must make the initial appointments by September 1, 2013.

The commission must hold at least four meetings annually and must:

- (a) Work with state and federal agencies and policymakers to provide oversight and recommendations regarding implementation and operation of an affordable insurance exchange, including, but not limited to:
- Improving access to high-quality, affordable health coverage options and to improve policies and processes on the exchange to ensure a positive and seamless consumer experience;
 - Promoting competitiveness of the exchange, minimize administrative burden for issuers, and ensure consumer protections;
 - Incorporating existing state policies, capabilities, and infrastructure that can also assist in exchange implementation and operations;
 - Ensuring the effectiveness of the navigator grant program;

- Promoting a seamless integration with the medicaid program and continuity of care for those transitioning between publicly funded coverage and private coverage; and
- Ensuring the small business health options program or SHOP Exchange meets the needs and provides value to small businesses.

- (b) Create technical and advisory groups as needed to discuss issues related to the exchange and make recommendations to the commission, state or federal agencies, and the Legislature;
- (c) Assist the exchange in meeting the stakeholder consultation requirements established in 45 C.F.R. 155.130, as it existed on January 1, 2013;
- (d) Identify challenges and problems in the implementation and operation of the exchange and prepare recommendations to alleviate the problems identified; and
- (e) Provide a written report on or before December 1, 2013, and each December 1 thereafter, to the Governor and the Legislature concerning the implementation and operation of the exchange, challenges and problems identified in the implementation and operation of the exchange, and recommendations to address such problems and challenges.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 396	Conrad	Change Nebraska Workers' Compensation Court powers	Business/Labor

LB 396 provides the Nebraska Workers' Compensation Court with the authority to issue contempt orders and to sanction or otherwise enforce conformity with a contempt order.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 485	Conrad	Prohibit discrimination based upon sexual orientation as prescribed	Government

LB 485 amends a series of existing laws to prohibit discrimination based upon sexual orientation or marital status.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 570	Harr	Adopt the Employers Certainty in Records Act	Business/Labor

LB 570 creates the Employers Certainty in Records Act and provides that any employer who engages in any type of electronic monitoring must give prior written notice to all employees who may be affected, informing them of the types of monitoring which may occur.

Electronic monitoring is defined as the collection of information on an employer's premises or property owned by the employer concerning employees' activities or communications by any means other than direct observation, including but not limited to, the use of a computer,

telephone, wire, radio, camera, electromagnetic, photoelectronic, or photooptical systems, but not including the collection of information that is prohibited under state or federal law.

An employer must post, in a conspicuous place that is readily available for viewing by its employees, a notice concerning the types of electronic monitoring in which the employer intends to engage. The notice must contain language that the employee may contact the Department of Labor if he/she believes the employer is improperly monitoring. The posting would constitute written notice.

Exception: When an employer has reasonable grounds to believe that an employee is engaged in conduct that (i) violates the law, (ii) violates the legal rights of the employer or another employee, or (iii) creates a hostile workplace environment, and electronic monitoring may produce evidence of this misconduct, the employer may conduct monitoring without giving prior written notice.

If an employer violates the provisions of the bill, the commissioner would assess the employer a \$100 civil penalty for the first violation and a \$500 civil penalty for each second and subsequent violation.

The Employers Certainty in Records Act does not apply to a criminal investigation. Any information obtained in the course of a criminal investigation through the use of electronic monitoring may be used in a disciplinary proceeding against an employee. Information not obtained in the course of a criminal investigation may only be used by the employer or employee in a disciplinary proceeding if done so within 180 days after acquiring the information. Information obtained through electronic monitoring may be used for training and education purposes and for implementation of employment practices.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 584	Smith	Change Nebraska Workers' Compensation Act medical guidelines and independent medical examiner provisions	Business/Labor

LB 584 amends the Nebraska Workers' Compensation Act relating to the independent medical examiner system (§ 48-134.01).

The current provision states that a written report of the independent medical examiner's findings must be admissible in a proceeding before the compensation court and may be received into evidence by the compensation court on its own motion.

LB 584 adds to this provision that if the parties to a dispute involving the reasonableness and necessity of medical, surgical, or hospital treatment that was not provided in accordance with the official disability guidelines (established in the bill) agree to the use of an independent medical examiner of their own choosing, whether or not the independent medical examiner is on the list established by the compensation court, the medical findings of the independent medical examiner would be binding on the parties and constitute a final resolution of the reasonableness and necessity of the medical, surgical, or hospital treatment in dispute.

If the compensation court assigns an independent medical examiner in any case involving the reasonableness and necessity of medical, surgical, or hospital treatment that was not provided in accordance with the official disability guidelines, the compensation court must adopt the medical findings of the independent medical examiner on the issue of reasonableness and necessity of medical, surgical, or hospital treatment unless there is clear and convincing evidence to the contrary in the record that does not support the medical findings.

The official disability guidelines would be those published by the Work Loss Data Institute. LB 584 provides that the medical, surgical, and hospital services provided in accordance with the official disability guidelines are presumed to be reasonable medical, surgical, and hospital services.

Learning Community

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 9	Krist	Change provisions relating to transportation for students in learning communities	Education

Under current law, students within a learning community are more likely to receive free transportation if they live more than a mile from the school and any of the following:

- Qualify for free or reduced-price lunch,
- attend or magnet school or focus school, or
- contribute to school socioeconomic diversity.

Under LB 9, a school board of any school district that is a member of a learning community must provide free transportation for a student who resides in such learning community and attends school in such school district if the student is transferring pursuant to the open enrollment program and either:

- (i) is a student who contributes to the socioeconomic diversity of enrollment at the school building to which he or she transfers and lives more than one mile from the school to which he or she transfers, or
- (ii) is a student attending a focus school or program and lives more than one mile from the school building housing the focus school or program.

The bill eliminates references to qualifications related to free and reduced lunch and provisions related to magnet school or focus schools.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 178	Kintner	Change provisions relating to transportation reimbursement and state aid to learning communities	Education

LB 178 eliminates the requirement for a learning community to provide free transportation to open enrollment students and students attending a focus school or program or a magnet school or program.

The bill also eliminates the new learning community transportation adjustment within the school finance formula (TEEOSA).

LB 178 becomes operative on July 1, 2013.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 179	Kintner	Eliminate learning communities	Education

LB 179 eliminates the Douglas-Sarpy Learning Community effective July 1, 2014.

The boundaries of all school districts within such learning community would remain the same.

Four of the five state lawmakers from Sarpy County are backing a bill that would abolish the Douglas and Sarpy County Learning Community.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 509	Murante	Change election of learning community coordinating council	Education

The learning community is currently governed by a learning community coordinating council consisting of 18 voting members, with 12 members elected on a nonpartisan ballot from 6 numbered subcouncil districts and with 6 members appointed from the subcouncil districts.

LB 509 provides that, beginning with the learning community coordinating council elected in 2014 that takes office in January 2015, the learning community would be governed by a coordinating council consisting of one member elected from each school district that is a member of the learning community. Each voter shall be allowed to cast votes for one candidate at both the primary and general elections to represent the school district in which the voter resides. The two candidates receiving the most votes in the school district at the primary election would advance to the general election. The candidate receiving the most votes in the school district at the general election would be elected. A candidate must reside in the school district for which he/she is a candidate. Coordinating council members would be elected on the nonpartisan ballot.

Miscellaneous

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 14	Krist	Adopt the Elementary and Secondary Educational Opportunity Act and provide for income tax credits	Revenue

LB 14 would create the Elementary and Secondary Educational Opportunity Act. *Senator Krist introduced a similar bill in 2011, LB 50, which did not advance from the Revenue Committee.*

LB 14 establishes and makes available to individuals and business entities a limited tax credit for contributions to state-certified, nonprofit scholarship-granting organizations, which would be

required to use no less than 95% of their revenue for scholarships to help children be able to attend private elementary and secondary schools in Nebraska.

A tax credit could be claimed for 60% of qualifying contributions made during the tax year. The credit would be nonrefundable, but any amount credit exceeding the taxpayer's liability could be carried forward up to five years. The bill proposes an aggregate, statewide cap of \$10 million in tax credits for 2013, increasing incrementally.

In addition to being required to distribute almost all of their revenue as scholarships, scholarship granting organizations also would be required to award scholarships in conjunction with at least two different schools. A qualifying school is defined as any nonprofit, private school (K-12) that satisfies the state's requirements for legal operation and does not discriminate on the basis of race, color, or national origin.

The Act becomes operative on January 1, 2013.

<i>LB 76</i>	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Nordquist	Adopt the Health Care Transparency Act	Health

LB 76 creates the Health Care Transparency Act, which requires the Director of Insurance to appoint a Health Care Data Base Advisory Committee to make recommendations regarding the creation and implementation of the Nebraska Health Care Data Base.

The database would provide a tool for objective analysis of health care costs and quality, promote transparency for health care consumers, and facilitate the reporting of health care and health quality data.

The database would be used to:

- (1) Provide information to consumers and purchasers of health care;
- (2) Determine the capacity and distribution of existing health care resources;
- (3) Identify health care needs and inform health care policy;
- (4) Evaluate the effectiveness of intervention programs on improving patient outcomes;
- (5) Review costs among various treatment settings, providers, and approaches; and
- (6) Improve the quality and affordability of patient health care and health care coverage.

The Health Care Data Base Advisory Committee would make recommendations to the Director of Insurance regarding the Nebraska Health Care Data Base that:

- (a) Include specific strategies to measure and collect data related to health care safety and quality, utilization, health outcomes, and cost;
- (b) Focus on data elements that foster quality improvement and peer group comparisons;
- (c) Facilitate value-based, cost-effective purchasing of health care services by public and private purchasers and consumers;
- (d) Result in usable and comparable information that allows public and private health care purchasers, consumers, and data analysts to identify and compare health plans, health insurers, health care facilities, and health care providers regarding the provision of safe, cost-effective, high-quality health care services;

- (e) Use and build upon existing data collection standards, reporting requirements, and methods to establish and maintain the data base in a cost-effective and efficient manner;
- (f) Incorporate and utilize claims, eligibility, and other publicly available data to the extent it is the most cost-effective method of collecting data to minimize the cost and administrative burden on data sources;
- (g) Include discussions regarding the standardization of the Nebraska Health Care Data Base with other states and regions and federal efforts concerning all-payer claims data bases;
- (h) Include discussions regarding the integration of data collection requirements of the health insurance exchange as required by the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education and Reconciliation Act of 2010, Public Law 111-152, and any amendments thereto or regulations or guidance issued under those acts;
- (i) Include discussions regarding a limit on the number of times the Nebraska Health Care Data Base may require submission of the required data elements;
- (j) Include discussions regarding a limit on the number of times the data base may change the required data elements for submission in a calendar year considering administrative costs, resources, and time required to fulfill the requests;
- (k) Include discussions regarding compliance with the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and other proprietary information related to collection and release of data;
- (l) Discuss issues surrounding the availability of the data for research and other purposes; and
- (m) Include whether the advisory committee should continue to exist and provide recommendations to the Department of Insurance regarding the Nebraska Health Care Data Base.

On or before December 1, 2013, the Director of Insurance must report to the Governor and the Legislature the recommendations of the advisory committee.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 89	Haar	Provide immunity from liability for providing shelter during a weather event	Judiciary

LB 89 amends existing law (§ 81-829.66) relating to emergency operations and immunity from liability.

The bill provides that any person using reasonable care to provide and maintain a shelter or safe room for the purpose of providing shelter to the public during a weather event declared to be a tornado warning, tornado watch, or severe thunderstorm warning by the National Weather Service of the National Oceanic and Atmospheric Administration would be held harmless from any and all claims for damages, costs, and expenses, including attorney's fees, arising from or related to providing the shelter or safe room. No cause of action would lie against any such person using reasonable care to provide and maintain a shelter or safe room during such a weather event.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 149	Pirsch	Provide for biennial reviews of state agency programs and services	Executive Board

In an attempt to eliminate “wasteful state government expenditures,” LB 149 requires a special committee to be formed prior to the beginning of the first session of each Legislature (once every two years).

The Speaker of the Legislature would convene an ad hoc committee consisting of the chairpersons of the standing committees of the Legislature and the chairperson of the Executive Board to discuss, plan, and oversee a process for standing committees and the executive board to review agency programs and services, including drafting enabling legislation to reduce wasteful state government expenditures that may be considered during the upcoming session.

The standing committees and executive board must meet and review the programs within the agencies under their subject-matter jurisdiction to identify wasteful expenditures that may be reduced or eliminated during the upcoming session.

The ad hoc committee must collaborate with the Governor and state agencies to determine what enabling legislation may be necessary.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 192	Karpisek	Change provisions relating to requests for information by the Auditor of Public Accounts	Government

LB 192 amends the Nebraska Budget Act (§ 13-513) relating to duties of the State Auditor. The bill requires the Auditor, on or before December 1 each year, to request information from each governing body regarding trade names, corporate names, or other business names under which the governing body operates.

Existing law already requires governing bodies to disclose all agreements to which the governing body is a party under the Interlocal Cooperation Act and the Joint Public Agency Act.

Governing bodies must provide all such information to the Auditor by December 31 each year.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 235	Howard	Change precinct size requirements, procedures for drawing political subdivision boundaries, provide for election advisory committees	Government

Advisory Committees: For counties having a population of more than 100,000 inhabitants, LB 235 requires the formation of an advisory committee to advise the election commissioner on matters relating to voter registration and the conduct of elections in the county. This provision would apply to Douglas, Lancaster, and Sarpy counties.

Each advisory committee would consist of six members who reside in the county which the advisory committee serves. Political party officials in such counties would each appoint two

members of the advisory committee. The election commissioner would also appoint two members who are not affiliated with either of the political parties.

The election commissioner would call meetings of the advisory committee and provide notice to the members of the time and place of the meeting.

Boundary Changes: LB 235 requires that, prior to creating, drawing, redrawing, revising, rearranging, readjusting, altering, dividing, consolidating election district boundaries, the governing body of the political subdivision or the officer charged with such responsibility must hold a public hearing and receive public comment on the proposed boundaries.

The governing body or officer must give notice of the time and place of the public hearing and the proposed boundaries to be presented at the public hearing at least one week prior to the public hearing by publication in a newspaper of general circulation in the affected political subdivision and by any other method determined to provide adequate notice to the residents of the affected political subdivision.

Voting Precincts: Current law requires the county election commissioner or county clerk to create precincts composed of compact and contiguous territory within the boundary lines of legislative districts. The precincts must contain not less than 75 nor more than 1,750 registered voters based on the number of voters voting at the last statewide general election, except that a precinct may contain less than 75 registered voters if in the judgment of the election commissioner or county clerk it is necessary to avoid creating an undue hardship on the registered voters in the precinct.

LB 235 changes the maximum number of registered voters in a given precinct to 1,000.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 254	Adams	Correct references related to the Nebraska Educational Telecommunications Commission	Education

LB 254 corrects references to the name of the Nebraska Educational Telecommunications Commission under section 81-1120.24 (relating to the Nebraska educational television network). Changes are editorial in nature.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 262	Cook	Provide duties relating to sharing of student information	Education

LB 262 proposes to amend current law (79-2,104) regarding access to school files or records. The measure includes findings that the sharing of student data, records, and information among school districts, ESUs, learning communities, and NDE, to the fullest extent practicable and permitted by law, is vital to advancing education in this state.

The bill requires the State Board of Education to adopt and promulgate rules and regulations providing for and requiring the uniform sharing of student data, records, and information among school districts, ESUs, learning communities, and NDE.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 294	Seiler	Change provisions relating to use of public resources by public officials and public employees	Government

LB 294 amends section 49-14,101.02 relating to public officials or public employees of government bodies and use of public resources or funds.

The bill creates a new exception under the existing law so that a public official who is a member of or appointed by a government body and who is acting under the direction of the government body or a public employee who works for such a public official or government body and who is acting under the direction of such public official and such government body would not be prohibited from communicating authorized information for the purpose of educating the public, or from participating in a public forum, concerning issues germane to the office or employment of the public official or public employee.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 309	Bolz	Adopt the Department of Health and Human Services Delivery Improvement and Efficiency Act	Health

LB 309 creates the Department of Health and Human Services Delivery Improvement and Efficiency Act (Act) and sets out an ambitious plan for overhauling the department's service delivery. The specific purposes of the Act are to:

- a. Simplify the management and delivery of public benefits by the department;
- b. Make the public benefits delivery system more efficient and effective;
- c. Coordinate and simplify programs and systems; and
- d. Collect and analyze data to improve the efficiency and effectiveness of the public benefits delivery system.

HHS is required to simplify documentation requirements for public benefit programs administered by the department. Such policies must include, but not be limited to:

- (1) Selection and utilization of the least burdensome and least redundant verification procedures allowed under federal law for the medical assistance program, the aid to dependent children program, the child care subsidy program, and the Supplemental Nutrition Assistance Program;
- (2) Under the Supplemental Nutrition Assistance Program, allow the use of attestation to verify client information to the greatest extent permitted, including, but not limited to, dependent childcare expenses. Such attestation must be sufficient for verification to the extent that the client information provided is not questionable; and
- (3) Using eligibility for the Supplemental Nutrition Assistance Program to automatically enroll children in the medical assistance program.

HHS must share verification of client information across the programs it administers, including (i) the medical assistance program, (ii) the aid to dependent children program, (iii) the child care subsidy program, and (iv) the Supplemental Nutrition Assistance Program, in order to permit client information verified in one program to update client information in another program.

HHS must use federal, state, and commercial databases to verify client information for eligibility for programs or services to the greatest extent possible. The department must access such databases to the extent that access does not require new or additional state funding or if new or additional state funding is required, to the extent that funding is appropriated by the Legislature for such purpose. If an appropriation is necessary, the department must request a sufficient appropriation as part of the appropriations request process.

HHS must coordinate and simplify benefit renewal in (i) the medical assistance program, (ii) the aid to dependent children program, (iii) the childcare subsidy program, and (iv) the Supplemental Nutrition Assistance Program. The department must provide for:

- (1) Renewal of benefits under all such programs simultaneously for a client, to the greatest extent possible;
- (2) Prevention of case closure at renewal for reasons other than program ineligibility, including failing to provide timely information, failing to perform a case review, or failing to appear for an appointment. In these circumstances, cases may be closed after the department has made reasonable efforts to prevent case closure; and
- (3) Allow closed cases to be reopened and eligibility to be established for an applicant whose application for assistance was denied within the previous thirty days or a client whose case was closed within the previous thirty days, as allowed under the medical assistance program, the Children's Health Insurance Program, and the Supplemental Nutrition Assistance Program.

HHS must collect and analyze data on:

- a. The percentage of case closures due to failure to renew benefits, including failing to timely provide information, failing to perform a case review, or failing to appear for an appointment, categorized by state, county, service area, and benefit type and by client language spoken, age, and the existence of disability or lack thereof;
- b. The total number of new applications, categorized by state, county, and service area and by month;
- c. The percentage of new applications that are reapplications, categorized by state, county, and service area and by month;
- d. The percentage of clients whose cases are closed who reapply for benefits within thirty days and sixty days after case closure, categorized by state, county, and service area and by month;
- e. The number of applications, renewals, and verifications that are awaiting processing, categorized by month;
- f. The frequency of cases that remain undecided or unsettled or cases which have processing delayed and the specific basis or foundation for such action or inaction, categorized by month;

- g. The average length of time clients wait for an interview and the average length of client interviews;
- h. The frequency with which clients have their questions resolved during an initial contact and the frequency with which subsequent contacts are required for client question resolutions; and
- i. The average wait times for call center calls and the frequency with which clients are unable to get a question answered during the call, categorized by month.

The department must provide a report to the Governor and the Legislature no later than December 1 each year regarding the data collected, including a summary of the data and analysis. The data and analysis collected would be considered a public record.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 355	Larson	Change the age of majority and certain age requirements	Judiciary

LB 355 would change the age of majority in Nebraska from the current 19 years of age to 18 years of age.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 367	Cook	Adopt the Twenty-First Century Developmental Education Act	Education

LB 367 creates the Twenty-First Century Developmental Education Act within which would be created the Twenty-First Century Developmental Education Initiative. The purposes of the initiative are to:

- a. Create effective developmental education systems focusing on student success;
- b. Fill in educational gaps for individuals lacking reading, writing, mathematics, science, and computer skills needed by today's workforce;
- c. Support communities through focused community college efforts to strengthen developmental education course offerings and services to assist students to enter and be successful in college-level occupational training; and
- d. Create new opportunities and options to encourage and support individuals in their pursuit to attain adequate basic skills and move into meaningful career pathway training and employment.

The Initiative must:

- a. Provide an efficient array of developmental education offerings and services to ensure that individuals have the reading, writing, mathematics, science, and computer technology skills to gain access to college-level occupational training and career pathway employment opportunities;
- b. Strengthen and better organize the continuum of basic skills offerings by closely aligning adult education course objectives, outcomes, and instruction with developmental education course objectives, outcomes, and instruction in order to help students move

more rapidly through basic skills development and allow students to pass over some developmental courses otherwise required;

- c. Expand the use of contextualized curriculum and career pathways training to allow more students to enroll simultaneously in developmental education courses and occupational skills courses, leading to increased student success and retention;
- d. Offer students more options in terms of the methods for acquiring basic skills, including, but not limited to, traditional, modular, online, and hybrid methods; and
- e. Utilize academic and support services to provide students with multiple avenues of support in traditional, modular, online, and hybrid developmental courses, linking services so staff and faculty can provide a comprehensive range of instructional and support services and maintain a team approach to service delivery.

The Initiative would be developed by the community colleges, in coordination with the Coordinating Commission for Postsecondary Education. The initiative must include:

- a. An efficient system offering a coordinated continuum of basic skills education in reading, writing, mathematics, science, and computer technology;
- b. Coordinated curriculum and outcomes, laddering instruction to result in student attainment of college-level basic skills that allow individuals to successfully enter college-level occupational training or the workforce;
- c. Contextualized curriculum that allows students to see relevance of basic skills proficiency within their chosen career fields; and
- d. Effective student support services that encourage retention and success.

The Initiative must develop methods of analyzing and reporting data to determine the following with respect to students served by the initiative:

- a. Attainment of college-level skills in reading, writing, mathematics, science, and computer technology;
- b. Successful transition into college-level occupational training;
- c. Successful completion of college-level coursework other than occupational training; and
- d. Successfully securing entry-level career path employment.

LB 367 requires an appropriation of an unspecified amount from the General Fund per fiscal year to NDE to pay community colleges for tuition for up to 30 semester credit hours or 45 quarter credit hours of developmental education for Nebraska residents who are 16 years of age or older and test below college level on the ACT Compass college-placement test to carry out the Twenty-First Century Developmental Education Act. NDE must by rule and regulation develop a process for applying for and evaluating applications for such payments.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 400	Lautenbaugh	To appropriate funds for aid to community colleges	Appropriations

LB 400 provides intent language to appropriate over a \$100 million to state aid to community colleges in each FY2013-14 and FY2014-15.

LB 401	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Lautenbaugh	Adopt the School Purchasing Act	Education

LB 401 creates the School Purchasing Act. A similar piece of legislation (LB 1168) was introduced by the same sponsor in 2012 but was not advanced from committee.

The purposes of the School Purchasing Act are to provide a uniform purchasing procedure for school district and learning community purchases of equipment, supplies, other items of personal property, and services and to provide for sale of surplus personal property that is obsolete or not usable by the school district or learning community.

The intent is to encourage school districts and learning communities to work together under the School Purchasing Act when joint purchases would be to the best advantage of such school districts and learning communities.

The Class IV and Class V school districts, Class III school district encompassing a city having a population of 50,000 inhabitants or more, and the learning community coordinating council must and all other school districts may employ a “purchasing agent” who would not be a member or officer of the board or coordinating council.

All purchases made from funds of the school district or learning community must be made through the purchasing agent. The board or coordinating council would pay the agent for such services as agreed upon at the time of employment. The purchasing agent would serve at the pleasure of the board or coordinating council and give bond in such amount as the board or coordinating council prescribes.

The purchasing agent, or the board, if there is no purchasing agent, must purchase all personal property and services required by any office, school, or facility of the school district or any office or facility of the learning community, subject to the School Purchasing Act. The purchasing agent or the board, if there is no purchasing agent, must draw up and enforce standard specifications that would apply to all personal property purchased for the use of the school district or learning community, would have charge of all central storerooms operated or established by the board or coordinating council, and would transfer personal property to or between the offices, schools, and facilities of the school district or between the offices and facilities of the learning community.

The school board, coordinating council, or purchasing agent subject to the approval of the board or coordinating council, must:

1. Prescribe the manner in which personal property will be purchased, delivered, and distributed;
2. Prescribe dates for making estimates, the future period which the estimates cover, the form in which the estimates should be submitted, and the manner of authentication;
3. Revise forms from time to time as conditions warrant;
4. Provide for the transfer to and between offices, schools, and facilities of personal property which is surplus with one but which may be needed by another or others;
5. Dispose by sale of personal property that has been declared by the board or coordinating council to be surplus and which is obsolete or not usable by the school district or learning

community. Except as otherwise provided, such property with a value of less than \$2,500 may be sold without competitive bidding. Except as otherwise provided, property with a value of \$2,500 or more must be sold through competitive bidding;

6. Prescribe the amount of cash deposit or bond to be submitted with a bid on a contract and the amount of deposit or bond to be given for the performance of a contract, if the amount of the bond is not specifically provided by law; and
7. Prescribe the manner in which claims for personal property or services delivered to any office, school, or facility of the school district or any office or facility of the learning community must be submitted, approved, and paid.

Use of Competitive Bidding Process: Purchases of personal property or services by the school board, learning community coordinating council, or purchasing agent must be made:

- a. Through the competitive sealed bidding process if the estimated value of the purchase is \$20,000 or more;
- b. By securing and recording at least three informal bids, if practicable, if the estimated value of the purchase is equal to or exceeds \$5,000, but is less than \$20,000; or
- c. By purchasing in the open market if the estimated value of the purchase is less than \$5,000. In any school district in which the board has not appointed a purchasing agent, the superintendent or his/her designee is authorized to make purchases with an estimated value less than \$5,000.

In no case may a purchase be divided to produce several purchases that are of an estimated value below that established in such subsection.

All contracts and leases must be approved as to form by the attorney for the school district or learning community, and a copy of each long-term contract or lease must be filed with the secretary of the board or with the learning community coordinating council.

A competitive bidding process would not be required (a) when purchasing unique or noncompetitive items, (b) when purchasing petroleum products, (c) when obtaining professional services or equipment maintenance, or (d) when the price has been established by one of the following: (i) The federal General Services Administration; (ii) the materiel division of the Department of Administrative Services; or (iii) a cooperative purchasing agreement by which supplies, equipment, or services are procured in accordance with a contract established by another governmental entity or group of governmental entities if the contract was established in accordance with the laws and regulations applicable to the establishing governmental entity or, if a group, the lead governmental entity.

The school board or learning community coordinating council may, by majority vote of its members, waive the bidding requirements of the School Purchasing Act if such waiver is necessary to meet an emergency that threatens serious loss of life, health, or property in the school district or coordinating council.

The board or coordinating council may waive the bidding requirements if the school district or learning community can save a significant amount of money by entering into a special purchase. The board or coordinating council must, 5 days prior to such special purchase, publish notice of its intention to make such a special purchase, stating the items considered and inviting informal

quotes. A two-thirds vote of the entire board or coordinating council must approve such special purchase.

In awarding a bid under the School Purchasing Act, the following elements must be given consideration when applicable:

- a. The price;
- b. The ability, capacity, and skill of the supplier to perform;
- c. The character, integrity, reputation, judgment, experience, and efficiency of the supplier;
- d. The quality of previous performance;
- e. Whether the supplier can perform within the time specified;
- f. The previous and existing compliance of the supplier with laws relating to the purchase or contract;
- g. The life-cost of the personal property or service in relation to the purchase price and the specific use;
- h. The performance of the personal property or service taking into consideration any commonly accepted tests and standards of product or service usability and user requirements;
- i. The energy efficiency ratio as stated by the supplier;
- j. The life-cycle costs between alternatives for all classes of equipment, the evidence of expected life, the repair and maintenance costs, and the energy consumption on a per-year basis; and
- k. Such other information as may be secured having a bearing on the decision.

When competitive sealed bidding is required:

- a. Sealed bids must be solicited by public notice in a legal newspaper of general circulation in the school district or within the geographic boundaries of the learning community at least once a week for two consecutive weeks before the final date of submitting bids;
- b. Sealed bids may also be solicited by sending requests by mail to prospective suppliers and by posting notice on a public bulletin board;
- c. Public notice under this section must contain: (a) A general description of the proposed purchase; (b) an invitation for sealed bids; (c) the name of the school district official or learning community official in charge of receiving the bids; (d) the date, time, and place the bids received must be opened; and (e) whether alternative items will be considered;
- d. All bids must remain sealed until opened on the published date and time by the school board, board of education, learning community coordinating council, purchasing agent, or designated agent;
- e. Any or all bids may be rejected and the bid need not be awarded at the time of opening, but may be held over for further consideration;
- f. If all bids received on a pending contract are for the same unit price or total amount and appear to be so as the result of collusion between the bidders, the board, coordinating council, or purchasing agent may reject all bids and purchase the personal property or services in the open market, except that the price paid in the open market may not exceed the bid price;

- g. Each bid, with the name of bidder, must be entered on a record and each record, with the successful bidder indicated thereon, must, after the award is made or contract executed, be open to public inspection; and
- h. All lettings on such bids must be public and must be conducted as provided in Chapter 73, article 1. In the event of a conflict between the School Purchasing Act and the provisions of Chapter 73, article 1, the School Purchasing Act controls.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 410	Sullivan	Change and eliminate provisions relating to education	Education

LB 410 represents the technical cleanup bill for NDE. The bill modifies, edits, and harmonizes sections of law relevant to rules and regulations, kindergarten admission, the enrollment option program, access to school files, reporting on attendance, transportation, the Tax Equity and Educational Opportunities Support Act (TEEOSA), early childhood education, the Special Education Act, educational service units, distance education reimbursement, learning community reporting, disclosure of certain records, and private postsecondary career schools.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 434	Price	Provide for emergency management registries for persons with special needs	Government

LB 434 changes the duties of the Nebraska Emergency Management Agency maintained within the office of the Adjutant General.

The measure requires the agency to cooperate with other emergency management agencies and public agencies in the development of emergency management registries that include persons with special needs and the families of such persons for purposes of planning for assistance for such persons and their families before, during, and after a disaster or other emergency.

LB 434 provides that information obtained by emergency management agencies or other public agencies for such purposes would not be considered a public record under the public records law.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 482	Kintner	Prohibit the state and political subdivisions from adopting certain policy recommendations	Government

LB 482 prohibits the State of Nebraska and all political subdivisions from adopting or implementing policy recommendations that deliberately or inadvertently infringe or restrict private property rights without due process, as may be required by policy recommendations originating in or traceable to Agenda 21.

Agenda 21 is a non-binding, voluntarily implemented action plan of the United Nations with regard to sustainable development. It is a product of the UN Conference on Environment and

Development held in Rio de Janeiro, Brazil, in 1992. It is an action agenda for the UN, other multilateral organizations, and individual governments around the world that can be executed at local, national, and global levels. The "21" in Agenda 21 refers to the 21st century. It has been affirmed and modified at subsequent UN conferences.

Sustainable development refers to a mode of human development in which resource use aims to meet human needs while preserving the environment so that these needs can be met not only in the present, but also for generations to come.

LB 482 further provides that the State of Nebraska and all political subdivisions may not enter into any agreement, expend any sum of money, receive funds, contract for services, or give financial aid to or receive financial aid from those nongovernmental and intergovernmental organizations as defined in Agenda 21.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 540	Chambers	Prohibit rules and regulations requiring teachers to lead pledge of allegiance	Education

LB 540 prohibits the State Board of Education to adopt and promulgate rules or regulations requiring teachers in the public schools to lead students in recitation of the pledge of allegiance to the U.S. flag. The bill nullifies any related rule or regulation adopted by the State Board before the effective date of the bill.

Since no effective date is provided in the bill and the emergency clause is not attached, the legislation would become effective 90 days after the Legislature adjourns sine die if passed and signed into law.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 575	Harr	Provide for professional development training for school board and learning community coordinating council members	Education

LB 575 requires members of each school board to receive professional development training on:

- the powers and duties of school board members,
- compliance with public records laws,
- compliance with education standards,
- the financial and fiduciary duties of board members,
- financial planning training, education law,
- labor law,
- ethics training, and
- information on demographics, graduation and dropout rates, truancy, staffing levels, and educational assessment scores.

Beginning January 1, 2014, all newly elected or appointed board members must receive no less than 12 hours of required professional development training within 180 days after their election or appointment.

One hour of the 12 hours of required professional development training must be dedicated to information on district/learning community demographics, graduation and dropout rates, truancy, staffing levels, and educational assessment scores. One hour must be dedicated to the creation and discussion of a board mission statement and strategic plan.

Beginning January 1, 2014, all board members who have served more than one year or who are reelected or reappointed must receive not less than 8 hours of required professional development training per year. Two of the 8 hours of required professional development training must be devoted to information on district/learning community demographics, graduation and dropout rates, truancy, staffing levels, and educational assessment scores. One hour of the 8 hours must be dedicated to the creation and discussion of a board mission statement and strategic plan.

NDE is required to provide the professional development training or approve training by other entities that may be credited toward the requirements and NDE must keep a list of all board members who have or have not completed the required professional development training.

A board member who does not complete the required professional development training within the times required may submit a written petition to the Commissioner of Education requesting a waiver granting an extension of the time period to complete required professional development training. If the commissioner denies the request for a waiver, the petitioner may appeal the decision to the State Board. However, neither the commissioner nor the state board may waive the required professional development training.

A board member who receives an extension must complete the required professional development training within 60 days after the date of the final decision. A waiver may not be granted for the calendar year prior to the year a member is eligible for reelection or reappointment.

Any board member who does not complete all the required professional development training is not eligible for reelection or reappointment during the first election cycle immediately following the term for which he/she did not complete the required professional development training, but he/she is eligible during the second and subsequent election cycles following such term.

Not later than January of each year, NDE must notify the Secretary of State of the name of any school board member who is ineligible for reelection.

Public Records/Open Meetings

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 293	Kintner	Prohibit disclosure of any applicant or permitholder information regarding firearms registration, possession, sale, or use as prescribed	Judiciary

LB 293 provides that any information obtained by the Nebraska State Patrol, the Department of Motor Vehicles, or any other state or federal department or agency regarding firearm registration, sale, or use, whether obtained for purposes of application or issued as a permit or license, is confidential and would not be considered a public record under the Public Records Laws.

The information would be available upon request to all federal, state, and local law enforcement agencies.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 363	Avery	Change provisions relating to access to public records	Government

LB 363 amends the public records laws (§ 84-712) relating to copies and fees.

When Available On-line: The current provision states that copies may be obtained only if the custodian has copying equipment reasonably available. The copies may be obtained in any form designated by the requester in which the public record is maintained or produced, including, but not limited to, printouts, electronic data, discs, tapes, and photocopies.

LB 363 amends this provision to state that a custodian is not required to copy any public record that is available to the requester on the custodian's web site. However, the custodian of the public record is required to provide the location of the public record on the Internet to the requester.

If the requester does not have reasonable access to the Internet due to lack of computer, lack of Internet availability, or inability to use a computer or the Internet, the custodian must then produce copies for the requester.

Actual Added Cost: LB 363 also changes the law with regard to how the cost of making copies is calculated. The bill uses new language, "actual added cost" to include a reasonably apportioned cost of the supplies, such as paper, toner, and equipment, used in preparing the copies, as well as any additional payment obligation of the custodian for time of contractors necessarily incurred to comply with the request for copies.

For electronic data, the actual added cost of making the copies available may include the reasonably calculated actual added cost of the computer run time, any necessary analysis and programming by the public body, public entity, public official, or third-party information technology services company contracted to provide computer services to the public body, public entity, or public official, and the production of the report in the form furnished to the requester.

However, the actual added cost used as the basis for the calculation of a fee for records may not include any charge for the existing salary or pay obligation to the public officers or employees with respect to the first six hours of searching, identifying, or copying.

A special service charge reflecting the calculated labor cost may be included in the fee for time required in excess of 6 hours, since that large a request may cause come delay or disruption of the other responsibilities of the custodian's office.

The fee for records may not include any charge for the custodian or any officer, employee, or contractor of the office to review the requested public records seeking a legal basis to withhold the public records from the public. In essence, the public may not be charged a fee for the custodian to exercise the discretion of withholding certain types of public records as outlined in section 84-712.05 (records which may be withheld from the public).

Written Requests: LB 363 also changes those provisions related to written requests for access to or copies of a public record.

Under the current provision, the custodian of the record must provide to the requester as soon as is practicable and without delay, but not more than four business days after actual receipt of the request, either:

- a. access to or, if copying equipment is reasonably available, copies of the public record,
- b. if there is a legal basis for denial of access or copies, a written denial of the request together with the required information (right of review, etc.), or
- c. if the entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request due to the significant difficulty or the extensiveness of the request, a written explanation, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity for the requester to modify or prioritize the items within the request.

LB 363 also requires that, upon such a request, the custodian of the record must provide an estimate of the expected cost of the copies within the four business day period.

The bill provides that the four business days will be computed by excluding the day the request is received, after which the designated period of time begins to run. Business day does not include a Saturday, a Sunday, or a day during which the offices of the custodian of the public records are closed.

The bill further provides that the requester will be given 10 business days to review the estimated costs, including any special service charge, and request the custodian to fulfill the original request, negotiate with the custodian to narrow or simplify the request, or withdraw the request.

If the requester does not respond to the custodian within 10 business days, the custodian may not proceed to fulfill the request.

Remedies for Denial: LB 363 also amends the section of the public records law related to denial of rights and remedies (§ 84-712.03)

The current provision states that any person denied any rights granted under the public records laws may petition the Attorney General to review the matter to determine whether a record may be withheld from public inspection or whether the public body that is custodian of such record has otherwise failed to comply with such sections.

LB 363 extends this review to whether the fees estimated or charged by the custodian are actual added costs or special service charges.

The bill clarifies that the Attorney General's determination must be made within 15 calendar days after the submission of the petition.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 521	Christensen	Require cities and villages and other public bodies that maintain web sites to publish ordinances and other information as prescribed	Government

LB 521 amends the Open Meetings Act (§ 84-1411) relating to notice of meetings.

Existing law provides that each public body must give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. The notice must be transmitted to all members of the public body and to the public.

The notice must contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which must be kept continually current, and be readily available for public inspection at the principal office of the public body during normal business hours.

LB 521 provides that if the public body maintains an official web site, the notice and agenda must be published on the web site.

Retirement

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 263	Retirement Committee	Change provisions relating to government retirement systems	Retirement

LB 263 represents the technical cleanup bill for the Nebraska Public Employees Retirement Systems (NPERS). The bill includes provisions relevant to all five state sponsored retirement systems (School Employees, State, State Patrol, County, and Judges) as well as the Class V (OPS) retirement plan.

This bill summary will incorporate only those provisions of the bill related to the School Employees and OPS retirement plans. The first part is a short summary of the provisions and the second part is a section-by-section analysis.

SHORT SUMMARY

SCHOOL EMPLOYEES PLAN:

Service allowed within 180 days of termination is clarified:

- a. voluntary service provided at least 60 days following termination; or
- b. intermittent substitute service at least 60 days following termination that does not exceed 120 cumulative hours under any employer. Also requires employer to be responsible for maintaining record of employees' substitute service hours with all employers as reported by the employee.

Regular employee definition clarified to include employees who provide service less than 15 hours per week but provide more than 500 hours within a plan year. Once this threshold is reached, contributions will begin with the next full payroll period and apply to all future employment with the same employer.

Requires school member to file retirement application 120 days (was 90) prior to effective date of member's initial benefit.

Compensation base definition is clarified to establish base years for the 9% salary cap (base year 2007) and 8% salary cap (base year 2008); also clarifies that the 5-year cap is not limited to service with one employer, but covers all school employers. (these are clean up provisions from the salary cap legislation passed in 2011.)

Termination is determined by end of member's contractual agreement or by the employer if there is no contract or partial fulfillment of a contract.

A member is not deemed terminated if the board determines that the claimed termination was false and was not a bona fide separation or the member was compensated for a full contractual period but the member terminated prior to the end of the contract.

Requires all school employee contracts to specify the contractual period of employment including the start and end date of the contract.

CLASS V (OPS) PLAN:

Updates the statute to comply with current practice of completing annual actuarial reports (rather than every 3 years as currently stated in statute).

Clarifies qualifications of an actuary employed by the board.

Authorizes the board to determine the amount of interest on purchase of service credit and delayed payments.

Adopts changes in response to amendment of applicable tax laws and incorporates by reference the limitations on maximum benefit that may be paid under IRC 415.

Eliminates required registration fee for pre-retirement planning programs.

SECTION-BY-SECTION

SCHOOL EMPLOYEES PLAN:

Section 12. [79-902] Amends retirement date definition. Also requires member to file retirement application 120 days (was 90) prior to effective date of member's initial benefit.

Definition of compensation base -- inserts baseline years for 9% and 8% caps; clarifies that caps apply whether or not member is employed by same employer or different employers; strikes obsolete language.

Termination of employment date is clarified as follows:

- termination is determined by end of member's contractual agreement or by the employer if there is no contract or partial fulfillment of a contract;
- strikes language from termination definition and moves language to 79-904.01 and 79-921;
- strikes "calendar" designation of days (statutes assume days are calendar days unless otherwise designated).

Service allowed within 180 days of termination is clarified:

- voluntary service provided at least 60 days following termination; or
- intermittent substitute service at least 60 days following termination that does not exceed 120 cumulative hours under any employer. Also requires member to be responsible for maintaining record of substitute service hours; or
- employment as a state school official with the Nebraska Department of Education as described in 79-920(2).

A member is not deemed terminated if the board determines that a claimed termination was false and was not a bona fide separation; or the member was compensated for a full contractual period but the member terminated prior to the end of the contract.

Regular employee definition clarified to include employees who provide service less than 15 hours per week but provide more than 500 hours within a plan year. Once this threshold is reached, contributions will begin with the next full payroll period and apply to all future employment with the same employer.

Section 13. [79-904.01] Inserts language stricken from definition of termination regarding repayment of benefits if termination has not occurred.

Section 14. [79-917] Extends period from 30 to 180 days for school employees to apply for vesting credit for years of service in another Nebraska governmental plan.

Section 15. [79-921] Inserts language stricken from definition of termination regarding employers' obligation to notify board of termination date.

Section 16. [79-947.06] Updates minimum accrual rate for calculation of COLA.

Section 17. [79-956] Adds clarifying language regarding member who dies before his or her retirement date.

Section 18. [79-958] Inserts IRC 414(h)(2) language regarding employer pick up of employee contributions.

Section 19. [79-962] Requires all school employee contracts to specify the contractual period of employment including the start and end date of the contract.

CLASS V (OPS) PLAN:

Section 20. [79-984] Requires annual actuarial reports.

- Section 21.* [79-987] Clarifies standards for actuary.
- Section 22.* [79-990] Authorizes interest for purchase of service credit to be determined by the board.
- Section 23.* [79-991] Authorizes interest for purchase of service credit and delayed payments to be determined by the board.
- Section 24.* [79-992] Authorizes interest on restored funds and delayed payments to be determined by the board.
- Section 25.* [79-996] Clarifies how the rate of interest is to be determined by the board for purchase of additional service credit and the interest on delayed payments.
- Section 26.* [79-9,102] Adopts changes in response to amendment of applicable tax laws; incorporates by reference the limitations on the maximum benefit that may be paid under Internal Revenue Code section 415; strikes obsolete language.
- Section 27.* [79-9,117] Eliminates the required registration fee for preretirement planning programs.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 553	Nordquist	Change provisions relating to school employee retirement	Retirement

Schedule B: LB 553 creates a second tier or “schedule B” within the School Employees Retirement Plan, which would be applicable to new hires within school districts (except OPS) and ESUs on and after July 1, 2013.

Under the schedule B plan, an employee’s benefit upon termination of employment would be based upon a five-year average of the highest compensation service years (rather than three-year average for those currently in the plan).

The cost-of-living-adjustment (COLA) for those retiring under the schedule B would be the lesser of the Consumer Price Index Urban Wage (CPI) or 1%. For current members of the plan, the COLA is the lesser of the CPI or 2.5%.

The rule of 85, 2% multiplier factor, and purchasing power adjustment remain in tact for future hires under the proposed schedule B plan.

Actuarial/Accounting: LB 553 also changes an actuarial and accounting piece within the School Employees Plan, which would be applicable to all current and future members of the Plan.

Under current law, actuarial accrued liability is determined for each employee on a level dollar basis. LB 553 would determine actuarial accrued liability for each employee on a level percentage of salary basis. This change takes into account greater ability to pay as time passes. As salaries grow, contributions would also grow.

Contributions: LB 553 inserts a “placeholder” provision in the legislation in the event circumstances require an increase in the employee contribution rate (currently set at 9.78%). The bill leaves it as an unspecified rate increase for the present time.

The bill removes the sunset for both the employee and state contribution rates. Under current law, the employee rate would revert to 7.28% (from the current 9.78%) after the 2016-17 plan year and the state contribution would revert to .7% (from the current 1%) after the 2016-17 plan year.

LB 553 proposes to increase the state contribution from 1% to 2% beginning July 1, 2013.

Lid Exclusion: Finally, the bill extends the spending lid exclusion for employer contributions in excess of 7.35% indefinitely. This lid exclusion was set to expire after the 2016-17 school fiscal year. This provision in LB 553 applies to all school districts, including OPS.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 554	Nordquist	Change provisions relating to the Class V retirement plan	Retirement

LB 554 pertains to the Class V (OPS) Retirement Plan and essentially mirrors LB 553, which pertains to the School Employees Retirement Plan.

Schedule B: LB 554 creates a second tier or “schedule B” within the OPS Retirement Plan, which would be applicable to new hires within OPS on and after July 1, 2013.

Under the schedule B plan, an employee’s benefit upon termination of employment would be based upon a five-year average of the highest compensation service years (rather than three-year average for those currently in the plan).

The cost-of-living-adjustment (COLA) for those retiring under the schedule B would be the lesser of the Consumer Price Index Urban Wage (CPI) or 1%. For current members of the plan, the COLA is the lesser of the CPI or 2.5%.

Contributions: LB 554 proposes to increase the state contribution from 1% to 2% beginning July 1, 2013.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 638	Nelson	Provide a cash balance retirement system for school employees	Retirement

LB 638 would create a cash balance retirement system for all new hires within public schools and ESUs on and after July 1, 2014. The employee contribution rate is unspecified in the bill, but the employer would pay a 100% match contribution to whatever rate would be set for the employee.

A cash balance plan offers some of the features of both defined-contribution (DC) and defined-benefit (DB) plans. However, the intent of the legislation likely includes an attempt to reduce the liability to the employer with a lower contribution rate.

School Accountability and Assessment

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 438	Adams	Provide for priority schools, operating councils, and community schools	Education

LB 438 amends the Quality Education Accountability Act and allows the State Board of Education, beginning with data from the 2013-14 school year, to designate “priority schools.”

Priority schools would represent the lowest performance category based upon school performance scores and district performance scores. Schools designated as priority schools would remain so until the designation is removed by the State Board.

No more than 5 schools may have a priority school designation at one time.

For each school designated as a priority school, the State Board must appoint an “intervention team” and an “operating council” if the school is not already a “community school” as provided in the bill.

The intervention team would be composed of up to 5 people with the education and experience to carry out the responsibilities of the team.

Intervention Team and Progress Plan: The intervention team, in collaboration with the operating council, the priority school staff, and the administration and school board of the school district with control of the priority school, must develop a “progress plan” for approval by the State Board. The intervention team must assist the school district with (i) diagnosing issues that negatively affect student achievement in the priority school, (ii) designing and implementing strategies to address such issues through the progress plan, and (iii) developing measurable indicators of progress.

The progress plan must include specific actions required by the school and the district in order to remove its classification as a priority school, including any required level of progress as indicated by the measurable indicators.

Compliance with progress plans would be a requirement to maintain accreditation for any school district that has at least one priority school.

The State Board must annually review progress plans and determine whether any modifications are needed. If a school has been designated as a priority school for the fifth consecutive year, the State Board must reevaluate the progress plan to determine if significant revisions or an entirely new progress plan are warranted.

The school board of a school district containing a priority school must permit the intervention team full access to the priority school, priority school staff, the school district, school district staff, academic information, financial information, and any other requested information.

Report: The Commissioner of Education must annually report to the Governor and the Education Committee on all schools designated as priority schools. The report will include the name of the school, the grades included in the priority school designation, the name of the school district, the years for which the school was designated a priority school, a summary of the progress plan, and the level of progress as indicated by the measurable indicators.

Community School: LB 438 provides that any public school may become a community school through the formation of an operating council, but if the school is designated as a priority school, the State Board must establish the operating council.

If a local school board receives a request from a school controlled by the school district to become a community school, the school board must hold an operating council organizational meeting at such school within 60 days after receiving the request.

Once formed, each operating council must determine the timing and procedures for selecting successor members. Each operating council must be composed of not less than three and not more than six members. An operating council would be advisory to the superintendent, the school board, and the principal of the community school on all matters affecting the community school.

One or more members of the operating council must interview and recommend staff for the community school. The superintendent of any school district containing at least one community school must provide the operating councils with copies of public information provided by the school district staff to the school board regarding the budget and staffing decisions for the community school and proposed policy changes affecting the community school. The principal of a community school must provide an opportunity for the operating council to meet with the principal not less than once each month.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 512	Scheer	Change provisions relating to academic content standards and statewide assessment and reporting	Education

Academic Content Standards: Current law requires the State Board to review the standards for each subject area every five years.

LB 512 suggests a change in this law such that the State Board would review the standards for each subject area not less than every five years and may modify the standards as it deems appropriate.

Statewide Assessment And Reporting System: Existing law allows the State Board to select additional grade levels and additional subject areas for statewide assessment instruments to comply with federal requirements.

LB 512 expands this provision to allow the State Board to select additional grade levels and additional subject areas for statewide assessment instruments to comply with federal requirements, or to administer assessment instruments that measure student knowledge relative to common academic content standards adopted by a consortium of states in particular subject areas.

School Finance

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 201	Haar	Authorize emergency expenditures by school districts and educational service units	Education

LB 201 amends current law (§ 79-526) to provide protocol for disasters or emergencies. In the event of a disaster or emergency impacting school district personnel, students, property, or operations, the school board may make emergency expenditures, enter into contracts, and incur obligations for emergency management purposes regardless of existing statutory limitations and requirements pertaining to appropriations, budgeting, levies, or the manner of entering into contracts.

If any expenditure, contract, or obligation will be in excess of or in violation of existing statutory limitations or requirements, then before any such expenditure, contract, or obligation is undertaken it must be approved by a majority vote of the school board, AND the board may not vote its approval unless it has secured the certificate of a city, village, county, or interjurisdictional emergency management director under the Emergency Management Act that such action is necessary in the public interest for emergency management purposes.

Disaster is defined in the bill as any event or the imminent threat thereof causing widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause. Emergency is defined as any event or the imminent threat thereof causing serious damage, injury, or loss of life or property resulting from any natural or manmade cause which requires immediate action to accomplish the school district’s educational purposes and to effectively respond to the event or threat of the event.

The bill also amends the Educational Service Unit Act (§ 79-1201) to provide the same authority to an ESU board.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 301	Carlson	Change provisions relating to transfer of property between school districts	Education

LB 301 amends the freeholding law (§ 79-458) and provides a process for a freeholder to transfer land back to the original school district. The bill provides that, in such cases, only the original school district (and not the school district in which in the land is currently situated) must approve the transfer back.

LB 301 provides that the freeholder may file a petition to transfer the property back to the school district from which it was transferred. Such petition must be filed before June 1 with the school board of the original school district, and the transfer would take effect if approved by such board.

Following the filing of a petition, the school board must hold a public hearing on the petition and must approve or disapprove the petition on or before July 15 following the filing of the petition. If the board approves the petition, the appropriate county officials must change the boundaries of the school districts so as to set off the land described in the petition and reattach it to the original school district with an effective date of August 15 following the filing of the petition, thereby causing the transfer to be in effect for levies set for the year in which the transfer takes effect.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 323	Haar	Create the School Finance Review Committee	Education

LB 323 re-institutes a version of the original School Finance Review Committee, which was a part of the Tax Equity and Educational Opportunities Support Act (TEEOSA). The original School Finance Review Committee existed from 1990 to 2002.

During the economic crisis, in August 2002, during the second special session, the Legislature passed LB 41 to repeal the original School Finance Review Committee. The annual savings to the state by eliminating the committee was very minimal, about \$4,700, but it demonstrated just how desperate the Legislature was to reduce costs.

Under LB 323, the School Finance Review Committee would be resurrected, albeit in a different form than that originally created under LB 1059 (1990).

The new committee would consist of the following 14 members:

- 4 members of the general public appointed by the Governor. Not more than two of the four members can be residents of the same congressional district;
- 4 members who are either school administrators, school superintendents, or school district business officials, appointed by the State Board of Education. Not more than two of such members may be residents of the same congressional district;
- 1 member from a school board from each class of school district, appointed by the chairperson of the Education Committee of the Legislature;
- 3 members of the Legislature of which at least one member must be on the Education Committee and one on the Appropriations Committee of the Legislature, appointed by the Executive Board of the Legislative Council;
- A representative of the Governor's Office, appointed by the Governor; and
- The Property Tax Administrator, who would be a nonvoting member.

Committee members would serve staggered terms of office and may be reappointed for a second term of three years.

The committee is charged with monitoring the operation of the Tax Equity and Educational Opportunities Support Act (TEEOSA) and to suggest needed revisions in the Act.

In particular, the committee would review the implementation and operation of budget growth limitations, equalization aid, the minimum levy adjustment, and expenditures of districts under the Act.

The committee must meet at least once annually and may meet more often upon the call of the chairperson. By July 1, 2014, and by July 1 each even-numbered year thereafter, the committee must make a report to the Governor, Legislature, and State Board of Education on the progress of the Act in effectuating property tax relief, broadening the tax base for the support of the public school system, equalization of the tax burden for the support of the public school system, equalization of educational opportunities for students, and the effects of budget limitations on district spending patterns.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 346	Kolowski	Authorize school districts to levy a tax and exceed budget authority for school security measures	Revenue

LB 346 provides both levy and spending authority to school districts for school security measures.

School districts may, upon a 2/3s majority vote of the school board levy a maximum levy of 1¢ on each \$100 of taxable property subject to the levy for school security measures. The levy authorized under this legislation would be excluded from the maximum levy limitations.

The bill also excludes expenditures of funds received from the levy authorized in the bill for school security measures.

If a school district makes a levy for school security measures, the school board must establish a school security fund for the proceeds of such levy. Such funds must be used only for school security measures.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 357	Haar	Change a budget limitation exemption under the Tax Equity and Educational Opportunities Support Act	Education

LB 357 changes the state aid formula (TEEOSA) and extends the spending lid exception for early retirement programs with an additional stipulation.

Under current provisions of TEEOSA, expenditures are excluded from the spending lid for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination occurring prior to July 1, 2009, or occurring on or after the last day of the 2010-11 school year and prior to the first day of the 2013-14 school year.

LB 357 extends this lid exception for those sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination occurring prior to the first day of the 2015-16 school year, to the extent that a district can demonstrate a savings in salary and benefit costs to the school district over a five-year period.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 407	Sullivan	Change calculation provisions under the Tax Equity and Educational Opportunities Support Act	Education

LB 407 represents substantial changes to the school finance formula, the Tax Equity and Educational Opportunities Support Act (TEEOSA). The bill is intended to produce amounts of state aid roughly consistent with those amounts proposed in the Governor's mainline budget bill (LB 195).

Basic Allowable Growth Rate: Under current provisions of TEEOSA, the basic allowable growth rate is .05% (for 2012-13). LB 407 changes the rate to 1.5% for 2013-14 and then moves the rate up to 2.5% for 2014-15 and thereafter.

Local Effort Rate: The current local effort rate is \$1.0395 for 2012-13. LB 407 changes the rate to \$1.03 for 2013-14 and 2014-15, and \$1.00 for 2015-16 and thereafter.

Allowances and Adjustments: LB 407 eliminates the instructional time allowance, teacher education allowance, averaging adjustment, and local choice adjustment for 2013-14 and thereafter.

The bill limits the summer school allowance to the amount reported on AFR beginning with 2014-15 state aid.

Spending Lid: LB 407 eliminates the exclusion from GFOE of expenditures for tuition paid and transportation fees paid to other districts (based upon the technical cleanup bill from 2012).

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 408	Sullivan	Change dates and provisions relating to certification and distribution of state aid	Education

In order to put the education community on notice of a potentially prolonged process to modify the parameters of the school finance formula (TEEOSA) for 2013-14 and beyond, LB 408 delays the certification of state aid to schools from March 1st to June 1st.

This legislation will give the Legislature time to debate and pass a revision, of some form, to the school finance formula.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 416	Kolowski	Change teacher education allowance provisions relative to the state aid formula	Education

LB 416 phases out the existing teacher education allowance under the state aid formula after the 2013-14 school fiscal year.

Beginning in the 2014-15 school fiscal year, LB 416 appears to require the implementation of a new allowance or adjustment under the formula for rewarding teachers who take the initiative to improve their skills and knowledge with the goal of improving student achievement, including:

- a. Attaining an advanced degree in their subject area field;
- b. Attaining an endorsement in a teacher shortage area;
- c. Attaining credentials to teach advanced placement courses;
- d. Attaining credentials to teach in the International Baccalaureate program;
- e. Attaining credentials to qualify as a master teacher;
- f. Attaining credentials to teach dual enrollment courses established by a school district and an accredited postsecondary educational institution located in Nebraska; or
- g. Attaining an endorsement to teach courses in science, technology, engineering, or mathematics.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 469	Scheer	Change an exemption to school budget lid relating to payments for a voluntary termination	Education

Under current provisions of TEEOSA, expenditures are excluded from the spending lid for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination occurring prior to July 1, 2009, or occurring on or after the last day of the 2010-11 school year and prior to the first day of the 2013-14 school year.

LB 469 extends this lid exclusion for those sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination to the extent that a district can demonstrate a savings in salary and benefit costs to the school district over a five-year period.

The bill allows the lid exclusion to exist indefinitely.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 506	Bolz	Change elementary class size allowance in the state aid formula	Education

Compensation Information: LB 506 proposes to amend existing law (§ 79-804) relating to filing the fall personnel report with NDE. Current law requires this to be filed by September 15th each year.

LB 506 requires school districts to file with this report the salaries, years of experience, benefits, certificate level, postsecondary education degree level, hours of postsecondary education, and highest degree level attained of all individuals employed by the school who are required by law to hold a certificate along with such other information as the Commissioner of Education directs.

The bill requires that salary, benefits, years of experience, and education level of instructional paraprofessionals employed by the school must also be provided in the report.

School Finance: LB 506 also changes the state aid formula to extend the elementary class size allowance through the 2015-16 school fiscal year. This allowance is currently due to sunset after the 2012-13 school fiscal year.

For school fiscal years 2013-14 through 2015-16, the elementary class size allowance would equal the statewide average general fund operating expenditures per formula student multiplied by 20% of the number of students in the school district in grades K-3 who spend at least 50% of the school day in one or more classrooms with:

- a. an appropriately certified teacher and a minimum of 10 students and a maximum of 20 students or
- b. an appropriately certified teacher and instructional paraprofessional meeting the requirements for Title I paraprofessionals of the federal ESEA, and a minimum of 21 and a maximum of 28 students.

Students would be counted as reported on the fall membership report from the school fiscal year immediately preceding the school fiscal year in which the aid is to be paid and as reported on the annual statistical summary report from the school fiscal year immediately preceding the school fiscal year in which the aid was paid for the final calculation of state aid.

LB 506 has an operative date of July 1, 2013.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 599	Sullivan	Change exemptions relating to school budget limitations	Education

Under the current provisions of the school finance formula (TEEOSA), a spending lid exclusion is provided to pay for employer contributions under the School Employees Retirement Plan in excess of 7.35%. This lid exclusion was to exist through the 2016-17 school fiscal year. A similar lid exception exists for the Class V (OPS) retirement plan.

LB 599 sunsets this lid exclusion after the 2013-14 school fiscal year.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 604	Haar	Change computation of the cost growth factor relating to state aid to schools	Education

LB 604 proposes to change the cost growth factor, which is used in the calculation of state aid.

Under the current provisions of the state aid formula (TEEOSA), the cost growth factor equals the sum of:

- a. The basic allowable growth rate for the school fiscal year in which the aid is to be distributed; PLUS
- b. the basic allowable growth rate for the school fiscal year immediately preceding the school fiscal year in which the aid is to be distributed.

LB 604 changes the cost growth factor for school fiscal year 2013-14 and thereafter to equal the sum of:

- a. The lesser of the average annual increase in the total adjusted general fund operating expenditures (AGFOE) of school districts for the five years immediately preceding the school fiscal year in which aid is to be distributed OR the average annual increase in the cost of living index for the Consumer Price Index for All Urban Consumers for the Midwest Region, as reported by the U.S. Department of Labor Bureau of Labor Statistics for the five years immediately preceding the school fiscal year in which aid is to be distributed; PLUS
- b. One-half of the difference between the average annual increase in the total AGFOE of school districts for the five years immediately preceding the school fiscal year in which aid is to be distributed and the average annual increase in the cost of living index for the Consumer Price Index for All Urban Consumers for the Midwest Region, as reported by the U.S. Department of Labor Bureau of Labor Statistics for the five years immediately preceding the school fiscal year in which aid is to be distributed.

It is not known for certain what impact this change would have on individual school districts.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 640	Hadley	Change provisions relating to the Tax Equity and Educational Opportunities Support Act	Education

Under LB 640, formula needs for 2013-14 and 2014-15 would be calculated by taking the current calculation of formula needs and subtracting the temporary aid adjustment factor, which is created in the bill. For districts that do not receive equalization aid, the reduction in formula needs does not affect aid.

Temporary aid adjustment factor means an amount equal to an unspecified percent of the total formula need of each local system as determined (reductions in allocated income taxes, net option funding, and needs stabilization funding).

Averaging Adjustment calculation would be outright repealed under the legislation.

Basic funding adjustment is added to provide an adjustment to prevent further lagging behind the rest of the state on a per student basis for districts that are low spending on a per student basis, that have a high tax levy and have high needs when compared to a similar populated peer group. Based on the districts levy there would be an adjustment within the basic funding calculation for districts with 900 or more students, if those districts are lagging behind. The districts basic funding adjustment would be based on the proportion the district lags behind.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 645	Haar	Change teacher education allowance and fall personnel report provisions	Education

Compensation Information: LB 645 proposes to amend existing law (§ 79-804) relating to filing the fall personnel report with NDE. Current law requires this to be filed by September 15th each year.

LB 645 requires school districts to file with this report the salaries, years of experience, benefits, certificate level, postsecondary education degree level, hours of postsecondary education, and highest degree level attained of all individuals employed by the school who are required by law to hold a certificate along with such other information as the Commissioner of Education directs.

The bill requires that salary, benefits, years of experience, and education level of instructional paraprofessionals employed by the school must also be provided in the report.

School Finance: The bill also changes the teacher education allowance under the school finance formula effective for the 2013-14 school fiscal year and beyond.

Under LB 645, NDE must calculate a teacher education allowance for each school district based on the weighted number of certificated teachers assigned to teach classes in the subject area or field of their degree as follows:

- a. Each certificated teacher holding a baccalaureate degree assigned to teach classes in the same subject field of his/her degree would be counted as 1.0;
- b. Each certificated teacher holding a baccalaureate degree with 9 additional credit hours of postsecondary education would be counted as 1.05;
- c. Each certificated teacher holding a baccalaureate degree with 18 additional credit hours of postsecondary education would be counted as 1.10;
- d. Each certificated teacher holding a baccalaureate degree with 27 additional credit hours of postsecondary education would be counted as 1.15;
- e. Each certificated teacher holding a master's degree would be counted as 1.20;
- f. Each certificated teacher holding a master's degree with 9 additional credit hours of postsecondary education would be counted as 1.25;
- g. Each certificated teacher holding a master's degree with 18 additional credit hours of postsecondary education would be counted as 1.30;
- h. Each certificated teacher holding a master's degree with 27 additional credit hours of postsecondary education would be counted as 1.35;
- i. Each certificated teacher holding a master's degree with 36 additional credit hours of postsecondary education would be counted as 1.40; and
- j. Each certificated teacher holding a doctorate degree would be counted as 1.45.

NDE must calculate the teacher education allowance for each school district by determining the total weighted teacher count for the district and multiplying that figure by an amount equal to \$25 million divided by the total weighted teacher count for the state.

School Organization

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 125	Lautenbaugh	Change provisions relating to boards of education of Class V school districts	Government

LB 125 changes the composition of a Class V school district board of education (Omaha Public Schools) from a 12-member body to a 9-member body.

The bill ends the terms of all current members of the OPS board on June 10, 2013 (essentially a month after the metropolitan election to be held on May 14th).

The legislation imposes term limits on the OPS board equal to two consecutive terms of office.

The emergency clause is attached to this legislation.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 253	Adams	Correct references in school statutes	Education

LB 253 is an editorial clean up bill concerning section 79-401 (reorganization of school districts).

The existing law requires that NDE in conjunction with the Bureau of Educational Research and Field Studies in the Department of Education Administration at the University of Nebraska-Lincoln should be encouraged to offer greater technical assistance to school districts which are considering reorganization options.

LB 253 clarifies that it is the Bureau of Educational Research and Field Services within the Department of Educational Administration at UNL. Minor editorial change.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 593	Lautenbaugh	Adopt the Charter Schools Act	Education

LB 593 creates the Charter Schools Act.

A charter school is defined as a public school located in a city of the metropolitan class which operates under a charter granted by the State Board of Education, operates independently of any school board, and is managed by a board of trustees.

Upon receiving a charter from the State Board, a charter school would be deemed a political subdivision and its board of trustees authorized to supervise and control the charter school.

Provisions of the legislation:

- a. No admission fee or tuition may be charged to apply to or attend the charter school;
- b. A charter school may establish reasonable academic standards as a condition for eligibility for applicants;
- c. No more than five charter schools would be allowed to operate in a city of the metropolitan class at any one time;
- d. The total number of students attending charter schools shall not at any time be greater than 1,000;

- e. A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building, or any other suitable location;
- f. A charter school must operate in accordance with the performance, testing, and assessment requirements of the Quality Education Accountability Act;
- g. Employees of a charter school would be considered employees of a political subdivision for purposes of the Political Subdivisions Tort Claims Act and public employees for purposes of the Industrial Relations Act;
- h. The Class V School Employees Retirement Act would apply to employees of a charter school;
- i. A school board must grant a leave of absence to any teacher employed by the school district requesting leave in order to teach in a charter school and a teacher may request a leave of absence for such purpose for a maximum of two years;
- j. The board of trustees of a charter school, in consultation with the teachers, would determine the charter school's curriculum and develop the school's annual budget;
- k. The Class V school district in which a charter school is located must provide transportation to the charter school for students living in such school district who attend the charter school, on the same terms and conditions as transportation is provided to students attending the public schools of such school district; and
- l. The school district of residence of each student attending a charter school must annually pay to the charter school an amount equal to the school district's actual per pupil cost for the preceding fiscal year times the number of students residing in such district who attend such charter school.

Special Education

LB 343	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Coash	Change terminology related to mental retardation	Education

LB 343 changes every reference in Nebraska law concerning mental retardation to the term “intellectual disability.”

Intellectual disability is increasingly being used as a synonym for the term mental retardation as used in standard medical references.

LB 356	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Karpisek	Prohibit participation in extracurricular and co-curricular activities as prescribed	Education

LB 356 provides that any nonpublic school that rejects an application for admission of any child with a disability may not be eligible for participation in school-sponsored co-curricular or extracurricular activities administered or managed by an organization whose purpose is statewide administration and management of such activities (NSAA).

The exception to this rule is that a nonpublic school may participate in school-sponsored co-curricular or extracurricular activities if the school (a) reimburses the school district of residence of such child for its actual expenses in providing special education services for the child and (b) provides or pays for transportation services associated with such special education services.

Co-curricular or extracurricular activity includes, but is not limited to, athletics and fine and performing arts. Fine and performing arts includes, but is not limited to, debate, journalism, live theater production, music, and speech.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 375	Lathrop	Appropriate funds to the Department of Health and Human Services to be used for services for persons with developmental disabilities	Appropriations

LB 375 requires an appropriation to the Department of Health and Human Services for each year of the next biennium in unspecified amounts to be used for services for persons with developmental disabilities who were on the waiting list and past their date of need for such services on January 18, 2013.

State Budget

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 195	Adams	Appropriate funds for state government expenses	Appropriations

Under LB 195, as proposed, state aid to education (TEEOSA) would equal \$895 million for FY2013-14 (general funds plus insurance premium tax) and \$939 million for FY2014-15 (general funds plus insurance premium tax).

GENERAL FUND APPROPRIATIONS Governor's Recommendations

	Current	FY2013-14	FY2014-15
State Aid (TEEOSA) *	\$836,867,085	\$878,684,045	\$920,018,247
SPED Reimbursement	193,893,842	203,588,534	213,767,961
ESU Core Services	10,488,509	10,488,509	10,488,509
ESU Tech Infrastructure	3,272,887	3,272,887	3,272,887
ESU Distance Education	290,365	290,365	290,365
School Breakfast Program	453,008	453,008	453,008
School Lunch Program	392,032	392,032	392,032
Learning Community Aid	882,275	500,000	500,000
Early Childhood Ed. Projects	—	1,665,962	1,665,962

* Does not include insurance premium taxes

Student Health and Welfare

LB 131	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Nordquist	Adopt the Tobacco-Free Schools Act	Education

LB 131 creates the Tobacco-Free Schools Act. The purposes of the Act are to promote and protect the health and well-being of all students and staff of all school districts in Nebraska by prohibiting the use of tobacco products by students, staff, or visitors at any time on school property or at any off-campus school-sponsored event.

Except as otherwise provided in the Tobacco-Free Schools Act, no student, staff, or visitor may use tobacco products at any time on school property or at any off-campus school-sponsored event. Tobacco products may be included in instructional activities in school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the tobacco product.

The school board of each school district must adopt appropriate policies and rules that prohibit the use of tobacco products by students, staff, and visitors on school property and persons attending an off-campus school-sponsored event and that provide for the enforcement of such policies and rules, including, but not limited to, penalties for violation of such policies and rules. Such policies and rules may be more stringent than the provisions of the Tobacco-Free Schools Act. The board must provide notice of such policies and rules to students, staff, and visitors by means that include, but are not limited to, prominent display on all school property of signs describing such policies and rules and the penalties for violation thereof.

In addition to the penalties established by the adopted policies and rules, a student under 18 years of age who violates the Tobacco-Free Schools Act is subject to the provisions of section 28-1418 (use of tobacco by minors).

In addition to the penalties established by the adopted policies and rules, any student 18 years of age or older or any staff, volunteer, or visitor who uses tobacco products at any time on school grounds or at any off-campus school-sponsored event in violation of the Tobacco-Free Schools Act is subject to the provisions of subsection section 71-5733 (violation of the Nebraska Clean Indoor Air Act).

The Tobacco-Free Schools Act is not to be construed to invalidate or limit the application of the Nebraska Clean Indoor Air Act. In the case of a conflict between the Tobacco-Free Schools Act and the Nebraska Clean Indoor Air Act, the Tobacco-Free Schools Act applies.

School systems failing to meet the provisions of the Tobacco-Free Schools Act would be guilty of a deviation from the rules and regulations for the approval and accreditation of schools, and proper action by the State Department of Education would be taken.

Definitions

"Off-campus school-sponsored event" means an event sponsored by a school or school district that is not on school property, including, but not limited to, a sporting event, a day camp, a field trip, an entertainment seminar, a dance, or a theatrical production.

"School" means any public elementary school, middle school, junior high school, middle and high school, junior-senior high school, or senior high school.

"School property" means property, whether owned, leased, rented, or otherwise used by a school, including, but not limited to, the following:

- 1) All interior portions of any building used for instruction, administration, support services, maintenance, or storage and any other structure used by a school, except that school property does not include a building primarily used as a residence;
- 2) All school grounds surrounding any building over which the school or school district is authorized to exercise dominion and control, including, but not limited to, a playground, an athletic field, a recreation area, or a parking area; and
- 3) All vehicles used by the school for the purpose of transporting students, staff, or any other persons.

"Staff" means any person employed full time or part time or under contract with the school district to whom direct or indirect wages are paid by the school district, or anyone working on a volunteer basis. Staff includes, but is not limited to, faculty, service personnel, chaperones, and others working for the school district in a paid or volunteer capacity.

"Tobacco products" means (i) cigarettes, (ii) cigars, (iii) cheroots, (iv) stogies, (v) periques, (vi) granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, (vii) snuff, (viii) snuff flour, (ix) cavendish, (x) plug and twist tobacco, (xi) fine cut and other chewing tobacco, (xii) shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco, and (xiii) other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise or both for chewing and smoking.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 143	Bloomfield	Authorize schools to adopt a child sexual abuse policy as prescribed	Education

LB 143 requires that, on or before July 1, 2014, NDE must develop a model child sexual abuse policy to assist schools in developing policies regarding child sexual abuse if schools elect to adopt such a policy.

The bill does not require school districts to adopt the policy. However, if a child sexual abuse policy is adopted by a school, the policy must be published in any school handbook, manual, or similar publication that sets forth the rules, procedures, and other policies of the school. The policy must also be presented to students in the form of an age-appropriate educational program or school assembly.

A school that adopts a child sexual abuse policy must adopt a policy that is age-appropriate for its students. The policy must include, but not be limited to, defining child sexual abuse, which may consider situations outside the statutory definitions regarding child sexual abuse, and recognizing child sexual abuse warning signs, both from the victim and the perpetrator.

Also, if a child sexual abuse policy is adopted by a school district, the school district must provide child sexual abuse training to staff deemed appropriate by the school administration. In the interests of efficiency and economy, the child sexual abuse policy training may also be provided by any school district or combination of school districts, an ESU, or any combination of ESUs.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 270	Campbell	Provide for a medicaid state plan amendment relating to services for children with serious emotional disturbance	Health

LB 270 provides that by September 1, 2013, the Department of Health and Human Services must submit a state plan amendment or waiver under the federal Social Security Act to the federal Centers for Medicare and Medicaid Services to provide coverage under the medical assistance program for home and community based services for children with serious emotional disturbance.

The amendment or waiver must provide for serving children four years of age or older and younger than 21 years of age who have been deinstitutionalized or diverted from a psychiatric hospital level of care.

Services under the waiver must include, but not be limited to, attendant care, independent living and skills building, short-term respite care, parent support and training, professional resource family care, and facilitation of wrap-around services.

“Wrap-around services” is defined as strength-based, individualized community-based services for a family with a child with a serious emotional disturbance.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 275	Nordquist	Adopt the Nebraska Coordinated School Health Act	Education

Cosponsored by ten lawmakers in addition to Senator Nordquist, LB 275 creates the Nebraska Coordinated School Health Act.

LB 275 requires an annual transfer of \$200,000 from the Education Innovation Fund to the Nebraska Coordinated School Health Fund for the next two years. NDE is required to award competitive grants under the Act to any school district if the district applies for the grant and:

- a. Is seeking funding to support the establishment of a school-based health center;
- b. Is able to demonstrate a relationship with a sponsoring facility; and
- c. Is able to demonstrate long-term financial sustainability of the school-based health center.

NDE must consider the following when selecting the recipients of competitive grants:

- a. Location in an area that has been designated as a health profession shortage area or as a medically underserved area or population; or
- b. The majority of the district's students are eligible for free or reduced-price lunches.

NDE must award competitive grants up to the amount credited to the fund as follows:

- a. Not less than 90% of the money in the fund must be awarded as competitive grants to school districts in a manner to be determined by the department; and
- b. Up to 10% of the fund may be used by the department to administer the Coordinated School Health Program.

To be eligible to receive a competitive grant under the program, a school district must provide 50% matching funds for the establishment of the school-based health center. The funds may be obtained from any source available to the school district, including in-kind contributions, community or foundation grants, individual contributions, and local governmental agency operating funds.

Funds from a competitive grant received under the program may only be used for capital construction and startup costs for school-based health centers and may not be used for ongoing operations, administration, or service delivery costs.

A school district is not eligible to receive a competitive grant under the program more than once for the same school-based health center. A district may apply for and receive a competitive grant for multiple school-based health centers within the same district but may receive only one such grant in any fiscal year.

If, within the five years following receipt of a grant for a school-based health center, a school district receiving such grant uses the facility purchased, constructed, or remodeled with grant funds for purposes other than those stated to qualify for the grant, the school district must repay the grant to the Education Innovation Fund with interest accruing from the last date the facility was used as a school-based health center as determined by NDE or the date that the department determines that the facility will not be used as a school-based health center or that such facility will not be purchased, constructed, or remodeled for such purpose.

The State Department of Education may adopt and promulgate rules and regulations to carry out the Nebraska Coordinated School Health Act.

The Nebraska Coordinated School Health Act terminates on June 30, 2015.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 276	Nordquist	Change reimbursement provisions under the Early Intervention Act and require a medicaid state plan amendment	Health

Expansion of Reimbursable Services: LB 276 seeks to expand federal Medicaid direct reimbursable services when provided by school districts and ESUs to include:

- Occupational therapy;
- physical therapy;
- speech services;
- audiology services;
- counseling, psychology, behavioral services;
- nursing;
- nutrition;
- personal assistance;
- social work;
- transportation; and
- vision services.

The bill requires the Department of Health and Human Services (HHS) to submit a state plan amendment or waiver to the federal Centers for Medicare and Medicaid Services to make this expansion of services possible by October 1, 2013.

Certification of Federal Medicaid Funds: Under current law (§ 43-2515), HHS and NDE must annually certify to the budget administrator of the budget division of the Department of Administrative Services (DAS) the amount of federal medicaid funds paid to schools under the Early Intervention Act for special education services for children 5 years of age and older.

The General Fund appropriation for state special education aid is then decreased by an amount equal to the amount that would have been reimbursed with state general funds to the school districts through the special education reimbursement process for special education services for children 5 years of age and older that was paid to school districts or approved cooperatives with federal Medicaid funds.

Intent language within this section of law states that an amount equal to the amount that would have been reimbursed with state general funds to the school districts, certified to the budget administrator, be appropriated from the General Fund to aid in carrying out the provisions of the Early Intervention Act and other related early intervention services (i.e., children birth to age 3).

LB 276 changes this law to require HHS and NDE to annually certify to the budget administrator of the budget division of the DAS the amount of federal Medicaid funds paid to school districts and ESUs under the Early Intervention Act for special education services for children five years of age and older.

The bill then caps the amount to not more than \$3 million for appropriation from the General Fund to aid in carrying out the provisions of the Early Intervention Act and other related early intervention services (i.e., children birth to age 3).

Any amount certified to the budget administrator in excess of \$3 million would be remitted by HHS to school districts and ESUs proportionally in relation to the amount of federal Medicaid funds reimbursed to school districts and ESUs. Amounts remitted in this way would not be considered other actual receipts under the state aid formula (TEEOSA).

LB 276 amends TEEOSA to ensure that these receipts would not be considered other actual receipts for purposes of calculating stat aid.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 447	Avery	Provide for sales tax on soft drinks, change the distribution of sales tax proceeds, and provide funding for projects to help children	Revenue

LB 447 removes the sales tax exemption on soft drinks at credits 67% of the revenue to the Nebraska Healthy Kids Fund and 33% to the Evidence-Based Practice Grant Fund.

The bill defines soft drinks as nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain primarily milk or milk products, soy, rice, or similar milk substitutes, or one hundred percent vegetable or fruit juice.

The bill creates the Nebraska Healthy Kids Fund to be used as follows:

Beginning January 1, 2014, and each January 1 thereafter, \$500,000 is to be transferred from the Nebraska Healthy Kids Fund to the UNK Student Health Initiative Fund (also created in the bill). The UNK Student Health Initiative Fund must be used to develop and maintain a statewide database for weight and fitness data on students in Nebraska public schools. Data for the statewide database would be gathered by districts electing to participate in data collection. UNK must provide training and technical assistance to school districts on data collection practices. UNK must use the statewide database to prepare an annual report on obesity and fitness levels among students in Nebraska public schools.

Beginning July 1, 2014, and each July 1 thereafter, 70% of the remaining funds in the Nebraska Healthy Kids Fund would be transferred to the NDE Student Health Initiative Fund (created in the bill). The Student Health Initiative Fund would be used as follows:

- to monitor compliance by school districts that receive grants (see below);
- to define the qualifications for district wellness coordinators to be hired by districts, and
- to assist districts in the development and implementation of school wellness policies.

The remaining funds would be distributed by July 15 of each year to school districts based on the following formula:

- \$10,000 to be distributed to each school district; and
- The remaining amount distributed to school districts on a pro rata basis based on the number of students in grades K-12 in each school district as determined using the most recent fall school district membership reports filed by school districts.

In order for a school district to keep the funds received, the district must certify annually to NDE, within three months after receiving such funds, that the following requirements have been met:

- The school district has hired or contracted for a district wellness coordinator that meets the qualifications prescribed by NDE. The district wellness coordinator is encouraged to be a shared position contracted through a local public health department, a community health organization, or an educational service unit for small school districts, but, at a minimum, school districts with less than 5,000 students must have hired or contracted for

a one-fifth full-time equivalent district wellness coordinator, school districts with at least 5,000 but less than 15,000 students must have hired or contracted for a one-half full-time equivalent district wellness coordinator, and districts with at least 15,000 students must have hired or contracted for one full-time equivalent district wellness coordinator;

- The school district has obtained letters of support and involvement from outside public health entities, including, but not limited to, local public health departments, universities, or community-based nonprofit organizations;
- The school district has implemented a program consistent with the NDE Education Policy for Coordinated School Health; and
- The school district has developed a school wellness policy that includes evaluation of student weight and fitness data. The school district must report such data on a yearly basis to UNK for use in the statewide database.

If in any year a school district is unable to certify that the requirements have been met, the school district must immediately return all funds received that year to NDE.

Beginning July 1, 2014, and each July thereafter, 30% of the remaining funds in the Nebraska Healthy Kids Fund must be transferred to the Department of Health and Human Services Child Health Initiative Fund (created in the bill). The Child Health Initiative Fund would help fund local public health departments.

The Evidence-Based Practice Grant Fund is also created in the bill. The fund would be administered by the Department of Health and Human Services. The fund would be used to provide grants for expanding evidence-based practices for prevention and intervention services for at-risk children in Nebraska.

This act becomes operative on October 1, 2013.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 503	Coash	Rename the Child Protection Act and provide for alternative response to a report of child abuse or neglect	Judiciary

LB 503 reaffirms public policy of the State of Nebraska to protect children whose health or welfare may be jeopardized by abuse or neglect. The bill includes intent language to strengthen the family and make the home, school, and community safe for children by promoting responsible child care in all settings and to provide, when necessary, a safe temporary or permanent home environment for abused or neglected children.

The legislation also seeks to:

- promote improved reporting of child abuse or neglect in home, school, and community settings;
- provide for alternative response, when appropriate, as the preferred response to reports not alleging substantial child abuse or neglect;
- require an investigation when the report alleges substantial child abuse or neglect; and

- provide protective services, family support, and family preservation services in appropriate cases.

LB 503 requires that, when a physician, medical institution, nurse, school employee, social worker, or any other person has reasonable cause to believe that a child has been subjected to child abuse or neglect or observes the child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect, he/she must report or cause a report of the incident to be made to HHS on a toll-free telephone number or made in writing.

The reporter must provide his/her name and address, and to the extent available:

- the address and age of the abused or neglected child,
- the address of the person or persons having custody of the abused or neglected child,
- the nature and extent of the child abuse or neglect or the conditions and circumstances that would reasonably result in the child abuse or neglect,
- any evidence of previous child abuse or neglect including the nature and extent, and
- any other information that in the opinion of the reporter may be helpful in establishing the cause of the child abuse or neglect and the identity of the perpetrator or perpetrators.

If a law enforcement agency rather than HHS receives an initial report of child abuse or neglect and immediate action is required under the circumstances, the law enforcement agency must immediately proceed with an investigation and notify HHS as soon as possible.

The bill requires HHS to maintain a statewide toll-free telephone number to be used by any person any hour of the day or night, any day of the week, to make reports of child abuse or neglect.

Upon the receipt of a report of child abuse and neglect by telephone or in writing, HHS must immediately determine the response to the report of child abuse or neglect.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 555	Nordquist	Adopt the Preparing Students for Educational Success Act	Health

LB 555 creates the Preparing Students for Educational Success Act to provide grants to nonprofit organizations that meet the following criteria:

- a. The organization provides after-school programming for students ages 5-18 years in families eligible for the federal Temporary Assistance for Needy Families program; and
- b. The organization provides evidence of increasing student achievement by the students served by such after-school programming.

The bill requires the Director of Children and Family Services of the Division of Children and Family Services of HHS to award grants in the following manner:

- a. To assist with the establishment of new after-school programs in geographic areas that serve a high concentration of students who qualify as low-income children or free lunch and free milk students or who qualify for free or reduced-price school lunch;

- b. To provide innovative after-school programs for established programs which serve a high concentration of students who qualify as low-income children or free lunch and free milk students or who qualify for free or reduced-price school lunch; and
- c. To provide additional academic programming for students who qualify as low-income children or free lunch and free milk students or who qualify for free or reduced-price school lunch, which programming extends the academic day by an additional two hours per day or more.

The legislation calls for a transfer of \$750,000 from available Temporary Assistance for Needy Families funds to the Preparing Students for Educational Success Fund on July 1, 2013, and \$750,000 from available Temporary Assistance for Needy Families funds to the Preparing Students for Educational Success Fund on July 1, 2014.

Superintendent Contracts

LB 274	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Nordquist	Adopt the Education Compensation Transparency Act	Education

Cosponsored by Senator Ashford, LB 274 creates the Education Compensation Transparency Act. The measure was introduced in response to recent events involving financial payouts to several school superintendents.

LB 274 requires that, within 30 days after a school board or an ESU board adopts its annual operating budget and within 30 days after such board adopts a revision to such budget, the following information about the superintendent or ESU administrator must be published in a form and manner prescribed by NDE on the home page of the school district/ESU's web site:

- The total salary and a description of each fringe benefit; and
- Any additional benefits contained in the contract, in policy, or provided through action taken by the board.

NDE must create a standard format in which the information required would be reported on the home page of the school district/ESU's web site. The information must be reported to NDE upon publication and must also be made available on NDE's web site either by means of a link to the home page of the school district or ESU or in a form and manner prescribed by NDE.

LB 470	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Scheer	Adopt the Superintendent Pay Transparency Act	Education

LB 470 creates the Superintendent Pay Transparency Act.

Before a school board approves a superintendent contract or approves any amendment to the contract (including those amendments involving salary increases or benefit changes), the school board must publish a copy of the contract or amendment and a reasonable estimate of all current

and future costs to the school district if the contract or amendment were to be approved at least 5 days before the meeting of the school board at which the contract or amendment will be considered.

The bill allows for publication on the web site of the school district to satisfy the notice requirement if it is prominently displayed and allows public access to the entire contract or amendment.

After approval of the contract or any amendment to such contract, the approving school board must file a copy with NDE by the next succeeding August 1st. NDE would have no duty to review the contracts or amendments but must publicly post all such documents received on the department web site.

Withholding of State Aid and Other Funds: If the school board fails to timely file a copy of an approved contract for superintendent services or an approved amendment to such contract with NDE, the Commissioner of Education, after notice to the school board and an opportunity to be heard, must direct that any state aid granted under the state aid formula to the school district be withheld until the contract or amendment is received by NDE.

In addition, the Commissioner must direct the county treasurer to withhold all school money belonging to the school district until the Commissioner notifies the county treasurer of receipt of such documents.

For school districts that are members of learning communities, a determination of school money belonging to the school district would be based on the proportionate share of state aid and property tax receipts allocated to the school district by the learning community coordinating council, and the county treasurer must withhold such school money in the possession of the county treasurer from the school district.

If the school board does not comply prior to the end of the state's biennium following the biennium that included the school fiscal year for which state aid was calculated, the state aid funds would revert to the General Fund.

Budget Statement: The bill also amends the Nebraska Budget Act such that, for school districts, a separate identification on the budget statement must be made for all costs reasonably anticipated to be incurred as a result of the approval of a contract for superintendent services rendered to the school district or the approval of any amendment to the contract.

LB 470 contains an operative date of July 1, 2013 and carries the emergency clause.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 539	Chambers	Prohibit requiring teaching experience for superintendents	Education

LB 539 provides that a school board may not require any candidate for superintendent of schools to have teaching experience.

The bill voids any rule or regulation adopted by the State Board of Education authorizing school boards to include such a requirement in any contract of employment.

Taxation

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LR 2CA	Pirsch	Constitutional amendment to require that any bill that imposes or increases a tax be approved by a majority of the members of the Legislature plus four	Revenue

LR 2CA proposes to amend the Nebraska Constitution, Article III, Section 13 relating to the powers of the Legislature.

The current constitutional provision states that no bill may be passed by the Legislature unless by the assent of a majority of all members elected to the Legislature. LR 2CA provides an exception to this general rule when the bill in question imposes a tax or increases the rate of a tax. In such cases, the bill would require the assent of a majority of all the members elected to the Legislature plus four. With present body consisting of 49 elected members, a tax measure would require the affirmative vote of 29 members.

If approved by the Legislature, the amendment would appear on the 2014 general election ballot.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 74	Janssen	Exempt social security benefits from state income taxation	Revenue

Beginning January 1, 2013, federal adjusted gross income would be reduced by the amount received as social security benefits under the federal Social Security Act that are included in the federal adjusted gross income.

The impact on state revenues has not yet been determined.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 101	Watermeier	Change valuation of agricultural land and horticultural land	Revenue

For purposes of calculating state aid, the TEEOSA establishes a state aid value of real property. The current state aid value is set at 96% of actual value for land other than ag land and 72% of actual value for ag land.

LB 101 would propose a gradual reduction in state aid value for ag land as follows:

2014 ... 70%
 2015 ... 68%
 2016 ... 66%
 2017 ... 64%
 2018 and after ... 62%

The result of this gradual reduction in state aid value will be a greater reliance upon state funding and/or higher levy limits in order to compensate for the reduced ag land value.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 145	Brasch	Change valuation of agricultural land and horticultural land	Revenue

LB 145 changes ag land and special valuation land values from 75% of its actual value to 65% effective January 1, 2014.

The bill also changes the acceptable range for valuation for purposes of assessment from the current 69% to 75%, to 59% to 65% for both ag land and special valuation land.

Finally, LB 145 changes state aid value. For purposes of calculating state aid, the TEEOSA establishes a state aid value of real property. The current state aid value is set at 72% of actual value for ag land and special valuation land. LB 145 reduces state aid value for ag land and special valuation land to 62%.

The result of this reduction in state aid value will be a greater reliance upon state funding and/or higher levy limits in order to compensate for the reduced ag land and special valuation land value.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 227	Kintner	Exclude retirement benefits from state income taxation	Revenue

LB 227 provides a gradual increase over a short period of years of state income tax exclusion for retirement benefits.

For tax year 2014, one-third of all amounts received as retirement benefits would be excluded to the extent such benefits are included in federal adjusted gross income.

For tax year 2015, two-thirds of all amounts received as retirement benefits would be excluded to the extent such benefits are included in federal adjusted gross income.

For tax year 2016, 100% all amounts received as retirement benefits would be excluded to the extent such benefits are included in federal adjusted gross income.

Qualifying retirement benefits include the total amount of governmental or other pension or retirement pay, including, but not limited to:

- pay received under the federal Social Security Act,
- defined benefit or defined contribution plans,
- annuities,
- individual retirement accounts,
- plans maintained or contributed to by an employer, or maintained or contributed to by a self-employed person as an employer, and
- deferred compensation plans or any earnings attributable to deferred compensation plans.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 238	Crawford	Exempt social security and certain retirement benefits from state income taxation	Revenue

Beginning in tax year 2013, federal adjusted gross income would be modified to exclude \$1 of retirement income for every \$1 of nonretirement income. The maximum exclusion would be limited to:

- \$60,000 for taxpayers filing a married filing joint return; and
- \$30,000 for taxpayers filing any other return.

If the taxpayer's federal adjusted gross income exceeds \$120,000, the maximum exclusion would be reduced by \$1 for every \$1 that such taxpayer's income exceeds \$120,000. For taxpayers filing any other return, if such taxpayer's federal adjusted gross income exceeds \$60,000, the maximum exclusion would be reduced by \$1 for every \$1 that such taxpayer's income exceeds \$60,000.

“Nonretirement income” is defined as income other than retirement income that is included in the taxpayer's federal adjusted gross income and is earned in Nebraska. Nonretirement income excludes investment income.

“Retirement income” is defined as any of the following amounts received which are included in the taxpayer's federal adjusted gross income:

- The amount received as benefits under the federal Social Security Act;
- The amount received as a retirement benefit under a retirement plan qualified under section 401(a) or 403(a) plans; and
- The amount received as a retirement benefit from the retirement systems provided for in the Class V School Employees Retirement Act, the County Employees Retirement Act, the Judges Retirement Act, the Nebraska State Patrol Retirement Act, the School Employees Retirement Act, the State Employees Retirement Act, the United States civil service retirement system, and the United States military employee retirement system.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 317	Price	Change a duty of county assessors relating to real property valuation	Revenue

LB 317 amends existing law (§ 77-1311.03) county assessors and systematic inspection and review of real property.

Under current provisions of law, county assessors must conduct a systematic inspection and review by class or subclass of a portion of the taxable real property parcels in the county for the purpose of achieving uniform and proportionate valuations and assuring that the real property record data accurately reflects the property by March 19th each year.**

The county assessor must adjust the value of all other taxable real property parcels by class or subclass in the county so that the value of all real property is uniform and proportionate. The county assessor must determine the portion to be inspected and reviewed each year to assure that all parcels of real property in the county have been inspected and reviewed.

LB 317 provides that the county assessor must determine the portion to be inspected and reviewed each year to assure that all parcels of real property in the county have been inspected and reviewed no less frequently than every three years in counties having a population of more than 100,000 inhabitants according to the most recent federal decennial census and every six years in all other counties.

** The same section of law provides that, beginning January 1, 2014, in any county with a population of at least 150,000 inhabitants according to the most recent federal decennial census, the inspection and review must be conducted on or before March 25th.

LB 327	<i>Sponsor</i> Pirsch	<i>Subject</i> Change income tax rates	<i>Committee</i> Revenue
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LB 327 reduces the tax rate under each bracket for individual income taxes. The result of LB 327 is to reduce each bracket by approximately 10%. The impact of such a reduction in tax revenue to the state is not yet determined.

Individual Income Tax Brackets and Rates
(Current)

Bracket Number	Single Individuals	Married, Filing Jointly	Head of Household	Married, Filing Separate	Estates and Trusts	Tax Rate
1	\$0-2,999	\$0-5,999	\$0-5,599	\$0-2,999	\$0-499	2.46%
2	\$3,000-17,999	\$6,000-35,999	\$5,600-28,799	\$3,000-17,999	\$500-4,699	3.51%
3	\$18,000-28,999	\$36,000-57,999	\$28,800-42,999	\$18,000-28,999	\$4,700-15,149	5.01%
4	\$29,000 and Over	\$58,000 and Over	\$43,000 and Over	\$29,000 and Over	\$15,150 and Over	6.84%

Individual Income Tax Brackets and Rates
(As per LB 327)

Bracket Number	Single Individuals	Married, Filing Jointly	Head of Household	Married, Filing Separate	Estates and Trusts	Tax Rate
1	\$0-2,999	\$0-5,999	\$0-5,599	\$0-2,999	\$0-499	2.20%
2	\$3,000-17,999	\$6,000-35,999	\$5,600-28,799	\$3,000-17,999	\$500-4,699	3.20%
3	\$18,000-28,999	\$36,000-57,999	\$28,800-42,999	\$18,000-28,999	\$4,700-15,149	4.50%
4	\$29,000 and Over	\$58,000 and Over	\$43,000 and Over	\$29,000 and Over	\$15,150 and Over	6.20%

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 328	Pirsch	Change corporate income tax rates	Revenue

Under the current Revenue Act, the corporate income tax rate is 5.58% on the first \$100,000 of taxable income and at the rate of 7.81% on all taxable income in excess of \$100,000.

LB 328 changes the corporate tax rate, beginning on January 1, 2014, to equal the same rates and income brackets as are used for single individuals under the Revenue Act. This would result in a substantial decrease in corporate income taxes under the current individual income rate schedule.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 405	McCoy	Eliminate certain sales tax exemptions, corporate and individual income taxes, and the franchise tax and change other tax provisions	Revenue

LB 405 represents a sweeping tax reform package introduced on behalf of the Governor. The bill would eliminate all Nebraska corporate and individual income taxes, including those levied on retirees, and shift about \$2.4 billion of taxes onto items now exempted from the sales tax.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 406	McCoy	Change tax provisions	Revenue

LB 406 represents a less sweeping tax reform package than LB 405, both bills were introduced on behalf of the Governor.

LB 406 would end only the state's corporate income tax and lower income taxes on Social Security checks and other pension income. It would require a tax swap of about \$395 million, and the elimination of only nine sales tax exemptions.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 489	Rev. Com.	Change the sales tax rate	Revenue

LB 489 represents a placeholder piece of legislation in the event the Revenue Committee deems it necessary to change the state sales tax rate, which is currently 5.5% and has been since 2002. LB 489 does not specify a new rate but merely creates a legislative vehicle for such a change if necessary.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 490	Rev. Com.	Change the income tax rates	Revenue

LB 490 represents a placeholder piece of legislation in the event the Revenue Committee deems it necessary to change the state individual income tax rates. LB 490 does not specify a new schedule of rates but merely creates a legislative vehicle for such a change if necessary.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 531	Conrad	Change distribution of sales and use tax revenue and repeal the Build Nebraska Act	Revenue

In 2011 the Legislature passed LB 84, the Build Nebraska Act, sponsored by Senator Deb Fischer. Effective July 1, 2013 until July 1, 2033, the proceeds from a sales and use tax rate of one-quarter of one percent are credited 85% to the State Highway Capital Improvement Fund and 15% to the Highway Allocation Fund.

LB 531 proposes to repeal this Act and return millions of dollars in sales tax revenue back to the General Fund.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 532	Conrad	Change income tax rates	Revenue

LB 532 creates a new individual income tax bracket for those earning \$400,000 or more. The new bracket would carry a tax rate of 7.74%. These individuals would pay 6.84% under the current income tax system.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 547	Kolowski	Provide an income tax credit for payments to school districts for extracurricular activities and character education programs	Revenue

LB 547 amends the Nebraska Revenue Act to provide an income tax credit for fees paid or cash contributions made to school districts for the support of extracurricular activities or character education programs. The credit would be effective for the 2013 tax year and thereafter.

The tax credit may not exceed:

- \$500 for a single individual or a head of household; or
- \$1,000 for a married couple filing jointly.

The credit allowed under LB 547 would be in lieu of any deduction under the Internal Revenue Code taken for state tax purposes. The bill provides that if the allowable tax credit exceeds the amount of income taxes otherwise due, the taxpayer may carry the amount of the unused credit forward for up to five years.

The school district that receives cash contributions that are not designated for a specific purpose must determine how the cash contributions are used at such school district.

The bill permits but does not require school districts to develop and provide a character education program for students in any of grades K-12. If the district chooses to develop such a policy, it must include:

- a. Instruction in the definition and application of at least 6 of the following character traits: Truthfulness; responsibility; compassion; diligence; sincerity; trustworthiness; respect; attentiveness; obedience; orderliness; forgiveness; virtue; fairness; caring; citizenship; sportsmanship; and integrity;
- b. The use of activities, discussions, visual media, and literacy presentations to illustrate and reinforce the application of the character traits; and
- c. Presentations by teachers or mentors who demonstrate the character traits.

Parents may elect for their child not to participate in the character education program. A school district with a character education program may accept donations or charge fees for the program if the program is not offered during regular school hours.

NOTE: The bill defines extracurricular activity as a school sponsored activity that requires enrolled students to pay a fee in order to participate, including fees for band uniforms, equipment or uniforms for varsity athletic events, scientific laboratory materials, and in-state or out-of-state trips that are solely for competitive events. Extracurricular activity does not include any event that is a recreational, amusement, or tourist activity.

LB 618	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Karpisek	Create the Agricultural Land Valuation Task Force	Revenue

LB 618 creates the Agricultural Land Valuation Task Force to develop a report examining alternative methods for an income capitalization approach to the valuation of agricultural land. The report must make recommendations on whether such an approach should be utilized for tax purposes in the State of Nebraska.

The report and recommendations must consider:

- a. An analysis of whether an income capitalization approach will result in values that are uniform and proportionate for all property within the class of agricultural and horticultural land and any subclasses within that class;
- b. Whether a recommended income capitalization approach will preserve a viable appeals process for taxpayers;
- c. The availability of information and data for crop prices, land rent, crop uses, crop productivity, and crop and livestock expenses. The task force may contract with the University of Nebraska College of Agricultural Sciences and Natural Resources for the purpose of developing data sources to be used in the proposed income capitalization approach;
- d. The roles and functions of county assessors and the Department of Revenue in implementing an income capitalization approach;
- e. The administrative cost of an income capitalization approach in comparison to the current method; and
- f. An analysis of alternative methods for determining the value of agricultural land, including a method based on establishing a relationship between soil productivity and value.

The task force would be allotted \$50,000 to conduct its work and must complete the report by March 1, 2014.

Tort Claims

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 284	Conrad	Change provisions of the Political Subdivisions Tort Claims Act relating to limits on actions and amounts recoverable	Judiciary

LB 284 makes two significant changes to the Political Subdivisions Tort Claims Act.

The bill extends the statute of limitations from one year to two years.

The bill also sets new caps on the total amount recoverable against any employee for claims arising out of an occurrence. The current caps are \$1 million for any person for any number of claims arising out of a single occurrence and \$5 million for all claims arising out of a single occurrence.

LB 284 sets the caps at \$3 million for any person for any number of claims arising out of a single occurrence and \$12 million for all claims arising out of a single occurrence.

Transportation

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 10	Krist	Change and eliminate provisions relating to occupant protection systems	Transportation

LB 10 requires seatbelts to be worn by all occupants in a vehicle, not just those in the front seats. It also removes the stipulation that seatbelt violations are only secondary offenses.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 31	Hadley	Change provisions relating to parking permits for temporarily handicapped or disabled persons	Urban Affairs

LB 31 changes the application process for a handicapped or disabled parking permit with regard to the certification of the handicap or disability by a physician, a physician assistant, or an advanced practice registered nurse.

Under current law (§ 60-3,113.02), in the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant, or advanced practice registered nurse must indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six months, whichever is less.

LB 31 changes this provision to require the certifying physician, physician assistant, or advanced practice registered nurse to recommend that the permit for the temporarily handicapped or disabled person be issued for either a three-month period or a six-month period, with such recommendation to be based on the estimated date of recovery.

The bill also provides that all handicapped or disabled parking permits for temporarily handicapped or disabled persons must be issued for a period ending either three months after the date of issuance or six months after the date of issuance, with such period to be based on the estimated date of recovery, but such permit may be renewed one time for a similar three-month or six-month period.

LB 118	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Harms	Change texting enforcement provisions	Transportation

Current law (§ 60-6,179.01), with certain exceptions, no person may use a handheld wireless communication device to read a written communication, manually type a written communication, or send a written communication while operating a motor vehicle, which is in motion.

Enforcement of this law is accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a traffic violation or some other offense.

LB 118 makes the offense a primary action by state or local law enforcement agencies.

LB 189	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Harms	Change provisions and penalties relating to occupant protection systems	Transportation

LB 189 requires seatbelts to be worn by all occupants in a vehicle, not just those in the front seats. It also removes the stipulation that seatbelt violations are only secondary offenses.

The bill makes the offense of failure to wear an occupant protection system a \$100 fine (currently a \$25 fine) and a loss of one point.

LB 258	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Sullivan	Prohibit use of certain wireless devices by school bus drivers as prescribed	Transportation

LB 258 amends existing law (§ 79-609) pertaining to school bus operation and clarifies that an operator of a school bus, including any school bus which transports students by direct contract with the students or their parents and not owned by or under contract with a school district or nonpublic school, may not, whenever the vehicle is in motion, use any type of interactive wireless communication device.

The bill would not apply to any dispatch communication device.

LB 393	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
	Bloomfield	Change helmet and eye protection provisions regarding motorcycles	Transportation

LB 393 amends existing law to require a person operating a motorcycle or moped on any highway in this state to wear eye protection. "Eye protection" is defined as glasses that cover the orbital region of a person's face, a protective face shield attached to a protective helmet, goggles, or a windshield on the motorcycle or moped that protects the operator's and passenger's horizontal line of vision in all operating positions.

LB 393 also changes the helmet law. Current law requires that a person operating or a passenger on a motorcycle or moped on any highway in this state must wear a protective helmet.

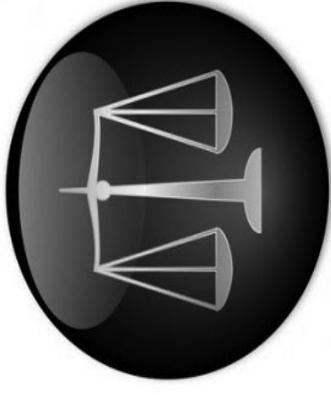
The bill stipulates that a person who is at least 21 years of age is exempt from the helmet law and those exempt must have the words "helmet not required" printed on his/her Class M operator's license or on his/her operator's license underneath the Class M endorsement.

	<i>Sponsor</i>	<i>Subject</i>	<i>Committee</i>
LB 500	Brasch	Change school bus operation provisions	Transportation

LB 500 changes existing law (§ 60-6,175) relating to school bus safety requirements. Under the current provisions, a school bus may not stop to load or unload students unless there is at least 400 feet of clear vision in each direction of travel.

LB 500 changes this provision to state that no school bus may stop to load or unload students outside of the corporate limits of any city/village or on any part of the state highway system within the corporate limits of a city/village, unless there is at least 400 feet of clear vision in each direction of travel.

Back to the Basics:



School Law for Board Members

March 5
Gering Civic Center

March 6
Kearney Holiday Inn

March 12
Lincoln - Holiday Inn Downtown

March 13
Norfolk- Lifelong Learning Ctr.

5:15 to 9 p.m.

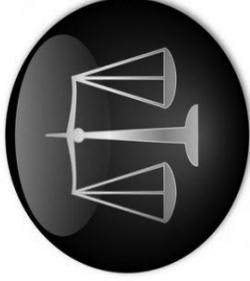
Register online at www.nasbonline.org

Non-profit org.
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of School Boards



1311 Stockwell Street,
Lincoln, NE 68502
Return Requested

Back to the Basics: School Law for Board Members



Agenda

- 5:15 p.m. Registration
- 5:15 p.m. Light Dinner Buffet
- 6 p.m. School Board Authority
- 6:30 p.m. School Board Operations
- 7 p.m. School Board Liability and Board Member Liability
- 7:30 p.m. Break
- 7:40 p.m. Student Rights
- 8:10 p.m. Employee Rights
- 8:40 p.m. The Board's Attorney —
Megan Neiles-Brasch, NASB Legal Counsel
- 8:50 p.m. Questions & Answers
- 9 p.m. Adjournment

Back to the Basics of School Law

Perhaps the most imposing demand society places on school board members is the demand that they know, and adhere to, the intent and limitations of the law. Nearly everything your board does is influenced by some statutory requirement.

The Program

With that kind of legal responsibility, your board has a duty to become the most informed and expert consumer of legal services possible. This workshop will get you started in the right direction by presenting basic knowledge about the law as it directly relates to your board service.

Past years' participants have suggested that this is a "must" for all people serving in a position of school leadership. The workshop is not about "hot" topics or the latest developments in school law. Instead, it is a program devoted to the fundamental concepts of school law which locally elected school board members need to know.

The program will include sessions taught by attorneys who work with school law on a regular basis. Subjects include: School Board Authority, School Board Operations, School Board Liability and Board Member Liability, Student Rights, Employee Rights, and the Board's Attorney.

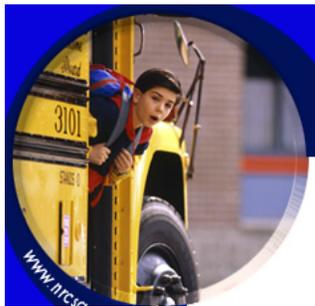
Registration Information

The workshop will be offered in four locations: March 5 at the Gering Civic Center; March 6 at the Kearney Holiday Inn; March 12 at the Downton Holiday Inn in Lincoln; and March 13 at Lifelong Learning Center in Norfolk. **The registration deadline is Feb. 26 for Gering and Kearney, and March 5 for Lincoln and Norfolk.**

A light dinner buffet will begin at 5:15 p.m. The program will follow at 6 p.m. The \$85 registration fee includes supper, break refreshments, and workshop materials.

Don't miss this opportunity to build your understanding of the laws that govern your board's operations.

Register online at www.nasbonline.org



Spring Conference

The 2013 NRCSA Spring Conference

The 2013 NRCSA Spring Conference will be held on March 21 & 22, 2013 at the Kearney holiday Inn and Convention Center. Information and registration forms available, check back often!

If you have any questions, comments, or concerns regarding the Spring Conference please contact Jeff Bundy at (402) 202-6028 or via e-mail at jbundy@nrcca

Registration Forms

****Note: The PDF versions of the forms can be completed by typing in the highlighted boxes. Use the 'Save As' command to save a create a new version of the completed form which can be printed or e-mailed to NRCSA.****

Member Registration

Member and non-member school districts may register for the 2013 Spring Conference using the links below. The registration fee is \$180.00 per person for member schools. To register, simply complete one of the forms below and return it to NRCSA along with payment for the registrations. **Registrations may be cancelled responsible for all registration fees after that date.**

[2013 NRCSA Spring Conference Member Registration Form \(PDF Version\)](#)

[2013 NRCSA Spring Conference Member Registration Form \(on-line Version\)](#)

Exhibitor Registration

Exhibitors may register for the 2013 Spring Conference using the link below. The registration fee is \$390.00 per space. There are a total of 70 exhibit spaces available. Return it to NRCSA along with payment for the registration. **Registrations may be cancelled through Monday March 19, 2013. Exhibitors will be responsible for all registration fees after that date.**

Exhibit registration is closed, all tables have been sold.

Exhibitors still wishing to attend the conference may join a waiting list in case there are cancellations, or one (1) person may represent your company at the conference. Representing your company without a table is \$390.00

Exhibitor Directory

Download the Exhibitor directory in PDF.

[2012 NRCSA Exhibitor Directory](#)

Keynote Speakers



Andrew McCrea

Farmer and rancher...popular author...nationally syndicated radio broadcaster...it's a unique combination that captivates and challenges audiences to action. Since 1996 Andrew McCrea has traveled the nation, producing the "American Countryside" features that are heard each day on radio stations coast-to-coast. Often described as today's Charles Kuralt, he's interviewed Emmy and Grammy winners, All-star athletes, Iditarod sled dog mushers, and even the world's rooster crowing champion! He's been body slammed by professional wrestlers, traveled to the launch pads at Cape Canaveral, and chronicled the plight of Central America's coffee farmers.

But what makes Andrew unique is the broad background his life encompasses. He continues to manage and work on his family's 3500 acre ranch in northwest Missouri. He checks cattle on horseback and even tracks down news stories on his cell phone while operating a combine or tractor. His blend of humor and real-life strategies for living life with purpose inspire groups to action.



Dr. Jon Hill, Executive Director of the NREA, Dr. Roger Breed, Commissioner of Education

Dr. John Hill is the Executive Director of the National Rural Education Association (NREA). Dr. Hill has served as a middle school assistant superintendent, and superintendent. His primary interests are those issues which impact rural schools and the role of instruction involved in the Purdue Educational Leadership Initiative for Small and Rural Schools and the Woodrow Wilson Fellowship program.



Spring Conference

Golf Tournament

District Meetings

Legislative Forum

Exhibitor Directory

Calendar

USbank One Card

Links

Contact Us



Dr. Roger Breed has served as Commissioner of Education since 2009. Throughout his thirty-eight year career in Nebraska public schools, he has been an active participant on numerous committees and boards responsible for examining issues and developing recommendations regarding state standards, assessment, and other significant school policy issues.



Danny Woodhead

Danny Woodhead was born January 25, 1985 in North Platte, Nebraska. He graduated from North Platte High School and attended the University of Nebraska at Omaha.

Woodhead set several NCAA college football rushing records, including single season rushing and all-time rushing. In 2007, he was named the best player in NCAA Division II, making him the third player to win the trophy twice in its history. On October 6, 2007, he set a new record for a 100-yard rushing play. He held this record until it was broken on December 13, 2008.

Woodhead signed as an undrafted free agent with the New York Jets in 2008, and with the New England Patriots in 2011. He appeared in fifty-seven games, starting nine, and has rushed for over 1,200 yards in his career. He believes in positive football and is a member of the Patriots offense.

Concurrent Sessions

15 Minutes a Month

This session will focus on federal legislative activities, including strategies to influence members of Congress in their deliberations. Presented by Dr. John Hill, NRCSA Association

2013 Retirement Update

This session will focus on the status of the School Employees Retirement Plan, including remarks from members of the investment council overseeing the investment of the Employees Retirement System

Accreditation and School Improvement

All public school districts in Nebraska are required by law to be accredited. This session will provide a quick refresher of Rule 10 regulations that govern a school's accreditation process. Opportunities to share your thoughts and ideas regarding Rule 10 issues will be provided. Presented by Freida Lange & Rick Moses, NDI

the Affordable Care Act- Special Considerations for Small Employers – (75 Minute Friday Session)

Karen Haase and Bobby Truhe will discuss the Affordable Care Act and steps that NRCSA members should take, or refrain from taking, in light of the Act's requirements. Presented by Law Firm

Agriculture Education - The Practical Application of Core Classes

This session will take a look at how Agriculture Education serves students, preparing them for careers throughout the largest industry in America. All aspects of Classroom/Laboratory, Supervised Agricultural Experience, and Leadership Development/FFA. Presented by Chad Schimmels, Eusits-Farnam Public Schools

Career Academies and Virtual Career Education in Nebraska

This session will discuss new proposals for the development and sustainability of career academies in rural Nebraska that align to Nebraska's workforce and economic development. Presented by Rich Katt & Cory Epler, NDE

Continuing Contract Issues – (75 Minute Friday Session)

This session will focus on continuing contract issues schools such as renewal, termination, duty assignments and much much more. Presented by Perry Law Firm

Creating the Circle C Market and Student Entrepreneurial Center

This session will discuss the formation of a student run grocery store in Cody, Nebraska. Teachers and students from Cody are sold out to not only preserving the store but also the community.

After 15 years without a grocery store there is now a store coming to Cody, Nebraska. This is due to the vision and efforts of numerous individuals. The school and community members joined the effort. Presented by Cody-Kilgore Unified Schools

EHA Health Plan Update

This session will discuss the plan changes as of September 13, 2013. In addition the EHA wellness program will also be discussed. Presented by Kent Trefler and Greg Long, EHA

Ethic Complaints and the Professional Practices Commission

This presentation will explain the process of ethics complaints and the role of the Professional Practices Commission. Topics discussed will include current trends in ethics complaints, and discuss techniques that may resolve issues at the local level prior to them becoming formal complaints. Presented by Jeff Schneider, Professional Practices Commission

The Evolving Nebraska Superintendency

The Nebraska superintendency is evolving. This session will examine data on Nebraska superintendent retention and turnover and related trends over the past several years. Presented by Dr. Jim Ossian, Wayne State College

How to Survive a Reduction in Force –(75 minute Friday Session)

This session will focus on the legal issues of a reduction in force. Going through a reduction in force is not an easy task. Typically, the process is one which can be political, and emotional problems. There are steps which can be taken by school administrators and boards of education, however, which can help to accomplish a reduction in force. Attorney Neal Stenberg has been involved in numerous reduction in force hearings and successfully argued the case of Nickel v. Saline County. That case was, and continues to be, the seminal case in Nebraska reduction in force jurisprudence. Attorney Stenberg will lecture on this important topic, and provide a detailed outline. Presented by Neal Stenberg, Stenberg Law Office

Legal Issues Related to School Safety and Security – (75 Minute Friday Session)

In the shadow of Newtown, this session will focus on school rights and responsibilities for school safety and security. Presented by Perry Law Firm

Legal Update for Rural Schools

In this session the school attorneys will give an update on legislation and legal developments affecting rural schools and the actions schools should consider taking.

National Center for Research in Rural Education: Progress to Date

This session will provide updates for the research studies and other activities taking place at the National Center for Research in Rural Education, housed in the Center for Rural and Community Studies at UNL. Special focus will be given to updates from the first year of a large-scale science study "CSI: Coaching Science Inquiry in Rural Schools" and panelists, UNL

Nebraska's BlendED Initiative: An Impressive Collaboration

This session will provide an overview of the Blend ED Initiative and how this undertaking is a collaborative effort between K-12, ESUs, post-secondary, NET, an infrastructure for single sign-on access (LDAP) for students and teachers in addition to a whole array of integrated tools and services from a course clearinghouse and teacher/student created content. On behalf of all Nebraska schools, the Educational Service Units Coordinating Council (ESUCC) submitted an IT Project 5

and teacher/student created content. On behalf of all Nebraska schools, the Educational Service Units Coordinating Council (ESUCC) submitted an IT Project Committee (NITC). The NITC reviews technology initiatives for the Unicameral to assure feasibility and that thorough planning was done should the project be given Tier 1 status clearing the way for funding consideration by the Education and Appropriation Committees. The impact of this initiative on schools will be considered. **Presented by Matthew Blomstedt and Panelists, Educational Service Unit Coordinating Council**

Nebraska Teacher and Principal Model Evaluation Project

In early 2012, the State Board of Education authorized the NDE to develop model evaluation systems for teachers and principals based on the Nebraska Teach by school districts. That project is now in its Design/Test Pilot Phase and will be piloted in approximately 21 schools in 2013-14. This session will discuss the Project. **Presented by Donlynn Rice, NDE & Jim Havelka, Havelka Educational Services**

NSAA Updates and Activities Current Red Flags

This session will cover some of the new initiatives in regards to the NSAA and Activities in Nebraska. Any current legal issues facing state Associations and Act. **Rhonda Blanford-Green, Executive Director, NSAA & Rex Schultze, Perry Law Firm**

Policies Every Board Should Have

Writing board policies and keeping them current with changes in the law and rules of the Nebraska Department of Education is an ever-changing job. This session will discuss how to write, have, and make recommendations to make the process work more easily. **Presented by Harding & Shultz Law Firm**

The Role of the Board of Education and the Superintendent: It is a Fine Line Sometimes

Dundy County Stratton Public Schools has addressed mergers, construction projects, negotiations, coaching assignments, personnel issues, and other "business" of what is the role of the Board and the Superintendent always existed, but a change in superintendents, after 22 years, brought new questions about board and administrators will discuss how they addressed the administrative change. They will also present their "best practices" in regard to the respective role of the Board. **Dallas Watkins, Retired Superintendent, Jim Kent, Mike Blecha, John Metzger, and Shad Stamm, Dundy County Stratton Public Schools**

School Finance 101

This session will discuss the basics of the school finance. The major factors of the formula (various adjustments and allowances, comparison arrays, etc) will be discussed. **Bryce Wilson, NDE**

School Finance Update

This session will provide information as to what the Legislature is addressing for state aid and other school finance issues related to the state aid formula, aid ceiling, and other issues. **Bryce Wilson, NDE**

Shell Creek Watershed Monitoring Program as a Model for Community Collaboration in Secondary Schools

So what would motivate students to donate valuable summer vacation time to do science research? The opportunity to make a difference! Students working on projects in their work, knowing they have made a difference in their community's views of environmental stewardship. Students have received many unsolicited awards and science skills and literacy has been observed by the increase in the proficiency of data collection and analysis of results in presentations given to community groups. **Presented by Mark Seier and panelists, Newman Grove Public Schools**

State Board of Education Panel

During this session members of the State Board of Education and Commissioner of Education, Dr. Roger Breed will discuss current education initiatives and the future. **Presented by Dr. Roger Breed & State Board of Education Members**

Student Discipline -The Basics and New Developments – (75 Minute Friday Session)

Student misconduct is no longer limited to fighting on the playground - the advent of electronic communication has taken it to entirely new levels. This session will discuss electronic misconduct, and address the steps that must be taken with students who are receiving special education services or are eligible for 504 services. **Presented by Harding & Shultz Law Firm**

Top 10 Things to Know About School Lunch Programs

This presentation will provide the top 10 things you need to know about the changes to the school meals programs. Reauthorization for child nutrition programs, changes to the school lunch and breakfast programs. These changes include the types and amounts of food served, an additional 6 cents per meal reimbursement requirements, as well as other changes. **Presented by Bev Benes, NDE**

Understanding Contract Indemnification

School districts are routinely asked to enter into contracts which contain "indemnification" provisions whereby the school district agrees to "indemnify" the other party to a third person arising out of the performance of the contract. The word "indemnify" is a synonym for the term "insure". Indeed, when a school district agrees to indemnify, it assumes obligations which are not at all unlike those assumed by an insurance company under a policy of liability insurance. An indemnification provision creates a contract by the school district's liability policy. A Nebraska community college is currently facing a potential \$600,000+ liability arising out of its agreement to indemnify the carrier has taken the position that there is no coverage for the contractual liability assumed by the College. In this session, Attorney Neal Stenberg will focus on how to avoid being exposed to potential uninsured liability arising out of indemnification agreements. He will also focus on the question whether public school district can be held liable. **Presented by Neal Stenberg, Stenberg Law Office**

Wood River Senior Leadership Class

This session will discuss the Senior Leadership Class at Wood River High School. The inception of the leadership class became a reality due to students wanting to be involved in school. Through thoughtful collaboration with peers and administration a new curriculum emerged. This class meets every day. The same concept is taught three days a week maintaining no more than fourteen in a section.

The current curriculum includes college preparation including becoming familiar with college web sites, locating housing, parking, reading a course catalog, applying for a job, how to write and ask for a recommendation, visualization exercise about the future, bringing in college students to talk about the reality of college. The College/Career Planning and Dave Ramesy's Foundation in Personal Finance. **Presented by Terry Zessin & Nancy Roberts, Wood River Public Schools**

Schedule

****Schedule is tentative and subject to change****

Wednesday, March 20, 2013

- 6:30 PM—9:00 PM** Exhibitor Check-In & Setup—Ballroom
- 7:00 PM —9:00 PM** Attendee Registration—Pre-Function Area
- 7:00 PM** Hospitality Rooms (as posted)

Thursday, March 21, 2013

- 7:15 AM** Attendee Registration—Pre-Function Area
Coffee and Rolls—Ballroom Exhibit Area
- 8:10 AM** General Session—Loper Hall

Presiding: Alan Garey, NRCSA President, Supt, Medicine Valley Schools

Musical Welcome: Broken Bow Jazz Band, Broken Bow Public Schools

Scholarships and Awards: NRCSA Scholarship Announcements
Gary Fisher Outstanding Music Teacher

Keynote Address: Andrew McCrea

10:15 AM Refreshment Break—Ballroom

10:45 AM—11:45 AM Thursday Morning Select-a-Sessions

12:00 PM Lunch General Session—Loper Hall

Presiding: Joan Reznicek, NRCSA Past President, Supt, Ponca Public Schools

Scholarships and Awards: Outstanding Elementary Teacher
Outstanding Secondary Teacher

Keynote Address: Dr. Roger Breed, Dr. John Hill

2:00 PM—2:55 PM Thursday Afternoon Select-a-Sessions

2:55 PM Refreshment Break—Ballroom

3:25 PM—4:15 PM Thursday Afternoon Select-a-Sessions

4:30 PM NRCSA General Membership Meeting – Room F

5:30 PM Administrators Fellowship Time – Room E

6:00 PM Country Buffet—Loper Hall

7:00 PM Hospitality Rooms Open

7:30 PM—9:00 PM Casino Night- Ballroom I

Friday, March 22, 2013

7:15 AM Attendee Registration—Pre-Function Area
Coffee and Rolls—Pre-Function Area

8:00 AM—9:15 AM Friday Select-a-Sessions

9:30 AM—10:15 AM Brunch Buffet—Loper Hall

10:15 AM Closing Session—Loper Hall

Presiding: Fred Helmink, NRCSA President-Elect, Supt, Fairbury Public Schools

Musical Welcome: Applederas Show Choir, Falls City Public Schools

Scholarships and Awards: Outstanding ESU Staff Member
Outstanding Principal
Outstanding Board Member
Outstanding Superintendent

Keynote Address: Danny Woodhead

12:00 PM Thank You's, Prizes, & Giveaways

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Legal Services



Toll-Free Phone Consultation — Any school board member or any administrator employed by any NASB-member school board is a toll-free phone call away from a conversation with NASB's school information resources.

School Law Workshops — Periodic board development workshops that focus on the special legal problems (and powers) of Nebraska school boards. Programs include Back-to-the-Basics: School Law for Board Members, School Law Seminar, and the School Board as Judge and Jury.

School Statutes on Disk — NASB, working with Lexis Nexis, has condensed a shelf full of Nebraska school statutes into computer form, which is easily stored and searchable. The collection of education law includes about 10 percent of all Nebraska statutes, and is organized into a powerful database for use on both Mac and Windows computers.

Policy Services — The NASB School Policy Service assists boards and administrators in managing and revising their school policies. The School Policy Update Service provides sample policies and background information to help districts comply with the latest legislation and legal decisions. The Policy Review and Customization Services help boards complete a thorough reorganization and review of existing policies for improved district governance.

Salary Comparability Information — NASB is working with other education organizations to provide more accurate and timely information regarding negotiated salaries and benefits in school districts across the state. This new database will provide a mutually agreeable starting point for annual negotiations with employees' collective bargaining groups.

"Information is Power"



The School Leaders' Bulletin — provides organizational and statewide news of importance to school leaders. It also provides classified advertising for member districts and a directory of educational service providers.

School Law Reporter — NASB, in cooperation with the Nebraska Council of School Attorneys, publishes the Nebraska School Law Reporter. The Reporter helps local districts keep up with important local and national cases that impact Nebraska schools.

Legislative Updates — The Legislative Newsletter provides weekly reporting on activities in the Legislature and its impact on public education. The annual Legislative Issues Conference is designed to give members a chance to hear from policy makers about the pending issues impacting education.

Government Relations Network (GRN) — This information-sharing partnership alerts representatives on the boards of all NASB members on issues critical to education. Your board gets the information it needs to influence decisions when your involvement can still make a difference.

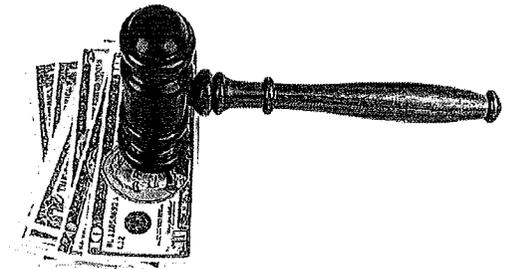
Linking Schools and Communities

Essential Finance Planning — NASB is one of several groups supporting the Essential Finance Planning process for schools desiring to engage their communities in the process of prioritizing school resources. This is one of several ways NASB can help school leadership teams assess the educational needs within the community.

Board Member Recognition Activities — These range from the NASB Outstanding Board Awards and Awards of Achievement, to the orchestration of Nebraska School Board Member Week in January.

Nebraska Association of School Boards

Current Services to Enhance Public Education for the Children of Nebraska.



NASB: Developing...

Board Development

Because no career can prepare you for all of the challenges the school board presents, NASB provides a full-range of training for individuals and boards desiring to become even more effective leaders.

State Education Conference — The largest annual gathering of education leaders in the state, presented in conjunction with the Nebraska Council of School Administrators, focuses on the sharing of successful programs and common challenges in the delivery of a public education.

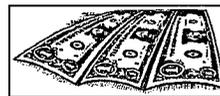
Labor Relations Conference — An annual conference, presented in conjunction with NCSA, focusing on issues associated with employee-employer interaction.

NASB Workshop Series — We are there early, with our very popular New Board Member Workshops, and continue throughout your tenure on the board with an array of specifically focused workshops to keep you informed in school law, finance, board roles and policies. We are also offering videoconferences to provide members easier access to this important information.

Local Board Workshops — These inservices are tailored to meet the particular needs of individual boards. The programs — covering short- and long-range planning, board and superintendent evaluation, and boardsmanship issues — are offered via videoconference or at a site of your choosing, are scheduled to suit the convenience of your board and administrative team.

Area Membership Meetings — These are a series of annual meetings, held throughout the state, which combine board training, organizational activities, and education issues into a regional program.

Conserving...



Insurance and Financial Services

Fiscal responsibility is the cornerstone of board service, and NASB has jumped into this area of need to provide a wide range of insurance features which offer quality coverage at affordable prices.

The All Lines Interlocal Cooperative Aggregate Pool (ALICAP) — Provides school specific insurance to Nebraska public schools. Member school districts and ESU's have received over \$10 million dollars in dividends since inception in 1990, as each member is an owner/stockholder in this insurance pool.

Accidental Death and Dismemberment Insurance — This is a policy that is an automatic benefit of your NASB membership. The plan covers board members in the event that an injury accident should occur while fulfilling the duties of a board member.

Medicaid Reimbursement Program — This program assists school districts accessing federal dollars for services they were already providing to Medicaid eligible students. The NASB Medicaid Consortium (NASBMC) contracts with a third party who trains member school districts on the proper claiming procedures and then the third party claims on behalf of NASBMC.

Lease Purchase Financing — This financing tool allows school districts to utilize short-term (one to seven years) financing of equipment purchases at very low tax-exempt interest rates.

To find out how NASB can serve you, call (800) 422-4572, FAX (402) 423-4961, or visit us on the worldwide web at:
www.nasbonline.org

Stretching Your Resources



Nebraska Liquid Asset Fund Cash Management — This program allows temporarily "idle" school district funds to be invested in safe, high-return, extremely liquid investments. It also allows interest to be earned either overnight or over several months.

Joint Utilities Management Programs (NJUMP & CJUMP) — NASB formed these interlocal arrangements to provide members with an alternative option for their natural gas needs. The program's long-term objective is to allow participants a stronger voice in energy related matters in the hope of obtaining budget certainty and a cost savings of their natural gas needs.

NASB eMeetings — This user-friendly online service replaces the stacks of paper copies generated for a typical board meeting with efficient and simple Internet-accessible board packets and information archives that can be quickly searched and easily utilized to make your meetings as productive as possible.

Superintendent Search Service — For a quarter of a century, NASB has assisted local boards in the process of identifying quality leadership. NASB works with your board, your employees and your community to create a group consensus and joint ownership in the selection of a superintendent.

e~Funds for Schools — This free program integrates with most student information systems, lunch systems and accounting systems offering schools the ability to collect payments electronically. In addition to online payments, check processing, and reporting solutions there are other free services such as Cash Tracker, Online Registrations, College Savings, Online Fundraising, Sports Pass, and Check Guarantee. These services all come with free training.

Total Check Non-Profit Package-Coverage Document for NE Schools

Applicant Verification

The applicant verification product searches the Social Security Administration (SSA) Database to confirm that the SSN is valid, when the SSN was issued, and if registered as a SSN reported as deceased. A proprietary database search is also conducted to determine all names and addresses attached to the social security number. These names and addresses are not confirmed by the SSA.

County Criminal-Statewide if Available

The County Criminal Records report includes a search of felony, misdemeanor and all non-traffic infraction court records in applicants' county of residence. If statewide is available, all counties within the state will be investigated. The report will include jurisdiction, case number, disposition and date; charges, amended charges and how the record was verified.

Multi-Court Jurisdictional Database

The Nationwide Alert is a Multi-Court Jurisdictional Database that includes:

- Proprietary Offender Data*
- Department of Corrections*
- Administrative Office of the Courts-dated back 7 years*
- Department of Public Safety*
- Traffic Court*

*Availability of records vary by jurisdiction. Due to these variances, One Source, The Background Check Company recommends that this product be used as a supplemental search tool. For a full listing of jurisdictions, types of charges, etc., please refer to the coverage document disclosing information provided by each state.

National Sex Offender Registry

This search includes Sex Offender Registration Information from all 50 States, the District of Columbia, Puerto Rico and Guam.

Federal Criminal Search

One Source searches the government's Public Access to Court Electronic Records (PACER) U.S. Party Case Index. This search is a national index for U.S. district and appellate court cases. This includes a nationwide search of all district courts and all appeals courts except for SECOND CIRCUIT, FIFTH CIRCUIT, SEVENTH CIRCUIT, ELEVENTH CIRCUIT AND FEDERAL CIRCUIT). One Source cross references these searches with a search of Federal Bureau of Prisons database to compare records of persons who have been in federal prison. One Source also searches these records and compares personal information extracted from these records (name, date of birth, social security number, age, and addresses) to compare to the consumer that a report has been requested on. IMPORTANT NOTE: The primary identifiers used in federal records are fingerprints. Disputes by a consumer will require the sending of fingerprint cards to the Federal Bureau of Investigations. As the primary identifiers for federal records are fingerprints, not all records will contain enough matching information which will cause One Source to report the records. One Source does not report Name Only Matches, only cases where name and a minimum of one other personal identifier are present will be reported.

Global Watch

This search involves accessing a variety of federal, state, and industry sanctions lists or Terrorist Watch Lists. Additional sanctions and watch lists are added as U.S. or foreign governments and international organizations release them. These lists include:

1. OFAC Specially Designated nationals (SDN) & Blocked Persons, Sanctioned Countries
2. OFAC Sanctioned Countries, including Major Cities and Ports*
3. Non-Cooperative Countries and Territories*
4. Department of State Trade Control (DTC) Debarred Parties
5. U.S. Bureau of Industry & Security (Formerly BXA)- a. Unverified Entities List, b. Denied entities list, c. Denied Persons List
6. FBI Most Wanted Terrorists & Seeking Information, Top 10 Most Wanted
7. INTERPOL Most Wanted List
8. Bank of England, OSFI Canadian, United Nations Sanctions List
9. Politically Exposed Persons List
10. European Union Terrorism List
11. World Bank Ineligible Firms

Lists notated with an asterisk () indicate a geographic-based sanctions list. Additional sanctions and watch lists are added as U.S. or foreign governments and international organizations release them.

State Health & Human Services Adult and/or Child Abuse Registry-Optional

NE or IA Abuse registry search is included in the package price but is an optional search per your organization's requirements or policy. Searches the Department of Health & Human Services or designated state agency records for documented records/reports of abuse against children or adults.

**Minutes for
Heartland Community Schools
Board of Education Regular Meeting**

January 14, 2013 07:00PM
Conference Room

MISSION STATEMENT: Heartland Community Schools - Henderson/Bradshaw is dedicated to educating all students by providing challenging opportunities to learn according to individual needs.

Attendance Taken at 7:05 PM:

Present Board Members:

Mr. Gary Braun
Mr. Glenn Larson
Mr. Boyd Stuhr
Mrs. Debra Wilhelm

Absent Board Members:

Mr. Kent Allen
Mr. Paul Brune

1. Preliminary Procedures

1.1. Call to Order

1.2. Public Notice of the Meeting

1.3. Roll Call

1.3.a. Excuse board members if necessary

Motion Passed: to excuse Paul Brune and Kent Allen from the meeting passed with a motion by Mr. Boyd Stuhr and a second by Mr. Glenn Larson .

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

1.4. Approval of Agenda

Motion Passed: Motion to approve the agenda as presented or amended passed with a motion by Mr. Glenn Larson and a second by Mr. Boyd Stuhr.

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

2. Public Comments on Agenda Items

Discussion:

Greg Vanderneck presented information related to school safety.

3. Public Comments on Topics Not on the Agenda

4. Oath of Office

5. School Board Officer Elections

5.1. Election of Board President

Discussion:

Paul Brune was elected board president for 2013.

5.2. Election of Board Vice President

Discussion:

Gary Braun was elected as Vice President of the board for 2013.

5.3. Election of Board Secretary

Discussion:

Deb Wilhelm was elected as board secretary for 2013.

5.4. Election of Board Treasurer

Discussion:

Boyd Stuhr, Jr. was elected Treasurer of the board for 2013.

6. Reports

6.1. Superintendent's Report

6.2. Principals' Reports

7. Discussion Items

7.1. Presentation by Project Search

Discussion:

The presentation regarding Project Search was postponed to a later date at the request of the presenter.

7.2. Patient Protection and Affordable Care Act (PPACA)

7.3. Review of School Board Conferences

7.4. Safety and Crisis Protocol Discussion

8. Old Business

8.1. Administrator/Board Goal Setting Meeting

8.2. Date for policy meeting

9. New Business

9.1. Evaluation Policies

Motion Passed: To revoke policies and regulations GBI-R, GBI-R-2 and CFC. passed with a motion by Mr. Boyd Stuhr and a second by Mr. Glenn Larson .

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

Motion Passed: Enter the first reading and waive the second and third readings of a new certificated staff evaluation policy (CBJ) passed with a motion by Mr. Glenn Larson and a second by Mr. Gary Braun.

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

9.2. Administrator Evaluation Tools

Motion Passed: To adopt the use of the Principal's & Superintendent's Evaluation Tools as proposed passed with a motion by Mrs. Debra Wilhelm and a second by Mr. Boyd Stuhr.

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

9.3. Postponement of TERIP Deadline

Motion Passed: To postpone the Temporary Early Retirement Incentive Program deadline from January 15th, 2013 to February 24, 2013. passed with a motion by Mr. Gary Braun and a second by Mr. Glenn Larson .

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

10. Personnel

10.1. Julie Goertzen Application for Early Retirement and Resignation

Motion Passed: To approve Julie Goertzen's early retirement application and accept her resignation effective at the end of the 2012-2013 school year with great appreciation for her 37 years of service to the Heartland Community Schools. passed with a motion by Mr. Glenn Larson and a second by Mr. Boyd Stuhr.

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

10.2. 2014-2015 Negotiations

Motion Passed: To recognize the H.E.A. as the official bargaining unit for Heartland's certified teachers for the 2014-2015 school year. passed with a motion by Mr. Boyd Stuhr and a second by Mr. Glenn Larson .

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

10.3. Elementary Principal's Contract

Motion Passed: To offer an Elementary Principal contract for the 2013-2014 school year to Cindy Huebert with salary to be set at a later date. passed with a motion by Mr. Glenn Larson and a second by Mr. Gary Braun.

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

10.4. Secondary Principal's Contract

Motion Passed: To offer a secondary principal contract for the 2013-2014 school year to Tim Carr with salary to be set at a later date. passed with a motion by Mr. Glenn Larson and a second by Mr. Boyd Stuhr.

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

10.5. Superintendent's Contract

Motion Passed: To amend the superintendent's contract as proposed and renew a 2-year contract with Brad Best to include the 2014-2015 school year with salary and benefits to be set at a later date. passed with a motion by Mr. Glenn Larson and a second by Mrs. Debra Wilhelm.

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

11. Future Agenda Items

12. Consent Agenda

Motion Passed: Motion to approve the consent agenda passed with a motion by Mr. Boyd Stuhr and a second by Mr. Gary Braun.

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

12.1. Approval of Minutes

12.2. Approval of Treasurer's Report

12.3. Approval of Claims

12.4. Financial Reports

12.5. Out of State Travel Requests

13. Adjournment

Discussion:

The board will hold a work session on February 4, 2013 at 5:30 p.m. at York Country Club and the next regularly scheduled board meeting will be held on February 11, 2013 at 7:00 p.m..

Motion Passed: Motion to adjourn the meeting at 9:07 p.m. passed with a motion by Mr. Glenn Larson and a second by Mr. Boyd Stuhr.

Mr. Kent Allen	Absent
Mr. Gary Braun	Yes
Mr. Paul Brune	Absent
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

Board President

Board Secretary

**Minutes for
Heartland Community Schools
Board of Education Working Meeting**

February 04, 2013 05:30PM
York Country Club, York, Nebraska

MISSION STATEMENT: Heartland Community Schools - Henderson/Bradshaw is dedicated to educating all students by providing challenging opportunities to learn according to individual needs.

Attendance Taken at 6:21 PM:

Present Board Members:

Mr. Kent Allen
Mr. Gary Braun
Mr. Paul Brune
Mr. Glenn Larson
Mr. Boyd Stuhr
Mrs. Debra Wilhelm

1. Preliminary Procedures

1.1. Call to Order

Discussion:

At 6:20 P.M., the meeting was declared to be open, legal, and properly advertised with all members having been informed of the nature of the meeting and having received related information.

Announce the Open Meetings Act as posted in the front of the conference room.

1.2. Public Notice of the Meeting

Discussion:

The meeting was published in the Henderson News on January 30, 2013.

1.3. Roll Call

Discussion:

All board members present. Also present: Superintendent Best, Principals Carr and Huebert, and Dr. Randy Nelson.

1.3.a. Excuse board members, if necessary.

1.4. Approval of Agenda

Motion Passed: Motion to approve the agenda as presented or amended passed with a motion by Mr. Glenn Larson and a second by Mr. Gary Braun.

Mr. Kent Allen	Yes
Mr. Gary Braun	Yes
Mr. Paul Brune	Yes
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

2. Discussion Items

2.1. District Goal Setting

Discussion:

Dr. Randy Nelson met with the board of education and the administrative team to work through a process of established district priority goals. After much discussion, three goals were identified. Mr. Nelson will continue discussions with Superintendent Best to refine an action plan for each goal. Mr. Best will brief the board on occasion as to the progress on the development of this plan and initiatives implemented.

3. Adjournment

Discussion:

The next scheduled meeting to be held on February 11, 2013.

Motion Passed: Motion to adjourn the meeting at 9:00 P.M. passed with a motion by Mr. Gary Braun and a second by Mr. Glenn Larson .

Mr. Kent Allen	Yes
Mr. Gary Braun	Yes
Mr. Paul Brune	Yes
Mr. Glenn Larson	Yes
Mr. Boyd Stuhr	Yes
Mrs. Debra Wilhelm	Yes

Board President

Board Secretary

NEW BOARD REPORT

Unposted; Batch Description 2013 FEBRUARY BOARD INVOICES

Check #	Vendor Name	Vendor Description	Amount
Checking	1		
Checking	1 Fund: 01	GENERAL FUND	
20907	ADVANCED OFFICE AUTOMATION	COPY MACHINE	10.39
20908	AMSAN	SUPPLIES	238.78
20909	APPLE, INC	COMPUTER SUPPLIES	50.00
20910	AS CENTRAL SERVICES	STATE REPORTING	222.15
20911	BEST, BRADLEY	REIMBURSEMENT	109.79
20912	BURTON ENTERPRISES	TRASH REMOVAL	190.00
20913	CENTRAL NE REFRIGERATION INC.	SERVICES	2,738.54
20914	CENTRAL NEBRASKA REHABILITATION SERVICES	SERVICES	2,410.89
20915	CHEMSEARCH	SUPPLIES	191.86
20916	CITY OF HENDERSON	UTILITIES	450.00
20917	DIETZE MUSIC HOUSE	SUPPLIES	94.38
20918	EAKES OFFICE PLUS	SUPPLIES	140.00
20919	ESU #6	SERVICES	1,333.14
20920	FLOWER BOX, THE	SERVICES	34.90
20921	FOLLETT LIBRARY RESOURCES	LIBRARY BOOKS	9.31
20922	GREATAMERICA LEASING CORPORATION	POSTAL MACHINE RENTAL	135.00
20923	GRIZZLY, INC.	SERVICES	26.15
20924	HAMILTON INFORMATION SYSTEMS	COMPUTER SERVICES	567.17
20925	HEARTLAND ACTIVITY FUND	TRANSFER OF FUNDS	100.00
20926	HEARTLAND INDUSTRIAL TECH		47.90
20927	HEARTLAND SCHOOL LUNCH FUND	REIMBURSE	8.00
20928	HENDERSON ACE HARDWARE	SUPPLIES	91.50
20929	HENDERSON COMMUNITY COOP ASSN.	SUPPLIES	5,748.59
20930	HENDERSON HEALTH CARE SERVICE	SERVICES	336.00
20931	HENDERSON MOTORS	SERVICES	1,392.84
20932	HOMETOWN LEASING	COPY MACHINE LEASE	793.72
20933	J.W. PEPPER & SON	SUPPLIES	43.09
20934	JANZEN ELECTRIC	SERVICES	465.00
20935	JAYMAR BUSINESS FORMS, INC.	SUPPLIES	16.00
20936	JUNIOR LIBRARY GUILD	BOOKS	1,555.50
20937	KROEKER GRAIN/LUMBER	SUPPLIES	948.05
20938	KULLY PIPE & STEEL SUPPLY	SUPPLIES	89.92
20939	LIBRARY STORE, THE	SUPPLIES	89.55
20940	MAINSTAY COMMUNICATIONS	TELEPHONE	211.06
20941	MAKEMUSIC	SUBSCRIPTION	280.00
20942	MATHESON-LINWELD	SUPPLIES	110.06
20943	MENARDS	SUPPLIES	45.95
20944	NANTKES, JENN	SERVICES	260.76
20945	NATIONAL PARTS DEPOT	SUPPLIES	32.00
20946	NCSA	REGISTRATION	1,120.00
20947	NE SAFETY CENTER @ UNK	TRAINING	25.00
20948	NEBRASKA FBLA	REGISTRATION	1,550.00
20949	NEBRASKA/CENTRAL EQUIPMENT	SERVICES	181.04
20950	NELSON, RANDY	SERVICES	284.10
20951	NUNNENKAMP, ROY	PRODUCE	7.50

NEW BOARD REPORT

Unposted; Batch Description 2013 FEBRUARY BOARD INVOICES

<u>Check #</u>	<u>Vendor Name</u>	<u>Vendor Description</u>	<u>Amount</u>
20952	PAYFLEX SYSTEMS	SEC 124 INSURANCE	203.50
20953	PEARSON EDUCATION	TEXTBOOKS	10.23
20954	PERENNIAL PUBLIC POWER DIST.	ELECTRICITY	5,001.91
20955	PERMABOUND	SUPPLIES	39.90
20956	PERRY GUTHERY HAASE & ASSOC	LEGAL SERVICES	280.00
20957	PETERS, CAROLYN	SERVICES	16.75
20958	PIONEER PUBLISHING	SUPPLIES	31.98
20959	QUILL	SUPPLIES	38.17
20960	SCHOLASTIC BOOK CLUB INC	BOOKS	69.89
20961	SCHWEITZER, ROYCE	REIMBURSEMENT	137.21
20962	SERVICE PRESS	SERVICES	140.59
20963	SHRED MONSTER, INC	SERVICES	39.00
20964	SOURCEGAS	UTILITIES	8,611.04
20965	TEACHINGMADEEASIER.COM	MEMBERSHIP	231.00
20966	TRI COUNTY AUTO.	REPAIRS	32.14
20967	U.S. BANK	SUPPLIES	239.06
20968	US POSTAL SERVICE	POSTAGE	500.00
20969	VERIZON WIRELESS	TELEPHONE	46.78
20970	VIRG'S PLUMBING & DIGGING	SERVICES	68.50
20971	YORK ACE HARDWARE	SUPPLIES	24.96
20972	YORK COUNTRY CLUB	SERVICES	169.90
20973	YORK COUNTY 4-H COUNCIL	BREADMAKING	27.56
20974	YORK NEWS TIMES	SERVICES	550.40
20975	ZANER BLOSER EDUC.	SUPPLIES/TEXTS	326.96
1660	HENDERSON CAR WASH	TOKENS	100.00
1661	HOMETOWN LEASING	COPY MACHINE LEASE	557.72
1663	MCI	TELEPHONE	69.15
1662	U.S. BANK	SUPPLIES	2,912.16
1665	UNITED STATE POSTAL SERVICE	NEWSLETTER	140.91
1664	WALMART COMMUNITY	SUPPLIES	20.41
1659	WALMART	SUPLIES	77.64
Fund Total:			45,501.00
Checking Account Total:			45,501.00

<u>Account Number</u>	<u>Description</u>	<u>Previous Balance</u>	<u>Current Month</u>	<u>Ending Balance</u>
Fund: 06 SCHOOL LUNCH/MILK FUND				
<u>Current Assets</u>				
06 101	CASH	(1,058.77)	2,455.33	1,396.56
06 102	MMA-FIRST PREMIER ACCOUNT	0.00	0.00	0.00
06 103	CERTIFICATE OF DEPOSIT	0.00	0.00	0.00
	Current Assets Subtotal:	<u>(1,058.77)</u>	<u>2,455.33</u>	<u>1,396.56</u>
<u>Other Assets</u>				
06 390	BUDGETED REVENUE	177,500.00	0.00	177,500.00
06 392	LESS: REVENUE RECEIVED	(49,064.25)	(11,905.58)	(60,969.83)
	Other Assets Subtotal:	<u>128,435.75</u>	<u>(11,905.58)</u>	<u>116,530.17</u>
	Total Assets:	<u>127,376.98</u>	<u>(9,450.25)</u>	<u>117,926.73</u>
<u>Current Liabilities</u>				
06 402	ACCOUNTS PAYABLE	0.00	0.00	0.00
06 450	PAYROLL DEDUCTION PAYABLE	0.00	0.00	0.00
06 451	FICA PAYABLE	0.00	0.00	0.00
06 452	FIT PAYABLE	0.00	0.00	0.00
06 453	INSURANCE PAYABLE	0.00	0.00	0.00
06 454	RETIREMENT PAYABLE	0.00	0.00	0.00
06 455	SIT PAYABLE	43.70	0.00	43.70
06 456	TSA PAYABLE	0.00	0.00	0.00
06 457	BENEFITS PAYABLE	0.00	0.00	0.00
06 458	DUES PAYABLE	0.00	0.00	0.00
06 459	CANCER INS PAYABLE	0.00	0.00	0.00
	Current Liabilities Subtotal:	<u>43.70</u>	<u>0.00</u>	<u>43.70</u>
<u>Other Liabilities</u>				
06 603	ENCUMBRANCES	0.00	0.00	0.00
06 690	BUDGETED EXPENDITURES	190,000.00	0.00	190,000.00
06 692	LESS: EXPENDITURES TO DATE	(69,378.24)	(9,450.25)	(78,828.49)
06 694	LESS: ENCUMBRANCE COMMITMENTS	0.00	0.00	0.00
06 696	LESS: ACCOUNTS PAYABLE	0.00	0.00	0.00
	Other Liabilities Subtotal:	<u>120,621.76</u>	<u>(9,450.25)</u>	<u>111,171.51</u>
<u>Fund Balance</u>				
06 704	FUND BALANCE	19,211.52	0.00	19,211.52
06 705	BUDGETED FUND BALANCE	(12,500.00)	0.00	(12,500.00)
	Fund Balance Subtotal:	<u>6,711.52</u>	<u>0.00</u>	<u>6,711.52</u>
	Total Liabilities/Fund Equity:	<u>127,376.98</u>	<u>(9,450.25)</u>	<u>117,926.73</u>

<u>Chart of Account Number</u>	<u>Chart of Account Description</u>	<u>Beginning Balance</u>	<u>Expenses</u>	<u>Revenues</u>	<u>Outstanding AP</u>	<u>Outstanding PO</u>	<u>Balance Change</u>	<u>Balance</u>
05 704 0407	FUND BALANCE/SCIENCE CLUB	954.12	0.00	0.00	0.00	0.00	0.00	954.12
05 704 0502	FUND BALANCE/CLASS OF 2012	12.04	0.00	0.00	0.00	0.00	0.00	12.04
05 704 0503	FUND BALANCE/CLASS OF 2013	2,692.92	0.00	0.00	0.00	0.00	0.00	2,692.92
05 704 0504	FUND BALANCE/CLASS OF 2014	6,265.63	1,214.94	0.00	0.00	0.00	0.00	5,050.69
05 704 0505	FUND BALANCE - CLASS OF 2015	2,286.60	0.00	0.00	0.00	0.00	0.00	2,286.60
05 704 0506	FUND BALANCE CLASS OF 2016	500.00	0.00	0.00	0.00	0.00	0.00	500.00
05 704 0601	FUND BALANCE/NATL HONOR SOC	401.80	0.00	393.50	0.00	0.00	0.00	795.30
05 704 0709	FUND BALANCE/YEARBOOK	2,182.48	0.00	0.00	0.00	0.00	0.00	2,182.48
05 704 0800	FUND BALANCE/FCA-FBLA	1,820.00	0.00	0.00	0.00	0.00	0.00	1,820.00
05 704 0801	FUND BALANCE/STUDENT COUNCIL	5,303.33	0.00	26.31	0.00	0.00	0.00	5,329.64
05 704 0802	FUND BALANCE/CONCESSIONS	1,263.23	5,247.55	8,786.27	0.00	0.00	0.00	4,801.95
05 704 0804	FUND BALANCE/INTEREST ON ACT A	176.26	0.00	1.08	0.00	0.00	0.00	177.34
05 704 0805	FUND BALANCE/LOCKERS PROJECT	12,957.53	0.00	26.30	0.00	0.00	0.00	12,983.83
05 704 0806	FUND BALANCE/ELEM STUDENT COUN	1,203.47	80.72	0.00	0.00	0.00	0.00	1,122.75
05 704 0810	FUND BALANCE JR. HIGH STUCO	181.24	0.00	0.00	0.00	0.00	0.00	181.24
05 704 0902	FUND BALANCE/BADGE A MINUTE	96.07	0.00	0.00	0.00	0.00	0.00	96.07
05 704 0905	FUND BALANCE/RENNAISSANCE TEAM	26.42	0.00	0.00	0.00	0.00	0.00	26.42
05 704 0907	FUND BALANCE/SEC BOOK ORDER	0.02	0.00	0.00	0.00	0.00	0.00	0.02
05 704 0913	REVOLVING-SECONDARY	(23.44)	60.00	61.35	0.00	0.00	0.00	(22.09)
05 704 0918	JOHN BAYLOR TEST PREP	700.00	0.00	0.00	0.00	0.00	0.00	700.00
05 704 0919	FUND BALANCE-TABACCO GRANT	350.00	0.00	0.00	0.00	0.00	0.00	350.00
05 704 0926	FUND BALANCE/DEKALB SCHOLARSHIP	500.00	0.00	0.00	0.00	0.00	0.00	500.00
05 704 0927	FUND BALANCE/PIIONEER SCHOLARSHIP	400.00	0.00	0.00	0.00	0.00	0.00	400.00
05 704 0930	FUND BALANCE - GRANT	10,000.00	0.00	0.00	0.00	0.00	0.00	10,000.00
05 704 0934	FUND BALANCE -GRANT KOEHLER	755.68	0.00	0.00	0.00	0.00	0.00	755.68
05 704 0936	FUND BALANCE	4,500.00	0.00	0.00	0.00	0.00	0.00	4,500.00
05 704 0950	PRINTER CARTRIDGES	157.18	0.00	0.00	0.00	0.00	0.00	157.18
Fund Total: 05		72,078.32	32,673.25	20,149.63	0.00	83.03	0.00	59,471.67