

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 366

Introduced by Cook, 13.

Read first time January 18, 2013

Committee:

A BILL

1 FOR AN ACT relating to education; to amend section 9-812, Reissue
2 Revised Statutes of Nebraska; to adopt the Remedial Adult
3 Education Innovation Act; to change provisions relating
4 to the Education Innovation Fund; to harmonize
5 provisions; to repeal the original section; and to
6 declare an emergency.

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

1 Section 1. Sections 1 to 8 of this act shall be known and
2 may be cited as the Remedial Adult Education Innovation Act.

3 Sec. 2. The Legislature finds that:

4 (1) Nebraska faces many challenges in preparing an adult
5 workforce in which all individuals possess adequate basic skill
6 levels in reading, writing, and mathematics and computer skills;

7 (2) Currently many individuals struggle to attain the
8 educational credentials and basic skills necessary for self-
9 sufficiency;

10 (3) The state must develop strategies and opportunities
11 to increase the number of individuals who can attain a high school
12 diploma or a diploma of high school equivalency and are workforce-
13 ready upon receiving such diploma;

14 (4) The state must address the need for programs that
15 effectively help the increasing number of individuals lacking a high
16 school education;

17 (5) The state can address these needs by offering
18 multiple pathways to a high school diploma or a diploma of high
19 school equivalency, providing opportunities to assist more
20 individuals in formulating and attaining their goals, and focusing on
21 transition services to provide readiness for college and careers; and

22 (6) The state must ensure that computerized GED Testing
23 Centers are compliant with national standards and responsive and
24 accessible to all citizens attempting to earn a diploma of high
25 school equivalency.

1 Sec. 3. It is the intent of the Legislature that the
2 Remedial Adult Education Innovation Act:

3 (1) Create a framework for success in attaining basic
4 educational skills;

5 (2) Fill in educational gaps for individuals who lack the
6 reading, writing, and mathematics skills and the work-readiness
7 skills needed by today's workforce;

8 (3) Support communities through focused community college
9 efforts to assist adults in attaining a high school diploma or a
10 diploma of high school equivalency;

11 (4) Create new opportunities and multiple pathways to
12 allow individuals to secure meaningful employment and become employed
13 in industries across the state;

14 (5) Effectively prepare the State of Nebraska to provide
15 computerized GED Testing Centers by January 2014, increase the
16 completion rate of adults seeking to earn a diploma of high school
17 equivalency, and increase the number of individuals whose basic
18 skills levels make them college-ready and career-ready; and

19 (6) Address basic educational skill deficiencies across
20 the entire continuum of services from low-level literacy through all
21 levels of adult basic education.

22 Sec. 4. It is the intent of the Legislature to
23 appropriate \$XXX each fiscal year from the Education Innovation Fund
24 to the State Department of Education. The department shall use such
25 funds to provide reimbursement of expenses to programs which will

1 effectively assist citizens to achieve adequate education levels and
2 allow community colleges to carry out the purposes of the Remedial
3 Adult Education Innovation Act by increasing the capacity of
4 community colleges to deliver high-quality remedial adult education.
5 Funding priority shall be given to community college programs that
6 include adult education skill building, multiple pathways for
7 attainment of a high school diploma or a diploma of high school
8 equivalency, occupational training opportunities, and GED testing
9 services.

10 Sec. 5. The State Department of Education shall adopt and
11 promulgate rules and regulations to develop a process for applying
12 for, evaluating applications for, and providing reimbursements as
13 provided in the Remedial Adult Education Innovation Act. Such rules
14 and regulations shall include, but not be limited to, provisions that
15 institutions requesting reimbursement of expenses shall maintain GED
16 training and testing programs that:

17 (1) Provide for successful implementation by January 2014
18 of computerized GED Testing Centers which comply with GED Testing
19 Service standards and provide open access to individuals across the
20 state;

21 (2) Lead to the attainment of a high school diploma or a
22 diploma of high school equivalency for participants; and

23 (3) Provide for both academic and support services needed
24 for participants' educational and employment success.

25 Sec. 6. Each program receiving reimbursement pursuant to

1 the Remedial Adult Education Innovation Act shall report annually to
2 the department. The report shall give a description of the operation
3 of the program for which reimbursement funds were provided and shall
4 include information on the following:

5 (1) The number of high school diplomas or diplomas of
6 high school equivalency awarded pursuant to such program in the
7 preceding twelve months;

8 (2) The number of participants in the program who moved
9 successfully through the continuum of literacy skill levels offered
10 by the program;

11 (3) The number of participants completing the program who
12 secured entry-level career path employment in the preceding twelve
13 months; and

14 (4) The number of participants completing the program who
15 went on to postsecondary education or additional career training
16 during the preceding twelve months.

17 Sec. 7. (1) Each institution that provides GED training
18 and testing shall receive a designated amount from the State
19 Department of Education for each participant enrolled in its GED
20 program as follows:

21 (a) Each such institution shall receive one reimbursement
22 payment for each student who enrolls in its GED program;

23 (b) Each such institution shall receive one reimbursement
24 payment for each enrolled student upon the student's initial
25 examination for a GED; and

1 (c) Each institution shall receive one reimbursement
2 payment for each walk-in GED student not in the program who takes the
3 GED examination.

4 (2) An institution shall receive no additional
5 reimbursement for any student who fails his or her first GED
6 examination and requires additional training and testing.

7 Sec. 8. Each institution that provides GED training and
8 testing shall be eligible to receive a one-time payment in state
9 matching funds for acquisition and upgrade of computerized GED
10 Testing Center equipment and software, for each computerized GED
11 Testing Center operated by such institution, in order to come into
12 compliance with national standards which take effect in 2014.

13 Sec. 9. Section 9-812, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 9-812 (1) All money received from the operation of
16 lottery games conducted pursuant to the State Lottery Act in Nebraska
17 shall be credited to the State Lottery Operation Trust Fund, which
18 fund is hereby created. All payments of the costs of establishing and
19 maintaining the lottery games shall be made from the State Lottery
20 Operation Cash Fund. In accordance with legislative appropriations,
21 money for payments for expenses of the division shall be transferred
22 from the State Lottery Operation Trust Fund to the State Lottery
23 Operation Cash Fund, which fund is hereby created. All money
24 necessary for the payment of lottery prizes shall be transferred from
25 the State Lottery Operation Trust Fund to the State Lottery Prize

1 Trust Fund, which fund is hereby created. The amount used for the
2 payment of lottery prizes shall not be less than forty percent of the
3 dollar amount of the lottery tickets which have been sold.

4 (2) Beginning October 1, 2003, a portion of the dollar
5 amount of the lottery tickets which have been sold on an annualized
6 basis shall be transferred from the State Lottery Operation Trust
7 Fund to the Education Innovation Fund, the Nebraska Opportunity Grant
8 Fund, the Nebraska Environmental Trust Fund, the Nebraska State Fair
9 Board, and the Compulsive Gamblers Assistance Fund. The dollar amount
10 transferred pursuant to this subsection shall equal the greater of
11 (a) the dollar amount transferred to the funds in fiscal year 2002-03
12 or (b) any amount which constitutes at least twenty-two percent and
13 no more than twenty-five percent of the dollar amount of the lottery
14 tickets which have been sold on an annualized basis. To the extent
15 that funds are available, the Tax Commissioner and director may
16 authorize a transfer exceeding twenty-five percent of the dollar
17 amount of the lottery tickets sold on an annualized basis.

18 (3) Of the money available to be transferred to the
19 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the
20 Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and
21 the Compulsive Gamblers Assistance Fund:

22 (a) The first five hundred thousand dollars shall be
23 transferred to the Compulsive Gamblers Assistance Fund to be used as
24 provided in section 71-817;

25 (b) Nineteen and three-fourths percent of the money

1 remaining after the payment of prizes and operating expenses and the
2 initial transfer to the Compulsive Gamblers Assistance Fund shall be
3 transferred to the Education Innovation Fund;

4 (c) Twenty-four and three-fourths percent of the money
5 remaining after the payment of prizes and operating expenses and the
6 initial transfer to the Compulsive Gamblers Assistance Fund shall be
7 transferred to the Nebraska Opportunity Grant Fund;

8 (d) Forty-four and one-half percent of the money
9 remaining after the payment of prizes and operating expenses and the
10 initial transfer to the Compulsive Gamblers Assistance Fund shall be
11 transferred to the Nebraska Environmental Trust Fund to be used as
12 provided in the Nebraska Environmental Trust Act;

13 (e) Ten percent of the money remaining after the payment
14 of prizes and operating expenses and the initial transfer to the
15 Compulsive Gamblers Assistance Fund shall be transferred to the
16 Nebraska State Fair Board if the most populous city within the county
17 in which the fair is located provides matching funds equivalent to
18 ten percent of the funds available for transfer. Such matching funds
19 may be obtained from the city and any other private or public entity,
20 except that no portion of such matching funds shall be provided by
21 the state. If the Nebraska State Fair ceases operations, ten percent
22 of the money remaining after the payment of prizes and operating
23 expenses and the initial transfer to the Compulsive Gamblers
24 Assistance Fund shall be transferred to the General Fund; and

25 (f) One percent of the money remaining after the payment

1 of prizes and operating expenses and the initial transfer to the
2 Compulsive Gamblers Assistance Fund shall be transferred to the
3 Compulsive Gamblers Assistance Fund to be used as provided in section
4 71-817.

5 (4)(a) The Education Innovation Fund is created. At least
6 seventy-five percent of the lottery proceeds allocated to the
7 Education Innovation Fund shall be available for disbursement.

8 (b) For fiscal year 2010-11, the Education Innovation
9 Fund shall be allocated as follows: The first one million dollars
10 shall be transferred to the Excellence in Teaching Cash Fund to fund
11 the Excellence in Teaching Act, and the amount remaining in the
12 Education Innovation Fund shall be allocated, after administrative
13 expenses, for distance education equipment and incentives pursuant to
14 sections 79-1336 and 79-1337.

15 (c) For fiscal year 2011-12, the Education Innovation
16 Fund shall be allocated as follows: (i) The first two hundred twenty-
17 five thousand dollars shall be transferred to the Excellence in
18 Teaching Cash Fund to fund the Attracting Excellence to Teaching
19 Program; (ii) the next three million three hundred sixty-five
20 thousand nine hundred sixty-two dollars shall be distributed to
21 school districts as grants pursuant to the Early Childhood Education
22 Grant Program; (iii) the next two million one hundred seventy-five
23 thousand six hundred seventy-three dollars shall be distributed to
24 local systems as grants for approved accelerated or differentiated
25 curriculum programs for students identified as learners with high

1 ability pursuant to section 79-1108.02; (iv) the next four hundred
2 ninety-one thousand five hundred forty-one dollars shall be used by
3 the State Department of Education for the development of an
4 integrated early childhood, elementary, secondary, and postsecondary
5 student information system; (v) the next four hundred fifty thousand
6 dollars shall fund the Center for Student Leadership and Extended
7 Learning Act; (vi) the next one hundred fourteen thousand six hundred
8 twenty-nine dollars shall fund the multicultural education program
9 created under section 79-720; (vii) the next one hundred twenty-three
10 thousand four hundred sixty-eight dollars shall be used by the
11 department to employ persons to investigate and prosecute alleged
12 violations as provided in section 79-868; (viii) up to the next one
13 hundred sixty thousand dollars shall be used by the department to
14 implement section 79-759; and (ix) the amount remaining shall be
15 allocated, after administrative expenses, for distance education
16 equipment and incentives pursuant to sections 79-1336 and 79-1337.

17 (d) For fiscal year 2012-13, the Education Innovation
18 Fund shall be allocated as follows: (i) The first forty-five thousand
19 dollars shall be transferred to the Excellence in Teaching Cash Fund
20 to fund the Attracting Excellence to Teaching Program; (ii) the next
21 three million three hundred sixty-five thousand nine hundred sixty-
22 two dollars shall be distributed to school districts as grants
23 pursuant to the Early Childhood Education Grant Program; (iii) the
24 next two million one hundred seventy-five thousand six hundred
25 seventy-three dollars shall be distributed to local systems as grants

1 for approved accelerated or differentiated curriculum programs for
2 students identified as learners with high ability pursuant to section
3 79-1108.02; (iv) the next one hundred eight thousand one hundred
4 thirty-six dollars shall be used by the department for the
5 development of an integrated early childhood, elementary, secondary,
6 and postsecondary student information system; (v) the next four
7 hundred fifty thousand dollars shall fund the Center for Student
8 Leadership and Extended Learning Act; (vi) the next one hundred
9 fourteen thousand six hundred twenty-nine dollars shall be used by
10 the department to fund the multicultural education program created
11 under section 79-720; (vii) the next one hundred twenty-three
12 thousand four hundred sixty-eight dollars shall be used by the
13 department to employ persons to investigate and prosecute alleged
14 violations as provided in section 79-868; (viii) up to the next one
15 hundred sixty thousand dollars shall be used by the department to
16 implement section 79-759; (ix) the next twenty-seven thousand two
17 hundred dollars shall be used to fund the Interstate Compact on
18 Educational Opportunity for Military Children; (x) the next two
19 hundred thousand dollars shall be used to provide grants to establish
20 bridge programs pursuant to sections 79-1189 to 79-1195; and (xi) the
21 amount remaining shall be allocated, after administrative expenses,
22 for distance education equipment and incentives pursuant to sections
23 79-1336 and 79-1337.

24 (e) For fiscal year 2013-14, the Education Innovation
25 Fund shall be allocated as follows: (i) The first one million dollars

1 shall be transferred to the Excellence in Teaching Cash Fund to fund
2 the Excellence in Teaching Act; (ii) the next allocation shall be
3 distributed to local systems as grants for approved accelerated or
4 differentiated curriculum programs for students identified as
5 learners with high ability pursuant to section 79-1108.02 in an
6 aggregated amount up to the amount distributed in the prior fiscal
7 year for such purposes increased by the basic allowable growth rate
8 pursuant to section 79-1025; (iii) the next allocation shall be used
9 by the State Department of Education for the integrated early
10 childhood, elementary, secondary, and postsecondary student
11 information system in an aggregated amount up to the amount used in
12 the prior fiscal year for such purposes increased by the basic
13 allowable growth rate pursuant to section 79-1025; (iv) the next
14 allocation shall fund the Center for Student Leadership and Extended
15 Learning Act in an aggregated amount up to the amount used in the
16 prior fiscal year for such purposes increased by the basic allowable
17 growth rate pursuant to section 79-1025; (v) the next allocation
18 shall be used by the department to fund the multicultural education
19 program created under section 79-720 in an aggregated amount up to
20 the amount used in the prior fiscal year for such purposes increased
21 by the basic allowable growth rate pursuant to section 79-1025; (vi)
22 the next allocation shall be used by the department to employ persons
23 to investigate and prosecute alleged violations as provided in
24 section 79-868 in an aggregated amount up to the amount used in the
25 prior fiscal year for such purposes increased by the basic allowable

1 growth rate pursuant to section 79-1025; (vii) up to the next one
2 hundred sixty thousand dollars shall be used by the department to
3 implement section 79-759; (viii) the next two hundred thousand
4 dollars shall be used to provide grants to establish bridge programs
5 pursuant to sections 79-1189 to 79-1195; ~~and~~ (ix) the next XXX
6 dollars shall be used to reimburse expenses pursuant to the Remedial
7 Adult Education Innovation Act; and (x) the amount remaining shall be
8 allocated, after administrative expenses, for distance education
9 equipment and incentives pursuant to sections 79-1336 and 79-1337.

10 (f) For fiscal year 2014-15, the Education Innovation
11 Fund shall be allocated as follows: (i) The first one million dollars
12 shall be transferred to the Excellence in Teaching Cash Fund to fund
13 the Excellence in Teaching Act; (ii) the next allocation shall be
14 distributed to local systems as grants for approved accelerated or
15 differentiated curriculum programs for students identified as
16 learners with high ability pursuant to section 79-1108.02 in an
17 aggregated amount up to the amount distributed in the prior fiscal
18 year for such purposes increased by the basic allowable growth rate
19 pursuant to section 79-1025; (iii) the next allocation shall be used
20 by the State Department of Education for the integrated early
21 childhood, elementary, secondary, and postsecondary student
22 information system in an aggregated amount up to the amount used in
23 the prior fiscal year for such purposes increased by the basic
24 allowable growth rate pursuant to section 79-1025; (iv) the next
25 allocation shall fund the Center for Student Leadership and Extended

1 Learning Act in an aggregated amount up to the amount used in the
2 prior fiscal year for such purposes increased by the basic allowable
3 growth rate pursuant to section 79-1025; (v) the next allocation
4 shall be used by the department to fund the multicultural education
5 program created under section 79-720 in an aggregated amount up to
6 the amount used in the prior fiscal year for such purposes increased
7 by the basic allowable growth rate pursuant to section 79-1025; (vi)
8 the next allocation shall be used by the department to employ persons
9 to investigate and prosecute alleged violations as provided in
10 section 79-868 in an aggregated amount up to the amount used in the
11 prior fiscal year for such purposes increased by the basic allowable
12 growth rate pursuant to section 79-1025; (vii) the next two hundred
13 thousand dollars shall be used to provide grants to establish bridge
14 programs pursuant to sections 79-1189 to 79-1195; ~~and~~ (viii) the next
15 XXX dollars shall be used to reimburse institutions pursuant to the
16 Remedial Adult Education Innovation Act; and (ix) the amount
17 remaining shall be allocated, after administrative expenses, for
18 distance education equipment and incentives pursuant to sections
19 79-1336 and 79-1337.

20 (g) For fiscal year 2015-16, the Education Innovation
21 Fund shall be allocated as follows: (i) The first one million dollars
22 shall be transferred to the Excellence in Teaching Cash Fund to fund
23 the Excellence in Teaching Act; (ii) the next allocation shall be
24 distributed to local systems as grants for approved accelerated or
25 differentiated curriculum programs for students identified as

1 learners with high ability pursuant to section 79-1108.02 in an
2 aggregated amount up to the amount distributed in the prior fiscal
3 year for such purposes increased by the basic allowable growth rate
4 pursuant to section 79-1025; (iii) the next allocation shall be used
5 by the State Department of Education for the integrated early
6 childhood, elementary, secondary, and postsecondary student
7 information system in an aggregated amount up to the amount used in
8 the prior fiscal year for such purposes increased by the basic
9 allowable growth rate pursuant to section 79-1025; (iv) the next
10 allocation shall fund the Center for Student Leadership and Extended
11 Learning Act in an aggregated amount up to the amount used in the
12 prior fiscal year for such purposes increased by the basic allowable
13 growth rate pursuant to section 79-1025; (v) the next allocation
14 shall be used by the department to fund the multicultural education
15 program created under section 79-720 in an aggregated amount up to
16 the amount used in the prior fiscal year for such purposes increased
17 by the basic allowable growth rate pursuant to section 79-1025; (vi)
18 the next allocation shall be used by the department to employ persons
19 to investigate and prosecute alleged violations as provided in
20 section 79-868 in an aggregated amount up to the amount used in the
21 prior fiscal year for such purposes increased by the basic allowable
22 growth rate pursuant to section 79-1025; ~~and~~ (vii) the next XXX
23 dollars shall be used to reimburse institutions pursuant to the
24 Remedial Adult Education Innovation Act; and (viii) the amount
25 remaining shall be allocated, after administrative expenses, for

1 distance education equipment and incentives pursuant to sections
2 79-1336 and 79-1337.

3 (h) For fiscal year 2016-17 and each fiscal year
4 thereafter, the Education Innovation Fund shall be allocated, after
5 administrative expenses, for education purposes as provided by the
6 Legislature.

7 (5) Any money in the State Lottery Operation Trust Fund,
8 the State Lottery Operation Cash Fund, the State Lottery Prize Trust
9 Fund, or the Education Innovation Fund available for investment shall
10 be invested by the state investment officer pursuant to the Nebraska
11 Capital Expansion Act and the Nebraska State Funds Investment Act.

12 (6) Unclaimed prize money on a winning lottery ticket
13 shall be retained for a period of time prescribed by rules and
14 regulations. If no claim is made within such period, the prize money
15 shall be used at the discretion of the Tax Commissioner for any of
16 the purposes prescribed in this section.

17 Sec. 10. Original section 9-812, Reissue Revised Statutes
18 of Nebraska, is repealed.

19 Sec. 11. Since an emergency exists, this act takes effect
20 when passed and approved according to law.