

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1079

Final Reading

Introduced by Mello, 5; Council, 11; Harms, 48.

Read first time January 18, 2012

Committee: Education

A BILL

1 FOR AN ACT relating to education; to amend section 9-812, Revised
2 Statutes Supplement, 2011; to state findings; to define
3 terms; to provide for grants and funding for such grants
4 for bridge programs as prescribed; to provide for
5 allocations from the Education Innovation Fund; to
6 provide duties for the State Department of Education and
7 the Department of Health and Human Services; to provide a
8 termination date; to repeal the original section; and to
9 declare an emergency.

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

1 Section 1. The Legislature finds that:

2 (1) Nebraska faces a skills gap of educated workers to
3 serve key roles in high-demand industries;

4 (2) Nebraska must develop innovative education and
5 training solutions in order to fill these roles and compete in a
6 global economy; and

7 (3) Bridge programs, in which adult learners earn
8 postsecondary educational credentials in an expedited manner, are a
9 proven solution to this problem.

10 Sec. 2. For purposes of sections 1 to 7 of this act:

11 (1) Bridge program means a structured career pathway
12 program, developed in partnership among a provider of basic skills
13 education and training, the provider of the Adult Education Program
14 established pursuant to section 79-11,133, and a nonprofit social
15 services organization, which assists students in obtaining academic,
16 employability, and technical skills needed to enter and succeed in
17 postsecondary education and training and the labor market; and

18 (2) Department means the State Department of Education.

19 Sec. 3. The Legislature shall appropriate two hundred
20 thousand dollars each fiscal year for three consecutive fiscal years
21 beginning with FY2012-13 to the department from the Education
22 Innovation Fund to provide grants to establish bridge programs. Such
23 programs shall:

24 (1) Provide English reading and writing and math skills
25 required to succeed in a postsecondary educational credentialing or

1 degree program;

2 (2) Lead to the attainment of college credit and a
3 recognized postsecondary educational credential or an industry-
4 recognized credential;

5 (3) Be open only to low-income participants who are co-
6 enrolled in adult education, developmental education, or English as a
7 second language;

8 (4) Target the specific workforce needs of an
9 occupational sector within the state and provide services aimed at
10 improving education, skills, and employment prospects for low-income
11 adults;

12 (5) Use educational best practices, including, but not
13 limited to, contextualized instructional strategies, team teaching,
14 modularized learning, or reduced student-teacher ratios; and

15 (6) Provide for supportive services needed for student
16 educational and employment success, including, but not limited to,
17 job coaching and personal needs.

18 Sec. 4. The department shall establish a competitive
19 process for awarding grants for bridge programs which meet the
20 requirements of section 3 of this act. In awarding such grants, the
21 department shall give priority to:

22 (1) Applicants which leverage additional funding through
23 local, philanthropic, or federal funding, including, but not limited
24 to, participation in the state Supplemental Nutrition Assistance
25 Program Employment and Training plan established pursuant to the

1 federal Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq.,
2 funding under the federal Workforce Investment Act of 1998, 29 U.S.C.
3 2832 et seq., as such act existed on January 1, 2012, funding under
4 the College Access Challenge Grant Program established pursuant to
5 the federal Higher Education Act of 1965, 20 U.S.C. 1141, as such
6 section existed on January 1, 2012, funding under the federal
7 Temporary Assistance to Needy Families program established in 42
8 U.S.C. 601 et seq., as such sections existed on January 1, 2012, and
9 funding under the aid to dependent children program; and

10 (2) Programs serving recipients of public assistance.

11 Sec. 5. A recipient of a bridge program grant under
12 section 3 of this act shall collect and provide to the department
13 data illustrating the outcomes of participants, including:

14 (1) Participants' education levels, income, and
15 employment status upon entry into the bridge program;

16 (2) The total number of participants beginning the bridge
17 program, earning college credit, earning industry-recognized
18 credentials, and earning recognized postsecondary educational
19 credentials;

20 (3) The employment rates of participants six months,
21 twelve months, and twenty-four months after leaving the bridge
22 program; and

23 (4) The number of participants pursuing additional
24 education six months, twelve months, and twenty-four months after
25 leaving the bridge program.

1 Sec. 6. The department may adopt and promulgate rules and
2 regulations to carry out sections 1 to 5 of this act.

3 Sec. 7. The Department of Health and Human Services shall
4 cooperate with applicants and recipients under sections 1 to 5 of
5 this act pursuing funding under the state Supplemental Nutrition
6 Assistance Program Employment and Training plan established pursuant
7 to the federal Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq.,
8 as such act and sections existed on January 1, 2012, the federal
9 Temporary Assistance to Needy Families program established in 42
10 U.S.C. 601 et seq., as such sections existed on January 1, 2012, and
11 funding under the aid to dependent children program.

12 Sec. 8. Sections 1 to 7 of this act terminate on June 30,
13 2015.

14 Sec. 9. Section 9-812, Revised Statutes Supplement, 2011,
15 is amended to read:

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

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

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

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

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

1 (b) Nineteen and three-fourths percent of the money
2 remaining after the payment of prizes and operating expenses and the
3 initial transfer to the Compulsive Gamblers Assistance Fund shall be
4 transferred to the Education Innovation Fund;

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

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

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

1 (f) One percent of the money remaining after the payment
2 of prizes and operating expenses and the initial transfer to the
3 Compulsive Gamblers Assistance Fund shall be transferred to the
4 Compulsive Gamblers Assistance Fund to be used as provided in section
5 71-817.

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

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

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

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

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

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

25 (e) For fiscal year 2013-14, the Education Innovation

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

1 prior fiscal year for such purposes increased by the basic allowable
2 growth rate pursuant to section 79-1025; (vii) up to the next one
3 hundred sixty thousand dollars shall be used by the department to
4 implement section 79-759; (viii) the next two hundred thousand
5 dollars shall be used to provide grants to establish bridge programs
6 pursuant to sections 1 to 7 of this act; and ~~(viii)~~-(ix) the amount
7 remaining shall be allocated, after administrative expenses, for
8 distance education equipment and incentives pursuant to sections
9 79-1336 and 79-1337.

10 (f) For fiscal years ~~2014-15 and 2015-16~~, year 2014-15,
11 the Education Innovation Fund shall be allocated as follows: (i) The
12 first one million dollars shall be transferred to the Excellence in
13 Teaching Cash Fund to fund the Excellence in Teaching Act; (ii) the
14 next allocation shall be distributed to local systems as grants for
15 approved accelerated or differentiated curriculum programs for
16 students identified as learners with high ability pursuant to section
17 79-1108.02 in an aggregated amount up to the amount distributed in
18 the prior fiscal year for such purposes increased by the basic
19 allowable growth rate pursuant to section 79-1025; (iii) the next
20 allocation shall be used by the State Department of Education for the
21 integrated early childhood, elementary, secondary, and postsecondary
22 student information system in an aggregated amount up to the amount
23 used in the prior fiscal year for such purposes increased by the
24 basic allowable growth rate pursuant to section 79-1025; (iv) the
25 next allocation shall fund the Center for Student Leadership and

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

18 (g) For fiscal year 2015-16, the Education Innovation
19 Fund shall be allocated as follows: (i) The first one million dollars
20 shall be transferred to the Excellence in Teaching Cash Fund to fund
21 the Excellence in Teaching Act; (ii) the next allocation shall be
22 distributed to local systems as grants for approved accelerated or
23 differentiated curriculum programs for students identified as
24 learners with high ability pursuant to section 79-1108.02 in an
25 aggregated amount up to the amount distributed in the prior fiscal

1 year for such purposes increased by the basic allowable growth rate
2 pursuant to section 79-1025; (iii) the next allocation shall be used
3 by the State Department of Education for the integrated early
4 childhood, elementary, secondary, and postsecondary student
5 information system in an aggregated amount up to the amount used in
6 the prior fiscal year for such purposes increased by the basic
7 allowable growth rate pursuant to section 79-1025; (iv) the next
8 allocation shall fund the Center for Student Leadership and Extended
9 Learning Act in an aggregated amount up to the amount used in the
10 prior fiscal year for such purposes increased by the basic allowable
11 growth rate pursuant to section 79-1025; (v) the next allocation
12 shall be used by the department to fund the multicultural education
13 program created under section 79-720 in an aggregated amount up to
14 the amount used in the prior fiscal year for such purposes increased
15 by the basic allowable growth rate pursuant to section 79-1025; (vi)
16 the next allocation shall be used by the department to employ persons
17 to investigate and prosecute alleged violations as provided in
18 section 79-868 in an aggregated amount up to the amount used in the
19 prior fiscal year for such purposes increased by the basic allowable
20 growth rate pursuant to section 79-1025; and (vii) the amount
21 remaining shall be allocated, after administrative expenses, for
22 distance education equipment and incentives pursuant to sections
23 79-1336 and 79-1337.

24 (h) For fiscal year 2016-17 and each fiscal year
25 thereafter, the Education Innovation Fund shall be allocated, after

1 administrative expenses, for education purposes as provided by the
2 Legislature.

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

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

13 Sec. 10. Original section 9-812, Revised Statutes
14 Supplement, 2011, is repealed.

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