

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 650

Introduced by Wayne, 13.

Read first time January 23, 2019

Committee:

- 1 A BILL FOR AN ACT relating to education; to amend sections 9-812 and
- 2 79-8,137.05, Revised Statutes Cumulative Supplement, 2018; to adopt
- 3 the Teach for Nebraska Program Act; to change provisions relating to
- 4 the Nebraska Education Improvement Fund and the Excellence in Teach
- 5 Cash Fund; to harmonize provisions; to repeal the original sections;
- 6 and to declare an emergency.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 11 of this act shall be known and may be
2 cited as the Teach for Nebraska Program Act.

3 Sec. 2. The Legislature finds that:

4 (1) There is a need to increase academic opportunities for highly
5 motivated, underserved students and put them on the trajectory of a
6 successful college path and to inspire and develop the next generation of
7 teachers and educational leaders;

8 (2) Studies suggest that two million teachers will be needed
9 nationally over the next ten years, while traditional teacher preparation
10 programs will have one million teachers in the pipeline;

11 (3) Approximately fifty percent of all teachers at urban and
12 poverty-stricken public schools nationwide leave their positions in less
13 than three years, not because they do not want to teach, but because they
14 are not always ready to teach;

15 (4) In the next ten years there will be shortages in subject areas
16 such as mathematics, science, special education, world languages,
17 bilingual education, and early childhood education; and

18 (5) There is a need to create a program to encourage today's high
19 school students to become tomorrow's teachers as a strategy to resolve
20 this shortfall and to provide teachers the knowledge, skills, and
21 disposition they need to make an immediate impact in the urban classroom.

22 Sec. 3. The Legislature further finds that:

23 (1) Middle school is a time of substantial academic, developmental,
24 and social change for students and during these years students,
25 particularly underserved students, shift their lives either toward going
26 to college or away from it;

27 (2) Research from Johns Hopkins University shows that, during middle
28 school grades, students in high-poverty environments are either launched
29 on the path to high school graduation or knocked off-track;

30 (3) Research shows that two-thirds of the ninth grade reading
31 achievement gap between low-income and higher-income students can be

1 attributed to unequal access to summer learning opportunities;

2 (4) Nationally, only twenty-eight percent of low-income students are
3 enrolled in a college-preparatory curriculum during their high school
4 years, but research shows that bachelor's degree completion increases
5 when students have a rigorous high school curriculum, particularly for
6 low-income students;

7 (5) Research shows that underserved students are more likely to fall
8 off the path to college and that they and their families are less likely
9 to know about the repercussions of current course choices on future class
10 placements, to know about the differences among high school curricular
11 tracks, or to feel entitled to request changes to higher-level courses
12 for their children;

13 (6) Research shows that having peers who are planning to attend
14 college can be even more important than parental encouragement and
15 support. One study showed that students are four times more likely to
16 enroll in college if their peers intend to enroll in college as well.
17 Breakthrough creates peer groups among students and their teachers where
18 high academic achievement is expected and attending college is the norm;
19 and

20 (7) There is a need to create programs that encourage middle-school-
21 age students to finish secondary school, attend college, and become
22 teachers.

23 Sec. 4. The Teach for Nebraska Summer Program and the Teach for
24 Nebraska Scholarship Program are created. The summer program shall
25 consist of an intense six-week session held during the summer for high
26 school students conducted by the baccalaureate teacher education programs
27 at the University of Nebraska at Kearney and the University of Nebraska
28 at Omaha. The scholarship program shall provide scholarships to graduates
29 of the summer program who go on to major in education at a Nebraska
30 postsecondary educational institution.

31 Sec. 5. For purposes of the Teach for Nebraska Act:

1 (1) Award means a grant of money by the commission to an eligible
2 scholarship student for educational expenses;

3 (2) Award year means the period beginning on July 1 through the
4 following June 30;

5 (3) Commission means the Coordinating Commission for Postsecondary
6 Education;

7 (4) Eligible scholarship student means a student who:

8 (a) Is a graduate of the Teach for Nebraska Summer Program;

9 (b) Is enrolled in at least twenty-four semester credit hours,
10 thirty-six quarter credit hours, or nine hundred clock hours per award
11 year at a scholarship institution;

12 (c) Has not earned a first baccalaureate or professional degree;

13 (d) Is pursuing a degree from a teacher education program approved
14 by the State Department of Education;

15 (e) Has applied for federal financial aid through the Free
16 Application for Federal Student Aid for the applicable award year;

17 (f) Has successfully completed any prior award years in which such
18 student was enrolled at a scholarship institution; and

19 (g) Complies with all other provisions of the Teach for Nebraska
20 Program Act and any rules and regulations adopted and promulgated
21 pursuant to section 11 of this act;

22 (5) Eligible summer student means a student who:

23 (a) Completed either grade eight or grade eleven at the end of the
24 school year immediately preceding participation in the program;

25 (b) Qualified for free lunches or free milk pursuant to the federal
26 Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq., as
27 such act existed on January 1, 2019, for the school year immediately
28 preceding participation in the program;

29 (c) Has a cumulative grade-point average of 2.0 or higher on a 4.0
30 scale; and

31 (d) Is enrolled for the upcoming school year in one or more college

1 preparatory courses.

2 (6) Scholarship applicant means a student seeking an award pursuant
3 to the Teach for Nebraska Scholarship Program;

4 (7) Scholarship institution means a public or private postsecondary
5 educational institution that offers a teacher education program approved
6 by the State Department of Education and has adopted, and has available
7 for inspection, award refund and repayment policies; and

8 (8) Summer applicant means a student seeking to participate in the
9 Teach for Nebraska Summer Program.

10 Sec. 6. Summer applicants shall apply to either the University of
11 Nebraska at Kearney or the University of Nebraska at Omaha in the manner
12 and by the deadline established by the respective institution. Applicants
13 who are eligible summer students shall be selected based upon, but not
14 limited to, two teacher recommendations, an essay, and a personal
15 interview.

16 Sec. 7. The Teach for Nebraska Summer Program shall include:

17 (a) Students teaching each other;

18 (b) Accelerated learning in English literature, mathematics,
19 science, social studies, and foreign language;

20 (c) Grade monitoring, tutoring, and ongoing college preparatory
21 activities;

22 (d) College entrance examination preparation;

23 (e) Internship placements;

24 (f) Housing for participating students and teachers on campus; and

25 (g) Other necessary academic support; and

26 (h) Recognition as graduates of the Teach for Nebraska Summer
27 Program for students who successfully complete the program.

28 (3) No tuition shall be charged to participate in the Teach for
29 Nebraska Summer Program.

30 Sec. 8. The University of Nebraska at Kearney and the University of
31 Nebraska at Omaha shall develop a process to track the students who

1 participate in the Teach for Nebraska Summer Program and provide an
2 annual report to the Board of Regents of the University of Nebraska, the
3 Coordinating Commission for Post Secondary Education, the Governor, and
4 electronically to the Legislature, showing how many participating
5 students go on to enroll in academically rigorous middle-school and high
6 school college-preparatory courses, graduate on time from high school,
7 and enroll in and graduate from college.

8 Sec. 9. (1) Each scholarship applicant shall apply in the manner
9 and by the deadline established by the commission through the financial
10 aid office at the scholarship institution in which the scholarship
11 applicant plans to enroll or in which the scholarship applicant is
12 enrolled for each award year for which the scholarship applicant is
13 seeking an award pursuant to the Teach for Nebraska Scholarship Program.
14 As part of the application process, each scholarship applicant shall
15 certify that (a) such student will use the award only for educational
16 purposes and (b) that such student is pursuing a degree from a teacher
17 education program approved by the State Department of Education. The
18 application shall also contain such other information as required to
19 confirm that the scholarship applicant is an eligible scholarship
20 student.

21 (2) Each scholarship institution shall receive and process
22 applications for awards under the Teach for Nebraska Scholarship Program,
23 forward applications to the commission, and distribute awards to eligible
24 scholarship students during the award year.

25 (3) The commission shall process applications, determine each
26 applicant's eligibility for an award, determine award amounts, grant
27 awards to eligible scholarship students, and distribute to each
28 scholarship institution the total award amount approved for eligible
29 scholarship students at such scholarship institution.

30 (4) The award amount for each eligible scholarship student shall
31 equal the result from dividing the funds appropriated for awards pursuant

1 to the Teach for Nebraska Scholarship Program by the number of eligible
2 scholarship students for such award year, except that the award amount
3 for any eligible scholarship student shall not exceed the lesser of the
4 tuition and mandatory fees for a full-time, resident, undergraduate
5 student at the scholarship institution such eligible scholarship student
6 attends or the tuition and mandatory fees for a full-time, resident,
7 undergraduate student at the University of Nebraska-Lincoln.

8 (5) If an award recipient discontinues attendance before the end of
9 the award year, the award recipient shall remit any award balance
10 allowable to the scholarship institution in accordance with such
11 scholarship institution's withdrawal policy. The scholarship institution
12 shall remit such award balance to the commission in accordance with such
13 scholarship institution's refund policy.

14 (6) Each scholarship institution shall file an annual report with
15 the commission. The report shall document that eligible scholarship
16 students receiving awards under the Teach for Nebraska Scholarship
17 Program have met the eligibility standards and requirements established
18 in the act and rules and regulations.

19 (7) Nothing in the Teach for Nebraska Scholarship Program shall be
20 construed to grant any authority to the commission to (a) control or
21 influence the policies of any scholarship institution because such
22 scholarship institution accepts eligible scholarship students who receive
23 awards or (b) require any scholarship institution to enroll any eligible
24 scholarship student receiving an award or, once admitted, to continue in
25 such institution any eligible scholarship student receiving an award.

26 Sec. 10. (1) The Teach for Nebraska Fund is created. The fund shall
27 be administered by the commission. Any money in the fund available for
28 investment shall be invested by the state investment officer pursuant to
29 the Nebraska Capital Expansion Act and the Nebraska State Funds
30 Investment Act.

31 (2) The purpose of the fund is to provide for the expenses of

1 students and teachers participating in the Teach for Nebraska Summer
2 Program and to provide scholarships pursuant to the Teach for Nebraska
3 Scholarship Program. Eligible expenses for the summer program include
4 books, materials, lunches, snacks, field trips, tuition and fees for
5 participating students, and salaries and expenses for participating
6 teachers.

7 (3) It is the intent of the Legislature to appropriate one million
8 dollars each fiscal year for fiscal years 2019-20 and 2020-21 from the
9 Excellence in Teaching Cash Fund to the Teach for Nebraska Fund for the
10 Teach for Nebraska Summer Program and five hundred thousand dollars for
11 fiscal years 2021-22 through 2029-30 from the General Fund to the Teach
12 for Nebraska Fund for the Teach for Nebraska Scholarship Program.

13 (4) The Teach for Nebraska Fund terminates on June 30, 2030. Any
14 money in the fund on such date shall be transferred to the General Fund
15 on such date.

16 Sec. 11. The commission may adopt and promulgate rules and
17 regulations necessary to carry out the Teach for Nebraska Act and
18 administer the Teach for Nebraska Fund, including such rules and
19 regulations for maintenance of fiscal controls and fund accounting
20 procedures as may be necessary to assure proper disbursement of funds and
21 to assure that eligible scholarship students and scholarship institutions
22 have complied with the act. Such rules and regulations shall be developed
23 in cooperation with representatives of the University of Nebraska at
24 Kearney, the University of Nebraska at Omaha, and other scholarship
25 institutions and shall be designed, to the extent consistent with
26 requirements of the act, to provide maximum flexibility for the
27 administration of the summer program by the University of Nebraska at
28 Kearney and the University of Nebraska at Omaha and to minimize the
29 administrative burden on scholarship institutions and the commission.
30 Such rules and regulations shall also establish a reasonable and fair
31 appeal procedure for students adversely affected by the actions of the

1 commission or a scholarship institution in the granting of awards
2 pursuant to the scholarship program.

3 Sec. 12. Section 9-812, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 9-812 (1) All money received from the operation of lottery games
6 conducted pursuant to the State Lottery Act in Nebraska shall be credited
7 to the State Lottery Operation Trust Fund, which fund is hereby created.
8 All payments of the costs of establishing and maintaining the lottery
9 games shall be made from the State Lottery Operation Cash Fund. In
10 accordance with legislative appropriations, money for payments for
11 expenses of the division shall be transferred from the State Lottery
12 Operation Trust Fund to the State Lottery Operation Cash Fund, which fund
13 is hereby created. All money necessary for the payment of lottery prizes
14 shall be transferred from the State Lottery Operation Trust Fund to the
15 State Lottery Prize Trust Fund, which fund is hereby created. The amount
16 used for the payment of lottery prizes shall not be less than forty
17 percent of the dollar amount of the lottery tickets which have been sold.

18 (2) A portion of the dollar amount of the lottery tickets which have
19 been sold on an annualized basis shall be transferred from the State
20 Lottery Operation Trust Fund to the Education Innovation Fund, the
21 Nebraska Opportunity Grant Fund, the Nebraska Education Improvement Fund,
22 the Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and
23 the Compulsive Gamblers Assistance Fund as provided in subsection (3) of
24 this section. The dollar amount transferred pursuant to this subsection
25 shall equal the greater of (a) the dollar amount transferred to the funds
26 in fiscal year 2002-03 or (b) any amount which constitutes at least
27 twenty-two percent and no more than twenty-five percent of the dollar
28 amount of the lottery tickets which have been sold on an annualized
29 basis. To the extent that funds are available, the Tax Commissioner and
30 director may authorize a transfer exceeding twenty-five percent of the
31 dollar amount of the lottery tickets sold on an annualized basis.

1 (3) Of the money available to be transferred to the Education
2 Innovation Fund, the Nebraska Opportunity Grant Fund, the Nebraska
3 Education Improvement Fund, the Nebraska Environmental Trust Fund, the
4 Nebraska State Fair Board, and the Compulsive Gamblers Assistance Fund:

5 (a) The first five hundred thousand dollars shall be transferred to
6 the Compulsive Gamblers Assistance Fund to be used as provided in section
7 9-1006;

8 (b) Beginning July 1, 2016, forty-four and one-half percent of the
9 money remaining after the payment of prizes and operating expenses and
10 the initial transfer to the Compulsive Gamblers Assistance Fund shall be
11 transferred to the Nebraska Education Improvement Fund;

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

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

29 (e) One percent of the money remaining after the payment of prizes
30 and operating expenses and the initial transfer to the Compulsive
31 Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers

1 Assistance Fund to be used as provided in section 9-1006.

2 (4) The Nebraska Education Improvement Fund is created. The fund
3 shall consist of money transferred pursuant to subsection (3) of this
4 section, money transferred pursuant to section 85-1920, and any other
5 funds appropriated by the Legislature. The fund shall be allocated, after
6 actual and necessary administrative expenses, as provided in this section
7 for fiscal years 2016-17 through 2020-21. A portion of each allocation
8 may be retained by the agency to which the allocation is made or the
9 agency administering the fund to which the allocation is made for actual
10 and necessary expenses incurred by such agency for administration,
11 evaluation, and technical assistance related to the purposes of the
12 allocation, except that no amount of the allocation to the Nebraska
13 Opportunity Grant Fund may be used for such purposes. On or before
14 December 31, 2019, the Education Committee of the Legislature shall
15 electronically submit recommendations to the Clerk of the Legislature
16 regarding how the fund should be allocated to best advance the
17 educational priorities of the state for the five-year period beginning
18 with fiscal year 2021-22. For fiscal year 2016-17, an amount equal to ten
19 percent of the revenue allocated to the Education Innovation Fund and to
20 the Nebraska Opportunity Grant Fund for fiscal year 2015-16 shall be
21 retained in the Nebraska Education Improvement Fund. For fiscal years
22 2017-18 through 2020-21, an amount equal to ten percent of the revenue
23 received by the Nebraska Education Improvement Fund in the prior fiscal
24 year shall be retained in the fund. For fiscal years 2016-17 through
25 2020-21, the remainder of the fund, after payment of any learning
26 community transition aid pursuant to section 79-10,145, shall be
27 allocated as follows:

28 (a) One percent of the allocated funds to the Expanded Learning
29 Opportunity Grant Fund to carry out the Expanded Learning Opportunity
30 Grant Program Act;

31 (b) Seventeen percent of the allocated funds to the Department of

1 Education Innovative Grant Fund to be used (i) for competitive innovation
2 grants pursuant to section 79-1054 and (ii) to carry out the purposes of
3 section 79-759;

4 (c) Nine percent of the allocated funds to the Community College Gap
5 Assistance Program Fund to carry out the community college gap assistance
6 program;

7 (d) Eight percent of the allocated funds to the Excellence in
8 Teaching Cash Fund to carry out the Excellence in Teaching Act and the
9 Teach for Nebraska Program Act;

10 (e) Sixty-two percent of the allocated funds to the Nebraska
11 Opportunity Grant Fund to carry out the Nebraska Opportunity Grant Act in
12 conjunction with appropriations from the General Fund; and

13 (f) Three percent of the allocated funds to fund distance education
14 incentives pursuant to section 79-1337.

15 (5) Any money in the State Lottery Operation Trust Fund, the State
16 Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, the
17 Nebraska Education Improvement Fund, or the Education Innovation Fund
18 available for investment shall be invested by the state investment
19 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
20 State Funds Investment Act.

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

26 Sec. 13. Section 79-8,137.05, Revised Statutes Cumulative
27 Supplement, 2018, is amended to read:

28 79-8,137.05 (1) The Excellence in Teaching Cash Fund is created. The
29 fund shall consist of appropriations by the Legislature, transfers
30 pursuant to section 9-812, and loan repayments, penalties, and interest
31 payments received in the course of administering the Attracting

1 Excellence to Teaching Program and the Enhancing Excellence in Teaching
2 Program.

3 (2) For ~~all~~ fiscal years 2019-20 and 2020-21, the department shall
4 allocate on an annual basis (a) one million dollars for the Teach for
5 Nebraska Program Act, (b) up to four hundred thousand dollars in the
6 aggregate of the funds to be distributed for the Attracting Excellence to
7 Teaching Program to all eligible institutions according to the
8 distribution formula as determined by rule and regulation, and (c) up to
9 eight hundred thousand dollars of the remaining available funds to be
10 distributed to eligible students for the Enhancing Excellence in Teaching
11 Program. The eligible institutions shall act as agents of the department
12 in the distribution of the funds for the Attracting Excellence to
13 Teaching Program to eligible students. ~~The department shall allocate on~~
14 ~~an annual basis up to eight hundred thousand dollars of the remaining~~
15 ~~available funds to be distributed to eligible students for the Enhancing~~
16 ~~Excellence in Teaching Program~~. Funding amounts granted in excess of two
17 ~~one~~ million two hundred thousand dollars shall be evenly divided for
18 distribution between the Attracting Excellence to Teaching Program and
19 the Enhancing Excellence in Teaching Program ~~two programs~~.

20 (3) Any money remaining in the fund on August 1, 2021, shall be
21 transferred to the Nebraska Education Improvement Fund on such date.

22 (4) Any money in the Excellence in Teaching Cash Fund available for
23 investment shall be invested by the state investment officer pursuant to
24 the Nebraska Capital Expansion Act and the Nebraska State Funds
25 Investment Act.

26 Sec. 14. Original sections 9-812 and 79-8,137.05, Revised Statutes
27 Cumulative Supplement, 2018, are repealed.

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