

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 103**

Introduced by Murante, 49.

Read first time January 06, 2017

Committee:

- 1 A BILL FOR AN ACT relating to education; to amend sections 79-1105,
- 2 79-1106, 79-1107, 79-1108, 79-1108.01, 79-1108.02, and 79-1108.03,
- 3 Reissue Revised Statutes of Nebraska; to state findings; to change
- 4 provisions relating to accelerated or differentiated curriculum
- 5 programs; to require establishment of high-ability-learners' focus
- 6 groups; to provide duties; to harmonize provisions; and to repeal
- 7 the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1105, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 79-1105 The State Department of Education has authority to employ a  
4 full-time consultant trained and experienced in the field of education  
5 for learners with high ability. Such consultant shall encourage, advise,  
6 and consult with each school of the state in the development and  
7 implementation of plans for education of learners with high ability and  
8 shall monitor the implementation of sections 79-1106 to 79-1108.03 and  
9 sections 2 and 5 of this act. For purposes of this section, learner with  
10 high ability has the definition found in section 79-1107.

11 Sec. 2. The Legislature finds that:

12 (1) School districts should provide for individual student needs and  
13 the development of extraordinary ability and potential; and

14 (2) Educational programs for learners with high ability should be  
15 based on the beliefs that:

16 (a) High performance capability is evident in all races, creeds,  
17 national origins, genders, physical abilities, and economic strata;

18 (b) Learners with high ability come from diverse economic and  
19 cultural settings and must be identified;

20 (c) Learners with high ability should have an education free from  
21 economic and cultural bias;

22 (d) Learners with high ability have unique learning needs and  
23 services should be provided to address those educational needs;

24 (e) Learners with high ability require a variety of challenging  
25 experiences that will enable them to demonstrate their potential;

26 (f) Educators have a responsibility to be adequately trained to meet  
27 the needs of learners with high ability;

28 (g) Community understanding and involvement is critical in the  
29 education of learners with high ability;

30 (h) Parents are valued partners in the education of learners with  
31 high ability; and

1           (i) Educational excellence for learners with high ability requires a  
2 commitment of financial and human resources.

3           Sec. 3. Section 79-1106, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           79-1106 The purpose of sections 79-1106 to 79-1108.03 and sections 2  
6 and 5 of this act is to assist and encourage all school districts in the  
7 development, improvement, and implementation of accelerated or  
8 differentiated curriculum programs that will serve the educational needs  
9 of learners with high ability at levels appropriate for their abilities  
10 consistent with the findings contained in section 2 of this act.

11           Sec. 4. Section 79-1107, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13           79-1107 For purposes of sections 79-1106 to 79-1108.03 and sections  
14 2 and 5 of this act:

15           (1) Approved accelerated or differentiated curriculum programs means  
16 academic programs that serve the educational needs of learners with high  
17 ability developed and approved under section 79-1108;

18           (2) Department means the State Department of Education; and

19           (3) Learner with high ability means a student who gives evidence of  
20 high performance capability in such areas as intellectual, creative, or  
21 artistic capacity or in specific academic fields and who requires  
22 accelerated or differentiated curriculum programs in order to develop  
23 those capabilities fully.

24           Sec. 5. (1) Each school district within a learning community as  
25 defined in section 79-2101 providing an approved accelerated or  
26 differentiated curriculum program shall establish a high-ability-  
27 learners' focus group. Each focus group shall include:

28           (a) Parents of learners with high ability from elementary, middle  
29 school, and high school grade levels as defined by the school district;

30           (b) Teachers from an approved accelerated or differentiated  
31 curriculum program from elementary, middle school, and high school grade

1 levels; and

2 (c) Administrators with responsibilities directly related to the  
3 school district's approved accelerated or differentiated curriculum  
4 programs.

5 (2) The focus group may also include a representative from a  
6 statewide organization which advocates for meeting the educational needs  
7 of learners with high ability. A preference shall be given in the  
8 selection of teacher members to teachers with endorsements specific to  
9 teaching learners with high ability who teach in approved accelerated or  
10 differentiated curriculum programs in the school district. The majority  
11 of each focus group shall be made up of parents of learners with high  
12 ability.

13 (3) Each focus group shall:

14 (a) Explore ways for parents and students to play an ongoing,  
15 integral role in the district's approved accelerated or differentiated  
16 curriculum program;

17 (b) Annually receive and review data and reports submitted by the  
18 school district pursuant to sections 79-1108.01 to 79-1108.03;

19 (c) Annually review the expenditure of funds distributed to the  
20 district pursuant to section 79-1108.02 and the matching funds required  
21 pursuant to subdivision (2)(b) of such section during the past school  
22 year and the budgeted expenditures of such funds for the current school  
23 year; and

24 (d) Study any issues related to the education of learners with high  
25 ability that the focus group deems appropriate.

26 Sec. 6. Section 79-1108, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 79-1108 Each school district shall identify learners with high  
29 ability and may provide approved accelerated or differentiated curriculum  
30 programs that will address the educational needs of the identified  
31 students at levels appropriate for the abilities of those students. The

1 ~~accelerated or differentiated curriculum programs shall meet the~~  
2 ~~standards of quality established by the department.~~ Educational service  
3 units may identify learners with high ability and provide approved  
4 accelerated or differentiated curriculum programs for school districts.  
5 Accelerated or differentiated curriculum programs provided by a school  
6 district or an educational service unit shall meet the standards of  
7 quality established by the department and, if the school district is a  
8 member of a learning community, establish a high-ability-learners' focus  
9 group pursuant to section 5 of this act in order to be approved by the  
10 department.

11       Sec. 7. Section 79-1108.01, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13       79-1108.01 Each school district ~~School districts~~ shall annually  
14 provide the department with a copy of its ~~their~~ criteria for identifying  
15 learners with high ability, the number of students identified according  
16 to the criteria, and the number of students participating in an approved  
17 accelerated or differentiated curriculum program and shall, if the school  
18 district is a member of a learning community, annually provide such  
19 information to the school district's high-ability-learners' focus group.  
20 Each school district ~~School districts~~ shall also have a list of the  
21 students identified and how the students compare to the criteria  
22 available for inspection by department personnel.

23       Sec. 8. Section 79-1108.02, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25       79-1108.02 (1) The department shall distribute amounts from the  
26 Education Innovation Fund pursuant to section 9-812 for purposes of  
27 subsection (2) of this section to local systems as defined in section  
28 79-1003 annually on or before October 15. The funds distributed pursuant  
29 to this section shall be distributed based on a pro rata share of the  
30 eligible costs submitted in grant applications.

31       (2) Local systems may apply to the department for base funds and

1 matching funds pursuant to this section to be spent on approved  
2 accelerated or differentiated curriculum programs. Each eligible local  
3 system shall receive one-tenth of one percent of the appropriation as  
4 base funds plus a pro rata share of the remainder of the appropriation  
5 based on identified students participating in an accelerated or  
6 differentiated curriculum program, up to ten percent of the prior year's  
7 fall membership as defined in section 79-1003, as matching funds.  
8 Eligible local systems shall:

9 (a) Provide an approved accelerated or differentiated curriculum  
10 program for students identified as learners with high ability;

11 (b) Provide funds from other sources for the approved accelerated or  
12 differentiated curriculum program greater than or equal to fifty percent  
13 of the matching funds received pursuant to this subsection;

14 (c) Provide an accounting of the funds received pursuant to this  
15 section, funds required by subdivision (b) of this subsection, and the  
16 total cost of the program on or before August 1 of the year following the  
17 receipt of funds in a manner prescribed by the department, not to exceed  
18 one report per year;

19 (d) Provide data to the department and, if the school district is a  
20 member of a learning community, to the high-ability-learners' focus group  
21 regarding the academic progress of students participating in the approved  
22 accelerated or differentiated curriculum program in a manner prescribed  
23 by the department, not to exceed one report per year; and

24 (e) Include identified students from Class I districts that are part  
25 of the local system in the accelerated or differentiated curriculum  
26 program.

27 If a local system will not be providing the necessary matching funds  
28 pursuant to subdivision (b) of this subsection, the local system shall  
29 request a reduction in the amount received pursuant to this subsection  
30 such that the local system will be in compliance with such subdivision.  
31 Local systems not complying with the requirements of this subsection

1 shall not be eligible local systems in the following year.

2           Sec. 9. Section 79-1108.03, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4           79-1108.03 The State Board of Education shall adopt and promulgate  
5 rules and regulations to implement sections 79-1105 to 79-1108.03 and  
6 sections 2 and 5 of this act, including criteria for the approval of  
7 accelerated or differentiated curriculum programs, for ~~and~~ data  
8 requirements for measuring academic progress of students participating in  
9 the accelerated or differentiated curriculum programs, and for protecting  
10 the personally identifiable information of learners with high ability in  
11 meeting such reporting requirements.

12           Sec. 10. Original sections 79-1105, 79-1106, 79-1107, 79-1108,  
13 79-1108.01, 79-1108.02, and 79-1108.03, Reissue Revised Statutes of  
14 Nebraska, are repealed.