

**2012
STATE & FEDERAL
LEGISLATION**

ADMINISTRATOR DAYS
July 25, 2012
Kearney, Nebraska

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Assistant Commissioner




LB 870 - Accountability

- Amends Quality Education Accountability Act (§79-760.06)
- State Board shall establish an accountability system to measure the performance of public schools and districts using multiple measures including graduation rates, student growth and student improvement on NeSA & other indicators selected by the Board.
- Board **may** establish levels of performance and classify schools & districts beginning with the 2013-14 school year.

LB 870 – Accountability

Nebraska Performance Accountability System (NePAS)

Indicators -

- Status scores of NeSA-R NeSA-M, NeSA-W & NeSA-S
- Student improvement NeSA-R & NeSA-M(this year v. last year)
- Student Growth NeSA-R & M(same students grade to grade)
- 4 year Graduation cohort rate
- 6 year Graduation cohort rate (1st Year available 12-13)
- Participation rate for NeSA

LB 870 – Accountability

<http://www.education.ne.gov/Assessment/NePAS.html>

The screenshot shows the Nebraska Department of Education website. The main heading is "Nebraska Department of Education". Below the navigation bar, there are several featured sections: "NDE Bulletin", "eyes on assessment", "Ask NDE/Facts", and "Superintendent's Priority". The central focus is the "Ne PAS Performance Accountability System" section, which includes a "Statistical Assessment" sidebar and a main content area with text about the system's purpose and implementation timeline.

LB 870 – Career Academies

- Legislature's first time recognition of Career Academies
- Section 79-777
- School districts with approval from NDE may establish & operate a career academy
- Career academy purpose to provide students with career-based educational curriculum
- NDE defines standards & criteria for (a) establishment, evaluation & continuing approval, (b) career based curriculum, (c) data elements & collection of data, (d) establishment of advisory boards.

LB 878 – Election Law Changes

Section 32-570 clarified to provide that if there are vacancies in the offices of "one-half or more" (instead of "a majority") of members of a school board, then the Secretary of State will hold a special election.

LB 968 – Special Education Funding

- For FY11-12, increased state general funds by \$1 million over FY10-11
- For FY12-13, increased state general funds by \$9 million over FY10-11
- Federal Maintenance of Effort will require that next Biennium Budget meet FY12-13 amount

Absenteeism – What are we missing?

The Nebraska Standard

A child shall be in school each day school is open and in session

except when:

- **Illness makes attendance impossible or impracticable;**
- **Severe weather makes attendance impossible or impracticable; or**
- **Excused by school officials.**

LB 996

Withdrawal from Mandatory Attendance

- Strikes 2004 language that permitted any parent to discontinue enrollment of 16 or 17 year old child for any reason
- Replaced with new section (Section 79-202) setting forth procedures & form to be used to withdraw a 16 or 17 year old child from attendance under limited circumstances
- Child experiencing:
 - financial hardships **requiring** the child to be employed to support child's family or dependents of child; or
 - illness making attendance impossible or impracticable.

Withdrawal from Attendance

How many will be affected?
16 & 17 year olds

Dropout Numbers for Public Schools

Year	07-08	08-09	09-10	10-11
Total	692	595	581	486

Dropout numbers for Nonpublic Schools

Year	07-08	08-09	09-10	10-11
Total	7	9	23	3

Withdrawal from Attendance

Outline of Procedure:

1. Written request to school district (letter);
2. Exit Interview required;
3. Prescribed form completed **only if** child meets standards set by Legislature; and
4. Form filed with NDE.

Withdrawal from Attendance

1. Requires written request of "any person" who has legal or actual charge or control of child (Requester)
 - If child is enrolled in private, denominational, or parochial school, Requester sends written request to school district **in which child resides**.
 - Example: Child lives in Hickman, but attends Lincoln Pius X High School – Written request made to superintendent of Norris School District #160

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Withdrawal from Attendance

2. Supt. or designee sets time & place for exit interview
 - Required attendees at Exit Interview: Requester, child (unless illness is reason), superintendent or designee, and principal or designee if child enrolled in school district.
 - Others may be requested & agree to attend (e.g. school principal for child enrolled in private school)
3. Exit Interview held: Requester must present evidence that (a) person has legal or actual charge or control of child (PLACCOC), and (b) child (i) experiencing financial hardships that child is required to work to support family, or (ii) has illness that makes attendance impossible or impracticable.

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Withdrawal from Attendance

4. Superintendent or designee shall then identify all alternative educational opportunities, including vocational courses of study, available to child in the school district, and how withdrawal is likely to reduce potential future earnings for child and increase likelihood of child being unemployed in future.
5. Other relevant information may be presented and discussed.

Illinois State Board of Education

Withdrawal from Attendance

6. Conclusion of Exit Interview:
 - a) PLACCOC may rescind written request, or may sign form;
 - b) Child required to sign form only if child required to work to support child's family or dependents of child; and
 - c) Superintendent or designee determines preponderance of evidence presented that person making written request is PLACCOC and child is experiencing (i) financial hardship requiring child to work, or (ii) illness that makes attendance impossible or impracticable by signing form.

Nebraska Department of Education

Withdrawal from Attendance

Prescribed form by Commissioner is located in NDE Portal under Forms

[Withdrawal From Attendance Form](#)

Nebraska Department of Education

LB 993 – Absenteeism Report

§79-209 sets forth minimum expectations for school district officials and the maximum amount of discretion school officials have in dealing with absenteeism

§ 79-209 requires the report to county attorney.

§79-209 does not change the Nebraska Standard in §79-201!

Nebraska Department of Education

LB 933- Absenteeism Report

- If **all** 20 absences of a student are excused or due to **documented illness** that makes attendance impossible or impracticable, then school may report matter to county attorney.
- Any report sent must include two statements one of which must be designated:
 - School requests more time to work with student;
 - School has used all reasonable efforts & recommends county attorney intervention.

Federal Legislation from 2011-2012

- ESEA will not be reauthorized
- New (?) federal cuss word from the Budget Control Act of 2011?
- Sequestration
 - **What does it mean?**

Sequestration Procedure

1. Calculate the total adjusted amount of federal deficit reduction needed
2. Divide the number by year
3. Take this number and divide evenly between defense & non-defense spending
4. Remove exempt programs from calculation

Sequestration Procedure

5. In FY13, apply the remaining dollar number in equal percentage cuts across the board.
6. In other years, lower the discretionary spending caps by the sequester amount
7. If in any future year the caps are broken automatic across the board cuts are once again triggered

Sequestration – what’s it mean?

- FY 2011 Advance Appropriations became available beginning of FY 2012 (October 1, 2011)
- FY 2012 Regular Appropriations became available during FY 2012 (July 1, 2012)
- These should not be subject to sequestration.

Sequestration – what’s it mean?

- FY 2012 Advance Appropriations will become available beginning of FY 2013 (October 1, 2012)
 - ***Secretary Duncan has indicated he will take sequestration from funds available beginning July 1, 2013.**
- FY 2013 Regular Appropriations will become available during FY 2013 (July 1, 2013)
 - ***All balances will be subject to sequestration regardless of obligation**

Program Years Subject to Sequestration
(in billions of dollars)

Program	2011 Advance	2012 Regular	2012 Advance	2013 Regular	2013 Advance
Title 1	10.8	3.7	10.8	?	?
IDEA	8.6	2.3	9.3	?	?
Perkins/CTE	.8	.3	.8	?	?
Title II	1.7	.8	1.7	?	?

FY 2013 Regular appropriations and all subsequent appropriations are subject to sequestration regardless of the date of obligation.


