

## **What is LB 1208?--now codified in Nebraska Statutes, as cited below.**

LB 1208 was co-introduced on January 18, 2006 by Senators Raikes, Pederson, Baker, and Stuhr. This bill embodied many of the recommendations contained in the final report of the Distance Education Enhancement Task Force, which met from July to December, 2005. <http://nebraskalegislature.gov/web/public/reports/committee> (listed under Education Committee reports; 20MB, 103 pgs).

LB 1208 was heard in the Education Committee on 2/13/06 and was voted out of committee on a 7-1 vote. Thirteen persons testified in favor and one person testified as neutral. On 4/13/06, LB 1208 and LB 1208A were passed by the Legislature and were then signed into law by the Governor.(Search 'Final 1208' under the 99<sup>th</sup> Session; 72 pgs). [http://uniweb.legislature.ne.gov/QS/session.php?mode=adv\\_search](http://uniweb.legislature.ne.gov/QS/session.php?mode=adv_search)

The distance education improvement plan is centered on three general principles. First, the plan recognizes the responsibility of school districts, ESUs, and public postsecondary education institutions to make decisions related to participation in distance education. Second, the plan encourages and incentivizes the exchange of distance education courses using a statewide network, known as Network Nebraska. Third, the plan provides for statewide coordination through a new entity, the Distance Education Council (renamed ESU Coordinating Council, 7/1/08).

An overview of the significant provisions of the distance education improvement plan follows, with language lifted from the Nebraska Revised Statutes:

### **Policy**

- The Chief Information Officer (CIO) shall provide access to each school district, ESU, community college, state college, and the University of Nebraska at the earliest feasible date and no later than July 1, 2012. The network shall...meet the demand of state agencies, local governments, and educational entities, as defined in 79-1332. [Neb.Rev.Stat. 86-5,100]
- The CIO shall bid for such equipment and software and shall allow education entities<sup>1</sup> to participate in such statewide leasing or purchasing contracts. [Neb.Rev.Stat. 79-1233]
- Interlocal agreements forming distance education consortia shall terminate on June 30, 2007. On July 1, 2007, educational service units shall assume responsibility for distance education services that are, on the effective date of this act, being provided to member school districts through a distance education consortium. [Neb.Rev.Stat. 79-1331]
- On or before December 31, 2006, each distance education consortium shall hold a meeting of the superintendents of all participating school districts to choose an educational service unit to be the successor in interest for the assets and liabilities of the distance education consortium by a majority vote of the superintendents present at the meeting. All assets and liabilities, including staff and contracts with service providers, shall be transferred to such educational service unit on July 1, 2007. [Neb.Rev.Stat. 79-1331]
- The (Distance Education) council (renamed ESU Coordinating Council, 7/1/08) shall not approve purchases of the council in excess of \$10,000 without approval of the Technical Panel of the NITC that the purchases are in compliance with any applicable commission standards. [Neb.Rev.Stat. 79-1335]
- (Equipment and software) must be in compliance with technical standards, as set forth by the NITC [Neb.Rev.Stat. 79-1335].
- The State Board of Education shall promulgate rules related to equipment reimbursement and section distance education incentives. [Neb.Rev.Stat. 79-1337].
- For school year 2009-10 and each school year thereafter, a school board of a school district shall not establish an alternating biennial secondary course offering in any subject area for which the State Board of Education has adopted content standards pursuant to section 79-760.01. [Neb.Rev.Stat. 79-704]
- Each educational service unit shall provide access for all school districts within the geographical area served by the unit to telecomputing resources, which shall include the capacity to receive and transmit distance education courses on at least a regional basis beginning on or before August 1, 2007, through the installation of necessary equipment at each educational service unit location or through interlocal agreements with other educational service units and shall provide support for training users to meet their specific telecomputing and distance education needs. [Neb.Rev.Stat. 79-1233]

## Funding

- School districts and ESUs will be eligible to receive equipment reimbursements of up to \$20,000 from the Education Innovation Fund (NDE) beginning the first year of access to Network Nebraska and ending in 2013 for hardware and software (and installation) purchases made after July 14, 2006. School districts would be required to send or receive the equivalent of at least two synchronous video courses each year for four years or risk forfeiture of funds. [Neb.Rev.Stat. 79-1336]
- For fiscal years 2007-08 through 2015-16, NDE shall provide distance education incentives from the Education Innovation Fund to school districts and ESUs for qualified distance education courses. Each unit of distance learning would be worth up to \$1,000 and be paid one year in arrears. [Neb.Rev.Stat. 79-1337]
  - The formula for incentives will be based on ONE unit for SENDING a synchronous video or an internet-based distance education course;
  - ONE unit for RECEIVING a synchronous video course; and
  - ONE extra unit for SENDING a synchronous video course that reaches a sparse or very sparse school district.
- A technology allowance will be added to the Tax Equity and Educational Opportunities Support Act for school district access and transport charges equal to 85% of the difference between local system costs and the federal reimbursements from the E-rate program. [Neb.Rev.Stat. 79-1003(13)]
- A technology allowance will be added to the minimum allocation in the ESU infrastructure funding formula for access and transport charges equal to 85% of the difference between ESU costs and federal reimbursements from the E-rate program. [Neb.Rev.Stat. 79-1243]
- Funding of approximately \$185,000 per year is provided to the Distance Education Council (renamed ESU Coordinating Council, 7/1/08) from the Legislature (through NDE) to carry out its responsibilities of distance education scheduling and training, maintaining an event clearinghouse, and administration of a learning management system. [Neb.Rev.Stat. 79-1333]
- Funding of approximately \$1,432,000 is provided to the Distance Education Council (renamed ESU Coordinating Council, 7/1/08) from the Legislature (through NDE) for a scheduling system for distance education courses and related maintenance, which shall only be used for such purpose. [LB1208A, 1999]
- Receipts for courses shared with other school districts will be excluded from accountable receipts in the local budget limitation and from the state aid formula. [Neb.Rev.Stat. 79-1028]
- The Attracting Excellence to Teaching Program Act Fund would be funded from FY 2006-07 (\$250,000) to FY 2007-2008 (\$500,000) to FY 2008-2009 (\$750,000) to FY 2009-10 (\$1,000,000) with level funding at \$1,000,000 through FY2015-16. [Neb.Rev.Stat. 9-812]

## Coordination

- The (Distance Education) Council (renamed ESU Coordinating Council, 7/1/08) shall be composed of one administrator or his or her designee from each ESU. Coordination will include brokering of courses, scheduling and prioritization of courses, assessment of distance education needs, administration of learning management systems, and evaluation of distance education services. [Neb.Rev.Stat. 79-1333 & 79-1334]
- The Distance Education Council will be required to have representation on either the NITC Education Council, the Technical Panel, or the NITC, or the governor shall appoint one member to the NITC. [Neb.Rev.Stat. 86-515(1)]

**Education Entity (N.R.S. 79-1332):** (3) Educational entity means a school district, a private, denominational, or parochial school, an educational service unit, a community college, a state college, the University of Nebraska, or a nonprofit private postsecondary educational institution...

More information about LB 1208, the implementation plan, and implications for education entities can be obtained by contacting Tom Rolfes at the Office of the Chief Information Officer, 402-471-7969, or [tom.rolfes@nebraska.gov](mailto:tom.rolfes@nebraska.gov) .