

**Excerpts from LB 1071—AM2103/AM 2182 (also replaces LBs 957 & 1069) and its effects on the ESUCC, NITC, Network Nebraska and entities represented by the Education Council**

(Education Committee's LB 1071--AM2103: <http://nebraskalegislature.gov/FloorDocs/Current/PDF/AM/AM2103.pdf>)

(Senator Adams' LB 1071--AM 2182: <http://nebraskalegislature.gov/FloorDocs/Current/PDF/AM/AM2182.pdf>)

**(Page 18 repeal of 79-1233)**

~~The leasing or purchase of and planning for telecomputing or distance education equipment and software for the educational service units shall meet the minimum standards as set by the Nebraska Information Technology Commission. The Chief Information Officer shall bid for such equipment and software and shall allow educational entities to participate in such statewide leasing or purchasing contracts.~~

**(Page 19 amending 79-1241.03 affecting the ESU Coordinating Council)**

79-1241.03 (1) ~~One~~ Two percent of the funds appropriated for core services and technology infrastructure shall be transferred to the Educational Service Unit Coordinating Council.

**(Pages 27-28 amending 79-1245 affecting the ESU Coordinating Council)**

The council is a political subdivision and a public body corporate and politic of this state, exercising public powers separate from the participating educational service units. The council shall have the duties, privileges, immunities, rights, liabilities, and disabilities of a political subdivision and a public body corporate and politic but shall not have taxing power. The council shall have power (1) to sue and be sued, (2) to have a seal and alter the same at will or to dispense with the necessity thereof, (3) to make and execute contracts and other instruments, (4) to receive, hold, and use money and real and personal property, (5) to hire and compensate employees, including certificated employees, (6) to act as a fiscal agent for statewide initiatives being implemented by employees of one or more educational service units, and (6) from time to time, to make, amend, and repeal bylaws, rules, and regulations not inconsistent with sections 79-1245 to 79-1249. Such power shall only be used as necessary or convenient to carry out and effectuate the powers and purposes of the council.

**(Page 28 amending 79-1247 affecting the ESU Coordinating Council)**

The council may contract with individual educational service units for the employment of the council director or the distance education director, except that the supervisory responsibilities for such employees shall remain with the council.

**(Page 30 amending 79-1248 (7) Powers and duties of the ESUCC)**

(7) Establishment of a system for ~~prioritizing courses if the demand for Network Nebraska exceeds the capacity available for distance education~~ scheduling courses brokered by the council and for choosing receiving educational entities when the demand for a course exceeds the capacity as determined by either the technology available or the course provider;

**(Page 30 repealing 79-1248 (8); Powers and duties of the ESUCC)**

~~(8) Scheduling and prioritization for access to Network Nebraska by educational entities in cooperation with the Chief Information Officer and using scheduling software or scheduling services; which meet any applicable standards established by the commission;~~

**(Page 30 amending 79-1248; Powers and duties of the ESUCC)**

~~(9)~~ (8) Administration of learning management systems, ~~that are in compliance with any applicable standards of the commission~~ either through the staff of the council or by delegation to an appropriate educational entity, with the funding for such systems provided by participating educational entities;

**(Page 31 amending 79-1249; Limitations of the ESUCC)**

~~The council shall not approve technology purchases for the council in excess of ten thousand dollars without approval of the technical panel of the Nebraska Information Technology Commission that the purchases are in compliance with any applicable commission standards.~~

**(Page 36 amending 86-506; Enterprise Projects)**

86-506 Enterprise project means an endeavor undertaken by an enterprise over a fixed period of time using information technology, which would have a significant effect on a core business function or which affects multiple government programs, agencies, or institutions. Enterprise project includes all aspects of planning, design, implementation, project management, and training relating to the endeavor.

**NOTE: 86-505 Enterprise, defined.**

Enterprise means one or more departments, offices, boards, bureaus, commissions, or institutions ~~in~~ of the state for which money is to be appropriated for communications or data processing services, equipment, or facilities, including all executive, legislative, and judicial departments, the Nebraska state colleges, the University of Nebraska, and all other state institutions and entities. **Source** Laws 2002, LB 1105, § 275.

**(Page 39 amending 86-516; Duties of the NITC)**

(5) Adopt guidelines regarding project planning and management and administrative and technical review procedures involving state-owned or state-supported technology and infrastructure. Governmental entities, state agencies, and noneducation political subdivisions shall submit all projects which use any combination of general funds, federal funds, or cash funds for information technology purposes to the process established by sections 86-512 to 86-524. The commission may adopt policies that establish the format and minimum requirements for project submissions. The commission may monitor the progress of any such project and may require progress reports;

**(Page 39 amending 86-516; Duties of the NITC)**

(6) Adopt minimum technical standards, guidelines, and architectures upon recommendation by the technical panel. Such standards and guidelines shall not unnecessarily restrict the use of new technologies or prevent commercial competition, including competition with Network Nebraska;

**(Page 41 repealing 86-520(11); Duties of the Chief Information Officer)**

~~(11) Bid for telecomputing and distance education equipment pursuant to section 79-1233;~~

**(Page 42; new language affecting technology purchases)**

Sec. 38. Information technology purchases made with state funds or local tax receipts by education-related political subdivisions shall meet or exceed any applicable technical standards established by the commission. The Chief Information Officer may bid for such equipment and allow education-related political subdivisions to participate in leasing or purchasing contracts. An education-related political subdivision shall provide notice in writing, if required by guidelines established by the University of Nebraska and the Chief Information Officer for participation in Network Nebraska, to the distance education director of the Educational Service Unit Coordinating Council, the University of Nebraska, and the Chief Information Officer prior to the use of any new or additional equipment that will impact the use of Network Nebraska by such education-related political subdivision or other education-related political subdivisions.

**(Pages 42-43 amending 86-5,100; Network Nebraska)**

86-5,100 The Chief Information Officer, in partnership with the University of Nebraska, shall develop and maintain a statewide, multipurpose, high capacity, scalable telecommunications network to be called Network Nebraska. The network shall consist of contractual arrangements with providers to meet the demand of state agencies, local governments, and educational entities as defined in section 79-1201.01. Such network shall provide access to a reliable and affordable infrastructure capable of carrying a spectrum of services and applications, including distance education, across the state. The Chief Information Officer shall provide access to each school district, each educational service unit, each community college, each state college, and the University of Nebraska at the earliest feasible date and no later than July 1, 2012. Access may be provided through educational service units or other aggregation points. Participation in Network Nebraska shall not be required for any educational entity. The Chief Information Officer shall aggregate demand for those state agencies and educational entities choosing to participate and shall reduce costs for participants whenever feasible. The Chief Information Officer shall establish a cost structure based on actual costs, including necessary plus administrative expenses but not including administrative travel or conference expenses, and shall charge participants according to such cost structure. The Chief Information Officer shall annually provide a detailed report of such costs to each participant and to the Legislative Fiscal Analyst.

**(Pages 5-6; new language affecting the State Board of Education):**

Sec. 5. The State Board of Education shall enter into memoranda of understanding on or before September 1, 2010, with the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the board of governors of each community college area to adopt a policy to share student data. At a minimum, the policy shall ensure that the exchange of information is conducted in conformance with the requirements of the federal Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, and all federal regulations and applicable guidelines adopted in accordance with such act, as such act, regulations, and guidelines existed on January 1, 2010.

**(Page 32; new language affecting the University of Nebraska)**

Sec. 31. The Board of Regents of the University of Nebraska shall enter into a memorandum of understanding on or before September 1, 2010, with the State Board of Education to adopt a policy to share student data. At a minimum, the policy shall ensure that the exchange of information is conducted in conformance with the requirements of the federal Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, and all federal regulations and applicable guidelines adopted in accordance with such act, as such act, regulations, and guidelines existed on January 1, 2010.

**(Pages 32-33; new language affecting State Colleges)**

Sec. 32. The Board of Trustees of the Nebraska State Colleges shall enter into a memorandum of understanding on or before September 1, 2010, with the State Board of Education to adopt a policy to share student data. At a minimum, the policy shall ensure that the exchange of information is conducted in conformance with the requirements of the federal Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, and all federal regulations and applicable guidelines adopted in accordance with such act, as such act, regulations, and guidelines existed on January 1, 2010.

**(Page 37 amending 85-1511; new language affecting Community Colleges)**

(20) Enter into a memorandum of understanding with the State Board of Education to adopt a policy to share student data. At a minimum, the policy shall ensure that the exchange of information is conducted in conformance with the requirements of the federal Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, and all federal regulations and applicable guidelines adopted in accordance with such act, as such act, regulations, and guidelines existed on January 1, 2010;