

## LEGISLATIVE BILL 994

Approved by the Governor April 10, 1984

Introduced by Education Committee, Vickers, 38,  
Chairperson; Scofield, 49; Goll, 16;  
Newell, 13; Harris, 27; Hoagland, 6,  
for the Governor

AN ACT relating to schools; to amend sections 79-101, 79-201, 79-201.06, 79-328, 79-1247.02, 79-1247.05, 79-1247.06, 79-1247.09, 79-1282, and 79-2201, Reissue Revised Statutes of Nebraska, 1943, and section 79-12,107, Revised Statutes Supplement, 1982; to provide intent; to define and redefine terms; to provide minimum guidelines for completion of high school; to change provisions relating to school terms; to change and provide additional powers and duties for the State Department of Education and the State Board of Education; to change provisions relating to approval and accreditation as prescribed; to establish an entry-year assistance program; to change provisions relating to administrator and teacher certification as prescribed; to provide for the awarding of grants-in-aid and other financial assistance as prescribed; to create a fund; to create a committee; to create a scientist-in-residence program; to provide for a dissemination program as prescribed; to provide for appropriations; to establish a state-level consortium; to change provisions relating to educational service units as prescribed; to exclude certain items from budget limitations; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature hereby finds and declares that the mission of the State of Nebraska, through its public school system, is to:

(1) Offer each individual the opportunity to develop competence in the basic skills of communications, computations, and knowledge of basic facts concerning the environment, history, and society;

(2) Offer each individual the opportunity to develop higher order thinking and problem-solving skills by means of adequate preparation in mathematics, science,

the social sciences, and foreign languages and through appropriate and progressive use of technology;

(3) Instill in each individual the ability and desire to continue learning throughout his or her life;

(4) Encourage knowledge and understanding of political society and democracy in order to foster active participation therein;

(5) Encourage the creative potential of each individual through exposure to the fine arts and humanities;

(6) Encourage a basic understanding of and aid the development of good health habits; and

(7) Offer each individual the opportunity for career exploration and awareness.

Sec. 2. (1) The Legislature recognizes that education as an investment in human resources is fundamental to the quality of life and economic development of Nebraskans. The Legislature further recognizes that public education faces ever growing challenges in an era of accelerated change, sophisticated information systems, high technology, and global markets. Therefore, it is the intent of the Legislature to join with local governing bodies in a strong and ongoing partnership to further advance the quality and responsiveness of Nebraska's education system.

(2) It is the intent of the Legislature to encourage and support all public schools in this state in order to carry out the state's mission to promote quality education as described in section 1 of this act. Attracting and retaining highly qualified instructors in order to foster and improve a student's learning experience is a key factor in quality education. The Legislature intends to foster high standards of performance for teachers, students, administrators, and programs of instruction in the public schools so that each person of school age shall have the opportunity to receive a quality education regardless of the size, wealth, or geographic location of the school district in which such person resides.

(3) The Legislature intends that the schools meet the individual needs and develop the particular skills of all young Nebraskans. The Legislature further intends that all persons who graduate from Nebraska high schools possess certain minimum levels of knowledge, skills, and understanding.

(4) The Legislature recognizes that the resources of the state should be used efficiently to support the public school system of this state. The Legislature intends to foster, encourage, and, where necessary, mandate the cooperation of all public education service providers, including public school districts, educational service units, and the State Department of Education, in order to achieve a quality education system.

Sec. 3. That section 79-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-101. As used in Chapter 79: (1) ~~The term school~~ School district shall mean the territory under the jurisdiction of a single school board authorized by Chapter 79; (2) ~~the term school~~ shall mean a school under the jurisdiction of a school board authorized by Chapter 79; (3) ~~the terms~~ legal voters or electors shall mean all who are eligible to vote at an election for school district officers; (4) ~~the term~~ elementary grades shall mean all grades up to and including the eighth grade; (5) ~~the term~~ high school grades shall mean all grades above the eighth grade; (6) ~~the term~~ school year shall mean (a) for elementary grades, the time equivalent to at least one thousand thirty-two instructional hours and (b) for high school grades, the time equivalent to at least one thousand eighty instructional hours; (7) instructional hour shall mean a period of time, at least sixty minutes, which is actually used for the instruction of students. The State Board of Education shall adopt and promulgate rules and regulations to define school day, school month, and other appropriate units of the school calendar; (8) a minimum of thirty-six weeks of instruction; (7) ~~the term school month~~ shall mean a period of twenty days of instruction; (8) ~~the term school week~~ shall mean a period of five days of instruction; (9) ~~the term~~ deaf pupil shall mean any person of sound mind who, by reason of defective hearing, cannot profitably be educated in the public schools; (9) (10) ~~the term~~ teacher shall mean any certified employee who is regularly employed for the instruction of pupils in the public schools; (10) (11) ~~the term~~ administrator shall mean any certified employee such as superintendent, assistant superintendent, principal, assistant principal, school nurse, or other supervisory or administrative personnel who does not have as a primary duty the instruction of pupils in the public schools; (11) (12) ~~the term~~ school board or board of education shall mean the governing body of any school district; and (12) (13) ~~the term~~ teach shall mean and include, but not be limited to, the following responsibilities: (a) The organization and management of the classroom or the physical area in which the learning experiences of pupils take place; (b) the assessment and diagnosis of the individual educational needs of the pupils; (c) the planning, selecting, organizing, prescribing, and directing of the learning experiences of pupils; (d) the planning of teaching strategies and the selection of available materials and equipment to be used; and (e) the evaluation and reporting of student progress.

Sec. 4. That section 79-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-201. Every person residing in a school district within the State of Nebraska who has legal or



actual charge or control of any child; not less than seven nor more than sixteen years of age; shall cause such child to attend regularly the public, private, denominational, or parochial day schools each day that such schools are open and in session, except when excused by school authorities, unless such child has been graduated from high school. The term shall not be less than (1) one thousand thirty-two instructional hours for elementary grades and (2) one hundred seventy-five days thousand eighty instructional hours for high school grades in any public school district or private, denominational, or parochial school, except that in the event of the failure of any district which receives twenty per cent or more of its total receipts for general fund purposes from federal sources; to actually receive receipts anticipated at the time of the adoption of the school budget from taxes, state funds, federal funds, tuition, or other sources, the board of education of such district may, at any time during the school year, elect to close all or part of its schools.

Sec. 5. That section 79-201.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-201.06. Such proposed plan shall show all aspects of the proposed operation and provide for:

(1) A minimum of (a) one thousand thirty-two instructional hours of required school attendance for each elementary school pupil in each school year and (b) one thousand eighty instructional hours hundred seventy-five days of required school attendance for each high school pupil in each school year;

(2) Any attendance center at which year-round operations shall be conducted, including the change of such center as the changing characteristics of the district may require;

(3) The basis of pupil assignments to the particular year for instruction and to attendance centers, including provisions for student transfers;

(4) Curriculum development and organization;

(5) Staffing; with adequate provisions for vacations and opportunities for professional growth of certified staff and faculty members;

(6) Student vacation time;

(7) Transportation and maintenance provisions;

and

(8) Such other matters as the State Board of Education may require.

Sec. 6. That section 79-328, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-328. The State Board of Education shall have the power and it shall be its duty:

(1) To appoint and fix the compensation of the Commissioner of Education;

(2) To remove the commissioner from office at any time for conviction of any crime involving moral

turpitude or felonious act, for inefficiency, or for willful and continuous disregard of his or her duties as commissioner or of the directives of the board;

(3) Upon recommendation of the commissioner, to appoint and fix the compensation of a deputy commissioner and all professional employees of the board;

(4) To organize the State Department of Education into such divisions, branches, or sections as may be necessary or desirable to perform all its proper functions and to render maximum service to the board and to the state school system;

(5) To provide, through the commissioner and his or her professional staff, enlightened professional leadership, guidance, and supervision of the state school system, including educational service units, and, in order that the commissioner and his or her staff may carry out their duties, the board shall, through the commissioner, (a) provide supervisory and consultative services to the schools of the state, (b) issue materials helpful in the development, maintenance, and improvement of educational facilities and programs, (c) establish rules and regulations which govern standards and procedures for the approval and legal operation of all schools in the state and for the accreditation of all schools requesting state accreditation. Such standards and procedures shall be based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, and health and safety factors in buildings and grounds, and procedures for classifying, approving, and accrediting schools; (d) establish rules for approving the opening of new schools, for the continued legal operation of all schools, and for the approval of high schools for the collection of nonresident high school tuition money in accordance with the rules and regulations provided for in this subdivision, except that the State Board of Education shall approve a school for the collection of nonresident high school tuition money when a hardship would result to the students and a substantial effort is being made to comply with the rules and regulations established, (e) ~~(d)~~ institute a statewide system of testing to determine the degree of achievement and accomplishment of all the students within the state's school systems, if it determines such testing would be advisable, (f) ~~(e)~~ prescribe a uniform system of records and accounting for keeping adequate educational and financial records, for gathering and reporting necessary educational data, and for evaluating educational progress, (g) ~~(f)~~ cause to be published laws and regulations governing the schools and the school lands and funds, with explanatory notes for the guidance of those charged with the administration of the schools of the state, (h) ~~(g)~~

approve teacher education programs conducted in Nebraska institutions of higher education designed for the purpose of certifying teachers and administrators, (i) approve teacher evaluation policies and procedures developed by school districts and educational service units, and (j) ~~(h)~~ approve general plans and adopt educational policies, standards, rules, and regulations for carrying out the board's responsibilities and those assigned the State Department of Education by the Legislature;

(6) To adopt and promulgate rules and regulations for the guidance, supervision, and coordination of educational service units;

(7) ~~(6)~~ To submit a biennial report to the Governor and the Clerk of the Legislature covering the actions of the board, the operations of the State Department of Education, and the progress and needs of the schools; and to recommend such legislation as may be necessary to satisfy these needs;

(8) ~~(7)~~ To cause to be prepared and distributed reports designed to acquaint school district officers, teachers, and patrons of the schools with the conditions and needs of the schools;

(9) ~~(8)~~ To provide for consultation with professional educators and lay leaders for the purpose of securing advice deemed necessary in the formulation of policies and in the effectual discharge of its duties;

(10) ~~(9)~~ To cause such studies, investigations, and reports to be made and such information assembled as are necessary for the formulation of policies, for making plans, for evaluating the state school program, and for the making of essential and adequate reports;

(11) ~~(10)~~ To submit to the Governor and the Legislature a budget necessary to finance the state school program, under its jurisdiction, including the internal operation and maintenance of the State Department of Education;

(12) ~~(11)~~ To interpret its own policies, standards, rules, and regulations and, upon reasonable request, hear complaints and disputes arising therefrom;

(13) ~~(12)~~ With the advice of the Department of Motor Vehicles, to adopt reasonable standards, not inconsistent with existing statutes, governing: (a) The general design, equipment, color, operation, and maintenance of any vehicle with a manufacturer's rated seating capacity of eleven or more passengers used for the transportation of school children; and (b) the equipment, operation, and maintenance of any vehicle with a capacity of ten or less passengers used for the transportation of school children, when such vehicles are either owned or operated, or owned and operated, by any school district, or privately owned or operated under contract with any school district in this state. Similar standards are to be adopted for operators of such vehicles as to physical and



mental qualities, driving skills and practices, and knowledge of traffic laws and regulations which relate to school bus transportation. Such rules and regulations shall by reference be made a part of any such contract with a school district. Any officer or employee of any school district who violates any of the regulations or fails to include obligations to comply with the regulations in any contract executed by him or her on behalf of a school district shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of such regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district;

(14) ~~(13)~~ To accept, on behalf of the Nebraska School for the Visually Handicapped, on behalf of the Nebraska School for the Deaf, or on behalf of any school for mentally retarded children which is exclusively owned by the State of Nebraska and under the control and supervision of the State Department of Education, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of any such school or the students attending thereat, or both, and may cause any such real estate to be irrigated or otherwise improved when; in its judgment; it would be advisable to do so; and

(15) ~~(14)~~ Upon acceptance of any devise, donation, or bequest as provided in this section, to administer and carry out such devise or bequest in accordance with the terms and conditions thereof. If not prohibited by the terms and conditions of any such devise, donation, or bequest, it may sell, convey, exchange, or lease property so devised, donated, or bequeathed upon such terms and conditions as it deems best and deposit all money derived from any such sale or lease in the State Department of Education Trust Fund.

Each member of the Legislature shall receive a copy of the report required by subdivision ~~(6)~~ (7) of this section by making a request for it to the commissioner.

None of the duties prescribed in this section shall prevent the board from exercising such other duties as in its judgment may be necessary for the proper and legal exercise of its obligations.

Sec. 7. That section 79-1247.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1247.02. (1) To ensure both equality of opportunity and quality of programs offered, after July 1, 1985, all public schools in the state shall be required to meet quality and performance-based approval or

accreditation standards as prescribed by the State Board of Education. The State Board of Education shall establish a core curriculum standard, which shall include vocational education courses, for all public schools in the state. Accreditation and approval standards shall be designed to assure effective schooling and quality of instructional programs regardless of school size, wealth, or geographic location. The State Board of Education shall recognize and encourage the maximum use of cooperative programs, including the sharing of administrative and instructional staff, between school districts for the purpose of meeting the approval and accreditation requirements established pursuant to this section and section 79-328. The State Department of Education shall establish a procedure for accrediting the elementary and secondary schools of Nebraska, both public and private. The major purposes of such procedure shall be to maintain adequate school programs, and to encourage and assist schools in their purpose of increasing better instructional opportunities for the boys and girls of Nebraska.

(2) The Commissioner of Education is authorized to appoint an accreditation committee, which shall be representative of the educational institutions and agencies of the state and shall include as a member the director of admissions of the University of Nebraska.

(3) The accreditation committee shall be responsible for: (a) ~~Formulating~~ Recommending appropriate standards and policies with respect to the accreditation and classification of schools; and (b) making recommendations annually to the commissioner relative to the accreditation and classification of individual schools. No school is to be considered for accreditation status which has not first fulfilled all requirements for an approved school.

Sec. 8. The Legislature recognizes the importance of assuring that all persons who graduate from Nebraska high schools possess certain minimum levels of knowledge, skills, and understanding. Beginning in school year 1987-88, each high school student shall complete a minimum of two hundred high school credit hours prior to graduation. At least eighty per cent of such credit hours shall be core curriculum courses prescribed by the State Board of Education. The State Board of Education may establish recommended statewide graduation guidelines. This section shall not apply to high school students whose individualized education plans prescribe a different course of instruction. Nothing in this section shall prohibit the governing board of any high school from prescribing specific graduation guidelines as long as such guidelines do not conflict with this section. For purposes of this section, high school shall mean grades nine through twelve and credit hour shall be defined by appropriate rules and regulations of the State Board of Education but



shall not be less than the amount of credit given for successful completion of a course which meets at least one period per week for at least one semester.

Sec. 9. That section 79-1247.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1247.05. (1) The board, with the counsel of the commissioner, the advisory committee of the Nebraska Council on Teacher Education as established by the board, the Professional Practices Commission, and such other advisory committee or committees as it deems necessary, shall establish and adopt appropriate rules, regulations, and procedures governing the issuance, renewal, conversion, revival, cancellation, suspension, and revocation of certificates and permits to teach, counsel, supervise, and administer in all elementary and secondary schools in this state based upon (a) earned college credit; or the equivalent thereto, in humanities, in social and natural sciences, in mathematics, and in practical arts, and (b) earned college credit or its equivalent in professional education, for particular teaching, counseling, supervisory, or administrative assignments, and on (c) scholarship attained in earning such college credit, and on (d) successful teaching, and on (e) moral, mental, and physical fitness for teaching, all in accordance with sound educational practices, and (f) credit in continuing education units.

(2) On or before July 31, 1984, the State Board of Education with the assistance of the Nebraska Council on Teacher Education shall establish or designate basic skills competency examinations for prospective teachers. Such examinations shall measure:

(a) Competency in the oral and written use of the English language;

(b) Competency to read, comprehend, and interpret professional writing and other written materials; and

(c) Competency to work with fundamental mathematical computations.

No candidate applying for an entry-level teacher or administrator certificate after the operative date of this section shall receive such certificate unless such candidate has passed the basic skills competency examinations approved by the State Board of Education. Each teacher education institution shall administer the basic skills competency examinations as a condition for entry into such institution's teacher or administrator program. The State Department of Education shall administer the examinations for teachers and administrators being recommended for certification from outside of Nebraska and for prospective teachers and administrators who have not matriculated in or completed a teacher training program at a time and place designated by

the Commissioner of Education.

(3) In order to ensure that all teachers throughout the state maintain and continue to develop effective teaching skills, the advisory committee established in subsection (1) of this section shall recommend and the State Board of Education shall, on or before December 31, 1984, adopt four career certification levels in addition to other temporary, provisional, service, or emergency certification classifications. Each certification level shall reflect a level of achievement attained by a teacher based on such teacher's professional growth and academic achievement and years of successful teaching experience. The certification levels prescribed in this subsection shall be applicable only to teachers earning their first Nebraska teaching certificate after the operative date of this section. The levels of certification shall be as follows:

(a) The first level of certification shall be known as the apprentice teaching certificate. To be eligible to receive an apprentice teaching certificate, a teacher shall have completed the requirements prescribed in subsection (2) of this section and received an adequate score or rating on a subject matter examination as designated by the State Board of Education. Such certificate shall be valid for three years and be nonrenewable and shall entitle the holder to secure employment in Nebraska-approved or Nebraska-accredited schools and to be assigned teaching duties for which he or she is qualified by specific subject area endorsement, except that any teacher who fails to secure employment or for other reasons does not teach for three consecutive years following issuance of the apprentice certificate shall be allowed to teach for not longer than three school years;

(b) The second level of certification shall be known as the initial teaching certificate. To be eligible to receive an initial teaching certificate, a teacher shall have served as an apprentice teacher for at least two years and successfully completed the requirements of the entry-year assistance program as provided in subsection (5) of this section, if applicable. Such certificate shall be valid for five years and be nonrenewable, except that any teacher who fails to continue to teach during the life of an initial teaching certificate shall be eligible to reenter teaching at such certification level and to teach under the initial teaching certificate for not longer than five school years;

(c) The third level of certification shall be known as the standard teaching certificate. To be eligible for the standard teaching certificate, the teacher shall have served at least two years with an apprentice teaching certificate and at least three years with an initial teaching certificate and earned at least eighteen college

credit hours or its equivalent in continuing education units. The State Board of Education shall adopt and promulgate rules and regulations establishing and defining continuing education units. For purposes of this section, credit hour shall mean units earned in a master's degree program, a fifth-year program, or towards an additional teaching endorsement or in an area of such teacher's assigned duties or specialization.

Such certificate shall be valid for a period of five years and may be renewed for a second five-year period if a teacher verifies the completion of thirty-six hours of college credit or its equivalent in continuing education units. Thereafter the standard teaching certificate may be renewed for additional five-year periods if such teacher verifies at least two years of successful teaching experience during the life of the certificate or completes six hours of college credit or its equivalent in continuing education units. Any teacher who fails to continue to teach during the life of a standard certificate shall be eligible to return to teaching at such certification level and to teach under the standard certificate for no longer than five school years; and

(d) The fourth level of certification shall be known as the professional teaching certificate. To be eligible for a professional teaching certificate, the teacher shall have completed a master's degree program or fifth-year program and served at least three years with an initial teaching certificate and at least three years with a standard teaching certificate.

Such certificate shall be valid for ten years and may be renewed for additional ten-year periods if the teacher verifies at least three years of successful teaching experience during the life of the certificate or completes nine hours of college credit or its equivalent in continuing education units. College credit hours shall have been completed within five years of the date of the renewal application.

(4) Every six years certificated employees shall give evidence of professional growth. Six semester credit hours of college credit shall be accepted as evidence of professional growth or, in the alternative, an equivalent number of continuing education units.

(5) Any teacher who, prior to the operative date of this section, holds a valid Nebraska prestandard, standard, or professional certificate and who is fifty-five years of age or older shall be exempt from any new certification requirements prescribed in this section and shall be eligible to renew such certificates pursuant to the rules and regulations adopted and promulgated by the State Board of Education on July 8, 1977. No teacher holding an existing certificate pursuant to Rule 21 of the State Board of Education shall be subject to the requirement to pass a basic skills competency test or



subject matter examination or participate in an entry-year assistance program as prescribed in this section. Those persons holding a Professional Life Certificate issued prior to July 11, 1977, shall be exempt from certificate renewal.

(6) On or before July 1, 1985, the State Board of Education with the counsel of the advisory committee established in subsection (1) of this section shall adopt an entry-year assistance program. The purpose of such program shall be to provide supervision and assistance to beginning teachers. Participation in such program shall be required for all individuals who have not, prior to July 1, 1985, held any Nebraska teaching certificate, except that any teacher employed by a private, denominational, or parochial school shall be exempt from participation in the entry-year assistance program. The State Board of Education shall adopt and promulgate rules and regulations governing such program which take into consideration the size and geographical location of schools and the special needs of schools located in sparsely populated areas. Such rules and regulations shall provide for reasonable compensation for individuals who provide service and assistance to entry-year teachers subject to this subsection. It is the intent of the Legislature to appropriate additional funds to the operational budget of the State Department of Education sufficient to meet the costs of the entry-year assistance program.

(7) On or before May 31, 1985, the advisory committee established in subsection (1) of this section shall provide advice and counsel to the State Board of Education regarding minimum standards for the initial and continuing certification of principals, supervisors, and superintendents in the state's elementary and secondary schools. The State Board of Education shall adopt such standards which shall include, but not be limited to, the following:

(a) Each candidate for an initial certificate shall receive a satisfactory rating or score on the basic skills competency examinations prescribed in subsection (2) of this section; and

(b) Each candidate for an initial certificate shall demonstrate proficiency in personnel management and educational leadership and receive a satisfactory evaluation on his or her teacher performance evaluation.

The State Board of Education may establish internship programs for principals, supervisors, and superintendents which are substantially equivalent in purpose and requirements to the entry-year assistance program established in subsection (6) of this section.

(8) ~~+~~ Members of ~~an~~ any advisory committee established under subsection (1) of this section shall be reimbursed for their actual and necessary expenses as provided in sections 84-306.01 to 84-306.05 for state

employees. Each school district which has an employee who serves as a member of such committee and which is required to hire a person to replace such member during the member's attendance at meetings or activities of the committee, or any subcommittee thereof, shall be reimbursed from the General Fund for the expense it incurs from hiring a replacement. School districts may excuse employees who serve on advisory committees established pursuant to subsection (1) of this section from certain duties if such duties conflict with any advisory committee duties.

Sec. 10. That section 79-1247.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1247.06. The maximum which the board may require for the first issuance of any certificate or permit, valid for teaching only, in all schools, for a term of not less than three years, shall be that the applicant is of sound mental and physical health and of good moral character and a statement countersigned by an authorized official of a standard institution of higher education which certifies the grade levels and subject fields or areas of specialization for which the applicant was specifically prepared to teach and that the applicant (1) has ~~(1)~~ a baccalaureate degree, (2) in the case of any person who matriculates in a teacher training program, has satisfactorily completed, within two years of the date of application, the institution's regular approved or accredited program of preparation for teaching, and (3) has met all other appropriate requirements of the institution as a teacher, (3) has achieved a passing score on the basic skills competency examinations designated by the State Board of Education pursuant to section 79-1247.05 prior to (a) admission into a Nebraska teacher training program or (b) certification in the case of individuals recommended for certification by a postsecondary institution outside of Nebraska or individuals not matriculating in a teacher training program, and (4) has performed at a satisfactory level, as designated by the State Board of Education, on a subject area examination in each area for which endorsement is sought. Any person who holds the Nebraska Provisional Rural Elementary Certificate on July 10, 1976, may renew that certificate any number of times by earning not less than eight approved semester hours of course work acceptable toward a baccalaureate degree during each of the three-year terms for which the certificate is issued.

Sec. 11. That section 79-1247.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1247.09. The board may authorize the issuance of certificates or permits upon recommendation from institutions of higher education located in states other than Nebraska if the respective State Department of

Education or similar agency fully approves the teacher education programs of the institution based on standards for approving the institution and its education programs which are comparable and equivalent to those required by the board. Any applicant for a Nebraska teacher or administrator certificate who is recommended for certification by a teacher training institution from outside Nebraska and who does not hold a current out-of-state certificate to teach or administer shall receive an adequate rating or score on the basic skills competency examinations and a subject matter examination as prescribed by the State Board of Education pursuant to section 79-1247.05 or meet comparable equivalent requirements as prescribed by law or regulation of the state in which such teacher training institution is located.

Sec. 12. That section 79-1282, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1282. The Not later than January 1, 1985, the State Board of Education, with the counsel of the commission, shall develop, through the teaching profession, criteria of professional practices in areas including, but not limited to: (1) Ethical and professional performance, (2) competency, (3) continuance in professional service, and (4) contractual obligations. The standards established under the provisions of sections 79-1282 and 79-1283 shall be the generally accepted standards within the teaching profession with respect to competent performance and ethical practices.

Sec. 13. That section 79-12,107, Revised Statutes Supplement, 1982, be amended to read as follows:

79-12,107. As used in sections 79-12,107 to 79-12,121, unless the context otherwise requires:

(1) Certificated employee shall mean and include all teachers and administrators as defined in section 79-101, other than substitute teachers, who are employed four-fifths time or more by any class of school district;

(2) School board shall mean the governing board or body of any class of school district;

(3) Probationary certificated employee shall mean a teacher or administrator who has served under a contract with the school district for less than three successive school years in any school district, unless extended one or two years by a majority vote of the board in a Class IV or V school district, except that after September 1, 1983, in Class IV and V school districts the requirement shall be three successive school years, and shall also mean superintendents, regardless of length of service;

(4) Just cause shall mean: (a) Incompetency, which shall include, but not be limited to, demonstrated deficiencies or shortcomings in knowledge of subject



matter or teaching or administrative skills; (b) neglect of duty; (c) unprofessional conduct; (d) insubordination; (e) immorality; (f) physical or mental incapacity; (g) failure to give evidence of professional growth as required in section 79-12,113; or (h) other conduct which interferes substantially with the continued performance of duties;

(5) Permanent certificated employee shall mean a teacher or administrator who has served the probation period as defined in this section; and

(6) School year, for purposes of employment, shall mean three-fourths of the school year or more on duty, exclusive of summer school.

A certificated employee who has been hired to fulfill the duties of another certificated employee who is on leave of absence shall not accrue rights under sections 79-12,107 to 79-12,121 during the period that the employee is fulfilling such duties.

Sec. 14. There is hereby created the Professional Staff Development Fund to be administered by the State Department of Education. The department shall adopt and promulgate rules and regulations for the administration and distribution of such fund. Administrative costs shall be paid from the department's general budget and shall not be borne by the fund. Payments from such fund, not to exceed fifty dollars for each certificated teacher or administrator in the district or educational service unit, shall be made to each school district or educational service unit which has submitted an approved in-service plan. Such plan shall have been developed with the participation of teachers and administrators employed by such district or educational service unit and shall be adopted by the State Board of Education. The plan shall include components for training in conducting teacher evaluations and any other components which the board may by rule or regulation deem necessary. Any money in the Professional Staff Development Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. To assist the department in implementing this section, the Commissioner of Education with the approval of the board shall appoint an Advisory Committee on Staff Development. The size, composition, and duties to be performed by the advisory committee shall be determined by the board, except that the advisory committee shall be representative of the various elements of the educational community. The advisory committee shall continue for at least three years after the operative date of this section. Thereafter, the board may as deemed necessary continue the advisory committee on an annual basis.

Sec. 15. The State Department of Education shall develop guidelines and the State Board of Education shall adopt and promulgate rules and regulations to

encourage appropriate use of extended teacher contracts, to improve the educational program of students in need of remedial teaching or individualization, and to provide enrichment curriculum. The Legislature shall appropriate a sum for fiscal year 1985-86 for grants-in-aid to school districts or educational service units which submit proposals for extended contracts which are approved by the State Board of Education. Proposals shall demonstrate how grants will be used in an extended contract program to further the aims of instructional remedial teaching, individualization of instruction, and curriculum enrichment. Grants shall be limited to fifty per cent of the cost of the program and the programs shall not involve more than ten per cent of the certificated teachers at each participating school or educational service unit. The State Board of Education through the Commissioner of Education shall make a report on the effectiveness of such program by July 1, 1987. For purposes of this section, extended teacher contract shall mean a contract providing for full-time employment of teachers for either ten, eleven, or twelve calendar months of the school year.

Sec. 16. Beginning in school year 1984-85, the State Board of Education shall establish and the State Department of Education shall administer a scientist-in-residence program in the public schools of the state for the purpose of encouraging persons with expertise in the sciences to make special presentations, provide direct educational services to students, and provide guidance to teachers.

The scientist-in-residence program shall allow for specialists in the social, physical, or life sciences or in advanced technology to participate as teacher-partners in a school, school district, number of school districts, or educational service unit. A residency may be as short as one week and as long as one semester. Any residency may be extended upon agreement by the scientist-in-residence, the State Department of Education, and the school district, school districts, or educational service unit. The department shall adopt and promulgate rules and regulations necessary for the establishment and administration of the scientist-in-residence program. Such rules and regulations shall include, but not be limited to, provisions regarding the application for scientist-in-residence status, the term of residencies, and evaluation of the program. The Legislature shall appropriate for fiscal year 1984-85 an amount not to exceed one hundred fifty thousand dollars to implement the scientist-in-residence program. Nothing in this section shall prohibit funding of the scientist-in-residence program by private sources.

Sec. 17. The State Department of Education shall identify exemplary curriculum materials for use in

Nebraska schools. Such materials may include innovative programs, supplementary materials, unique approaches to presenting existing materials, and materials which make use of new technological developments. All such materials shall have a demonstrable capacity to improve the quality and effectiveness of instruction and shall have been developed in Nebraska or, if developed outside Nebraska, shall have been adapted for use in Nebraska. In order to make such materials fully available to Nebraska schools, the State Department of Education shall establish a dissemination program which shall include summer institutes conducted by teacher education institutions in the state. The Legislature shall appropriate an amount not to exceed two hundred fifty thousand dollars per year as is necessary for dissemination program activities, including, but not limited to:

(1) Grants to teachers who developed or adapted exemplary curriculum materials;

(2) Grants to teacher education institutions for the administrative costs of offering institutes; and

(3) Funds for reproducing and delivering trial materials to schools.

Sec. 18. The State Department of Education shall, in consultation with the Nebraska Educational Television Network, colleges and universities in the state, the educational service units, such other public and private committees and groups as are deemed to have expertise in the field of educational technology, and the Policy Research Office, establish a state-level consortium which shall:

(1) Identify, evaluate, and publish a list of high-quality courseware which is available to be used by teachers to supplement curriculum;

(2) Provide guidelines to assist local school districts and educational service units in making decisions regarding:

(a) Acquiring of technological hardware, software, and related services;

(b) Training current and prospective staff in the use of educational technology, including, but not limited to, computers, video discs, and interactive cable television; and

(c) Utilizing technology in instruction and support services to increase the effectiveness of and individual access to education;

(3) Devise a pilot project program for implementing specific approaches to the use of technology in education;

(4) Develop and maintain an inventory of applications of technology to education in the state and provide for the sharing of the information within the state;

(5) Develop a plan for the orderly introduction



of technology in the schools. The plan shall include methods of providing financial support for schools to obtain equipment, modify facilities, train staff, conduct comprehensive need analysis, appropriately share resources, and provide reasonable equality of access to technology by students in all regions of the state;

(6) Propose the organizational structure of a state educational technology consortium for the purpose of carrying out the ongoing programs described in subdivisions (1) to (4) of this section; and

(7) No later than January 1, 1985, report to the Governor and the Legislature its progress in carrying out activities prescribed in this section.

Sec. 19. That section 79-2201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2201. In order (1) to provide supplementary educational services to local school districts, (2) to aid school districts in meeting approval and accreditation standards and the core curriculum standards adopted and promulgated by the State Board of Education pursuant to sections 79-328 and 79-1247.02 and section 8 of this act and in otherwise upgrading their staff, curriculum, or equipment, and (3) to assist in the teacher evaluation requirements prescribed in section 79-12,111 and the entry-year assistance program, there are hereby established seventeen educational service units. The official name of such units shall be Educational Service Unit No. ... of the State of Nebraska, the individual number thereof to be determined as provided in section 79-2202. The educational service units shall cooperate with the staff of the State Department of Education to promote quality instructional programs in all areas of the state.

Sec. 20. (1) For purposes of subdivision (2) of section 77-3424, new program shall include all first year costs necessarily incurred by a school district or educational service unit as a result of the provisions of this act.

(2) For purposes of subdivision (2) of section 77-3425, new program shall include all first year funds received by a school district or educational service unit pursuant to the provisions of this act.

Sec. 21. Sections 3 to 5 and 23 of this act shall be operative for all school years commencing on or after August 1, 1985. The remaining sections shall become operative on their effective date.

Sec. 22. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 23. That original sections 79-101, 79-201, and 79-201.06, Reissue Revised Statutes of Nebraska, 1943,

are repealed.

Sec. 24. That original sections 79-328, 79-1247.02, 79-1247.05, 79-1247.06, 79-1247.09, 79-1282, and 79-2201, Reissue Revised Statutes of Nebraska, 1943, and section 79-12,107, Revised Statutes Supplement, 1982, are repealed.