

## LEGISLATIVE BILL 633

Approved by the Governor May 22, 1985

Introduced by Education Committee, Vickers, 38,  
Chairperson; Morehead, 30; Eret, 32;  
Lamb, 43; Baack, 47; Barrett, 39

AN ACT relating to schools; to amend sections 79-420, 79-4,154, 79-549, 79-1254.06, and 79-1304, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,140.04, 79-1247.02, 79-1247.05, 79-1247.06, and 79-1247.09, Revised Statutes Supplement, 1984; to change provisions relating to when a district must be dissolved; to eliminate a fund; to create the Professional Staff Development Program; to provide for rules and regulations; to require a vote for the issuance of certain bonds; to change provisions relating to kindergarten programs; to provide for biennial course offerings as prescribed; to change provisions relating to advisory committees; to provide for pilot projects; to change certain dates; to change provisions relating to competency examinations, teaching certificates and permits, and the entry-year assistance program; to change provisions relating to a hearing requirement; to eliminate a provision on when school must be open and in session; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 79-420, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-420. When, for a period of one school term, a district (1) ~~shall have~~ has less than three legal voters residing therein, or (2) ~~shall~~ either ~~fail~~ fails to maintain a public elementary school within the district, in which are enrolled and in regular attendance for at least one thousand thirty-two hours hundred seventy-five days one or more pupils of school age residing in the district, or does not contract for the tuition and transportation of pupils of such district with another district or districts and have pupils attending school regularly for at least one thousand thirty-two hours hundred seventy-five days under such contract or contracts, it shall be the duty of the county superintendent of the county in which such district lies to dissolve such district and attach the territory of such district to one or more neighboring school districts,

~~except~~ ~~;~~ ~~Provided~~, that before dissolving a district under the provisions of this section, the county superintendent shall fix a time for a hearing and shall notify each legal resident of the district at least fifteen days before such hearing. ~~In~~ ~~;~~ ~~and provided further~~, that ~~in~~ such instances where such dissolution shall create extreme hardships on the pupils of the district affected, the State Board of Education may, on application by the school board of the district and the recommendation of the county superintendent of the county in which the district is located, annually waive the requirements of this section. Notification shall be by mail or by publication in a newspaper of general circulation in the area. If the county superintendent ~~shall find~~ finds that the district is required by this section to be dissolved, he or she shall enter an order dissolving the district and attach the territory of such district to one or more neighboring school districts. Dissolutions ~~;~~ ~~Provided~~, ~~dissolutions~~ involving the transfer of territory across county lines shall be acted upon jointly by the county superintendents of the counties concerned. Appeals from the action of the county superintendent may be made to the district court of the county of the official concerned. The county superintendent shall distribute the assets of the closed district among the other district or districts to which the property has been attached in proportion to the actual valuation of the property attached to such district or districts.

Sec. 2. That section 79-4,140.04, Revised Statutes Supplement, 1984, be amended to read as follows:

79-4,140.04. There is hereby created the Professional Staff Development ~~Fund~~ Program to be administered by the State Department of Education. The department shall adopt and promulgate rules and regulations for the administration of such program and distribution of ~~such fund~~ funds payable to such program. 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~~ approved by the State ~~Board~~ Department of Education. The plan shall include components for training administrators 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 July 10, 1984. Thereafter, the board may as deemed necessary continue the advisory committee on an annual basis.

Sec. 3. That section 79-4,154, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,154. The governing board of any public school district may enter into a lease or lease-purchase agreement for the exclusive use of its individual jurisdiction for such buildings or equipment as the governing board determines necessary. Such lease or lease-purchase agreements may not exceed a period of seven years. All payments pursuant to such leases shall be made from current building funds or general funds. No school district shall directly or indirectly issue bonds to fund any such lease-purchase plan for a capital construction project exceeding twenty-five thousand dollars in costs unless it first obtains a favorable vote of the electorate pursuant to Chapter 10, article 7.

Sec. 4. That section 79-549, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-549. The school board or board of education of any Class I, II, or III school district offering a kindergarten program ~~may elect to offer such program with any combination of days and hours as will be equal to one half a full~~ shall provide a program of at least four hundred clock hours each school year.

Sec. 5. That section 79-1247.02, Revised Statutes Supplement, 1984, be amended to read as follows:

79-1247.02. (1)(a) To ensure both equality of opportunity and quality of programs offered, after July 1, ~~1985~~ 1989, 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 and may provide for approval or accreditation of programs on a cooperative basis, 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.

(b) The State Department of Education shall conduct pilot projects using quality and performance-based criteria in selected Nebraska schools. The department shall report to the Legislature on the success or failure of such pilot projects by January 1, 1987.

(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) 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. 6. Any local school board or governing authority of a private school may establish biennial secondary course offerings for nonsequential curricula as part of the total instructional units provided each school term for the purpose of meeting minimum annual criteria for accreditation under sections 79-328 and 79-1247.02. Reporting of biennial course offerings which are to receive annual instructional unit credit in meeting accreditation standards shall be on forms prescribed by the State Department of Education.

Sec. 7. That section 79-1247.05, Revised Statutes Supplement, 1984, 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, and promulgate~~ 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 in humanities, ~~in~~ social and natural sciences, ~~in~~ mathematics, and ~~in~~ practical arts, (b) earned college credit, or its equivalent in professional education, for particular teaching, counseling, supervisory, or administrative assignments, (c) scholarship attained in earning such college credit, (d) successful teaching, (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~~ 1986, 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 July ~~10, 1984~~, 31, 1989, shall receive such certificate unless such candidate has passed received a satisfactory score on the basic skills competency examinations approved established or designated by the State Board of Education. Each Nebraska teacher education institution approved by the State Board of Education 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~~, July 31, 1986, 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~~ receiving their first Nebraska teaching certificate after July ~~10, 1984~~ 31, 1986. 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, after July 31, 1989, have completed the requirements prescribed in subsection (2) of this section and received a satisfactory an adequate score or rating on a subject matter examination as established or 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 (6) (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) (4) Any teacher who, prior to July 10, 1984, July 31, 1986, 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) (5) On or before July 1, 1985 31, 1986, 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 31, 1986, 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)~~ (6) On or before May 31, 1985 July 31, 1989, the State Board of Education shall adopt 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 demonstrate satisfactory teaching performance. ~~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)~~ (5) of this section.

~~(8)~~ (7) Members of any advisory committee established by the State Board of Education to assist such board in teacher certification matters shall be 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 such advisory committees established pursuant to subsection (1) of this section from certain duties if such duties conflict with any advisory committee duties.

Sec. 8. That section 79-1247.06, Revised Statutes Supplement, 1984, 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 and that the applicant (1) has 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 has met all other appropriate requirements of the institution as a teacher, (3) has achieved a passing satisfactory score on the basic skills competency examinations established or 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 determined designated by the State Board of Education, on a subject area examination established or designated by the State Board of Education 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. 9. That section 79-1247.09, Revised Statutes Supplement, 1984, 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 a satisfactory 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. 10. That section 79-1254.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1254.06. Before a reduction in force shall occur, it shall be the responsibility of the board of education and school district administration to present competent evidence demonstrating that a change in

circumstances has occurred necessitating a reduction in force. Any alleged change in circumstances must be specifically related to the teacher or teachers to be reduced in force, and the board, based upon evidence produced at the hearing required by sections ~~79-1254 to 79-1262~~ 79-12,107 to 79-12,121, shall be required to specifically find that there are no other vacancies on the staff for which the employee to be reduced is qualified by endorsement or professional training to perform.

Sec. 11. That section 79-1304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1304. (1) The several county superintendents, within twenty days after receiving such apportionment, shall apportion the entire amount as follows: The share which the Commissioner of Education has certified as being payment in lieu of taxes shall be distributed to the nonresident high school tuition fund and to those districts in which are found school or saline lands in the amounts determined by the appraised valuation of those lands and the levies for school purposes of the respective districts.

(2) To the balance of the amount, distributed to the county as referred to in subsection (1) of this section, the several county superintendents shall add (a) all money received by the county treasurer on account of fines and licenses, (b) the proceeds from sale of schoolhouses, sites, or other property of a district, and (c) all unexpended balances of proceeds of taxes heretofore levied by a district, when such district has been taken by the United States for any defense, flood control, irrigation, or war project.

(3) The sum total, referred to in subsection (2) of this section, shall be distributed to the several districts of the county pro rata according to the enumeration of those children for which the district is obligated to report on the census between the ages of five and eighteen years last returned by the secretaries of the various districts. The total apportionment of each district shall be (a) its pro rata share of the balance of the amount of the state apportionment, (b) the amount received from fines and licenses, and (c) proceeds of sale and unexpended balances of taxes when a district has been taken over by the United States for any defense, flood control, irrigation, or war project.

(4) No share of state apportionment shall be paid to a district which has not held school for the length of time required by law and complied with all of the laws relating to school districts of those classes. The loss of state apportionment to any district employing more than one teacher because of the employment of legally unqualified teachers shall be no greater than an amount which bears the same ratio to the district's total entitlement as the number of unqualified teachers bears to

the total number of teaching positions for which teachers have been employed by the district. The loss of state apportionment to any district employing only one teacher, because of the employment of a legally unqualified teacher, shall be no greater than an amount which bears the same ratio to the district's total entitlement as the portion of the school year that an unqualified teacher was employed bears to the entire school year. In no event shall the loss of the state apportionment because of the employment of an unqualified teacher be less than ten per cent of the total entitlement of that district. **For the purposes of Chapter 79, a district must have school open and in session with pupils in attendance not less than one hundred seventy-five days.**

Sec. 12. That original sections 79-420, 79-4,154, 79-549, 79-1254.06, and 79-1304, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,140.04, 79-1247.02, 79-1247.05, 79-1247.06, and 79-1247.09, Revised Statutes Supplement, 1984, are repealed.