

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1385

Introduced by Kauth, 31; at the request of the Governor; Albrecht, 17; Armendariz, 18; Bostelman, 23; Brewer, 43; Dorn, 30; Dover, 19; Hansen, 16; Holdcroft, 36; Ibach, 44; Jacobson, 42; Linehan, 39; Lippincott, 34; McDonnell, 5; Murman, 38; Riepe, 12; Slama, 1; von Gillern, 4.

Read first time January 17, 2024

Committee: Education

- 1 A BILL FOR AN ACT relating to teachers; to amend sections 79-810 and
- 2 79-813, Revised Statutes Cumulative Supplement, 2022; to change
- 3 provisions relating to issuance of and eligibility for certificates
- 4 and permits; to harmonize provisions; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-810, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 79-810 (1) Certificates and permits shall be issued by the
4 commissioner upon application on forms prescribed and provided by him or
5 her which shall include the applicant's social security number.

6 (2) Each certificate or permit issued by the commissioner shall
7 indicate the area of authorization to teach, provide special services, or
8 administer and any areas of endorsement for which the holder qualifies.
9 During the term of any certificate or permit issued by the commissioner,
10 additional endorsements may be made on the certificate or permit if the
11 holder submits an application, meets the requirements for issuance of the
12 additional endorsements, and pays a nonrefundable fee as set by the
13 commissioner, not to exceed fifty-five dollars.

14 (3) The department shall make available on a portal on the
15 department's website the option or ability for an individual with a
16 certificate or permit to apply for an endorsement. Such portal shall also
17 include a list of courses that an individual with a certificate or permit
18 to teach, provide special services, or administer may take to add an
19 endorsement to such certificate or permit. The commissioner shall allow,
20 as an alternative method of obtaining an endorsement, an individual with
21 a certificate or permit to take a subject-specific content examination in
22 an endorsement area and indicate such subject as an endorsement on such
23 individual's certificate or permit based solely on passage of the
24 examination.

25 (4) ~~(3)~~ The Certification Fund is created. Any fee received by the
26 department under sections 79-806 to 79-815 shall be remitted to the State
27 Treasurer for credit to the fund. The fund shall be used by the
28 department in paying the costs of certifying educators pursuant to such
29 sections and to carry out subsection (3) of section 79-808. For issuance
30 of a certificate or permit valid in all schools, the nonrefundable fee
31 shall be set by the commissioner, not to exceed seventy-five dollars,

1 except that the commissioner shall designate a portion of the fee, not to
2 exceed seventeen dollars, that shall be credited to the Professional
3 Practices Commission Fund which is created for use by the department to
4 pay for the provisions of sections 79-859 to 79-871. For issuance of a
5 certificate or permit valid only in nonpublic schools, the nonrefundable
6 fee shall be set by the commissioner, not to exceed fifty-five dollars.
7 Any money in the Certification Fund or the Professional Practices
8 Commission Fund available for investment shall be invested by the state
9 investment officer pursuant to the Nebraska Capital Expansion Act and the
10 Nebraska State Funds Investment Act.

11 Sec. 2. Section 79-813, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 79-813 (1)(a) The board shall authorize the issuance of a
14 certificate or permit to any applicant for such certificate or permit
15 who:

16 (i) Is a military spouse or has been offered employment to teach,
17 administer, or provide special services by an accredited school district
18 in Nebraska or an approved and accredited private, denominational, or
19 parochial school in Nebraska;

20 (ii) Holds a valid certificate or permit, ~~currently~~ in force in
21 another state at the time of application, to teach, administer, or
22 provide special services;

23 (iii) Has held such certificate or permit for at least one year;

24 (iv) Is in good standing in all states in which the applicant holds
25 ~~where~~ a certificate or permit to teach, administer, or provide special
26 services ~~is held~~;

27 (v) Does not have any pending investigation or complaint
28 ~~investigations or complaints~~ against any such certificate or permit;

29 (vi) Meets all residency and background check requirements otherwise
30 required for a Nebraska certificate or permit; and

31 (vii) Pays any applicable fees.

1 (b) The commissioner shall verify that the applicant for a
2 certificate or permit under this subsection meets the requirements of
3 subdivisions (a)(iv) and (v) of this subsection. Such applicant shall not
4 be required to meet the human relations training requirement under
5 section 79-808 to obtain such certification or permit. Such certificate
6 or permit shall be valid for at least three years and shall include the
7 same or similar endorsements to teach in all subject areas for which the
8 applicant had been certified to teach in such other state if a similar
9 endorsement is offered in Nebraska.

10 (c) A preliminary permit shall be issued to an applicant upon
11 submission of the application, payment of the applicable fees, and the
12 successful completion of the criminal history record information check as
13 provided in section 79-814.01. The preliminary permit shall remain in
14 force until the commissioner completes the review of all requirements in
15 subdivision (1)(a) of this section and either issues a certificate or
16 permit or notifies the applicant of the reason such certificate or permit
17 cannot be issued.

18 (d) The board shall adopt and promulgate rules and regulations to
19 (i) expedite the processing of an application submitted under this
20 subsection by an applicant whose spouse is serving on active duty at the
21 time of such submission and (ii) specify the documentation necessary to
22 establish the applicant's status as a spouse of a person who is serving
23 on active duty at the time of such submission.

24 (e) For purposes of this subsection:

25 (i) Active duty means full-time duty status in the active uniformed
26 service of the United States, including members of the National Guard and
27 Reserve on active duty orders pursuant to 10 U.S.C. chapters 1209 and
28 1211; and

29 (ii) Military spouse has the same meaning as in section 38-118.01.

30 (2)(a) The board shall authorize the issuance of a certificate or
31 permit to any applicant for such certificate or permit who:

1 (i) Holds a valid certificate or permit to teach in force in another
2 state at the time of application;

3 (ii) Is in good standing in all states in which the applicant holds
4 a certificate or permit to teach;

5 (iii) Does not have any pending investigation or complaint against
6 any such certificate or permit;

7 (iv) Meets all residency and background check requirements otherwise
8 required for a Nebraska certificate or permit; and

9 (v) Pays any applicable fees.

10 (b) The commissioner shall verify that the applicant for a teaching
11 certificate or permit under this subsection meets the requirements of
12 subdivisions (a)(ii) and (iii) of this subsection. Such applicant shall
13 not be required to meet the human relations training requirement under
14 section 79-808 to obtain such certification or permit. Such certificate
15 or permit shall include the same or similar endorsements to teach in all
16 subject areas for which the applicant had been certified to teach in such
17 other state if a similar endorsement is offered in Nebraska.

18 (c) A conditional permit shall be issued to an applicant upon
19 submission of the application, payment of the applicable fees, and the
20 successful completion of the criminal history record information check as
21 provided in section 79-814.01. The conditional permit shall remain in
22 force until the commissioner completes the review of all the requirements
23 of subdivision (2)(a) of this section and either issues a certificate or
24 permit to teach or notifies the applicant of the reason such certificate
25 or permit cannot be issued.

26 (d) The department shall make available on a portal on the
27 department's website the option or ability for individuals to apply for a
28 certificate to teach pursuant to this subsection.

29 (3) {2} In addition to certificates and permits issued pursuant to
30 subsections ~~subsection~~ (1) and (2) of this section, the board may
31 authorize the issuance of other certificates or permits to applicants who

1 hold a valid certificate or permit currently in force in another state if
2 the requirements for the certificate or permit held by the applicant are
3 comparable and equivalent to those required for a similar type of
4 certificate or permit issued under sections 79-806 to 79-815.

5 Sec. 3. Original sections 79-810 and 79-813, Revised Statutes
6 Cumulative Supplement, 2022, are repealed.