

LEGISLATIVE BILL 1306

Approved by the Governor April 16, 2024

Introduced by Education Committee: Murman, 38, Chairperson; Conrad, 46; Linehan, 39; Meyer, 41; Sanders, 45; Walz, 15; Wayne, 13; Albrecht, 17.

A BILL FOR AN ACT relating to education; to amend sections 79-860, 79-866, 79-867, and 79-868, Reissue Revised Statutes of Nebraska, and sections 79-810 and 79-870, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to fees for a certificate or permit issued by the Commissioner of Education; to eliminate and change funds; to change, provide, and eliminate powers and duties of the State Board of Education and the Commissioner of Education relating to standards of professional practices for teachers and administrators, investigations and hearings relating to misconduct by certificate holders, and the power to issue writs of subpoena or subpoena witnesses as part of an investigation of misconduct; to eliminate provisions relating to the Professional Practices Commission; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-862, 79-864, 79-865, 79-869, and 79-871, Reissue Revised Statutes of Nebraska, and sections 79-861 and 79-863, Revised Statutes Cumulative Supplement, 2022.

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

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

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

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

(3) The Certification Fund is created. Any fee received by the department under sections 79-806 to 79-815 shall be remitted to the State Treasurer for credit to the fund. The fund shall be used by the department in paying the costs of certifying educators pursuant to such sections and to carry out subsection (3) of section 79-808. For issuance of a certificate or permit valid in all schools, the nonrefundable fee shall be set by the commissioner, not to exceed sixty-five ~~seventy-five~~ dollars, ~~except that the commissioner shall designate a portion of the fee, not to exceed seventeen dollars, that shall be credited to the Professional Practices Commission Fund which is created for use by the department to pay for the provisions of sections 79-859 to 79-871. For issuance of a certificate or permit valid only in nonpublic schools, the nonrefundable fee shall be set by the commissioner, not to exceed fifty-five dollars. The State Treasurer shall transfer any money remaining in the Professional Practices Commission Fund on the effective date of this act to the Certification Fund as soon after such date as administratively possible.~~ Any money in the Certification Fund or the Professional Practices Commission Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Section 79-860, Reissue Revised Statutes of Nebraska, is amended to read:

79-860 For purposes of sections 79-859 to 79-870 ~~79-871~~:

~~(1) Commission means the Professional Practices Commission;~~

~~(1) (2) Board means the State Board of Education; and~~

~~(2) (3) Commissioner means the Commissioner of Education.~~

Sec. 3. Section 79-866, Reissue Revised Statutes of Nebraska, is amended to read:

79-866 (1) The board shall adopt and promulgate rules and regulations establishing standards of professional practices for teachers and administrators holding certificates in areas including, but not limited to: (a) Ethical and professional performance; (b) competency; (c) continuance in professional service; and (d) contractual obligations. ~~The board shall receive the advice and counsel of the commission in the adoption of such standards as the standards apply to the holders of public school certificates.~~

(2) The board may, for just cause, revoke or suspend any teacher's or administrator's certificate.

Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board. The revocation or suspension of a certificate shall terminate the employment of such teacher or administrator. The board shall immediately notify the secretary or the school

board or board of education of the school district where such teacher or administrator is employed of such revocation or suspension, shall notify the teacher or administrator of such revocation or suspension, and shall record the action in the matter in the books or records of the State Board of Education.

Sec. 4. Section 79-867, Reissue Revised Statutes of Nebraska, is amended to read:

79-867 The revocation of a person's teacher's or administrator's certificate by the board shall automatically revoke any and all Nebraska ~~teachers'~~ certificates held by the person. A teacher's or administrator's certificate which has been suspended shall be automatically reinstated at the end of the suspension if such certificate did not expire during the period of suspension. If the certificate expired during the period of suspension, the holder of the expired certificate may secure a new certificate by applying for and by meeting the certification requirements at the time of application for the new certificate. A person whose teacher's or administrator's certificate has been revoked may apply for a new certificate at the expiration of any period of ineligibility fixed by the board by applying for and by meeting the certification requirements at the time of application for the new certificate.

Sec. 5. Section 79-868, Reissue Revised Statutes of Nebraska, is amended to read:

~~79-868 The board may request the commission to hold hearings and make recommendations to the board concerning alleged violations of standards of professional ethics and practices by holders of public school certificates. The board may employ hearing officers to hold hearings and make recommendations to the board concerning alleged violations of standards of professional ethics and practices by persons holding a teacher's or administrator's certificate. holders of nonpublic school certificates. The recommendations of the commission shall be made a part of the record of the board in all cases of public school certificate revocation or suspension and reinstatement of a revoked public school certificate. The commission may privately admonish or warn or publicly reprimand teachers and administrators holding public school certificates for violation of the standards established pursuant to section 79-866. Any public reprimand by the commission shall be reported to the State Department of Education. Any recommendation for the revocation or suspension of a public school certificate by the commission shall be reported to the board.~~

The commissioner may employ persons to investigate and prosecute cases of alleged violations of standards of professional ethics and practices before the ~~commission~~ or before the board and its hearing officers. The commissioner shall cause to be investigated expeditiously any complaint which is filed with him or her or which is otherwise called to his or her attention and which if legally sufficient constitutes grounds for the revocation or suspension of a certificate or any other appropriate penalty set forth in section 79-866 or in the rules and regulations adopted and promulgated pursuant to such section. If following an investigation the commissioner determines that legally sufficient grounds exist for revocation or suspension of a certificate or for any other appropriate penalty set forth in such section or rules and regulations, the commissioner may, in his or her discretion, file a petition with the board ~~commission~~ for adjudication of the matter or may reach an agreement for the appropriate sanction as allowed by the rules and regulations.

Sec. 6. Section 79-870, Revised Statutes Cumulative Supplement, 2022, is amended to read:

79-870 In the performance of ~~its their~~ functions under sections 79-859 to ~~79-870, 79-871, the commission and~~ the board may subpoena witnesses and place them under oath. The commissioner may issue writs of subpoena, including subpoena duces tecum, requiring the attendance of witnesses and the production of books, records, and documents, and place witnesses under oath to take sworn testimony as part of any investigation. The board may modify or quash any subpoena issued by the commissioner.

Sec. 7. Original sections 79-860, 79-866, 79-867, and 79-868, Reissue Revised Statutes of Nebraska, and sections 79-810 and 79-870, Revised Statutes Cumulative Supplement, 2022, are repealed.

Sec. 8. The following sections are outright repealed: Sections 79-862, 79-864, 79-865, 79-869, and 79-871, Reissue Revised Statutes of Nebraska, and sections 79-861 and 79-863, Revised Statutes Cumulative Supplement, 2022.