

LEGISLATIVE BILL 1399

Approved by the Governor April 10, 2000

Introduced by Bohlke, 33; Coordsen, 32; Wehrbein, 2; Wickersham, 49;
Vrtiska, 1

AN ACT relating to teachers; to provide for a salary study; to create a task force; to provide a termination date; to adopt the Master Teacher Program Act; to adopt the Attracting Excellence to Teaching Program Act; to provide duties for the Nebraska Volunteer Service Commission; to provide severability; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. The Teacher Salary Task Force is created. The task force shall consist of the members appointed pursuant to section 2 of this act. The task force shall report its findings and recommendations pursuant to section 4 of this act to the Clerk of the Legislature and the Education Committee of the Legislature on or before October 1, 2000.

Sec. 2. (1) Members of the Teacher Salary Task Force shall be appointed by the Executive Board of the Legislative Council on or before April 15, 2000, and shall include:

(a) The chairperson of the Education Committee of the Legislature;
(b) The chairperson of the Appropriations Committee of the Legislature;

(c) The chairperson of the Revenue Committee of the Legislature;

(d) A representative of a teachers' organization;

(e) A representative of an association of school boards;

(f) A representative of an association of school administrators;

(g) A teacher, or former teacher as described in and subject to the limitations of subsection (2) of this section, from a school district which is in the very sparse cost grouping pursuant to section 79-1007.02;

(h) A teacher, or former teacher as described in and subject to the limitations of subsection (2) of this section, from a school district which is in the sparse cost grouping pursuant to section 79-1007.02;

(i) A teacher, or former teacher as described in and subject to the limitations of subsection (2) of this section, from a school district with fewer than nine hundred students in the standard cost grouping pursuant to section 79-1007.02;

(j) A teacher, or former teacher as described in and subject to the limitations of subsection (2) of this section, from a school district with nine hundred or more students in the standard cost grouping pursuant to section 79-1007.02;

(k) Four taxpayers. One taxpayer from each of the school districts represented by a teacher as listed in subdivisions (1)(g) through (1)(j) of this section;

(l) A representative of the business community who has a background in human resources;

(m) A benefits consultant;

(n) A representative from a community organization aimed at assisting schools in meeting the national education goals established under the federal Goals 2000: Educate America Act, 20 U.S.C. 5801 et seq.;

(o) A representative of a Nebraska tax policy research organization;

(p) A representative of the Governor's Policy Research Office; and

(q) A former teacher who left the profession due to retirement or for another career preceding appointment to the task force.

(2) For the teacher members appointed pursuant to subdivisions (1)(g) through (1)(j) of this section, there shall be gender, age, and experience diversity and up to one-half of such members may be former teachers who left the profession for another career preceding appointment to the task force. Members of the task force shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties as members of the task force as provided in sections 81-1174 to 81-1177. The Education Committee of the Legislature, the Legislative Fiscal Analyst, and the State Department of Education shall provide research and administrative support for the task force. For budgetary purposes only, the task force shall be within the Legislative Council.

Sec. 3. The chairperson of the Education Committee of the Legislature shall be the chairperson of the Teacher Salary Task Force and shall call the initial and subsequent meetings of the task force. The initial meeting of the task force shall include a presentation from a national expert

on paying teachers for what they know and how they perform and shall give an opportunity for task force members to ask the national expert questions about paying teachers for what they know and how they perform.

Sec. 4. The Teacher Salary Task Force shall study the following topics and make recommendations for Nebraska policies and potential legislation to the Clerk of the Legislature and the Education Committee of the Legislature:

- (1) Paying teachers for what they know and how they perform;
- (2) Creating and funding alternate pay scales for teachers who choose extended contracts;
- (3) Appropriate compensation levels for attracting and retaining quality teachers;
- (4) The impact of benefits as a part of total compensation for teachers;
- (5) Funding methods and sources for any increases in teacher compensation suggested by the task force;
- (6) Should there be greater control of the educational process and facilities for the schools by the State of Nebraska, if the state provides substantial additional funding for teachers' salaries; and
- (7) Other topics as determined by the task force.

Sec. 5. The Education Committee of the Legislature shall hold at least one public hearing in each congressional district in Nebraska on the recommendations of the Teacher Salary Task Force before December 31, 2000.

Sec. 6. The Teacher Salary Task Force terminates on December 31, 2000.

Sec. 7. Sections 7 to 14 of this act shall be known and may be cited as the Master Teacher Program Act.

Sec. 8. The Master Teacher Program is created. The purpose of the program is to build a group of recognized teachers of high achievement in the teaching profession. The State Department of Education shall administer the program.

Sec. 9. For purposes of the Master Teacher Program Act:

(1) Credentialing organization means a national nonprofit organization (a) approved by the State Department of Education, (b) the purpose of which is to establish high and rigorous standards in a broad range of educational areas for what accomplished teachers should know and be able to do, and (c) which issues credentials to teachers who demonstrate that they meet those standards; and

(2) Teacher means a person who holds a valid certificate to teach in Nebraska issued by the Commissioner of Education, who has been employed as a teacher for at least three years in a public or private school accredited or approved by the State Department of Education, and who continues to be employed as a teacher in such a school.

Sec. 10. In any year for which an appropriation is made for the Master Teacher program, each teacher in the Master Teacher Program shall receive an annual salary bonus of five thousand dollars up to a statewide total of one million dollars. If the number of teachers qualifying for the bonus exceeds the number which the one million dollars would fully fund at the five-thousand-dollar level, the bonuses shall be reduced such that each teacher in the program receives the same amount and the statewide total does not exceed one million dollars. The State Department of Education shall allocate the annual salary bonus to each teacher in the program. Payment of such annual salary bonus shall not exceed the life of the credentials and shall be made only upon approval by the department of an application or upon reapproval each year after receiving the initial salary bonus.

Sec. 11. Teachers may achieve master teacher status by earning credentials from a credentialing organization. To be eligible for the Master Teacher Program, a teacher with master teacher status shall apply to the State Department of Education.

Sec. 12. The Master Teacher Program Fund is created. The fund shall be administered by the State Department of Education to carry out the purposes of the Master Teacher Program Act. Any money in the 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. 13. A teacher who applies to a credentialing organization for credentials required for master teacher status shall be eligible for a registration award to pay for application and registration fees associated with obtaining the credentials. To receive a partial registration award in the amount of one-half of the associated fees, the teacher shall register with the State Department of Education within one year of application to the credentialing organization by submitting any documentation required by rule

and regulation. To receive a final registration award in the amount of the remaining fees, the teacher shall notify the department that the teacher received the credentials and shall submit any documentation required by rule and regulation. Up to forty eligible teachers shall receive the first half of a registration award each year.

Sec. 14. The State Board of Education shall adopt and promulgate rules and regulations to carry out the Master Teacher Program Act.

Sec. 15. Sections 15 to 23 of this act shall be known and may be cited as the Attracting Excellence to Teaching Program Act.

Sec. 16. For purposes of the Attracting Excellence to Teaching Program Act:

- (1) Department means the State Department of Education;
- (2) Eligible institution means a not-for-profit college or university which (a) is located in Nebraska, (b) is accredited by the North Central Association of Colleges and Schools, (c) has a teacher education program accredited by the department, and (d) if a privately funded college or university, has not opted out of the act pursuant to rules and regulations;
- (3) Eligible student means an individual who (a) is a full-time student, (b) is enrolled in an eligible institution in a teacher education program, and (c) if enrolled at a state-funded eligible institution, is a resident student as described in section 85-502 or, if enrolled in a privately funded eligible institution, would be deemed a resident student if enrolled in a state-funded eligible institution;
- (4) Full-time student means, in the aggregate, the equivalent of a student who in a twelve-month period is enrolled in thirty semester credit hours or forty-five quarter credit hours of classroom, laboratory, clinical, practicum, or independent study course work; and
- (5) Teacher education program means a program of study which results in obtaining a bachelor's degree which meets the education requirements for certification pursuant to sections 79-806 to 79-816.

Sec. 17. The Attracting Excellence to Teaching Program is created. The purposes of the program are to:

- (1) Attract outstanding students to the teacher education programs of Nebraska's postsecondary educational institutions;
- (2) Retain resident students and graduates as teachers in the accredited or approved public and private schools of Nebraska; and
- (3) Establish a loan contract that requires a borrower to obtain employment as a teacher in this state after graduation.

Sec. 18. (1) The State Department of Education shall administer the Attracting Excellence to Teaching Program either directly or by contracting with a public or private entity.

- (2) To be eligible for the program, an eligible student shall:
 - (a) Graduate in the top quarter of his or her high school class or have a minimum cumulative grade-point average of 3.0 on a four-point scale in an eligible institution;
 - (b) Agree to complete a teacher education program at an eligible institution; and
 - (c) Commit to teach in an accredited or approved public or private school in Nebraska upon successful completion of a teacher education program at an eligible institution and becoming certified pursuant to sections 79-806 to 79-816.

(3) Eligible students may apply on an annual basis for loans in an amount of not more than two thousand five hundred dollars per year. Priorities for loans shall be to eligible students who are majoring in subject shortage areas as defined by the department. Loans awarded to individual students shall not exceed a cumulative period exceeding five consecutive years. Loans shall only be awarded through an eligible institution and funded pursuant to section 19 of this act.

Sec. 19. The Attracting Excellence to Teaching Program Cash Fund is created. The fund shall consist of appropriations by the Legislature and loan repayments, penalties, and interest payments received in the course of administering the Attracting Excellence to Teaching Program. The department shall allocate on an annual basis the funds to be distributed for the program to all eligible institutions according to the distribution formula as determined by rule and regulation. The eligible institutions shall act as agents of the department in the distribution of the funds to eligible students. Any money in the 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. 20. (1) Prior to receiving any money from a loan pursuant to the Attracting Excellence to Teaching Program, an eligible student shall enter into a contract with the department. The contract shall require that if (a)

the borrower is not employed as a teacher in Nebraska for a time period equal to the number of years required for loan forgiveness pursuant to subsection (2) of this section and is not enrolled as a full-time student in a graduate program within six months after obtaining an undergraduate degree for which a loan from the program was obtained or (b) the borrower does not complete the requirements for graduation within five consecutive years after receiving the initial loan under the program, then the loan must be repaid, with interest at the rate fixed pursuant to section 45-103 accruing as of the date the borrower signed the contract, and an appropriate penalty as determined by the department may be assessed. If a borrower fails to remain enrolled at an eligible institution or otherwise fails to meet the requirements of an eligible student, repayment of the loan shall commence within six months after such change in eligibility. The State Board of Education may by rules and regulations provide for exceptions to the conditions of repayment pursuant to this subsection based upon mitigating circumstances.

(2) If the borrower (a) successfully completes the teacher education program and becomes certified pursuant to sections 79-806 to 79-816, (b) becomes employed as a teacher in this state within six months of becoming certified, and (c) otherwise meets the requirements of the contract, payments shall be suspended for the number of years that the borrower is required to remain employed as a teacher in this state under the contract. For each year that the borrower teaches in Nebraska pursuant to the contract, payments shall be forgiven in an amount equal to the amount borrowed for one year, except if the borrower teaches in a school district that is at least partially in a local system classified in the very sparse cost grouping as provided in section 79-1007.02 or teaches in a school district in which at least forty percent of the students qualify for the poverty factor as provided in section 79-1007.01, payments shall be forgiven each year in an amount equal to the amount borrowed for two years.

Sec. 21. The department has the administrative responsibility to track borrowers and to develop repayment tracking and collection mechanisms. The department may contract for such services. When a loan has been forgiven pursuant to section 20 of this act, the amount forgiven may be taxable income to the borrower and the department shall provide notification of the amount forgiven to the borrower, the Department of Revenue, and the United States Internal Revenue Service if required by the Internal Revenue Code.

Sec. 22. (1) Each eligible institution shall file an annual report with the department containing such information as required by rule and regulation. On or before November 15 of each year, the department shall submit a report to the Education Committee of the Legislature providing, at a minimum, information on an institution-by-institution basis and the status of borrowers. The report shall include a financial statement and a description of the activity of the Attracting Excellence to Teaching Program Cash Fund.

(2) The department shall also provide a report to the Governor and the Clerk of the Legislature by December 31, 2005, on the status of the program, the status of the borrowers, and the impact of the program on the number of teachers in Nebraska.

(3) Any report pursuant to this section which includes information about borrowers shall exclude confidential information or any other information which specifically identifies a borrower.

Sec. 23. The State Board of Education shall adopt and promulgate rules and regulations to carry out the Attracting Excellence to Teaching Program Act.

Sec. 24. The Nebraska Volunteer Service Commission shall submit a program proposal to the Corporation for National Service to obtain funding for educational awards. The awards shall be used by the commission to (1) provide incentives for new college graduates to establish their teaching careers in Nebraska and (2) provide incentives for experienced Nebraska teachers to pursue graduate degrees. It is the intent of the Legislature that the State Department of Education shall provide state funding to the Nebraska Volunteer Service Commission to contract for a program officer position for the Teacher Corps AmeriCorps Education Award Program if the Corporation for National Service commits to funding such program in Nebraska. State funding provided by the State Department of Education shall be used by the Nebraska Volunteer Service Commission to contract for a program officer position to meet the required monitoring and compliance responsibilities of the program.

Sec. 25. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 26. Since an emergency exists, this act takes effect when passed and approved according to law.