

LEGISLATIVE BILL 575

Approved by the Governor May 26, 1989

Introduced by Barrett, 39; Dierks, 40; Baack, 47

AN ACT relating to teachers; to amend sections 79-1282, 79-1283, and 79-1284, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to disciplinary procedures by the State Board of Education; to provide powers and duties for the board and the Professional Practices Commission; to change provisions relating to the commission; to eliminate provisions on the revocation and suspension of certificates; and to repeal the original sections, and also section 79-1234, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 79-1282, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1282. Not later than January 1, 1985, the (1) The State Board of Education with the counsel of the commission shall develop, through the teaching profession, criteria 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: (1) (a) Ethical and professional performance; (b) ; (2) competency; (c) ; (3) continuance in professional service; ; and (4) (d) contractual obligations. The board shall receive the advice and counsel of the Professional Practices Commission in the adoption of such standards as they 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.

A 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 State Board of Education shall immediately notify the secretary or board of

education of the school district where such teacher or administrator is employed of such revocation or suspension. The State Board of Education shall also notify the teacher or administrator of such revocation or suspension and shall enter its action in the matter in the books or records of its office. 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. 2. That section 79-1283, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1283. The State Board of Education shall request the ~~commission~~ Professional Practices Commission or a special committee of members thereof to make investigations; hold hearings and make recommendations to the State Board of Education 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 holders of nonpublic school certificates. The commission recommendations shall be made a part of the record of the State Board of Education board in all cases of public school certificate revocation or suspension and reinstatement of a revoked or suspended public school certificate. The commission may privately admonish, warn, and reprimand members of the teaching profession teachers and administrators holding public school certificates for violation of the standards established pursuant to section 79-1282. Any such action by the commission shall be reported to the board. The Commissioner of Education 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 79-1282 or in the rules and regulations adopted and promulgated pursuant to such section.

Sec. 3. That section 79-1284, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1284. The ~~commission~~ Professional Practices Commission and the State Board of Education shall adopt and promulgate rules and regulations for the performance of ~~its~~ their functions under sections 79-1280 to 79-1286 and section 4 of this act. Recommendations may be made by the commission to the board, ~~State Board of Education~~ or to school boards or boards of education, and to institutions of higher education which will promote improvement of education and the teaching profession.

Sec. 4. The revocation of a person's teacher's or administrator's certificate by the State Board of Education automatically shall 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 making application therefor 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 making application therefor and by meeting the certification requirements at the time of application for the new certificate.

Sec. 5. That original sections 79-1282, 79-1283, and 79-1284, Reissue Revised Statutes of Nebraska, 1943, and also section 79-1234, Reissue Revised Statutes of Nebraska, 1943, are repealed.