

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 547

Introduced by Adams, 24.

Read first time January 21, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to teachers; to amend sections 79-808,
2 79-8,133, 79-8,134, 79-8,135, 79-8,136, 79-8,137,
3 79-8,139, and 79-8,140, Reissue Revised Statutes of
4 Nebraska; to provide for rules and regulations relating
5 to specialization; to change provisions relating to
6 loans, loan repayments, and a report under the Attracting
7 Excellence to Teaching Program Act; to harmonize
8 provisions; to repeal the original sections; and to
9 declare an emergency.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-808, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-808 (1) The board shall establish, adopt, and
4 promulgate appropriate rules, regulations, and procedures governing
5 the issuance, renewal, conversion, suspension, and revocation of
6 certificates and permits to teach, provide special services, and
7 administer based upon (a) earned college credit in humanities,
8 social and natural sciences, mathematics, or career and technical
9 education, (b) earned college credit, or its equivalent in
10 professional education, for particular teaching, special services,
11 or administrative assignments, (c) criminal history record
12 information if the applicant has not been a continuous Nebraska
13 resident for five years immediately preceding application for the
14 first issuance of a certificate, (d) human relations training,
15 (e) successful teaching, administration, or provision of special
16 services, and (f) moral, mental, and physical fitness for
17 teaching, all in accordance with sound educational practices.
18 Such rules, regulations, and procedures shall also provide for
19 endorsement requirements to indicate areas of specialization on
20 such certificates and permits.

21 (2) The board may issue a temporary certificate, valid
22 for a period not to exceed two years, to any applicant for
23 certification who has not completed the human relations training
24 requirement.

25 (3) Members of any advisory committee established by the

1 board to assist the board in teacher education and certification
2 matters shall be reimbursed for their actual and necessary expenses
3 as provided in sections 81-1174 to 81-1177. Each school district
4 which has an employee who serves as a member of such committee
5 and which is required to hire a person to replace such member
6 during the member's attendance at meetings or activities of the
7 committee or any subcommittee thereof shall be reimbursed from
8 the Certification Fund for the expense it incurs from hiring a
9 replacement. School districts may excuse employees who serve on
10 such advisory committees from certain duties which conflict with
11 any advisory committee duties.

12 Sec. 2. Section 79-8,133, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-8,133 For purposes of the Attracting Excellence to
15 Teaching Program Act:

16 (1) Department means the State Department of Education;

17 (2) Eligible institution means a not-for-profit college
18 or university which (a) is located in Nebraska, (b) is accredited
19 by the North Central Association of Colleges and Schools, (c) has a
20 teacher education program accredited by the department, and (d) if
21 a privately funded college or university, has not opted out of the
22 act pursuant to rules and regulations;

23 (3) Eligible student means an individual who ~~(a)~~ (a)(i)
24 is a full-time student, ~~(b)~~ is enrolled in an eligible institution
25 in a an undergraduate or a graduate teacher education program,

1 ~~and (e) working toward his or her initial certificate to teach~~
2 in Nebraska or (ii) is a certificated teacher employed to teach
3 in an approved or accredited school in Nebraska and is also a
4 full-time or part-time student enrolled in an eligible institution
5 in a graduate teacher education program, (b) if enrolled at
6 a state-funded eligible institution, is a resident student as
7 described in section 85-502 or, if enrolled in a privately
8 funded eligible institution, would be deemed a resident student
9 if enrolled in a state-funded eligible institution, and (c) for
10 applicants applying for the first time on or after the effective
11 date of this act, is (i) a student majoring in a shortage area if
12 working toward his or her initial certificate to teach in Nebraska
13 or (ii) a graduate student majoring in a shortage area, a subject
14 area in which the individual already holds a secular teaching
15 endorsement, or a subject area that will result in an additional
16 secular teaching endorsement which the superintendent of the school
17 district or head administrator of the private, denominational,
18 or parochial school employing the individual believes will be
19 beneficial to the students of such school district or school as
20 evidenced by a statement signed by the superintendent or head
21 administrator if already a certificated teacher;

22 (4) Full-time student means, in the aggregate, the
23 equivalent of a student who in a twelve-month period is enrolled
24 in ~~thirty~~ twenty-four semester credit hours ~~or forty-five quarter~~
25 ~~credit hours~~ for undergraduate students or eighteen semester credit

1 hours for graduate students of classroom, laboratory, clinical,
 2 practicum, or independent study course work; and

3 (5) Majoring in a shortage area means pursuing a degree
 4 which will allow an individual to be properly endorsed to teach in
 5 a shortage area;

6 (6) Shortage area means a secular field of teaching for
 7 which there is a shortage of properly endorsed teachers at the
 8 time the borrower first receives funds pursuant to the act, as
 9 determined by the department; and

10 ~~(5)~~ (7) Teacher education program means a program of
 11 study which results in obtaining a bachelor's degree which meets
 12 the education requirements for certification pursuant to sections
 13 79-806 to 79-815, approved by the State Board of Education pursuant
 14 to subdivision (5)(g) of section 79-318.

15 Sec. 3. Section 79-8,134, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 79-8,134 The Attracting Excellence to Teaching Program is
 18 created. The purposes of the program are to:

19 (1) Attract outstanding students to major in shortage
 20 areas at the teacher education programs of Nebraska's postsecondary
 21 educational institutions;

22 (2) Retain resident students and graduates as teachers in
 23 the accredited or approved public and private schools of Nebraska;
 24 and

25 (3) Improve the skills of existing teachers in Nebraska

1 through the graduate education programs of Nebraska's postsecondary
2 educational institutions; and

3 ~~(3)~~ (4) Establish a loan contract that requires a
4 borrower to obtain or continue employment as a teacher in this
5 state after graduation.

6 Sec. 4. Section 79-8,135, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 79-8,135 (1) The State Department of Education shall
9 administer the Attracting Excellence to Teaching Program either
10 directly or by contracting with a public or private ~~entity.~~
11 entities.

12 (2) To be eligible for the program, an eligible student
13 shall:

14 (a) Graduate For a student working toward his or her
15 initial certificate to teach in Nebraska, graduate in the top
16 quarter of his or her high school class or have a minimum
17 cumulative grade-point average of 3.0 on a four-point scale in an
18 eligible institution;

19 (b) Agree to complete a teacher education program at an
20 eligible institution and, for applicants applying for the first
21 time on or after the effective date of this act, to complete the
22 major on which the applicant's eligibility is based; and

23 (c) Commit to teach in an accredited or approved public
24 or private school in Nebraska upon successful completion of a
25 the teacher education program ~~at an eligible institution and~~

1 ~~becoming certified for which the applicant is applying to the~~
2 ~~Attracting Excellence to Teaching Program and becoming certified or~~
3 ~~maintaining certification pursuant to sections 79-806 to 79-815.~~

4 (3) Eligible students may apply on an annual basis for
5 loans in an amount of not more than ~~two thousand five hundred~~
6 ~~three thousand~~ dollars per year. ~~Priorities for loans shall be to~~
7 ~~eligible students who are majoring in subject shortage areas as~~
8 ~~defined by the department.~~ Loans awarded to individual students
9 shall not exceed a cumulative period exceeding five consecutive
10 years. Loans shall only be awarded through an eligible institution
11 ~~and for a student working toward his or her initial certification~~
12 ~~to teach in Nebraska and through the department for a certificated~~
13 ~~teacher. Loans shall be funded pursuant to section 79-8,136.~~

14 Sec. 5. Section 79-8,136, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 79-8,136 The Attracting Excellence to Teaching Program
17 Cash Fund is created. The fund shall consist of appropriations
18 by the Legislature, transfers pursuant to section 9-812, and loan
19 repayments, penalties, and interest payments received in the course
20 of administering the Attracting Excellence to Teaching Program. The
21 department shall allocate on an annual basis up to three hundred
22 thousand dollars in the aggregate of the funds to be distributed
23 for the program to all eligible institutions according to the
24 distribution formula as determined by rule and regulation. ~~7 except~~
25 ~~that the State Treasurer shall transfer the cash balance existing~~

1 ~~on November 9, 2001, in the fund to the General Fund within five~~
2 ~~days after November 9, 2001.~~ The eligible institutions shall act
3 as agents of the department in the distribution of the funds to
4 eligible students working toward initial certification to teach in
5 Nebraska. The remaining funds available for the program shall be
6 distributed by the department as forgivable loans to certificated
7 teachers who are eligible students. Any money in the Attracting
8 Excellence to Teaching Program Cash Fund available for investment
9 shall be invested by the state investment officer pursuant to
10 the Nebraska Capital Expansion Act and the Nebraska State Funds
11 Investment Act.

12 Sec. 6. Section 79-8,137, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-8,137 (1) Prior to receiving any money from a loan
15 pursuant to the Attracting Excellence to Teaching Program, an
16 eligible student shall enter into a contract with the department.

17 (a) For eligible students who applied for the first
18 time prior to the effective date of this act, the ~~The~~ contract
19 shall require that if ~~(a)~~ (i) the borrower is not employed as a
20 teacher in Nebraska for a time period equal to the number of years
21 required for loan forgiveness pursuant to subsection (2) of this
22 section and is not enrolled as a full-time student in a graduate
23 program within six months after obtaining an undergraduate degree
24 for which a loan from the program was obtained or ~~(b)~~ (ii) the
25 borrower does not complete the requirements for graduation within

1 five consecutive years after receiving the initial loan under
2 the program, then the loan must be repaid, with interest at the
3 rate fixed pursuant to section 45-103 accruing as of the date
4 the borrower signed the contract, and an appropriate penalty as
5 determined by the department may be assessed. If a borrower fails
6 to remain enrolled at an eligible institution or otherwise fails to
7 meet the requirements of an eligible student, repayment of the loan
8 shall commence within six months after such change in eligibility.
9 The State Board of Education may by rules and regulations provide
10 for exceptions to the conditions of repayment pursuant to this
11 subsection based upon mitigating circumstances.

12 (b) For eligible students who apply for the first time
13 on or after the effective date of this act, the contract shall
14 require that if (i) the borrower who is working toward his or
15 her initial certification to teach in Nebraska is not employed as
16 a teacher in a shortage area in Nebraska or the borrower who is
17 already a certificated teacher is not employed as a teacher in
18 Nebraska for a time period equal to the number of years required
19 for loan forgiveness pursuant to subsection (3) of this section
20 and is not enrolled as a full-time student in a graduate program
21 within six months after obtaining an undergraduate degree for which
22 a loan from the program was obtained or (ii) the borrower does not
23 complete the requirements for graduation within five consecutive
24 years after receiving the initial loan under the program, then
25 the loan shall be repaid with interest at the rate fixed pursuant

1 to section 45-103 accruing as of the date the borrower signed
2 the contract, and an appropriate penalty as determined by the
3 department may be assessed. If a borrower fails to remain enrolled
4 at an eligible institution or otherwise fails to continue to be
5 an eligible student, repayment of the loan shall commence within
6 six months after such change in eligibility. The State Board of
7 Education may by rule and regulation provide for exceptions to
8 the conditions of repayment pursuant to this subsection based upon
9 mitigating circumstances.

10 (2) If the borrower applied for the first time prior
11 to the effective date of this act and (a) successfully completes
12 the teacher education program and becomes certified pursuant to
13 sections 79-806 to 79-815, (b) becomes employed as a teacher
14 in this state within six months of becoming certified, and (c)
15 otherwise meets the requirements of the contract, payments shall
16 be suspended for the number of years that the borrower is required
17 to remain employed as a teacher in this state under the contract.
18 For each year that the borrower teaches in Nebraska pursuant to
19 the contract, payments shall be forgiven in an amount equal to
20 the amount borrowed for one year, except if the borrower teaches
21 in a school district that is ~~at least~~ partially in a local
22 system classified as very sparse as defined in section 79-1003 or
23 teaches in a school district in which at least forty percent of
24 the students are poverty students as defined in section 79-1003,
25 payments shall be forgiven each year in an amount equal to the

1 amount borrowed for two years.

2 (3) If the borrower applies for the first time on or
3 after the effective date of this act and (a) successfully completes
4 the teacher education program and major for which the borrower is
5 receiving a forgivable loan pursuant to the program and (i) for a
6 borrower working toward initial certification to teach in Nebraska,
7 becomes certified pursuant to section 79-806 to 79-815 with at
8 least one endorsement in a shortage area or (ii) for a borrower who
9 is already a certificated teacher, maintains certification pursuant
10 to sections 79-806 to 79-815, (b) (i) for a borrower working toward
11 initial certification to teach in Nebraska, becomes employed as a
12 teacher in a shortage area in an approved or accredited school
13 in this state within six months of becoming certified or (ii)
14 for a borrower who is already a certificated teacher, maintains
15 employment as a teacher in an approved or accredited school in this
16 state, and (c) otherwise meets the requirements of the contract,
17 payments shall be suspended for the number of years that the
18 borrower is required to remain employed as a teacher in this state
19 under the contract. For each year, after the first two years, that
20 the borrower teaches in Nebraska pursuant to the contract, payments
21 shall be forgiven in an amount equal to the amount borrowed for
22 one year, except that if the borrower teaches in a school district
23 that is in a local system classified as very sparse as defined
24 in section 79-1003 or teaches in a school building in which at
25 least forty percent of the formula students are poverty students as

1 defined in section 79-1003, payments shall be forgiven each year in
2 an amount equal to the amount borrowed for two years.

3 Sec. 7. Section 79-8,139, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-8,139 (1) Each eligible institution shall file an
6 annual report with the department containing such information as
7 required by rule and regulation. On or before ~~November 15~~ of each
8 year, December 31, 2010, and on or before December 31 of each
9 even-numbered year thereafter, the department shall submit a report
10 to the Governor, the Clerk of the Legislature, and the Education
11 Committee of the Legislature providing, at a minimum, on the
12 status of the program, the status of the borrowers, and the impact
13 of the program on the number of teachers in shortage areas in
14 Nebraska and on the number of teachers receiving graduate degrees
15 in teaching endorsement areas in Nebraska. The report shall include
16 information on an institution-by-institution basis, and the status
17 of borrowers, and ~~the report shall include a financial statement~~
18 and with a description of the activity of the Attracting Excellence
19 to Teaching Program Cash Fund.

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

24 ~~(3)~~ (2) Any report pursuant to this section which
25 includes information about borrowers shall exclude confidential

1 information or any other information which specifically identifies
2 a borrower.

3 Sec. 8. Section 79-8,140, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-8,140 The State Board of Education ~~shall~~ may adopt
6 and promulgate rules and regulations to determine teacher shortage
7 areas and to carry out the Attracting Excellence to Teaching
8 Program Act.

9 Sec. 9. Original sections 79-808, 79-8,133, 79-8,134,
10 79-8,135, 79-8,136, 79-8,137, 79-8,139, and 79-8,140, Reissue
11 Revised Statutes of Nebraska, are repealed.

12 Sec. 10. Since an emergency exists, this act takes effect
13 when passed and approved according to law.