

AMENDMENTS TO LB 1206

1           1. Insert the following new sections:

2           "Sec. 12. Section 79-802, Revised Statutes Supplement,  
3 2000, is amended to read:

4           79-802. (1) Except as provided in subsection (2) of this  
5 section, no person shall be employed to teach in any public,  
6 private, denominational, or parochial school in this state who does  
7 not hold a valid Nebraska certificate or permit issued by the  
8 Commissioner of Education legalizing him or her to teach the grade  
9 or subjects to which elected.

10           (2) Any person who holds a valid certificate or permit to  
11 teach issued by another state may be employed as a substitute  
12 teacher in any public, private, denominational, or parochial school  
13 in this state for not more than ten working days if he or she  
14 begins the application process, on the first employment day, for a  
15 Nebraska substitute teacher's certificate and the issuance of such  
16 certificate is pending.

17           (3) Public, private, denominational, or parochial schools  
18 in the state may employ persons who do not hold a valid Nebraska  
19 teaching certificate or permit issued by the Commissioner of  
20 Education to serve as aides to a teacher or teachers. Such teacher  
21 aides may not assume any teaching responsibilities. A teacher aide  
22 may be assigned duties which are nonteaching in nature if the  
23 employing school has assured itself that the aide has been  
24 specifically prepared for such duties, including the handling of

1 emergency situations which might arise in the course of his or her  
2 work.

3 (4) No person employed to coach or supervise  
4 extracurricular activities shall be required to hold a valid  
5 Nebraska certificate or permit to teach pursuant to sections 79-806  
6 to 79-816, but every person employed to coach or supervise  
7 extracurricular activities who does not hold a valid Nebraska  
8 certificate or permit to teach pursuant to such sections shall meet  
9 any qualifications for such employment adopted by the State Board  
10 of Education and shall meet the requirements of sections 79-8,112  
11 to 79-8,117 and section 13 of this act.

12 Sec. 13. Every person employed to coach or supervise  
13 extracurricular activities who does not hold a valid Nebraska  
14 certificate or permit to teach pursuant to such sections shall file  
15 a complete set of his or her legible fingerprints with the  
16 Commissioner of Education.

17 Sec. 14. Section 79-8,112, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 79-8,112. Upon request by the Commissioner of Education,  
20 the Nebraska State Patrol shall undertake a search for criminal  
21 history record information relating to an applicant described in  
22 section 79-8,111 or a noncertificated person employed to coach or  
23 supervise extracurricular activities pursuant to section 79-802 and  
24 section 13 of this act, including transmittal of ~~the applicant's~~  
25 his or her fingerprints to the Identification Division of the  
26 Federal Bureau of Investigation for a national criminal history  
27 record information check. The criminal history record information

AM3509  
LB 1206  
MHF-04-02

AM3509  
LB 1206  
MHF-04-02

1 check shall include information concerning the applicant or  
2 noncertificated person from federal repositories of such  
3 information and repositories of such information in other states if  
4 authorized by federal law. The Nebraska State Patrol shall issue a  
5 report to the Commissioner of Education, and to the applicant, and  
6 for noncertificated persons described in such sections, to the  
7 school board of the school district or the governing authority of  
8 the private school employing such noncertificated person. The  
9 report ~~which~~ shall include the criminal history record information.  
10 ~~concerning the applicant.~~

11 Sec. 15. Section 79-8,114, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 79-8,114. Criminal history record information subject to  
14 federal confidentiality requirements shall remain confidential and  
15 may be released only upon the written authorization by the  
16 ~~applicant, except that if the applicant~~ subject of the information.  
17 If the subject is an applicant for a certificate or permit to teach  
18 under sections 79-806 to 79-816 who appeals the denial of a  
19 certificate or permit by the Commissioner of Education, the filing  
20 of an administrative appeal shall constitute a release of the  
21 information for the limited purpose of the appeal. If the  
22 applicant requests a closed hearing, such request shall be subject  
23 to sections 84-1408 to 84-1414.

24 Sec. 16. Section 79-8,115, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 79-8,115. The State Department of Education shall adopt  
27 and promulgate rules and regulations to carry out sections 79-8,111

AM3509  
LB 1206  
MHF-04-02

AM3509  
LB 1206  
MHF-04-02

1 to ~~79-8,114~~ 79-8,117 and section 13 of this act.

2           Sec. 17. Section 79-8,116, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           79-8,116. The State Board of Education shall determine  
5 and set the costs for processing criminal history record  
6 information checks under sections 79-8,111 to 79-8,117 and section  
7 13 of this act which shall be borne by the applicant ~~for a~~  
8 ~~certificate or permit described in section 79-8,111~~ or the person  
9 employed to coach or supervise. The costs shall be limited to the  
10 actual direct costs arising from the processing of the criminal  
11 history record information checks."

12           2. Amend the repealer so that the sections added by this  
13 amendment becomes operative three calendar months after adjournment  
14 of this legislative session.

15           3. Renumber the remaining sections and correct internal  
16 references accordingly.