

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 506

Introduced by Bolz, 29.

Read first time January 23, 2013

Committee: Education

A BILL

1 FOR AN ACT relating to the Tax Equity and Educational Opportunities
2 Support Act; to amend section 79-804, Reissue Revised
3 Statutes of Nebraska, and section 79-1007.04, Revised
4 Statutes Cumulative Supplement, 2012; to change
5 provisions relating to the elementary class size
6 allowance; to provide requirements for the fall personnel
7 report; to harmonize provisions; to provide an operative
8 date; to repeal the original sections; and to declare an
9 emergency.

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

1 Section 1. Section 79-804, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-804 (1) Each teacher or administrator shall register
4 his or her certificate with the public, private, denominational, or
5 parochial school in which the teacher or administrator is employed.
6 The superintendent or administrator of the school shall endorse upon
7 the certificate that it has been registered and the date of
8 registration. Such registration shall be without fee. No employment
9 of a teacher or administrator shall be valid until the certificate is
10 so registered. On or before September 15 of each year, the public,
11 private, denominational, and parochial schools shall file with the
12 State Department of Education a fall personnel report which shall
13 specify the names, salaries, years of experience, benefits,
14 certificate level, postsecondary education degree level, hours of
15 postsecondary education, and highest degree level attained of all
16 individuals employed by the school who are required by law to hold a
17 certificate and such other information as the Commissioner of
18 Education directs. The fall personnel report shall also include
19 information on the salary, benefits, years of experience, and
20 education level of instructional paraprofessionals employed by the
21 school. The superintendent or administrator of the school shall
22 transmit within ten days to the State Department of Education the
23 name of the teacher, paraprofessional, or administrator to be
24 employed, together with the position to which employed, if the
25 teacher, paraprofessional, or administrator is employed after the

1 submission of the fall personnel report. The Commissioner of
2 Education shall certify to the school the name of any teacher or
3 administrator who has not been issued a certificate or given evidence
4 of application to the State Department of Education and qualification
5 for a certificate or permit. The teacher or administrator shall not
6 be reimbursed for any services to the school after the date of
7 receipt of notification by the school.

8 (2) The Commissioner of Education shall notify the county
9 treasurer to withhold all school money belonging to any district
10 employing an uncertificated teacher or administrator until the
11 teacher or administrator has obtained a certificate or has been
12 dismissed by the board employing such teacher or administrator. The
13 county treasurer shall withhold such money.

14 Sec. 2. Section 79-1007.04, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 79-1007.04 (1) For school fiscal years 2008-09 through
17 ~~2012-13, 2015-16,~~ the department shall determine the elementary class
18 size allowance for each school district from information submitted by
19 a school district on a form prescribed by the department on or before
20 October 15 of the school fiscal year preceding the school fiscal year
21 for which aid is being calculated.

22 (2) For school fiscal year 2008-09, the allowance shall
23 equal the statewide average general fund operating expenditures per
24 formula student multiplied by 0.20 then multiplied by the number of
25 students in the school district in kindergarten through grade eight

1 who qualify for free or reduced-price lunches and who spend at least
2 fifty percent of the school day in a classroom with a minimum of ten
3 students and a maximum of twenty students as reported on the fall
4 membership report from the school fiscal year immediately preceding
5 the school fiscal year in which the aid is to be paid.

6 (3) For school fiscal years 2009-10 through 2012-13, the
7 allowance shall equal the statewide average general fund operating
8 expenditures per formula student multiplied by twenty percent of the
9 number of students in the school district in kindergarten through
10 grade three who spend at least fifty percent of the school day in one
11 or more classrooms with a minimum of ten students and a maximum of
12 twenty students as reported on the fall membership report from the
13 school fiscal year immediately preceding the school fiscal year in
14 which the aid is to be paid for state aid certified pursuant to
15 section 79-1022 and as reported on the annual statistical summary
16 report from the school fiscal year immediately preceding the school
17 fiscal year in which the aid was paid for the final calculation of
18 state aid pursuant to section 79-1065.

19 (4) For school fiscal years 2013-14 through 2015-16, the
20 elementary class size allowance shall equal the statewide average
21 general fund operating expenditures per formula student multiplied by
22 twenty percent of the number of students in the school district in
23 kindergarten through grade three who spend at least fifty percent of
24 the school day in one or more classrooms with (a) an appropriately
25 certified teacher and a minimum of ten students and a maximum of

1 twenty students or (b) an appropriately certified teacher and
2 instructional paraprofessional meeting the requirements for Title I
3 paraprofessionals of the federal Elementary and Secondary Education
4 Act of 1965, 20 U.S.C. 6301 et seq., as such act and sections existed
5 on January 1, 2013, and a minimum of twenty-one and a maximum of
6 twenty-eight students. Students shall be counted as reported on the
7 fall membership report submitted pursuant to section 79-528 from the
8 school fiscal year immediately preceding the school fiscal year in
9 which the aid is to be paid for state aid certified pursuant to
10 section 79-1022 and as reported on the annual statistical summary
11 report from the school fiscal year immediately preceding the school
12 fiscal year in which the aid was paid for the final calculation of
13 state aid pursuant to section 79-1065.

14 Sec. 3. This act becomes operative on July 1, 2013.

15 Sec. 4. Original section 79-804, Reissue Revised Statutes
16 of Nebraska, and section 79-1007.04, Revised Statutes Cumulative
17 Supplement, 2012, are repealed.

18 Sec. 5. Since an emergency exists, this act takes effect
19 when passed and approved according to law.