

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1218

Introduced by Education Committee: Walz, 15, Chairperson; Day, 49;
McKinney, 11; Morfeld, 46; Pansing Brooks, 28.

Read first time January 20, 2022

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend sections 79-806 and
2 79-810, Reissue Revised Statutes of Nebraska, and sections 79-807
3 and 79-8,137, Revised Statutes Cumulative Supplement, 2020; to
4 change intent provisions relating to requirements to teach, provide
5 special services, and administer in Nebraska schools; to redefine
6 terms; to change fees for certificates and permits; to change
7 provisions relating to loan forgiveness under the Attracting
8 Excellence to Teaching Program; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-806, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-806 (1) The Legislature finds and declares:

4 (a) That there is an educator workforce shortage in this state and
5 that efforts need to be made to recruit, prepare, retain, and support the
6 teaching profession while maintaining high-quality educators in our
7 classrooms around the state;

8 (b) That the pool of qualified individuals for the teaching
9 profession has been reduced statewide, in part, due to requirements
10 currently in place for applicants to prove proficiency in basic skills
11 competency by passing a prescribed examination in reading, writing, and
12 mathematics before being accepted into a teacher education program of a
13 standard institution of higher education approved by the State Board of
14 Education pursuant to subdivision (5)(g) of section 79-318 or issued any
15 certificate under the provisions of sections 79-806 to 79-815 and the
16 rules and regulations adopted by the board pursuant to such sections;

17 (c) That candidates for certification should possess academic
18 competency to teach effectively and that multiple measures can
19 proficiently demonstrate such competency. A demonstration of basic skills
20 should not be based solely on a single assessment high-stakes examination
21 because such an examination does not accurately portray a teacher
22 candidate's general knowledge in math, reading, and writing when measured
23 within such a testing environment; and

24 (d) That candidates for certification, including those coming to
25 Nebraska from other states, should be able to use a portfolio of options
26 to demonstrate basic skills competency such as coursework taken to
27 satisfy college degree requirements, college admissions exams, and work
28 experience including student teaching.

29 (2) Therefore, it ~~It~~ is declared to be the purpose of sections
30 79-806 to 79-815 to provide more flexibility in the certification of
31 qualified educators for Nebraska schools and not to decrease any

1 requirements for certificates to teach, provide special services, and
2 administer in Nebraska schools.

3 Sec. 2. Section 79-807, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 79-807 For purposes of sections 79-806 to 79-815, unless the context
6 otherwise requires:

7 (1) Basic skills competency means ~~either (a) proficiency in (i) the~~
8 ~~written use of the English language, (ii) reading, comprehending, and~~
9 ~~interpreting professional writing and other written materials, and (iii)~~
10 ~~working with fundamental mathematical computations as demonstrated by (a)~~
11 ~~a college admission examination, (b) college course work, successful~~
12 ~~completion of an examination designated by the board or (c) (b)~~
13 successful employment experiences;

14 (2) Board means the State Board of Education;

15 (3) Certificate means an authorization issued by the commissioner to
16 an individual who meets the qualifications to engage in teaching,
17 providing special services, or administering in prekindergarten through
18 grade twelve in the elementary and secondary schools in this state;

19 (4) Commissioner means the Commissioner of Education;

20 (5) Department means the State Department of Education;

21 (6) Human relations training means course work or employment
22 experiences that lead to (a) an awareness and understanding of the
23 values, lifestyles, contributions, and history of a pluralistic society,
24 (b) the ability to recognize and deal with dehumanizing biases,
25 including, but not limited to, sexism, racism, prejudice, and
26 discrimination, and an awareness of the impact such biases have on
27 interpersonal relations, (c) the ability to translate knowledge of human
28 relations into attitudes, skills, and techniques which result in
29 favorable experiences for students, (d) the ability to recognize the ways
30 in which dehumanizing biases may be reflected in instructional materials,
31 (e) respect for human dignity and individual rights, and (f) the ability

1 to relate effectively to other individuals and to groups in a pluralistic
2 society other than the applicant's own;

3 (7) Special education training means course work or employment
4 experiences that provide an individual with the knowledge of (a) the
5 exceptional needs of the disabilities defined under the Special Education
6 Act, (b) the major characteristics of each disability in order to
7 recognize its existence in children, (c) the various alternatives for
8 providing the least restrictive environment for children with
9 disabilities, (d) methods of teaching children with disabilities in the
10 regular classroom, and (e) prereferral alternatives, referral systems,
11 multidisciplinary team responsibilities, the individualized education
12 program plan process, and the placement process;

13 (8) Special services means supportive services provided to students
14 that do not primarily involve teaching, including, but not limited to,
15 (a) audiology, psychology, and physical or occupational therapy, (b) the
16 coaching of extracurricular activities, and (c) subject areas for which
17 endorsement programs are not offered by a standard institution of higher
18 education; and

19 (9) Standard institution of higher education means any college or
20 university, the teacher education programs of which are fully approved by
21 the board or approved in another state pursuant to standards which are
22 comparable and equivalent to those set by the board.

23 Sec. 3. Section 79-810, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 79-810 (1) Certificates and permits shall be issued by the
26 commissioner upon application on forms prescribed and provided by him or
27 her which shall include the applicant's social security number.

28 (2) Each certificate or permit issued by the commissioner shall
29 indicate the area of authorization to teach, provide special services, or
30 administer and any areas of endorsement for which the holder qualifies.
31 During the term of any certificate or permit issued by the commissioner,

1 additional endorsements may be made on the certificate or permit if the
2 holder submits an application, meets the requirements for issuance of the
3 additional endorsements, and pays a nonrefundable fee as set by the
4 commissioner, not to exceed fifty-five of forty dollars.

5 (3) The Certification Fund is created. Any fee received by the
6 department under sections 79-806 to 79-815 shall be remitted to the State
7 Treasurer for credit to the fund. The fund shall be used by the
8 department in paying the costs of certifying educators pursuant to such
9 sections and to carry out subsection (3) of section 79-808. For issuance
10 of a certificate or permit valid in all schools, the nonrefundable fee
11 shall be set by the commissioner, not to exceed seventy-five fifty-five
12 dollars, except that the commissioner shall designate a portion of the
13 thirteen dollars of the fifty-five-dollar fee, not to exceed seventeen
14 dollars, that shall be credited to the Professional Practices Commission
15 Fund which is created for use by the department to pay for the provisions
16 of sections 79-859 to 79-871, ~~except that transfers may be made from the~~
17 ~~fund to the General Fund at the direction of the Legislature.~~ For
18 issuance of a certificate or permit valid only in nonpublic schools, the
19 nonrefundable fee shall be set by the commissioner, not to exceed fifty-
20 five forty dollars. Any money in the Certification Fund or the
21 Professional Practices Commission Fund available for investment shall be
22 invested by the state investment officer pursuant to the Nebraska Capital
23 Expansion Act and the Nebraska State Funds Investment Act.

24 Sec. 4. Section 79-8,137, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 79-8,137 (1)(a) Prior to receiving any money from a loan pursuant to
27 the Attracting Excellence to Teaching Program, an eligible student shall
28 enter into a contract with the department. Such contract shall be exempt
29 from the requirements of sections 73-501 to 73-510.

30 (b) For eligible students who applied for the first time prior to
31 April 23, 2009, the contract shall require that if (i) the borrower is

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

17 (c) For eligible students who apply for the first time on or after
18 April 23, 2009, the contract shall require that if (i) the borrower is
19 not employed as a full-time teacher teaching in an approved or accredited
20 school in Nebraska and teaching at least a portion of the time in the
21 shortage area for which the loan was received for a time period equal to
22 the number of years required for loan forgiveness pursuant to subsection
23 (3) of this section or is not enrolled as a full-time student in a
24 graduate program within six months after obtaining an undergraduate
25 degree for which a loan from the program was obtained or (ii) the
26 borrower does not complete the requirements for graduation within five
27 consecutive years after receiving the initial loan under the program,
28 then the loan shall be repaid with interest at the rate fixed pursuant to
29 section 45-103 accruing as of the date the borrower signed the contract
30 and actual collection costs as determined by the department. If a
31 borrower fails to remain enrolled at an eligible institution or otherwise

1 fails to continue to be an eligible student, repayment of the loan shall
2 commence within six months after such change in eligibility. The State
3 Board of Education may by rule and regulation provide for exceptions to
4 the conditions of repayment pursuant to this subdivision based upon
5 mitigating circumstances.

6 (2) If the borrower applied for the first time prior to April 23,
7 2009, and (a) successfully completes the teacher education program and
8 becomes certified pursuant to sections 79-806 to 79-815, (b) becomes
9 employed as a teacher in this state within six months of becoming
10 certified, and (c) otherwise meets the requirements of the contract,
11 payments shall be suspended for the number of years that the borrower is
12 required to remain employed as a teacher in this state under the
13 contract. For each year that the borrower teaches in Nebraska pursuant to
14 the contract, payments shall be forgiven in an amount equal to the amount
15 borrowed for one year, except that if the borrower teaches in a school
16 district that is in a local system classified as very sparse as defined
17 in section 79-1003 or teaches in a school district in which at least
18 forty percent of the students are poverty students as defined in section
19 79-1003, payments shall be forgiven each year in an amount equal to the
20 amount borrowed for two years.

21 (3)(a) If the borrower applies for the first time on or after April
22 23, 2009, and (i) successfully completes the teacher education program
23 and major for which the borrower is receiving a forgivable loan pursuant
24 to the program and becomes certified pursuant to sections 79-806 to
25 79-815 with an endorsement in the shortage area for which the loan was
26 received, (ii) becomes employed as a full-time teacher teaching at least
27 a portion of the time in the shortage area for which the loan was
28 received in an approved or accredited school in this state within six
29 months of becoming certified, and (iii) otherwise meets the requirements
30 of the contract, payments shall be suspended for the number of years that
31 the borrower is required to remain employed as a teacher in this state

1 under the contract.

2 (b) Beginning after the first two years of teaching full-time in
3 Nebraska following graduation for the degree for which the loan was
4 received, for each year that the borrower teaches full-time in Nebraska
5 pursuant to the contract, the loan shall be forgiven in an amount equal
6 to three thousand dollars, except that if the borrower teaches full-time
7 in a school district that is in a local system classified as very sparse
8 as defined in section 79-1003, teaches in a school building that provides
9 free meals to all students pursuant to the community eligibility
10 provision, teaches in a school building in which at least forty percent
11 of the formula students are poverty students as defined in section
12 79-1003, or teaches in an accredited or approved private school in
13 Nebraska in which at least forty percent of the enrolled students
14 qualified for free lunches as determined by the most recent data
15 available from the department, payments shall be forgiven each year in an
16 amount equal to six thousand dollars.

17 (4) Beginning on August 1, 2022, if the borrower provides service as
18 a pre-service teacher intern for a full academic semester clinical
19 experience within an accredited or approved public, private, parochial,
20 or denominational school in Nebraska and subsequently passes all related
21 semester requirements, then the loan shall be forgiven in an amount equal
22 to one thousand dollars for each borrower.

23 Sec. 5. Original sections 79-806 and 79-810, Reissue Revised
24 Statutes of Nebraska, and sections 79-807 and 79-8,137, Revised Statutes
25 Cumulative Supplement, 2020, are repealed.