

AMENDMENTS TO LB568

Introduced by Erdman, 47.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 79-802, Reissue Revised Statutes of Nebraska, is
4 amended to read:

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

10 (2) Any person who holds a valid certificate or permit to teach
11 issued by another state may be employed as a substitute teacher in any
12 public, private, denominational, or parochial school in this state for
13 not more than ten working days if he or she begins the application
14 process, on the first employment day, for a Nebraska substitute teacher's
15 certificate and the issuance of such certificate is pending. A person
16 employed as a substitute teacher pursuant to this subsection shall not be
17 required to hold a temporary certificate or a temporary substitute
18 teacher's certificate pursuant to subsection (2) or (3) of section 79-808
19 while subject to this subsection.

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

1 or her work.

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

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

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

24 (3) Beginning August 1, 2018, the board may issue a temporary
25 substitute teacher's certificate, valid for a period of five years, to
26 any qualified candidate. Any person who holds a temporary substitute
27 teacher's certificate may be employed as a substitute teacher in any
28 public, private, denominational, or parochial school in this state for
29 not more than the equivalent of ninety full school days in the same
30 school or school district during any school year. To be a qualified
31 candidate for a temporary substitute teacher's certificate, an applicant

1 shall:

2 (a) Be twenty-one years of age or older;

3 (b) Possess a valid high school diploma;

4 (c) Complete twenty-four hours of inservice training;

5 (d) Complete ten hours of classroom observation at each level for

6 (i) elementary school or early childhood education, (ii) middle school,

7 and (iii) high school for a total of thirty hours;

8 (e) Successfully complete a course and pass an examination

9 administered by the department with a score of at least eighty percent on

10 the Constitution of the United States;

11 (f) Successfully complete a course and pass an examination

12 administered by the department with a score of at least eighty percent on

13 the Constitution of Nebraska;

14 (g) Submit fingerprints for purposes of a search for criminal

15 history record information pursuant to section 79-814.01; and

16 (h) Complete an application for a temporary substitute teacher's

17 certificate and submit an application fee pursuant to section 79-810.

18 (4) ~~(3)~~ Members of any advisory committee established by the board

19 to assist the board in teacher education and certification matters shall

20 be reimbursed for their actual and necessary expenses as provided in

21 sections 81-1174 to 81-1177. Each school district which has an employee

22 who serves as a member of such committee and which is required to hire a

23 person to replace such member during the member's attendance at meetings

24 or activities of the committee or any subcommittee thereof shall be

25 reimbursed from the Certification Fund for the expense it incurs from

26 hiring a replacement. School districts may excuse employees who serve on

27 such advisory committees from certain duties which conflict with any

28 advisory committee duties.

29 Sec. 3. Section 79-810, Reissue Revised Statutes of Nebraska, is

30 amended to read:

31 79-810 (1) Certificates and permits shall be issued by the

1 commissioner upon application on forms prescribed and provided by him or
2 her which shall include the applicant's social security number.

3 (2) Each certificate or permit issued by the commissioner shall
4 indicate the area of authorization to teach, provide special services, or
5 administer and any areas of endorsement for which the holder qualifies.
6 During the term of any certificate or permit issued by the commissioner,
7 additional endorsements may be made on the certificate or permit if the
8 holder submits an application, meets the requirements for issuance of the
9 additional endorsements, and pays a nonrefundable fee of forty dollars.

10 (3) The Certification Fund is created. Any fee received by the
11 department under sections 79-806 to 79-815 shall be remitted to the State
12 Treasurer for credit to the fund. The fund shall be used by the
13 department in paying the costs of certifying educators pursuant to such
14 sections and to carry out subsection (4) ~~(3)~~ of section 79-808.

15 (4) Except as provided in subsection (6) of this section, for ~~For~~
16 issuance of a certificate or permit valid in all schools, the
17 nonrefundable fee shall be fifty-five dollars, except that thirteen
18 dollars of the fifty-five-dollar fee shall be credited to the
19 Professional Practices Commission Fund which is created for use by the
20 department to pay for the provisions of sections 79-859 to 79-871, except
21 that transfers may be made from the fund to the General Fund at the
22 direction of the Legislature.

23 (5) Except as provided in subsection (6) of this section, for ~~For~~
24 issuance of a certificate or permit valid only in nonpublic schools, the
25 nonrefundable fee shall be forty dollars.

26 (6) For the issuance of a temporary substitute teacher's
27 certificate, the nonrefundable fee shall be determined by the board and
28 shall not exceed eighty dollars for a resident who has resided within the
29 state for the past two years or one hundred dollars for any other
30 applicant.

31 (7) Any money in the Certification Fund or the Professional

1 Practices Commission Fund available for investment shall be invested by
2 the state investment officer pursuant to the Nebraska Capital Expansion
3 Act and the Nebraska State Funds Investment Act.

4 Sec. 4. Section 79-814.01, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 79-814.01 (1) Upon request by the commissioner, the Nebraska State
7 Patrol shall undertake a search for criminal history record information
8 relating to an applicant for a certificate pursuant to subdivision (1)(c)
9 or subsection (3) of section 79-808, including transmittal of the
10 applicant's fingerprints to the Federal Bureau of Investigation for a
11 national criminal history record information check. The criminal history
12 record information check shall include information concerning the
13 applicant from federal repositories of such information and repositories
14 of such information in other states if authorized by federal law. The
15 Nebraska State Patrol shall issue a report to the commissioner that shall
16 include the criminal history record information concerning the applicant.

17 (2) The commissioner may deny issuance of a certificate or permit to
18 any applicant who has a felony conviction or who has any misdemeanor
19 conviction involving abuse, neglect, or sexual misconduct. In reviewing
20 an applicant's criminal history record information, the commissioner
21 shall take into consideration any information, including information
22 submitted by the applicant, regarding (a) the facts and circumstances
23 surrounding a conviction, (b) the type of offense and the sentence
24 imposed, (c) whether the conduct resulting in a conviction would
25 constitute a crime in Nebraska, (d) the date of the offense, (e) the age
26 of the applicant at the time of the offense, and (f) the applicant's
27 conduct and positive social contributions since the offense.

28 (3) The board shall determine and set the costs for processing
29 criminal history record information checks pursuant to this section and
30 section 79-808 which shall be borne by the applicant for a certificate or
31 permit. The costs shall be limited to the actual direct costs arising

1 from the processing of the criminal history record information checks.

2 (4) Criminal history record information subject to federal
3 confidentiality requirements shall remain confidential and may be
4 released only upon the written authorization by the applicant, except
5 that if the applicant appeals the denial of a certificate or permit by
6 the commissioner, the filing of an administrative appeal shall constitute
7 a release of the information for the limited purpose of the appeal. If
8 the applicant requests a closed hearing, such request shall be subject to
9 the Open Meetings Act.

10 Sec. 5. Original sections 79-802, 79-808, 79-810, and 79-814.01,
11 Reissue Revised Statutes of Nebraska, are repealed.