

AMENDMENTS TO LB 1071

(Amendments to Standing Committee amendments, AM2103)

Introduced by Adams, 24.

1           1. Insert the following new sections:

2           Sec. 4. Section 79-318, Revised Statutes Supplement,  
3 2009, is amended to read:

4           79-318 The State Board of Education shall:

5           (1) Appoint and fix the compensation of the Commissioner  
6 of Education;

7           (2) Remove the commissioner from office at any time for  
8 conviction of any crime involving moral turpitude or felonious act,  
9 for inefficiency, or for willful and continuous disregard of his or  
10 her duties as commissioner or of the directives of the board;

11           (3) Upon recommendation of the commissioner, appoint and  
12 fix the compensation of a deputy commissioner and all professional  
13 employees of the board;

14           (4) Organize the State Department of Education into such  
15 divisions, branches, or sections as may be necessary or desirable  
16 to perform all its proper functions and to render maximum service  
17 to the board and to the state school system;

18           (5) Provide, through the commissioner and his or her  
19 professional staff, enlightened professional leadership, guidance,  
20 and supervision of the state school system, including educational  
21 service units. In order that the commissioner and his or her  
22 staff may carry out their duties, the board shall, through the

1 commissioner: (a) Provide supervisory and consultation services  
2 to the schools of the state; (b) issue materials helpful in the  
3 development, maintenance, and improvement of educational facilities  
4 and programs; (c) establish rules and regulations which govern  
5 standards and procedures for the approval and legal operation  
6 of all schools in the state and for the accreditation of all  
7 schools requesting state accreditation. All public, private,  
8 denominational, or parochial schools shall either comply with  
9 the accreditation or approval requirements prescribed in this  
10 section and section 79-703 or, for those schools which elect not  
11 to meet accreditation or approval requirements, the requirements  
12 prescribed in subsections (2) through (6) of section 79-1601.  
13 Standards and procedures for approval and accreditation shall  
14 be based upon the program of studies, guidance services, the  
15 number and preparation of teachers in relation to the curriculum  
16 and enrollment, instructional materials and equipment, science  
17 facilities and equipment, library facilities and materials, and  
18 health and safety factors in buildings and grounds. Rules and  
19 regulations which govern standards and procedures for private,  
20 denominational, and parochial schools which elect, pursuant to the  
21 procedures prescribed in subsections (2) through (6) of section  
22 79-1601, not to meet state accreditation or approval requirements  
23 shall be as described in such section; (d) institute a statewide  
24 system of testing to determine the degree of achievement and  
25 accomplishment of all the students within the state's school  
26 systems if it determines such testing would be advisable;  
27 (e) prescribe a uniform system of records and accounting for

1 keeping adequate educational and financial records, for gathering  
2 and reporting necessary educational data, and for evaluating  
3 educational progress; (f) cause to be published laws, rules, and  
4 regulations governing the schools and the school lands and funds  
5 with explanatory notes for the guidance of those charged with the  
6 administration of the schools of the state; (g) approve teacher  
7 education programs conducted in Nebraska postsecondary educational  
8 institutions designed for the purpose of certificating teachers  
9 and administrators; (h) approve ~~teacher~~ certificated-employee  
10 evaluation policies and procedures developed by school districts  
11 and educational service units; and (i) approve general plans and  
12 adopt educational policies, standards, rules, and regulations for  
13 carrying out the board's responsibilities and those assigned to the  
14 State Department of Education by the Legislature;

15 (6) Adopt and promulgate rules and regulations for  
16 the guidance, supervision, accreditation, and coordination of  
17 educational service units. Such rules and regulations for  
18 accreditation shall include, but not be limited to, (a) a  
19 requirement that programs and services offered to school districts  
20 by each educational service unit shall be evaluated on a regular  
21 basis, but not less than every seven years, to assure that  
22 educational service units remain responsive to school district  
23 needs and (b) guidelines for the use and management of funds  
24 generated from the property tax levy and from other sources of  
25 revenue as may be available to the educational service units,  
26 to assure that public funds are used to accomplish the purposes  
27 and goals assigned to the educational service units by section

1 79-1204. The State Board of Education shall establish procedures to  
2 encourage the coordination of activities among educational service  
3 units and to encourage effective and efficient educational service  
4 delivery on a statewide basis;

5 (7) Submit a biennial report to the Governor and the  
6 Clerk of the Legislature covering the actions of the board, the  
7 operations of the State Department of Education, and the progress  
8 and needs of the schools and recommend such legislation as may be  
9 necessary to satisfy these needs;

10 (8) Prepare and distribute reports designed to acquaint  
11 school district officers, teachers, and patrons of the schools with  
12 the conditions and needs of the schools;

13 (9) Provide for consultation with professional educators  
14 and lay leaders for the purpose of securing advice deemed necessary  
15 in the formulation of policies and in the effectual discharge of  
16 its duties;

17 (10) Make studies, investigations, and reports and  
18 assemble information as necessary for the formulation of policies,  
19 for making plans, for evaluating the state school program, and for  
20 making essential and adequate reports;

21 (11) Submit to the Governor and the Legislature a  
22 budget necessary to finance the state school program under its  
23 jurisdiction, including the internal operation and maintenance of  
24 the State Department of Education;

25 (12) Interpret its own policies, standards, rules, and  
26 regulations and, upon reasonable request, hear complaints and  
27 disputes arising therefrom;

1           (13) With the advice of the Department of Motor Vehicles,  
2 adopt and promulgate rules and regulations containing reasonable  
3 standards, not inconsistent with existing statutes, governing: (a)  
4 The general design, equipment, color, operation, and maintenance  
5 of any vehicle with a manufacturer's rated seating capacity of  
6 eleven or more passengers used for the transportation of public,  
7 private, denominational, or parochial school students; and (b)  
8 the equipment, operation, and maintenance of any vehicle with a  
9 capacity of ten or less passengers used for the transportation of  
10 public, private, denominational, or parochial school students, when  
11 such vehicles are owned, operated, or owned and operated by any  
12 public, private, denominational, or parochial school or privately  
13 owned or operated under contract with any such school in this  
14 state, except for vehicles owned by individuals operating a school  
15 which elects pursuant to section 79-1601 not to meet accreditation  
16 or approval requirements. Similar rules and regulations shall be  
17 adopted and promulgated for operators of such vehicles as provided  
18 in section 79-607;

19           (14) Accept, on behalf of the Nebraska Center for the  
20 Education of Children who are Blind or Visually Impaired, devises  
21 of real property or donations or bequests of other property, or  
22 both, if in its judgment any such devise, donation, or bequest  
23 is for the best interest of the center or the students receiving  
24 services from the center, or both, and irrigate or otherwise  
25 improve any such real estate when in the board's judgment it would  
26 be advisable to do so; and

27           (15) Upon acceptance of any devise, donation, or bequest

1 as provided in this section, administer and carry out such devise,  
2 donation, or bequest in accordance with the terms and conditions  
3 thereof. If not prohibited by the terms and conditions of any such  
4 devise, donation, or bequest, the board may sell, convey, exchange,  
5 or lease property so devised, donated, or bequeathed upon such  
6 terms and conditions as it deems best and remit all money derived  
7 from any such sale or lease to the State Treasurer for credit to  
8 the State Department of Education Trust Fund.

9 Each member of the Legislature shall receive a copy of  
10 the report required by subdivision (7) of this section by making a  
11 request for it to the commissioner.

12 None of the duties prescribed in this section shall  
13 prevent the board from exercising such other duties as in its  
14 judgment may be necessary for the proper and legal exercise of its  
15 obligations.

16 Sec. 36. Section 86-505, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 86-505 Enterprise means the entirety of all one or  
19 more departments, offices, boards, bureaus, commissions, or  
20 institutions ~~in~~ of the state for which money is to be appropriated  
21 for communications or data processing services, equipment, or  
22 facilities, including all executive, legislative, and judicial  
23 departments, the Nebraska state colleges, the University of  
24 Nebraska, and all other state institutions and entities.

25 2. Amend the operative date and repealer sections so that  
26 the sections added by this amendment become operative on their  
27 effective date with the emergency clause.

- 1                   3. Renumber the remaining sections and correct internal
- 2 references accordingly.