

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1014

Introduced by Haar, 21.

Read first time January 20, 2010

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend section 79-1035.02,
2 Reissue Revised Statutes of Nebraska; to create
3 the Teacher Performance Pay Fund; to provide for
4 additional public teacher pay as prescribed; to harmonize
5 provisions; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Teacher Performance Pay Fund is created.
2 The Board of Educational Lands and Funds shall remit the rental
3 income from solar and wind leases on school lands to the State
4 Treasurer for credit to the fund. The Board of Educational Lands
5 and Funds shall also remit the portion of the rental income from
6 other leases of school lands which relates to carbon sequestration
7 rights, as such portion is determined by the board, to the State
8 Treasurer for credit to the fund. The fund shall be exclusively
9 used for the support and maintenance of the common schools in each
10 public school district in the state by increasing public school
11 teacher salaries to provide for a higher quality of education.
12 The costs of administration shall be deducted from the fund in
13 the manner provided in section 72-232.02. Any money in the fund
14 available for investment shall be invested by the state investment
15 officer pursuant to the Nebraska Capital Expansion Act and the
16 Nebraska State Funds Investment Act.

17 Sec. 2. (1) Beginning January 15, 2016, and each January
18 15 thereafter, the State Treasurer shall make a complete exhibit of
19 all money belonging to the Teacher Performance Pay Fund and deliver
20 such exhibit duly certified to the Commissioner of Education. On
21 or before February 25, the Commissioner of Education shall make
22 the apportionment of such funds to each school district according
23 to the pro rata enumeration of children who are five through
24 eighteen years of age in each district last returned from the
25 school district. The calculation of apportionment for each school

1 fiscal year shall include any corrections to the prior school
2 fiscal year's apportionment.

3 (2) The Commissioner of Education shall certify the
4 amount of the apportionment of the Teacher Performance Pay Fund
5 as provided in subsection (1) of this section to the Director of
6 Administrative Services. The Director of Administrative Services
7 shall draw a warrant on the State Treasurer in favor of the
8 various districts for the respective amounts so certified by the
9 Commissioner of Education.

10 (3) Each school district shall use the funds received
11 under subsection (2) of this section for teacher performance
12 pay. For purposes of this section, teacher performance pay is
13 a systematic process for measuring teachers' performance and
14 linking the measurements to changes in teacher pay. Indicators
15 of teacher performance may include, but are not limited to,
16 improving professional skills and knowledge, classroom performance
17 or instructional behavior, and instructional outcomes. The teacher
18 performance pay may include predetermined bonus amounts and
19 payout criteria. Additional pay may be provided in addition
20 to the salary schedule for new skills and knowledge acquired
21 through graduate education programs, with demonstrated performance
22 mastery. The salary schedule provided in local collective
23 bargaining agreements shall remain intact in teacher performance
24 pay systems. The Legislature finds that teacher performance pay
25 measurements, criteria, and payout amounts define economic terms

1 and conditions of employment and, therefore, are subjects of
2 collective bargaining.

3 Sec. 3. Section 79-1035.02, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-1035.02 The temporary school fund is the holding fund
6 to which (1) the net income from the school lands, except for
7 the net income derived from solar and wind leases on school lands
8 and from carbon sequestration rights related to other leases of
9 school lands which is credited to the Teacher Performance Pay Fund
10 under section 1 of this act, (2) the interest, dividends, and
11 any other income from the permanent school fund, ~~the net income~~
12 ~~from the school lands,~~ and (3) the money from all other sources
13 required or provided by law are credited as described in Article
14 VII, section 9, of the Constitution of Nebraska. The entire balance
15 of the temporary school fund, including all interest and any other
16 income therefrom, shall be exclusively used for the support and
17 maintenance of the common schools in each public school district in
18 the state as the Legislature provides, in accordance with Article
19 VII, section 9, of the Constitution of Nebraska, and shall be
20 distributed to each public school district annually.

21 Sec. 4. Original section 79-1035.02, Reissue Revised
22 Statutes of Nebraska, is repealed.