

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 461

Introduced by Adams, 24.

Read first time January 20, 2009

Committee: Education

A BILL

1 FOR AN ACT relating to the State Department of Education;
2 to amend sections 79-305, 79-306, 79-310, 79-313, and
3 79-317, Reissue Revised Statutes of Nebraska; to change
4 provisions relating to the Commissioner of Education and
5 the State Board of Education; and to repeal the original
6 sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-305, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-305 The Commissioner of Education as the executive
4 officer of the State Board of Education shall: (1) Have an
5 office in the city of Lincoln in which shall be housed the
6 records of the State Board of Education and the State Department
7 of Education, which records shall be subject at all times to
8 examination by the Governor, the Auditor of Public Accounts,
9 and committees of the Legislature; (2) keep the board currently
10 informed and advised on the operation and status of all aspects
11 of the educational program of the state under its jurisdiction;
12 (3) prepare a budget for financing the activities of the board and
13 the department, including the internal operation and maintenance
14 of the department, and upon approval by the board administer the
15 same in accordance with appropriations by the Legislature; (4)
16 voucher the expenses of the department according to the rules
17 and regulations prescribed by the board; (5) be responsible for
18 promoting the efficiency, welfare, and improvement in the school
19 system in the state and for recommending to the board such
20 policies, standards, rules, and regulations as may be necessary
21 to attain these purposes; (6) promote educational improvement by
22 (a) outlining and carrying out plans and conducting essential
23 activities for the preparation of curriculum and other materials,
24 (b) providing necessary supervisory and consultative services,
25 (c) holding conferences of professional educators and other civic

1 leaders, (d) conducting research, experimentation, and evaluation
2 of school programs and activities, and (e) in other ways assisting
3 in the development of effective education in the state; ~~(7) decide~~
4 ~~disputed points of school law, which decisions shall have the~~
5 ~~force of law until changed by the courts;~~ ~~(8)~~ (7) issue teachers'
6 certificates according to the provisions of law and the rules
7 and regulations prescribed by the board; and ~~(9)~~ (8) attend or,
8 in case of necessity, designate a representative to attend all
9 meetings of the board except when the order of business of the
10 board is the selection of a Commissioner of Education. None of the
11 duties prescribed in this section or in section 79-306 prevent the
12 commissioner from exercising such other duties as in his or her
13 judgment and with the approval of the board are necessary to the
14 proper and legal exercise of his or her obligations.

15 Sec. 2. Section 79-306, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 79-306 The Commissioner of Education shall be the
18 administrative head of the State Department of Education and as
19 such shall have the authority to (1) delegate administrative
20 and supervisory functions to the members of the staff of the
21 department, (2) establish and maintain an appropriate system of
22 personnel administration for the department, (3) prescribe such
23 administrative rules and regulations as are necessary for the
24 proper execution of duties and responsibilities placed upon him
25 or her, ~~and~~ (4) perform all duties prescribed by the Legislature

1 in accordance with the policies adopted by the State Board of
2 Education, and (5) faithfully execute the policies and directives
3 of the State Board of Education.

4 Sec. 3. Section 79-310, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 79-310 The State Board of Education shall be composed of
7 eight members who shall be elected as provided in section 32-511.
8 The Commissioner of Education shall not be a member of the State
9 Board of Education.

10 Sec. 4. Section 79-313, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 79-313 No person shall be eligible to membership on
13 the State Board of Education (1) who is actively engaged in the
14 teaching profession, (2) who is a holder of any state office,
15 or a member of a state board or commission unless the board or
16 commission is limited to an advisory capacity, ~~or a candidate~~
17 ~~for any state office, or board or commission unless the board or~~
18 ~~commission is limited to an advisory capacity,~~ or (3) unless he or
19 she is a citizen of the United States, a resident of the state for
20 a period of at least six months, and a resident of the district
21 from which he or she is elected for a period of at least six months
22 immediately preceding his or her election.

23 Sec. 5. Section 79-317, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-317 (1) The State Board of Education shall meet

1 regularly and periodically in the office of the State Department
2 of Education at least four times annually. ~~Meetings shall be held~~
3 ~~during the first full week in June and during the first full week~~
4 ~~in December of each year. The board may meet and at such other~~
5 times and places as it may determine necessary for the proper and
6 efficient conduct of its duties. ~~Special~~ All meetings may shall be
7 called in accordance with this section and the Open Meetings Act.
8 Five members of the board shall constitute a quorum.

9 (2) The public shall be admitted to all meetings of the
10 State Board of Education except to such closed sessions as the
11 board may direct in accordance with the Open Meetings Act. The
12 board shall cause to be kept a record of all public meetings
13 and proceedings of the board. The commissioner, or his or her
14 designated representative, shall be present at all meetings except
15 when the order of business for the board is the selection of a
16 Commissioner of Education.

17 (3) The members of the State Board of Education shall
18 receive no compensation for their services but shall be reimbursed
19 for actual and essential expenses incurred in attending meetings or
20 incurred in the performance of duties as directed by the board as
21 provided in sections 81-1174 to 81-1177.

22 Sec. 6. Original sections 79-305, 79-306, 79-310, 79-313,
23 and 79-317, Reissue Revised Statutes of Nebraska, are repealed.