

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 895

Introduced by McGill, 26.

Read first time January 09, 2012

Committee: Education

A BILL

1 FOR AN ACT relating to teachers; to amend sections 79-805, 79-806,
2 79-807, 79-813, 79-814, 79-815, and 79-1104, Reissue
3 Revised Statutes of Nebraska, and sections 29-2264,
4 79-810, 79-8,135, 79-8,137, 79-8,137.03, 79-8,137.04, and
5 79-1601, Revised Statutes Cumulative Supplement, 2010; to
6 provide for certification by experience and endorsement
7 for military spouses; to harmonize provisions; and to
8 repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-2264, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 29-2264 (1) Whenever any person is placed on probation by
4 a court and satisfactorily completes the conditions of his or her
5 probation for the entire period or is discharged from probation prior
6 to the termination of the period of probation, the sentencing court
7 shall issue an order releasing the offender from probation. Such
8 order in all felony cases shall provide notice that the person's
9 voting rights are restored two years after completion of probation.
10 The order shall include information on restoring other civil rights
11 through the pardon process, including application to and hearing by
12 the Board of Pardons.

13 (2) Whenever any person is convicted of a misdemeanor or
14 felony and is placed on probation by the court or is sentenced to a
15 fine only, he or she may, after satisfactory fulfillment of the
16 conditions of probation for the entire period or after discharge from
17 probation prior to the termination of the period of probation and
18 after payment of any fine, petition the sentencing court to set aside
19 the conviction.

20 (3) In determining whether to set aside the conviction,
21 the court shall consider:

22 (a) The behavior of the offender after sentencing;

23 (b) The likelihood that the offender will not engage in
24 further criminal activity; and

25 (c) Any other information the court considers relevant.

1 (4) The court may grant the offender's petition and issue
2 an order setting aside the conviction when in the opinion of the
3 court the order will be in the best interest of the offender and
4 consistent with the public welfare. The order shall:

5 (a) Nullify the conviction; and

6 (b) Remove all civil disabilities and disqualifications
7 imposed as a result of the conviction.

8 (5) The setting aside of a conviction in accordance with
9 the Nebraska Probation Administration Act shall not:

10 (a) Require the reinstatement of any office, employment,
11 or position which was previously held and lost or forfeited as a
12 result of the conviction;

13 (b) Preclude proof of a plea of guilty whenever such plea
14 is relevant to the determination of an issue involving the rights or
15 liabilities of someone other than the offender;

16 (c) Preclude proof of the conviction as evidence of the
17 commission of the misdemeanor or felony whenever the fact of its
18 commission is relevant for the purpose of impeaching the offender as
19 a witness, except that the order setting aside the conviction may be
20 introduced in evidence;

21 (d) Preclude use of the conviction for the purpose of
22 determining sentence on any subsequent conviction of a criminal
23 offense;

24 (e) Preclude the proof of the conviction as evidence of
25 the commission of the misdemeanor or felony in the event an offender

1 is charged with a subsequent offense and the penalty provided by law
2 is increased if the prior conviction is proved;

3 (f) Preclude the proof of the conviction to determine
4 whether an offender is eligible to have a subsequent conviction set
5 aside in accordance with the Nebraska Probation Administration Act;

6 (g) Preclude use of the conviction as evidence of
7 commission of the misdemeanor or felony for purposes of determining
8 whether an application filed or a license issued under sections
9 71-1901 to 71-1906.01 or the Child Care Licensing Act or a
10 certificate issued under sections 79-806 to 79-815 and section 5 of
11 this act should be denied, suspended, or revoked;

12 (h) Preclude proof of the conviction as evidence whenever
13 the fact of the conviction is relevant to a determination of the
14 registration period under section 29-4005; or

15 (i) Relieve a person who is convicted of an offense for
16 which registration is required under the Sex Offender Registration
17 Act of the duty to register and to comply with the terms of the act.

18 (6) Except as otherwise provided for the notice in
19 subsection (1) of this section, changes made to this section by Laws
20 2005, LB 713, shall be retroactive in application and shall apply to
21 all persons, otherwise eligible in accordance with the provisions of
22 this section, whether convicted prior to, on, or subsequent to
23 September 4, 2005.

24 Sec. 2. Section 79-805, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 79-805 The school board or board of education shall be
2 personally liable for all public money paid to teachers or
3 administrators who are not qualified under sections 79-806 to 79-815
4 and section 5 of this act. A teacher or administrator violating such
5 sections shall not recover any money for services while teaching
6 during the time that such contract and certificate are invalid. Any
7 person having knowledge of the employment by a school district of an
8 uncertified teacher or administrator may prefer charges against the
9 board.

10 Sec. 3. Section 79-806, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 79-806 It is declared to be the purpose of sections
13 79-806 to 79-815 and section 5 of this act to provide more
14 flexibility in the certification of qualified educators for Nebraska
15 schools and not to decrease any requirements for certificates to
16 teach, provide special services, and administer in Nebraska schools.

17 Sec. 4. Section 79-807, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 79-807 For purposes of sections 79-806 to 79-815 and
20 section 5 of this act, unless the context otherwise requires:

21 (1) Basic skills competency means either (a) proficiency
22 in (i) the written use of the English language, (ii) reading,
23 comprehending, and interpreting professional writing and other
24 written materials, and (iii) working with fundamental mathematical
25 computations as demonstrated by successful completion of an

1 examination designated by the board taken by teacher education
2 students at a standard institution of higher education or (b)
3 successful employment experiences;

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

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

10 (4) Commissioner means the Commissioner of Education;

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

12 (6) Human relations training means course work or
13 employment experiences that lead to (a) an awareness and
14 understanding of the values, lifestyles, contributions, and history
15 of a pluralistic society, (b) the ability to recognize and deal with
16 dehumanizing biases, including, but not limited to, sexism, racism,
17 prejudice, and discrimination, and an awareness of the impact such
18 biases have on interpersonal relations, (c) the ability to translate
19 knowledge of human relations into attitudes, skills, and techniques
20 which result in favorable experiences for students, (d) the ability
21 to recognize the ways in which dehumanizing biases may be reflected
22 in instructional materials, (e) respect for human dignity and
23 individual rights, and (f) the ability to relate effectively to other
24 individuals and to groups in a pluralistic society other than the
25 applicant's own;

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

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

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

23 Sec. 5. (1) The commissioner shall issue a certificate to
24 teach in Nebraska to a military spouse if, upon application to the
25 board, the military spouse satisfies the following conditions:

1 (a) Holds a current certificate to teach from another
2 jurisdiction, and that jurisdiction's requirements for the
3 certification are substantially equivalent to or exceed the
4 requirements for certification by the board;

5 (b) Can demonstrate competency in teaching through
6 methods as determined by the board, such as having completed
7 continuing education units or having had recent experience for at
8 least two of the five years preceding the date of the application
9 under this section;

10 (c) Has not committed any act in any jurisdiction that
11 would have constituted grounds for refusal, suspension, or revocation
12 of a teacher's certificate in this state at the time the act was
13 committed;

14 (d) Is in good standing and has not been disciplined by
15 the agency that had jurisdiction to issue the certification; and

16 (e) Pays any fees required by the board.

17 (2) All relevant experience of a military spouse,
18 including full-time and part-time experience, regardless of whether
19 in a paid or volunteer capacity, shall be credited in the calculation
20 of years of practice in an occupation as required under subsection
21 (1) of this section.

22 (3) A nonresident certified under this section shall be
23 entitled to the same rights and subject to the same obligations as
24 required of a resident certified by the board in this state.

25 (4) The board may issue a temporary certificate to a

1 military spouse certified to teach in another jurisdiction while the
2 military spouse is satisfying the requirements for certification
3 under subsection (1) of this section if that jurisdiction has
4 certification standards substantially equivalent to the standards for
5 certification of the board in this state. The military spouse may
6 practice under the temporary certificate until a certificate is
7 granted or until a notice to deny a certificate is issued in
8 accordance with rules and regulations adopted and promulgated by the
9 board.

10 (5) Nothing in this section shall be construed to
11 prohibit a military spouse from proceeding under the other
12 certification requirements established by the board.

13 Sec. 6. Section 79-810, Revised Statutes Cumulative
14 Supplement, 2010, is amended to read:

15 79-810 (1) Certificates and permits shall be issued by
16 the commissioner upon application on forms prescribed and provided by
17 him or her which shall include the applicant's social security
18 number.

19 (2) Each certificate or permit issued by the commissioner
20 shall indicate the area of authorization to teach, provide special
21 services, or administer and any areas of endorsement for which the
22 holder qualifies. During the term of any certificate or permit issued
23 by the commissioner, additional endorsements may be made on the
24 certificate or permit if the holder submits an application, meets the
25 requirements for issuance of the additional endorsements, and pays a

1 nonrefundable fee of forty dollars.

2 (3) The Certification Fund is created. Any fee received
3 by the department under sections 79-806 to 79-815 and section 5 of
4 this act shall be remitted to the State Treasurer for credit to the
5 fund. The fund shall be used by the department in paying the costs of
6 certifying educators pursuant to such sections and to carry out
7 subsection (3) of section 79-808. For issuance of a certificate or
8 permit valid in all schools, the nonrefundable fee shall be fifty-
9 five dollars, except that thirteen dollars of the fifty-five-dollar
10 fee shall be credited to the Professional Practices Commission Fund
11 which is created for use by the department to pay for the provisions
12 of sections 79-859 to 79-871, except that transfers may be made from
13 the fund to the General Fund at the direction of the Legislature. For
14 issuance of a certificate or permit valid only in nonpublic schools,
15 the nonrefundable fee shall be forty dollars. Any money in the
16 Certification Fund or the Professional Practices Commission Fund
17 available for investment shall be invested by the state investment
18 officer pursuant to the Nebraska Capital Expansion Act and the
19 Nebraska State Funds Investment Act.

20 Sec. 7. Section 79-813, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-813 The board may authorize the issuance of
23 certificates or permits to applicants who hold a valid certificate or
24 permit currently in force in a state other than Nebraska if the
25 requirements for the certificate or permit held by the applicant are

1 comparable and equivalent to those required for a similar type of
2 certificate or permit issued under sections 79-806 to 79-815 and
3 section 5 of this act.

4 Sec. 8. Section 79-814, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 79-814 The board may limit the use of any certificate or
7 permit issued under sections 79-806 to 79-815 and section 5 of this
8 act.

9 Sec. 9. Section 79-815, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 79-815 Any regular Nebraska certificate, including any
12 permanent or life certificate in force on January 1, 1964, shall
13 remain in force for its regular term. Upon application by the holder
14 of any such certificate, the board may authorize the conversion of
15 such certificate to a similar certificate or permit issued by the
16 commissioner under sections 79-806 to 79-815 and section 5 of this
17 act.

18 Sec. 10. Section 79-8,135, Revised Statutes Cumulative
19 Supplement, 2010, is amended to read:

20 79-8,135 (1) The department shall administer the
21 Attracting Excellence to Teaching Program either directly or by
22 contracting with public or private entities.

23 (2) To be eligible for the program, an eligible student
24 shall:

25 (a) Graduate in the top quarter of his or her high school

1 class or have a minimum cumulative grade-point average of 3.0 on a
2 four-point scale in an eligible institution;

3 (b) Agree to complete a teacher education program at an
4 eligible institution and, for applicants applying for the first time
5 on or after April 23, 2009, to complete the major on which the
6 applicant's eligibility is based; and

7 (c) Commit to teach in an accredited or approved public
8 or private school in Nebraska upon (i) successful completion of the
9 teacher education program for which the applicant is applying to the
10 Attracting Excellence to Teaching Program and (ii) becoming certified
11 pursuant to sections 79-806 to 79-815 and section 5 of this act.

12 (3) Eligible students may apply on an annual basis for
13 loans in an amount of not more than three thousand dollars per year.
14 Loans awarded to individual students shall not exceed a cumulative
15 period exceeding five consecutive years. Loans shall only be awarded
16 through an eligible institution. Loans shall be funded pursuant to
17 section 79-8,137.05.

18 Sec. 11. Section 79-8,137, Revised Statutes Cumulative
19 Supplement, 2010, is amended to read:

20 79-8,137 (1)(a) Prior to receiving any money from a loan
21 pursuant to the Attracting Excellence to Teaching Program, an
22 eligible student shall enter into a contract with the department.
23 Such contract shall be exempt from the requirements of sections
24 73-501 to 73-509.

25 (b) For eligible students who applied for the first time

1 prior to April 23, 2009, the contract shall require that if (i) the
2 borrower is not employed as a teacher in Nebraska for a time period
3 equal to the number of years required for loan forgiveness pursuant
4 to subsection (2) of this section and is not enrolled as a full-time
5 student in a graduate program within six months after obtaining an
6 undergraduate degree for which a loan from the program was obtained
7 or (ii) the borrower does not complete the requirements for
8 graduation within five consecutive years after receiving the initial
9 loan under the program, then the loan must be repaid, with interest
10 at the rate fixed pursuant to section 45-103 accruing as of the date
11 the borrower signed the contract, and an appropriate penalty as
12 determined by the department may be assessed. If a borrower fails to
13 remain enrolled at an eligible institution or otherwise fails to meet
14 the requirements of an eligible student, repayment of the loan shall
15 commence within six months after such change in eligibility. The
16 State Board of Education may by rules and regulations provide for
17 exceptions to the conditions of repayment pursuant to this
18 subdivision based upon mitigating circumstances.

19 (c) For eligible students who apply for the first time on
20 or after April 23, 2009, the contract shall require that if (i) the
21 borrower is not employed as a full-time teacher teaching in an
22 approved or accredited school in Nebraska and teaching at least a
23 portion of the time in the shortage area for which the loan was
24 received for a time period equal to the number of years required for
25 loan forgiveness pursuant to subsection (3) of this section and is

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

15 (2) If the borrower applied for the first time prior to
16 April 23, 2009, and (a) successfully completes the teacher education
17 program and becomes certified pursuant to sections 79-806 to 79-815
18 and section 5 of this act, (b) becomes employed as a teacher in this
19 state within six months of becoming certified, and (c) otherwise
20 meets the requirements of the contract, payments shall be suspended
21 for the number of years that the borrower is required to remain
22 employed as a teacher in this state under the contract. For each year
23 that the borrower teaches in Nebraska pursuant to the contract,
24 payments shall be forgiven in an amount equal to the amount borrowed
25 for one year, except that if the borrower teaches in a school

1 district that is in a local system classified as very sparse as
2 defined in section 79-1003 or teaches in a school district in which
3 at least forty percent of the students are poverty students as
4 defined in section 79-1003, payments shall be forgiven each year in
5 an amount equal to the amount borrowed for two years.

6 (3) If the borrower applies for the first time on or
7 after April 23, 2009, and (a) successfully completes the teacher
8 education program and major for which the borrower is receiving a
9 forgivable loan pursuant to the program and becomes certified
10 pursuant to sections 79-806 to 79-815 and section 5 of this act with
11 an endorsement in the shortage area for which the loan was received,
12 (b) becomes employed as a full-time teacher teaching at least a
13 portion of the time in the shortage area for which the loan was
14 received in an approved or accredited school in this state within six
15 months of becoming certified, and (c) otherwise meets the
16 requirements of the contract, payments shall be suspended for the
17 number of years that the borrower is required to remain employed as a
18 teacher in this state under the contract. Beginning after the first
19 two years of teaching full-time in Nebraska following graduation for
20 the degree for which the loan was received, for each year that the
21 borrower teaches full-time in Nebraska pursuant to the contract, the
22 loan shall be forgiven in an amount equal to three thousand dollars,
23 except that if the borrower teaches full-time in a school district
24 that is in a local system classified as very sparse as defined in
25 section 79-1003, teaches in a school building in which at least forty

1 percent of the formula students are poverty students as defined in
2 section 79-1003, or teaches in an accredited or approved private
3 school in Nebraska in which at least forty percent of the enrolled
4 students qualified for free lunches as determined by the most recent
5 data available from the department, payments shall be forgiven each
6 year in an amount equal to six thousand dollars.

7 Sec. 12. Section 79-8,137.03, Revised Statutes Cumulative
8 Supplement, 2010, is amended to read:

9 79-8,137.03 (1) The department shall administer the
10 Enhancing Excellence in Teaching Program either directly or by
11 contracting with public or private entities.

12 (2) To be eligible for the program, an eligible student
13 shall:

14 (a) Agree to complete an eligible graduate program at an
15 eligible institution and to complete the major on which the
16 applicant's eligibility is based as determined by the department; and

17 (b) Commit to teach in an accredited or approved public
18 or private school in Nebraska upon successful completion of the
19 eligible graduate program for which the applicant is applying to the
20 Enhancing Excellence in Teaching Program and to maintaining
21 certification pursuant to sections 79-806 to 79-815 and section 5 of
22 this act.

23 (3) Eligible students may apply on an annual basis for
24 loans in an amount of not more than one hundred seventy-five dollars
25 per credit hour. Loans awarded to individual students shall not

1 exceed a cumulative period exceeding five consecutive years. Loans
2 shall only be awarded through the department. Loans shall be funded
3 pursuant to section 79-8,137.05.

4 Sec. 13. Section 79-8,137.04, Revised Statutes Cumulative
5 Supplement, 2010, is amended to read:

6 79-8,137.04 (1) Prior to receiving any money from a loan
7 pursuant to the Enhancing Excellence in Teaching Program, an eligible
8 student shall enter into a contract with the department. Such
9 contract shall be exempt from the requirements of sections 73-501 to
10 73-509. The contract shall require that if (a) the borrower is not
11 employed as a full-time teacher teaching in an approved or accredited
12 school in Nebraska for a time period equal to the number of years
13 required for loan forgiveness pursuant to subsection (2) of this
14 section or (b) the borrower does not complete the requirements for
15 graduation within five consecutive years after receiving the initial
16 loan under the program, then the loan shall be repaid, with interest
17 at the rate fixed pursuant to section 45-103 accruing as of the date
18 the borrower signed the contract and actual collection costs as
19 determined by the department. If a borrower fails to remain enrolled
20 at an eligible institution or otherwise fails to meet the
21 requirements of an eligible student, repayment of the loan shall
22 commence within six months after such change in eligibility. The
23 State Board of Education may by rules and regulations provide for
24 exceptions to the conditions of repayment pursuant to this subsection
25 based upon mitigating circumstances.

1 (2) If the borrower (a) successfully completes the
2 eligible graduate program and major for which the borrower is
3 receiving a forgivable loan pursuant to the Enhancing Excellence in
4 Teaching Program and maintains certification pursuant to sections
5 79-806 to 79-815 and section 5 of this act, (b) maintains employment
6 as a teacher in an approved or accredited school in this state, and
7 (c) otherwise meets the requirements of the contract, payments shall
8 be suspended for the number of years that the borrower is required to
9 remain employed as a teacher in this state under the contract.
10 Beginning after the first two years of teaching full-time in Nebraska
11 following graduation for the degree for which the loan was received,
12 for each year that the borrower teaches full-time in Nebraska
13 pursuant to the contract, the loan shall be forgiven in an amount
14 equal to three thousand dollars, except that if the borrower teaches
15 full-time in a school district that is in a local system classified
16 as very sparse as defined in section 79-1003, teaches in a school
17 building in which at least forty percent of the students are poverty
18 students as defined in section 79-1003, or teaches in an accredited
19 or approved private school in Nebraska in which at least forty
20 percent of the enrolled students qualified for free lunches as
21 determined by the most recent data available from the department,
22 payments shall be forgiven each year in an amount equal to six
23 thousand dollars.

24 Sec. 14. Section 79-1104, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 79-1104 (1) Any school board in its discretion may (a)
2 establish and financially support programs providing before-and-
3 after-school or prekindergarten services, to which attendance shall
4 be voluntary and which the board may deem beneficial to the education
5 of prekindergarten or school-age children and (b) provide or
6 financially support transportation for children to, from, or to and
7 from programs as defined in section 71-1910. The board may charge a
8 fee, not to exceed the actual cost, for providing such programs and
9 services but may waive such fee on the basis of need. This section
10 does not allow any school district to fail to meet its
11 responsibilities under the Special Education Act.

12 (2) Prekindergarten programs established by school boards
13 or educational service units shall be approved by the State
14 Department of Education subject to regulations adopted and
15 promulgated by the State Board of Education and may include such
16 components as (a) the utilization of appropriately qualified staff,
17 (b) an appropriate child-to-staff ratio, (c) appropriate group size,
18 (d) compliance with minimum health and safety standards, (e)
19 appropriate facility size and equipment, (f) a strong family
20 development and support component, (g) developmentally and culturally
21 appropriate curriculum, practices, and assessment, (h) well-defined
22 language development and early literacy emphasis, and (i) a plan for
23 ongoing professional development of staff, all in accordance with
24 sound early childhood educational practice, research, and evaluation.
25 All teachers and administrators in prekindergarten programs

1 established pursuant to this section shall hold a valid certificate
2 or permit issued pursuant to sections 79-806 to 79-815 and section 5
3 of this act. The State Board of Education shall adopt and promulgate
4 rules and regulations for the issuance of such permits or
5 certificates required by this section.

6 Sec. 15. Section 79-1601, Revised Statutes Cumulative
7 Supplement, 2010, is amended to read:

8 79-1601 (1) Except as provided in subsections (2) through
9 (6) of this section, all private, denominational, and parochial
10 schools in the State of Nebraska and all teachers employed or giving
11 instruction in such schools shall be subject to and governed by the
12 provisions of the general school laws of the state so far as the same
13 apply to grades, qualifications, and certification of teachers and
14 promotion of students. All private, denominational, and parochial
15 schools shall have adequate equipment and supplies, shall be graded
16 the same, and shall have courses of study for each grade conducted in
17 such schools substantially the same as those given in the public
18 schools which the students would attend in the absence of such
19 private, denominational, or parochial schools.

20 (2) All private, denominational, or parochial schools
21 shall either comply with the accreditation or approval requirements
22 prescribed in section 79-318 or, for those schools which elect not to
23 meet accreditation or approval requirements, the requirements
24 prescribed in section 79-318 and subsections (2) through (6) of this
25 section. Standards and procedures for approval and accreditation

1 shall be based upon the program of studies, guidance services, the
2 number and preparation of teachers in relation to the curriculum and
3 enrollment, instructional materials and equipment, science facilities
4 and equipment, library facilities and materials, and health and
5 safety factors in buildings and grounds. Rules and regulations which
6 govern standards and procedures for private, denominational, and
7 parochial schools which elect, pursuant to the procedures prescribed
8 in subsections (2) through (6) of this section, not to meet state
9 accreditation or approval requirements shall be based upon evidence
10 that such schools offer a program of instruction leading to the
11 acquisition of basic skills in the language arts, mathematics,
12 science, social studies, and health. Such rules and regulations may
13 include a provision for the visitation of such schools and regular
14 achievement testing of students attending such schools in order to
15 insure that such schools are offering instruction in the basic skills
16 listed in this subsection. Any arrangements for visitation or testing
17 shall be made through a parent representative of each such school.
18 The results of such testing may be used as evidence that such schools
19 are offering instruction in such basic skills but shall not be used
20 to measure, compare, or evaluate the competency of students at such
21 schools.

22 (3) The provisions of subsections (3) through (6) of this
23 section shall apply to any private, denominational, or parochial
24 school in the State of Nebraska which elects not to meet state
25 accreditation or approval requirements. Elections pursuant to such

1 subsections shall be effective when a statement is received by the
2 Commissioner of Education signed by the parents or legal guardians of
3 all students attending such private, denominational, or parochial
4 school, stating that (a) either specifically (i) the requirements for
5 approval and accreditation required by law and the rules and
6 regulations adopted and promulgated by the State Board of Education
7 violate sincerely held religious beliefs of the parents or legal
8 guardians or (ii) the requirements for approval and accreditation
9 required by law and the rules and regulations adopted and promulgated
10 by the State Board of Education interfere with the decisions of the
11 parents or legal guardians in directing the student's education, (b)
12 an authorized representative of such parents or legal guardians will
13 at least annually submit to the Commissioner of Education the
14 information necessary to prove that the requirements of subdivisions
15 (4)(a) through (c) of this section are satisfied, (c) the school
16 offers the courses of instruction required by subsections (2), (3),
17 and (4) of this section, and (d) the parents or legal guardians have
18 satisfied themselves that individuals monitoring instruction at such
19 school are qualified to monitor instruction in the basic skills as
20 required by subsections (2), (3), and (4) of this section and that
21 such individuals have demonstrated an alternative competency to
22 monitor instruction or supervise students pursuant to subsections (3)
23 through (6) of this section.

24 (4) Each such private, denominational, or parochial
25 school shall (a) meet minimum requirements relating to health, fire,

1 and safety standards prescribed by state law and the rules and
2 regulations of the State Fire Marshal, (b) report attendance pursuant
3 to section 79-201, (c) maintain a sequential program of instruction
4 designed to lead to basic skills in the language arts, mathematics,
5 science, social studies, and health, and (d) comply with the
6 immunization requirements in section 79-217 if the statement signed
7 by the parents or legal guardians indicate a nonreligious reason
8 pursuant to subdivision (3)(a)(ii) of this section for the student
9 attending a private, denominational, or parochial school which elects
10 not to meet state accreditation or approval requirements. The State
11 Board of Education shall establish procedures for receiving
12 information and reports required by subsections (3) through (6) of
13 this section from authorized parent representatives who may act as
14 agents for parents or legal guardians of students attending such
15 school and for individuals monitoring instruction in the basic skills
16 required by subsections (2), (3), and (4) of this section.

17 (5) Individuals employed or utilized by schools which
18 elect not to meet state accreditation or approval requirements shall
19 not be required to meet the certification requirements prescribed in
20 sections 79-801 to 79-815 and section 5 of this act but shall either
21 (a) take appropriate subject matter components of a nationally
22 recognized teacher competency examination designated by the State
23 Board of Education as (i) including the appropriate subject matter
24 areas for purposes of satisfying the requirements of subsections (3)
25 and (4) of this section and (ii) a nationally recognized examination

1 or (b) offer evidence of competence to provide instruction in the
2 basic skills required by subsections (3) and (4) of this section
3 pursuant to informal methods of evaluation which shall be developed
4 by the State Board of Education. Such evidence may include
5 educational transcripts, diplomas, and other information regarding
6 the formal educational background of such individuals. Information
7 concerning test results, transcripts, diplomas, and other evidence of
8 formal education may be transmitted to the State Department of
9 Education by authorized representatives of parents or legal
10 guardians. The results of such testing or alternative evaluation of
11 individuals who monitor the instruction of students attending such
12 schools may be used as evidence of whether or not such schools are
13 offering adequate instruction in the basic skills prescribed in
14 subsections (2), (3), and (4) of this section but shall not be used
15 to prohibit any such school from employing such individuals. Failure
16 of a monitor, who is tested for the purpose of satisfying in whole or
17 in part the requirements of subsections (3) through (6) of this
18 section, to attain a score equal to or exceeding both the state or
19 national average score or rating on appropriate subject matter
20 components of recognized teacher competency examinations designated
21 by the State Board of Education may be by itself sufficient proof
22 that such school does not offer adequate instruction in the basic
23 skills prescribed in subsections (3) and (4) of this section.

24 (6) The demonstration of competency to monitor
25 instruction in a private, denominational, or parochial school which

1 has elected not to meet state accreditation or approval requirements
2 shall in no way constitute or be construed to grant a license,
3 permit, or certificate to teach in the State of Nebraska. Any school
4 which elects not to meet state accreditation or approval requirements
5 and does not meet the requirements of subsections (2) through (6) of
6 this section shall not be deemed a school for purposes of section
7 79-201, and the parents or legal guardians of any students attending
8 such school shall be subject to prosecution pursuant to such section
9 or any statutes relating to habitual truancy.

10 Sec. 16. Original sections 79-805, 79-806, 79-807,
11 79-813, 79-814, 79-815, and 79-1104, Reissue Revised Statutes of
12 Nebraska, and sections 29-2264, 79-810, 79-8,135, 79-8,137,
13 79-8,137.03, 79-8,137.04, and 79-1601, Revised Statutes Cumulative
14 Supplement, 2010, are repealed.