

LEGISLATIVE BILL 205

Approved by the Governor March 21, 1977

Introduced by Carsten, 2

AN ACT to amend section 79-328, Revised Statutes Supplement, 1976, relating to the State Board of Education; to authorize the irrigation or other improvement of certain real estate; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 79-328, Revised Statutes Supplement, 1976, be amended to read as follows:

79-328. The State Board of Education shall have the power and it shall be its duty:

(1) To appoint and fix the compensation of the Commissioner of Education;

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

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

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

(5) To provide, through the commissioner and his professional staff, enlightened professional leadership, guidance, and supervision of the state school system and, in order that the commissioner and his staff may carry out their duties, the board shall, through the commissioner, (a) provide supervisory and consultative services to the schools of the state, (b) issue materials helpful in the development, maintenance, and improvement of educational facilities and programs, (c) establish rules and regulations based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, health and safety factors in buildings and grounds, and

procedures for classifying, approving, and accrediting schools, for approving the opening of new schools, for the continued legal operation of all schools, and for the approval of high schools for the collection of nonresident high school tuition money in accordance with the rules and regulations provided for in this subdivision; Provided, that the State Board of Education shall approve a school for the collection of nonresident high school tuition money where a hardship would result to the students and a substantial effort is being made to comply with the rules and regulations established, (d) institute a statewide system of testing to determine the degree of achievement and accomplishment of all the students within the state's school systems, if it determines such testing would be advisable, (e) prescribe a uniform system of records and accounting for keeping adequate educational and financial records, for gathering and reporting necessary educational data, and for evaluating educational progress, (f) cause to be published laws and regulations governing the schools and the school lands and funds, with explanatory notes for the guidance of those charged with the administration of the schools of the state, (g) approve teacher education programs conducted in Nebraska institutions of higher education designed for the purpose of certifying teachers, and (h) approve general plans and adopt educational policies, standards, rules, and regulations for carrying out the board's responsibilities and those assigned the State Department of Education by the Legislature;

(6) To submit an annual report to the Governor and the Legislature covering the actions of the board, the operations of the State Department of Education, and the progress and needs of the schools, and to recommend such legislation as may be necessary to satisfy these needs;

(7) To cause to be prepared and distributed reports designed to acquaint school district officers, teachers, and patrons of the schools with the conditions and needs of the schools;

(8) To provide for consultation with professional educators and lay leaders for the purpose of securing advice deemed necessary in the formulation of policies and in the effectual discharge of its duties;

(9) To cause such studies, investigations, and reports to be made and such information assembled as are necessary for the formulation of policies, for making plans, for evaluating the state school program, and for the making of essential and adequate reports;

(10) To submit to the Governor and the Legislature a budget necessary to finance the state school program, under its jurisdiction, including the internal operation and maintenance of the State Department of Education;

(11) To interpret its own policies, standards, rules, and regulations and, upon reasonable request, hear complaints and disputes arising therefrom;

(12) With the advice of the Department of Motor Vehicles, to adopt reasonable standards, not inconsistent with existing statutes, governing: (a) The general design, equipment, color, operation, and maintenance of any vehicle with a manufacturer's rated seating capacity of twelve or more passengers used for the transportation of school children; and (b) the equipment, operation, and maintenance of any vehicle with a capacity of eleven or less passengers used for the transportation of school children, when such vehicles are either owned or operated, or owned and operated, by any school district, or privately owned or operated under contract with any school district in this state. Similar standards are to be adopted for operators of such vehicles as to physical and mental qualities, driving skills and practices, and knowledge of traffic laws and regulations which relate to school bus transportation. Such rules and regulations shall by reference be made a part of any such contract with a school district. Any officer or employee of any school district who violates any of the regulations or fails to include obligations to comply with the regulations in any contract executed by him on behalf of a school district shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of such regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district;

(13) To accept, on behalf of the Nebraska School for the Visually Handicapped, on behalf of the Nebraska School for the Deaf, or on behalf of any school for mentally retarded children which is exclusively owned by the State of Nebraska and under the control and supervision of the State Department of Education, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of any such school or the students attending thereat, or both, and may cause any such real estate to be irrigated or otherwise improved when, in its judgment, it would be

advisable to do so; and

(14) Upon acceptance of any devise, donation, or bequest as provided in this section, to administer and carry out such devise or bequest in accordance with the terms and conditions thereof. If not prohibited by the terms and conditions of any such devise, donation, or bequest, it may sell, convey, exchange, or lease property so devised, donated, or bequeathed upon such terms and conditions as it deems best and deposit all money derived from any such sale or lease in the State Department of Education Trust Fund.

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

Sec. 2. That original section 79-328, Revised Statutes Supplement, 1976, is repealed.