

LEGISLATIVE BILL 1090

Approved by the Governor April 7, 1990

Introduced by Education Committee, Withem, 14,
Chairperson; McFarland, 28; Nelson, 35;
Crosby, 29; Chizek, 31; Baack, 47;
Bernard-Stevens, 42

AN ACT relating to schools; to amend sections 77-913, 79-312, 79-330, 79-408.03, 79-458, 79-470, 79-504, 79-601, 79-1001.01, 79-1004, 79-1006, 79-1247.06, 79-1303, 79-1304, 79-1307, 79-1415, 79-1416, 79-1418 to 79-1423, 79-1428, 79-1429, 79-2210.02, 79-2210.03, 79-3315, 79-3322, and 79-3345, Reissue Revised Statutes of Nebraska, 1943, sections 79-4,140.10, 79-4,140.13, and 79-802, Revised Statutes Supplement, 1988, and sections 79-426.05, 79-451, 79-701, 79-1247.05, 79-1302, 79-1306, 79-1331, and 79-3505, Revised Statutes Supplement, 1989; to change disbursement provisions of the Insurance Tax Fund; to change provisions relating to the enumeration of children for the school census and certain reports; to restate ages as prescribed; to provide for the filing of an oath as prescribed; to provide for Educational Technology Satellite Centers; to provide powers and duties for the centers and the State Department of Education; to change provisions relating to meetings of the board of education of a Class V school district; to provide for temporary certificates for teachers and administrators as prescribed; to change a provision relating to the first issuance of a teaching certificate as prescribed; to provide for the distribution of school funds to school districts as prescribed; to provide for the Adult Education Program in the State Department of Education; to change provisions relating to vocational education; to change times for publication of budgets for educational service units; to change provisions relating to the publication of a report; to change provisions relating to age requirements for eligibility under the Special Education Act; to change provisions

relating to transportation under such act; to change review requirements of special education programs; to eliminate a certification date from the Help Education Lead to Prosperity Act; to eliminate provisions relating to the Adult Immigrant Educational Division, apportionment of school funds, payments to districts, and a report by the State Board of Vocational Education; to harmonize provisions; and to repeal the original sections, and also sections 79-471, 79-1368, 79-1417, and 79-1435, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 77-913, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-913. The State Treasurer shall receive the funds paid pursuant to Chapter 77, article 9, and, except as provided in sections 77-912 and 77-918, shall keep all money received in a separate fund to be known as the Insurance Tax Fund. Prior to July 1, 1986, and June 1 of each year thereafter, the State Treasurer shall disburse all of the funds in the Insurance Tax Fund on June 1, 1986, and May 1 of each year thereafter, as follows:

(1) Ten percent of the total shall be allocated to the counties proportionately in the proportion that the population of each county bears to the entire state, as shown by the last United States Government census;

(2) Thirty percent of the total shall be allocated to incorporated municipalities proportionately in the proportion that the population of each incorporated municipality bears to the total population of all incorporated municipalities, as determined by the last United States Government census; and

(3) Sixty percent of the total shall be allocated to the State Department of Education for distribution to school districts based on the pro rata enumeration of children between the ages of who are five and through eighteen years of age in each school district. The Commissioner of Education shall certify the amount allocated to each school district to the Director of Administrative Services who shall, on July 1, 1986, and June 1 of each year thereafter, draw a warrant on the State Treasurer in favor of each such school district for the respective amounts so certified

by the commissioner.

Sec. 2. That section 79-312, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-312. The county superintendent shall: (1) Visit each of the schools of his the county at least once in each year to examine carefully into the discipline, modes of instruction, progress, and proficiency of the pupils; and make a record of his or her findings; (2) counsel with teachers and district school boards as to the course of study to be pursued; and methods for the improvement of the instruction and discipline of the school; (3) note the condition of the schoolhouse and appurtenances thereto; and may at his or her discretion make suggestions as to locations for new schoolhouses, for warming and ventilating the same, and for the general improvement of the schoolhouse and grounds; (4) promote by public lectures, and teachers institutes, and by such other means as he or she may devise; the improvement of the schools in his the county; and the elevation of the character and qualifications of the teachers thereof; (5) enforce the compulsory attendance laws and consult with the teachers and school boards to secure general and regular attendance of the children of his the county at the public schools; (6) furnish to each school district in the county a copy of the course of study for public schools, as prescribed by the State Department of Education, and forward to the teachers, from time to time, such written or printed questions for reviews based upon such course of study as in his or her judgment are necessary or expedient; (7) furnish the necessary blanks for the annual report of the secretary, the census report of the district, and such other blanks as he or she may deem helpful for the work of the schools; and the necessary record books for the schools and for the district officers; (8) purchase all supplies required for the operation of his the office, to be paid for from the funds allotted ~~to him~~ in the budget; (9) prepare and file the required annual inventory statement of county personal property in his or her custody or possession; as provided in sections 23-346 to 23-350; (10) attend all meetings required by the department; and (11) submit to the department, on or before August 15 of each year, a consolidated census report under oath, showing the number of children from birth through twenty years of age belonging to each school district of the county through twenty years old based on the census report from the secretary of each district in the

county.

Sec. 3. That section 79-330, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-330. (1) The State Board of Education shall replace the State Board of Vocational Education and, when acting as the State Board of Vocational Education, shall assume the duties and powers thereof, as provided in sections 79-1419 to ~~79-1435~~ 79-1434.

(2) The Commissioner of Education shall be the executive secretary of the State Board of Vocational Education, and, upon the recommendation of the commissioner, the State Board of Vocational Education shall appoint an assistant commissioner of education in charge of vocational education.

Sec. 4. That section 79-408.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-408.03. Whenever a school district ~~shall~~ suffer ~~suffers~~ a reduction in the actual valuation of the real property within the district by reason of the purchase or appropriation by the United States or any instrumentality of the United States of land therein for any defense, flood control, irrigation, or war project, and the number of children between the ages of who are five and twenty-one through twenty years of age residing in the district are ~~shall~~ be increased by reason of the use by the United States of the land so purchased or appropriated for the above-mentioned purposes, and such increase in the number of pupils who will be eligible to attend school in the district does or will require a levy of taxes for general school purposes in excess of the average levy for general school purposes of school districts of the same class in the county, then the county superintendent shall have authority and it shall be his duty so to change the boundaries of the existing district as to exclude therefrom all land purchased and appropriated by the United States and all land which by reason of its use or ownership is exempt from state taxation under the Constitution and statutes of the United States. ~~Where~~ When the United States, by the appropriate officer, does not accept or ~~shall~~ has not have accepted exclusive jurisdiction over land so excluded, then the county superintendent shall form a new school district embracing land thus excluded.

Sec. 5. That section 79-426.05, Revised Statutes Supplement, 1989, be amended to read as follows:

79-426.05. There is hereby established in

each county in the state a committee for the reorganization of school districts, to be known as the county committee. Each county committee shall be composed of not less than seven nor more than twelve members. The county committee of the county in which the schoolhouse or the administrative office of a joint school district lying in two or more counties is located shall be designated to have within its jurisdiction the territory of such joint school district for the purpose of organizing school districts.

All of the members of the school boards and boards of education within the county and joint school districts under the jurisdiction of a county committee shall, at a meeting called for such purpose by the county superintendent of schools within one hundred twenty days from July 9, 1988, and each four years thereafter, determine by a majority vote of those present the number of members of the county committee within the limits prescribed in this section, except that notwithstanding section 79-803.11, no more than six members of the board of education of a Class III school district shall be entitled to vote at the meeting. One member of the county committee shall be the county superintendent of schools, who shall serve as a nonvoting member of the committee, and each class of school district within the county shall have one member on the committee. The remaining members shall be elected from any Class I school district not associated with a Class VI school district and any Class II, III, IV, V, or VI school district within the county so that the total committee membership is as nearly as possible in the proportion that the total school census for children from birth to ~~twenty-one~~ through twenty years of age in each class of school district within the county bears to the total school census for children from birth to ~~twenty-one~~ through twenty years of age in all school districts within the county. The school boards or boards of education representing each class of school district within the county and joint school districts under the jurisdiction of such county shall vote as separate units to select their representatives for the county committee. The members so elected shall serve four-year terms.

No member of a county committee shall continue to serve thereon if he or she ceases to be a resident of the county, the joint school district under the jurisdiction of that county committee, or the school district from which he or she was elected. At the expiration of their terms, successors to members of the

county committee shall be elected for terms of four years in the same manner as the initial election. A vacancy in the membership of the county committee shall be filled for the unexpired term by a representative of the same class of school district as the previous member and shall be chosen by the remaining members of the county committee. Members of the county committee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties, with mileage reimbursements to be computed at the rate provided in section 23-1112 for county officers and employees, the reimbursement to be allowed and paid from funds appropriated by the county board.

The county committee may employ professional and clerical help, and the cost of these services shall be paid from funds appropriated by the county board. It shall be the duty of the county superintendents of each of the several counties to submit to their respective county boards a recommended sum to be appropriated for school district reorganization purposes.

Sec. 6. That section 79-451, Revised Statutes Supplement, 1989, be amended to read as follows:

79-451. The secretary shall:

(1) On or before July 20 in all classes of school districts, deliver to the county superintendent, to be filed in his or her office, a report under oath showing the number of children from birth through twenty years of age belonging to the school district between the ages of five and twenty-one years according to the census taken as provided in section 79-458. Such report shall identify the number of boys and the number of girls in each of the respective age categories. Each Class I school district which is part of a Class VI school district offering instruction (a) in grades kindergarten through six shall report these children who are five from birth through eleven years old of age and (b) in grades kindergarten through eight shall report these children who are five from birth through thirteen years old of age. Each Class VI school district offering instruction (i) in grades seven through twelve shall report these children who are twelve through eighteen twenty years old of age and (ii) grades nine through twelve these children who are fourteen through eighteen twenty years old of age. Each Class I school district which is not a part of a Class VI school district shall report these children who are five from birth through twenty-one twenty years old of age. Any school district board or board of education of any such district neglecting to take and make return of the

enumeration shall be liable to the school district for all school money which such district may lose by such neglect;

(2) On or before July 15 in all school districts, deliver to the county superintendent, to be filed in his or her office, a report under oath described as an end-of-the-school-year annual statistical summary showing (a) the number of children attending school during the year under five years of age and also the number ~~over~~ twenty-one years of age and older, (b) the length of time the school has been taught during the year by a qualified teacher, (c) the length of time taught by each substitute teacher and the wages paid to each, and (d) such other information as the Commissioner of Education directs; and

(3) On or before October 1 in Class I school districts, submit to the county superintendent, to be filed in his or her office, and on or before November 1 in Class II, III, IV, V, and VI school districts, submit to the county superintendent and to the Commissioner of Education, to be filed in their offices, a report under oath described as the annual financial report showing (a) the amount of money received from all sources during the year and the amount of money expended by the school district during the year, (b) the rate of tax levied for all school purposes, (c) the amount of bonded indebtedness, (d) such other information as shall be necessary to fulfill the requirements of sections 79-4,102, 79-1331, 79-1333, 79-1338, and 79-3304, and (e) such other information as the Commissioner of Education directs.

Sec. 7. That section 79-458, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-458. Within the month of June, the The secretary shall take, or cause to be taken by some person appointed for the purpose by the school board, by a majority vote thereof, the census of his the school district and then make, or cause to be made, a list in writing of the names of all the children belonging thereto, from birth ~~to twenty-one~~ through twenty years of age, together with the names of all the taxpayers in the district. Such ~~PROVIDED~~, that such enumeration of children shall not affect the manner of distribution or apportionment of school funds. A copy of the list, verified by the oath of the person taking such census, by an affidavit appended to or endorsed thereon, setting forth that it is a correct list of the names of all children belonging in the district, from birth ~~to~~

twenty-one through twenty years of age, and that it was taken within the month of June reflects such information as of June 30, shall be returned to the county superintendent, ; PROVIDED, in cities of the primary, first, and second classes, thirty days shall be allowed for taking the census, but such census shall be completed on or before the last day of June; AND PROVIDED FURTHER, that the

The board of education of any Class I, Class II, Class III, or Class IV, or Class VI school district may, at its option, establish a permanent and continuing census or enumeration of school children. In such school district the list in writing of the names of the children and taxpayers shall not be required to be reported to the county superintendent, but the names of all of the children belonging to such school district, from birth to twenty-one through twenty years of age, shall instead be kept in a depository maintained by such school district and subject to inspection at all times. Such record shall not or need not include the names of all the taxpayers in the district.

Sec. 8. That section 79-470, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-470. No school district shall receive any portion of state funds pursuant to Chapter 79, article 13, unless school shall have has been actually taught therein by a legally certificated teacher for the length of time required by law or unless the pupils residing therein have attended school in another district for the length of time required by law. At the discretion of the State Board of Education, the closing of a school shall not prevent a district from receiving its proper share of state funds when ; PROVIDED, in case of epidemic sickness or severe storm conditions prevailing prevail to such an extent that the school board in any district shall deem deems it advisable to close any or all schools within the district, or if on account of the destruction of the schoolhouse makes it shall be impossible to continue the school, ; or at the discretion of the State Board of Education, such closing of the school shall not prevent it from receiving its proper share of state funds. Such sickness, storm conditions, or destruction of the schoolhouse shall be sworn to by the secretary of the district school board and the oath filed with the county superintendent and with the State Board of Education within ten days after the annual school meeting or election the school board closes the school.

Sec. 9. That section 79-4,140.10, Revised Statutes Supplement, 1988, be amended to read as follows:

79-4,140.10. There is hereby created an Educational Technology Center within the State Department of Education and two Educational Technology Satellite Centers which shall act in partnership with the Educational Technology Center. The mission of the center centers shall be to achieve the legislative goals set forth in section 79-4,140.09 and to provide leadership and support for the introduction and integration of technology and innovation into Nebraska elementary and secondary schools in order to provide quality education and equal opportunity for Nebraska learners. One Educational Technology Satellite Center shall be located in the city of North Platte, Nebraska, and one in the city of Scottsbluff, Nebraska.

Sec. 10. That section 79-4,140.13, Revised Statutes Supplement, 1988, be amended to read as follows:

79-4,140.13. The Educational Technology Center shall establish a program to provide funds to support partnerships between the Educational Technology Center and Educational Technology Satellite Centers and educational services service units and other public or private agencies or entities for technology projects which have the greatest potential to enhance the quality of instruction in Nebraska schools or to broaden the educational opportunities for Nebraska learners.

Sec. 11. The Educational Technology Satellite Centers shall provide:

(1) A computer and technology laboratory with the hardware appropriate to instructional applications for both teaching and management, including state-of-the-art hardware to the extent appropriate for classroom applications;

(2) A laboratory for the inservice training of educators in hardware and software applications;

(3) A laboratory for review and evaluation of software;

(4) A laboratory for creating software programs and applications to instruction;

(5) A library of software for review, evaluation, and distribution; and

(6) Technical assistance to educators and school districts in planning for computer implementation, applications of computer-assisted instruction, and individual consultation.

Sec. 12. The State Department of Education

shall aid in obtaining:

(1) A reciprocal partnership with educational agencies in each community in which an Educational Technology Satellite Center will be located for an appropriate facility and location;

(2) Computer systems with appropriate networking for each satellite center; and

(3) A library of current software, a director, and a modem tie into the computer system of the department for each satellite center.

Sec. 13. That section 79-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-504. The qualified voters in a school district of the first or second class, when lawfully assembled, shall have power to adjourn from time to time, as may be necessary, to designate a site for a schoolhouse by a vote of fifty-five percent of those present, and to change the same by a similar vote at any annual or special meeting. In ; PROVIDED, in any school district where the schoolhouse is located three-fourths of one mile or more from the center of such district, such schoolhouse site may be changed to a point nearer the center of the district by a majority vote of those present at any such school meeting. In any school district containing more than one hundred fifty children between the ages of who are five and twenty-one through twenty years of age and having a district board of six trustees, the schoolhouse site therein may be changed and the purchasing of a new site directed, either or both, at any annual or special meeting, by a fifty-five percent vote of those present at any such meeting. A schoolhouse site shall not be changed more than once in any one school year.

Sec. 14. That section 79-601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-601. (1) The qualified voters of every new school district of Class I, when assembled pursuant to legal notice, shall elect by ballot from the qualified voters of such district a president for three years, a secretary for two years, and a treasurer for one year. At the next annual school meeting of the district; and regularly thereafter, their several successors shall be elected for the term of three years each. All officers elected shall hold their offices until their successors are elected or appointed and qualified.

(2) Officers of existing organized districts of Class I, as referred to in subsection (1) of this

section, shall continue and discharge the duties of their several offices until the expiration of their terms. Their successors shall be elected for a term of three years.

(3) In any district of Class I, which is not within any city or village containing one hundred fifty or more children between the ages of who are five and twenty-one through twenty years of age, candidates for the school board shall be nominated by petition of at least twenty-five qualified voters of the district, which petition shall be filed with the secretary of the school board not less than fifteen days prior to the date of the annual school meeting. Persons qualified to vote at such meeting, and the election held thereat, may cast their ballots, written or printed, between the hours of 12:00 noon and 8:00 p.m. of such date. Each year two members shall be elected whose term of office shall be three years and until their successors shall have been elected and qualified. The term of members of the school board in such a district shall begin on the second Monday of September and thereupon members of the board shall elect a president, a treasurer, and a secretary from their own number. Each such officer shall serve for a term of one year or until his or her successor is elected and qualified.

(4) The president, secretary, and treasurer of a district, referred to in subsection (3) of this section, shall (a) conduct or cause to be conducted the election, referred to in subsection (3) of this section, and (b) record the names and residences of persons voting thereat, and seal, preserve, and deliver said the ballots to be publicly opened and canvassed as the first order of business at the convening of the annual meeting at 8:00 p.m. of such day.

Sec. 15. That section 79-701, Revised Statutes Supplement, 1989, be amended to read as follows:

79-701. (1) A Class II school district shall be created whenever a Class I school district determines by a majority vote of the electors to establish a high school.

(2) The members of the school board serving when it is decided to establish a high school shall continue in office until the first Tuesday in June following the next statewide primary election at which election a six-member board shall be elected. The three receiving the highest number of votes shall be elected for terms of four years, and the three receiving the next highest number of votes shall be elected for terms

of two years.

(3) If a Class II school district, by a vote of fifty-five percent of the legal voters voting at an annual or special meeting, decides to discontinue the high school and close the same, the school district shall thereupon become a Class I school district on the date designated by such voters. At such meeting a decision shall be made as to when the new board of education shall be elected and whether the board shall consist of three members or six members. No new Class I school district shall establish a six-member board unless the school district contains a minimum of one hundred fifty children between who are five and twenty-one through twenty years of age pursuant to section 79-601. The board of education of the existing Class II school district shall remain in office until the effective date for the formation of the new Class I school district.

If the new board of education is to consist of three members, such members shall be elected at the time the electors vote to change from a Class II school district to a Class I school district or at any annual or special meeting held not less than thirty days prior to the effective date of the change from a Class II school district to a Class I school district. At the annual or special meeting, a treasurer shall be elected for a term of one year, a secretary for a term of two years, and a president for a term of three years, and regularly thereafter their successors shall be elected for terms of three years each. All officers so elected shall hold their offices until successors are elected and qualified. After such change becomes effective, the school district and its officers shall have the powers and be governed by the provisions of law applicable to Class I school districts.

If the new board of education is to consist of six members, such members shall be elected after school district electors have voted to change from a Class II school district to a Class I school district. The procedure for electing board members shall be as prescribed in subsection (3) of section 79-601, except that such election may be held at any annual meeting or at a special meeting called for the purpose of electing school district officers.

(4) No school district may change from Class I to Class II unless that school district has an enrollment of not less than one hundred pupils in grades nine to twelve. This subsection shall not apply to any school district located on an Indian reservation and

substantially or totally financed by the federal government.

(5) If for three consecutive years the average daily membership of an existing Class II school district is less than twenty-five pupils in grades nine through twelve or if for one year an existing Class II school district contracts with a neighboring school district or districts to provide educational services for all of its pupils in grades nine through twelve, such school district shall, except as provided in subsection (6) of this section, become a Class I school district through the order of the county superintendent if the high school is within fifteen miles on a reasonably improved highway of another high school. A resident school district as defined in section 79-3402 shall not count students attending an option school district as defined in section 79-3402 when calculating average daily membership for purposes of this subsection. This subsection shall not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.

(6) Any Class II school district maintaining a four-year high school which has an average daily membership of less than twenty-five students in grades nine through twelve for three consecutive years may contract with another school district to provide educational services for its pupils in grades nine through twelve. Such contract may continue for a period not to exceed three years. At the end of such three-year period the school district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such school district has reached at least fifty students, except that a Class II school district may contract pursuant to this subsection for a period of only one year and at the end of such one-year period the school district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such school district has reached at least fifty students. If the school district has not achieved such average daily membership, it shall become a Class I school district as prescribed in subsection (5) of this section.

Sec. 16. That section 79-802, Revised Statutes Supplement, 1988, be amended to read as follows:

79-802. All Class III school districts shall be under the direction and control of the boards of education authorized by section 79-803.07. The schools

of such school district shall be free to all children between the ages of who are five and twenty-one through twenty years of age whose parents or guardians are legal residents of such school district and all children of school age, nonresidents of the school district, who are or may be by law allowed to attend the schools without charge.

Sec. 17. That section 79-1001.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1001.01. All schools erected or organized within the limits of cities of the metropolitan cities class shall be under the direction and control of the board of education authorized by section 79-1003. Such schools shall be free to all children who are between the ages of five through twenty and twenty-one years of age whose parents or guardians reside within the limits of the school district, and to all children of school age, nonresidents of the district, who are or may be by law allowed to attend such school without charge.

Sec. 18. That section 79-1004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1004. The members of the board of education at their regular meeting in January ~~succeeding their election~~ each year shall elect a president and vice president from their own members, who shall serve for the term terms of one year or until their successors are elected and qualified. They may also select elect at any regular meeting prior to April 1, from outside their own members, one superintendent of public schools, one secretary, and such other officers as the board may deem necessary for the administration of the affairs of the school district, at such salary as the board may deem just, and in their discretion they may enter into contracts with such officers for a term terms of not to exceed three years. Annual contracts with employees other than teachers shall be entered into, on or before April 15. The election of such officers of the board, teachers, and janitors shall be by ballot and no person shall be declared elected unless he receives a vote of a majority of all the members of the board The board shall have the power to elect its president and vice president and to select its officers and employees in accordance with rules adopted by the board.

Sec. 19. That section 79-1006, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1006. The board of education shall cause

to be taken an enumeration of all persons each year, between the ages of five and twenty-one from birth through twenty years of age residing in the school district. It shall report the same, together with such other information as is required by sections 79-451 and 79-458, to the county superintendent at the time specified by law for like returns in other districts, except ; PROVIDED; that the information required by section 79-458, as to children under five years of age, may be limited to the number of children by age level, and shall not include the names of all the taxpayers in the district. The ; AND PROVIDED FURTHER; that the board of education of any such school district may, at its option, establish a permanent and continuing census or enumeration of school children.

Sec. 20. That section 79-1247.05, Revised Statutes Supplement, 1989, be amended to read as follows:

79-1247.05. (1) The board shall establish, adopt, and promulgate appropriate rules, regulations, and procedures governing the issuance, renewal, conversion, revival, cancellation, suspension, and revocation of certificates and permits to teach, counsel, supervise, and administer in all elementary and secondary schools in this state based upon (a) earned college credit in humanities, social and natural sciences, mathematics, and practical arts, (b) earned college credit, or its equivalent in professional education, for particular teaching, counseling, supervisory, or administrative assignments, (c) scholarship attained in earning such credit, (d) training in human relations. This subdivision shall apply to the issuance of first certificates or permits issued after January 1, 1990, and to the issuance of renewal certificates or permits issued after January 1, 1993, (e) successful teaching, and (f) moral, mental, and physical fitness for teaching, all in accordance with sound educational practices.

(2)(a) The On or before July 31, 1987, the board shall establish or designate basic skills competency examinations for prospective teachers. Such examinations shall measure-

(a) Competency competency in the written use of the English language, ;

(b) Competency competency to read, comprehend, and interpret professional writing and other written materials, ; and

(c) Competency competency to work with fundamental mathematical computations.

(b) No candidate applying for an entry-level teacher or administrator certificate after July 31, 1989, shall receive such certificate unless such candidate has received a satisfactory score on the basic skills competency examinations established or designated by the board, except that the board may issue a temporary certificate to any teacher or administrator who is first employed in a Nebraska school after July 1 of any year and who meets all other requirements but has not had an opportunity to take the examinations. The temporary certificate shall be valid only for the ensuing school year and may not be renewed. Each Nebraska teacher education institution approved by the board shall administer the basic skills competency examinations as a condition for entry into such institution's teacher or administrator program. The State Department of Education shall administer, at a time and place designated by the commissioner, the examinations for teachers and administrators being recommended for certification from outside of Nebraska and for prospective teachers and administrators who have not matriculated in or completed a teacher training program.

(c) The board may issue a temporary certificate, valid for a period not to exceed two years, to any applicant for certification who has not completed the human relations training requirement provided in subdivision (1)(d) of this section or the special education competencies requirement specified in section 79-1247.16 if the applicant received his or her training in a state other than Nebraska. No applicant for certification shall receive any manner of temporary certification which exceeds two years in duration. The board may also issue such temporary certification, valid for not more than two years, pursuant to the Interstate Agreement on Qualification of Educational Personnel found in section 79-2701.

(3) In order to ensure that all teachers throughout the state maintain and continue to develop effective teaching skills, the board shall, when funds are appropriated by the Legislature to carry out this subsection, adopt four career certification levels in addition to other temporary, provisional, service, or emergency certification classifications. Each certification level shall reflect a level of achievement attained by a teacher based on professional growth, academic achievement, and years of successful teaching experience. The certification levels prescribed in this subsection shall be applicable to teachers receiving

their first Nebraska teaching certificate after the adoption of such certification levels by the board. The levels of certification shall be as follows:

(a) The first level of certification shall be known as the apprentice teaching certificate. To be eligible to receive an apprentice teaching certificate, a teacher shall within three years following the adoption of the certification levels by the board complete the requirements prescribed in subsection (2) of this section and receive a satisfactory score or rating on a subject matter examination established or designated by the board. Such certificate shall be valid for three years;

(b) The second level of certification shall be known as the initial teaching certificate. To be eligible to receive an initial teaching certificate, a teacher shall serve as an apprentice teacher for at least two years and successfully complete the requirements of the entry-year assistance program as provided in subsection (5) of this section if applicable. Such certificate shall be valid for five years and be nonrenewable, except that any teacher who fails to continue to teach during the life of an initial teaching certificate shall be eligible to reenter teaching at such certification level and to teach under the initial teaching certificate for not longer than five school years;

(c) The third level of certification shall be known as the standard teaching certificate. To be eligible for the standard teaching certificate, the teacher shall serve at least two years with an apprentice teaching certificate and at least three years with an initial teaching certificate and earn at least eighteen college credit hours or its equivalent in continuing education units. The board shall adopt and promulgate rules and regulations establishing and defining continuing education units. For purposes of this section, credit hour shall mean units earned in a master's degree program, a fifth-year program, or an area of such teacher's assigned duties or specialization or towards an additional teaching endorsement.

Such certificate shall be valid for a period of five years and may be renewed for a second five-year period if a teacher verifies the completion of thirty-six hours of college credit or its equivalent in continuing education units. Thereafter the standard teaching certificate may be renewed for additional five-year periods if such teacher verifies at least two years of successful teaching experience during the life

of the certificate or completes six hours of college credit or its equivalent in continuing education units. Any teacher who fails to continue to teach during the life of a standard certificate shall be eligible to return to teaching at such certification level and to teach under the standard certificate for no longer than five school years; and

(d) The fourth level of certification shall be known as the professional teaching certificate. To be eligible for a professional teaching certificate, the teacher shall complete a master's degree program or fifth-year program and serve at least three years with an initial teaching certificate and at least three years with a standard teaching certificate.

Such certificate shall be valid for ten years and may be renewed for additional ten-year periods if the teacher verifies at least three years of successful teaching experience during the life of the certificate or completes nine hours of college credit or its equivalent in continuing education units. College credit hours shall be completed within five years of the date of the renewal application.

(4) Any teacher who prior to the adoption of the certification levels by the board holds a valid Nebraska prestandard, standard, or professional certificate and who is fifty-five years of age or older shall be eligible to renew such certificates pursuant to the rules and regulations adopted and promulgated by the board on July 8, 1977. Those persons holding a Professional Life Certificate issued prior to July 11, 1977, shall be exempt from certificate renewal.

(5) When funds are appropriated by the Legislature to carry out this subsection, the board shall adopt an entry-year assistance program. The purpose of such program shall be to provide assistance to beginning teachers. Participation in such program shall be required for all teachers who have not, prior to the adoption of the certification levels by the board, held any Nebraska teaching certificate, except that any teacher employed by a private, denominational, or parochial school shall be exempt from participation in the entry-year assistance program. The board shall adopt and promulgate rules and regulations governing such program which take into consideration the size and geographical location of schools and the special needs of schools located in sparsely populated areas. Such rules and regulations shall provide for reasonable compensation for individuals who provide service and assistance to entry-year teachers subject to this

subsection. It is the intent of the Legislature to appropriate additional funds to the operational budget of the State Department of Education sufficient to meet the costs of the entry-year assistance program.

(6) When funds are appropriated by the Legislature to carry out this subsection, the board shall adopt minimum standards for the initial and continuing certification of principals, supervisors, and superintendents in the state's elementary and secondary schools which shall include, but not be limited to, the following:

(a) Each candidate for an initial certificate shall receive a satisfactory rating or score on the basic skills competency examinations prescribed in subsection (2) of this section; and

(b) Each candidate for an initial certificate shall demonstrate proficiency in personnel management and educational leadership and demonstrate satisfactory teaching performance.

The board may establish internship programs for principals, supervisors, and superintendents which are substantially equivalent in purpose and requirements to the entry-year assistance program established in subsection (5) of this section.

(7) Members of any advisory committee established by the board to assist the board in teacher certification matters shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. Each school district which has an employee who serves as a member of such committee and which is required to hire a person to replace such member during the member's attendance at meetings or activities of the committee or any subcommittee thereof shall be reimbursed from the General Fund for the expense it incurs from hiring a replacement. School districts may excuse employees who serve on such advisory committees from certain duties which conflict with any advisory committee duties.

Sec. 21. That section 79-1247.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1247.06. The maximum which the board may require for the first issuance of any certificate or permit, valid for teaching only, in all schools, for a term of not less than three years, shall be that the applicant is of sound mental and physical health and of good moral character and a statement countersigned by an authorized official of a standard institution of higher education which certifies the grade levels and subject

fields or areas of specialization and that the applicant (1) has a baccalaureate degree, except that a master's degree shall be required for the first issuance of any teaching certificate with a speech-language pathologist endorsement. (2) in the case of any person who matriculates in a teacher training program, has satisfactorily completed within two years of the date of application the institution's regular approved or accredited program of preparation for teaching and has met all other appropriate requirements of the institution as a teacher, (3) has achieved a satisfactory score on the basic skills competency examinations established or designated by the State Board of Education pursuant to section 79-1247.05 prior to (a) admission into a Nebraska teacher training program or (b) certification in the case of individuals recommended for certification by a postsecondary institution outside of Nebraska or individuals not matriculating in a teacher training program, and (4) has performed at a satisfactory level, as determined by the State Board of Education, on a subject area examination established or designated by the State Board of Education in each area for which endorsement is sought. Any person who holds the Nebraska Provisional Rural Elementary Certificate on July 10, 1976, may renew that certificate any number of times by earning not less than eight approved semester hours of course work acceptable toward a baccalaureate degree during each of the three-year terms for which the certificate is issued.

Sec. 22. That section 79-1302, Revised Statutes Supplement, 1989, be amended to read as follows:

79-1302. (1) The State Treasurer shall each year on or before the third Monday in January make a complete exhibit of all money belonging to the school fund of the state as returned to him or her from the several counties together with the amount derived from other sources and deliver such exhibit duly certified to the Commissioner of Education. Within twenty days thereafter, the Commissioner of Education shall make the apportionment of the funds in such counties to each school district and county nonresident high school tuition fund as follows: From the whole amount there shall be paid to those districts in which there are school or saline lands and to the nonresident high school tuition fund of the county an amount in lieu of tax money that would be raised if such lands were taxable, to be fixed in the manner prescribed in section 79-1303; and the remainder shall be apportioned to the

counties districts according to the pro rata enumeration of children between the ages of who are five and through eighteen years of age in each county district last returned from the county superintendent.

(2) The Commissioner of Education shall certify the amount of the apportionment of the State School Fund as provided in subsection (1) of this section to the superintendent of the proper county and to the Director of Administrative Services. The Director of Administrative Services shall draw a warrant on the State Treasurer in favor of the various counties districts for the respective amounts so certified by the Commissioner of Education. In a county with only one school district, the Director of Administrative Services shall draw the warrant in favor of the school district and forward such warrant to the county superintendent of such county-

Sec. 23. That section 79-1303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1303. In making the apportionment under section 79-1302, the Commissioner of Education shall distribute from the school fund for school purposes, to any and all school districts and to the nonresident high school tuition fund of counties in which there are situated school lands which have not been sold and transferred by deed or saline lands owned by the state, an amount in lieu of tax money that would be raised if such lands were taxable, to be ascertained as follows: The county superintendents shall certify to the Commissioner of Education the tax levy for school purposes of each school district and the nonresident high school tuition levy of the county wherein such school land or saline land is located, and the last appraised value of such school land, which value shall be one hundred forty-three percent of the appraised value for the purpose of applying the applicable tax levy for each district and for the nonresident high school tuition fund in determining the distribution to the districts and to the nonresident high school tuition fund of the counties of such amounts. The board of any school district, wherein there is located any leased or undeeded school land or saline land subject to the provisions of this section, may appeal to the Board of Educational Lands and Funds for a reappraisalment of such school land if such school board deems the land not appraised in proportion to the value of adjoining land of the same or similar value. The Board of Educational Lands and Funds shall proceed to investigate the facts

involved in such appeal and, if the contention of the school board is correct, make the proper reappraisalment.

Sec. 24. That section 79-1304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1304. (1) The several county superintendents, within twenty days after receiving such apportionment, shall apportion the entire amount as follows: The share which the Commissioner of Education has certified as being payment in lieu of taxes shall be distributed to the nonresident high school tuition fund and to those districts in which are found school or saline lands in the amounts determined by the appraised valuation of those lands and the levies for school purposes of the respective districts.

(2) To the balance of the amount, distributed to the county as referred to in subsection (1) of this section, the several county superintendents shall add (a) all money received by the county treasurer on account of fines and licenses, (b) the proceeds from sale of schoolhouses, sites, or other property of a school district, and (c) all unexpended balances of proceeds of taxes heretofore levied by a district, when such district has been taken by the United States for any defense, flood control, irrigation, or war project.

(3) (2) The sum total, referred to in subsection (2) (1) of this section, shall be distributed to the several districts of the county pro rata according to the enumeration of those children who are five through eighteen years of age for which the district is obligated to report on the census between the ages of five and eighteen years last returned by the secretaries of the various districts. The total apportionment of each district shall be (a) its pro rata share of the balance of the amount of the state apportionment, (b) the amount received from fines and licenses, and (c) proceeds of sale and unexpended balances of taxes when a district has been taken over by the United States for any defense, flood control, irrigation, or war project.

(4) (3) No share of state apportionment shall be paid to a district which has not held school for the length of time required by law and complied with all of the laws relating to school districts of those classes. The loss of state apportionment to any district employing more than one teacher because of the employment of legally unqualified teachers shall be no greater than an amount which bears the same ratio to the district's total entitlement as the number of

unqualified teachers bears to the total number of teaching positions for which teachers have been employed by the district. The loss of state apportionment to any district employing only one teacher, because of the employment of a legally unqualified teacher, shall be no greater than an amount which bears the same ratio to the district's total entitlement as the portion of the school year that an unqualified teacher was employed bears to the entire school year. In no event shall the loss of the state apportionment because of the employment of an unqualified teacher be less than ten percent of the total entitlement of that district.

Sec. 25. That section 79-1306, Revised Statutes Supplement, 1989, be amended to read as follows:

79-1306. ~~{1}~~ in a county that has more than one school district, after ~~After~~ making such the apportionment pursuant to section 79-1304, the county superintendent shall ~~{a}~~ (1) enter the apportionment immediately in a book kept for that purpose and furnish the county treasurer with a certified copy of such apportionment, ~~{b}~~ (2) furnish each of the secretaries of the respective school districts in the county a certificate showing the amount due such district, and ~~{c}~~ (3) draw warrants on the county treasurer in favor of each individual district or certify to the county treasurer the amount due such district for its share of the state apportionment.

(2) if there is only one school district in the county, the county superintendent shall enter the apportionment immediately in a book kept for that purpose and forward the warrant to such school district.

Sec. 26. That section 79-1307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1307. County treasurers are ~~shall~~ not allowed to charge a percent for receiving and disbursing the state school appropriation apportionment.

Sec. 27. That section 79-1331, Revised Statutes Supplement, 1989, be amended to read as follows:

79-1331. As used in For purposes of the School Foundation and Equalization Act, unless the context otherwise requires:

(1) Classroom teacher shall mean a certificated teacher who has major responsibility for the instruction of one or more classes of pupils;

(2) District shall mean a school district approved for continued legal operation under rules and

regulations adopted and promulgated by the State Board of Education pursuant to subdivision (5)(c) of section 79-328;

(3) Per pupil cost shall mean a district's current operating expense, as shown in the district's annual financial report to the State Department of Education, divided by the average daily membership of resident and nonresident pupils for the preceding school year;

(4) Operating funds shall mean a district's current operating revenue for a fiscal year as shown in the district's annual financial report to the State Department of Education;

(5) Summer school program shall mean a program consisting of thirty days of school at three hours per day, or the equivalent, conducted by a district to meet the academic needs of its pupils during a period other than the regular school year; and

(6) Fall school district membership report shall mean a report setting forth the number of children between the ages of who are five and twenty-one through twenty years of age enrolled in the district on the last Friday in September of a given school year. The report shall enumerate (a) resident students by grade level and nonresident students and option students as defined in section 79-3402 by grade level and classification, including, but not limited to, nonresident high school, option high school, wards of the court, or contract, (b) eligible children in gifted and deprived programs as approved and verified by the state, (c) children eligible to be transported by bus according to section 79-490, and (d) total assessed valuation for the current fiscal year.

Sec. 28. That section 79-1415, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1415. There is hereby established in the ~~office of the State Department of Education the Adult Immigrant Educational Division Education Program.~~ the program shall assist in the development and strengthening of community education programs in local areas of the state and provide for the education of adult aliens and others; any person who is sixteen years of age or older, who is not enrolled in high school and is not required to be enrolled in school, who lacks sufficient mastery of basic educational skills to enable him or her to function effectively in society or does not have a certificate of graduation from a high school or equivalent educational experience, and whose lack of

mastery of basic skills results in an inability to speak, read, write, or understand the English language constituting a substantial impairment of his or her ability and evidences a need for programs to help eliminate such inability and raise his or her level of education making it less likely that he or she will become dependent on others. The program shall be under the direction of a state supervisor appointed by the department.

Sec. 29. That section 79-1416, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1416. Local school boards and boards of education ~~may~~ **are empowered to** expend money for conducting schools and classes in school buildings, industrial establishments, places of employment, and such other places as may be expedient; for the purpose of giving instruction to ~~foreign-born and native adults and minors over the age of sixteen years persons described in section 79-1415.~~ Such courses of instruction or study ~~shall~~ **may** include basic educational skills, English, history, civics, and other subjects tending to promote good citizenship and to increase vocational efficiency.

Sec. 30. That section 79-1418, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1418. The Commissioner of Education ~~is authorized to~~ **may** disburse from funds appropriated for the department sufficient money for supervision, instruction, and other necessary expense in conducting the Adult ~~Immigrant Educational Division~~ **Education Program**.

Sec. 31. That section 79-1419, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1419. The State of Nebraska accepts: The provisions of (1) the act of Congress approved February 23, 1917, entitled; An Act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure (Public Law No. 347, 64th Congress) and (2) an act of Congress approved August 17, 1946, entitled An Act to amend the Act of June 8, 1936, relating to vocational education so as to provide for the further development of vocational

education in the several States and Territories (Public Law No- 586, 79th Congress). The good faith of the state is pledged to make available, for the several purposes of such acts, funds to supplement the sums allotted, from time to time, to this state from the appropriations made by the above acts, and subsequent acts, and to meet all conditions necessary to entitle the State of Nebraska to the benefits thereof. The State Board of Vocational Education shall administer any legislation relating to vocational education enacted by the Legislature and shall direct the disbursement and administer the use of all funds provided for vocational education and assigned to the State Department of Education.

Sec. 32. That section 79-1420, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1420. The State Treasurer is designated shall be the custodian of all funds allotted to this state from the appropriation made by the acts referred to in section 79-1419 other sources for purposes of vocational education. He or she shall receive and provide for the proper custody and disbursement of the same, in accordance with these acts.

Sec. 33. That section 79-1421, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1421. (1) The State Board of Education, as designated in section 79-322, shall also be the State Board of Vocational Education and, when acting as the State Board of Vocational Education, shall assume the powers and duties thereof, as provided in sections 79-1419 to 79-1435 79-1434.

(2) The Commissioner of Education shall be the executive officer of the State Board of Vocational Education. The members of the State Board of Vocational Education shall receive no compensation for their services. They shall be reimbursed for actual and essential expenses incurred in attending meetings or incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. for state employees. The State Board of Vocational Education shall meet in the office of the State Department of Education at the State Capitol regularly and periodically and at least four times annually. It may meet at such other times and places as the board may determine necessary for the proper and efficient conduct of its duties. Special meetings may be called by the presiding officer upon a written notice given at least five days preceding the

meeting. In the absence of such a call by the presiding officer, the Commissioner of Education shall call such special meeting upon the written request of a majority of the board. Five members of the board shall constitute a quorum for the transaction of business.

Sec. 34. That section 79-1422, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1422. It shall be the duty of the The State Board of Vocational Education to shall adopt the policies to be followed in administering vocational education and to shall supervise the administration thereof by the assistant commissioner of education, who shall be in charge of vocational education. The board shall is further authorized and empowered to cooperate, as provided and required by the acts of Congress specified in section 79-1419, with the United States Office Department of Education in the administration of the provisions of said acts, and to federal legislation relating to vocational education and shall do all things necessary to entitle the state to receive the benefits thereof. The board is further empowered to do all acts and things and to make such may adopt and promulgate rules and regulations as are necessary to properly carry out the aforesaid acts and the provisions of sections 79-1419 to 79-1435 79-1434.

Sec. 35. That section 79-1423, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1423. The State Board of Vocational Education shall, on the recommendation of the Commissioner of Education, appoint staff members the assistants required to carry out the provisions of sections 79-1419 to 79-1435, and all amendments thereto 79-1434. These assistants shall be located by the assistant commissioner of education in charge of vocational education and their names and credentials presented to the commissioner for his review, selection, and recommendation for appointment by the board.

Sec. 36. That section 79-1428, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1428. (1) Any board in control of any public school, college, or university, may establish, in cooperation with the approval of the State Board of Vocational Education, and in conformity with the Nebraska State Plan for Vocational Education, a vocational school, department, or class giving instruction of less than college grade in agriculture;

trade, distributive, or homemaking subjects to persons of the required age, who have entered or are preparing to enter upon the work of a farm, a trade, or the home course providing instruction necessary for the preparation of individuals for paid or unpaid employment in occupations not requiring a baccalaureate or advanced degree and vocational student organization activities which function as an integral part of the school, department, or course.

(2) Vocational agriculture, trade, distributive, and homemaking schools, departments, or classes courses, when approved by the State Board of Vocational Education, shall be reimbursed in accordance with the terms specified annually in the contract contracts between the local board and the state board.

Sec. 37. That section 79-1429, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1429. The State Board of Vocational Education shall have all necessary authority to (1) cooperate with the boards, authorized by sections 79-1419 to 79-1435, 79-1434 to establish vocational schools, departments, or classes courses, (2) cooperate with the United States Office Department of Education in the administration of the acts of Congress as provided for by section 79-1419, federal legislation relating to vocational education and by the provisions of the Nebraska State Plan for Vocational Education, (3) administer the funds provided by the federal government under these acts and such federal legislation, by the State of Nebraska, and by donations or contributions for the promotion of vocational education in the public schools of Nebraska, (4) appoint staff members such officials and assistants as may be necessary to administer the such federal acts legislation and sections 79-1419 to 79-1435 79-1434 for the State of Nebraska, (5) fix the compensation of such officials personnel and to pay such compensation and other necessary expenses of administration from funds appropriated by the Legislature or available federal funds, (6) make studies and investigations relative to vocational education, (7) promote and aid in the establishment of vocational schools, departments, or classes courses in communities giving training in such subjects, and to cooperate with local boards in the maintenance of the same, (8) prescribe qualifications and have full authority to provide for the certification of teachers and supervisors of vocational education and related subjects, (9) cooperate in the maintenance of

classes courses supported and controlled by the public for the preparation of teachers and supervisors of vocational education and related subjects or to maintain such classes courses under its own direction and control, (10) establish and determine by general regulations the qualifications to be possessed by persons engaged in the training of vocational teachers, and (11) establish a training program for fire department personnel as provided in sections 79-1430 and 79-1431.

The State Board of Vocational Education shall not allow vocational education programs to be established under sections 79-1419 to 79-1423, 79-1428, 79-1429, and 79-1435, if such programs are inconsistent with this act sections 79-2644 and 85-917 to 85-967.

Sec. 38. That section 79-2210.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2210.02. A summary of the prepared yearly budget of an educational service unit shall be published one time in a legal newspaper published in or of general circulation in each county in the unit at least ten five days before a meeting at which such budget shall be considered for adoption by the board. Such publication shall also specify the date, time, and place of the public hearing at which the budget will be considered and any tax levy made.

Sec. 39. That section 79-2210.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2210.03. The board of an educational service unit shall cause to be published within ten days after the adoption of the prepared yearly budget by November 1 of each year a brief report of the yearly activities of the board. The report, which shall include the amount of revenue received and expenditures itemized by categories. This publication shall be for one time in a newspaper of general circulation distributed in each county in the educational service unit. A copy of the report shall be furnished to each school district in the unit distributed to each member school district by November 1 of each year.

Sec. 40. That section 79-3315, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-3315. The Special Education Act shall apply to any children a child from the date of diagnosis or the date of notification of the resident school district to age twenty-one and, if the child's

twenty-first birthday occurs during a school year, until the end of that school year. All provisions of state law related to special education which apply to a child who is age twenty shall apply to a child whose twenty-first birthday occurs during a school year until the end of that school year. The State Department of Education, Division of Vocational Rehabilitation, shall, in compliance with federal guidelines, assume responsibility for the training of those individuals whose education or training is terminated and for whom additional supportive services are required.

Sec. 41. That section 79-3322, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-3322. The local school board or board of education shall furnish one of the following types of services to the handicapped children who are residents of the school district:

(1) Provide for the transportation expenses for those handicapped children who are forced to leave the school district temporarily because of lack of educational services. A parent or guardian transporting such child shall be paid for each day of attendance at the rate of eighty-six percent of the mileage rate provided in section 81-1176 for state employees for each actual mile or fraction thereof traveled between the place of residence and the program of attendance, and when any parent or guardian transports more than one handicapped child in his or her custody or control enrolled in programs at the same location, the amount of payments to such parent or guardian shall be based upon the transportation of one child. No transportation payments shall be made to a parent or guardian for mileage not actually traveled by such parent or guardian;

(2) Provide for the transportation expenses within the school district of any handicapped child who is enrolled in a special educational program of the district when either (a) the child is required to attend a facility other than what would be the normal school or attendance facility of the child to receive appropriate special educational services or (b) the nature of the child's handicapping condition is such that special transportation is required. A parent or guardian transporting such child shall be paid for each day of attendance at the rate of eighty-six percent of the mileage rate provided in section 81-1176 for state employees for each actual mile or fraction thereof traveled between the place of residence and the program

of attendance, and when any parent or guardian transports more than one child in his or her custody or control enrolled in programs at the same location, the amount of payments to such parent or guardian shall be based upon the transportation of one child. No transportation payments shall be made to a parent or guardian for mileage not actually traveled by such parent or guardian;

(3) Provide visiting teachers for the homebound handicapped child, such teachers to be certified and qualified in the same manner as required for other teachers in Nebraska;

(4) Provide correspondence instruction approved by the Commissioner of Education; or

(5) Provide any other method of instruction approved by the Commissioner of Education.

Sec. 42. That section 79-3345, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-3345. All special education programs shall be reviewed no less than biennially at least once every three years by the State Department of Education.

To enable the State Department of Education to determine the effectiveness of the programs and services being provided, the department shall conduct a program of continuing evaluations of the different types of programs and services being provided for each of the service groups. In conducting these evaluations, the department shall take into account such factors as numbers and types of students, class sizes, qualifications of staff, and other factors which the department deems appropriate. The department shall conduct evaluations of all programs and services and shall conduct these evaluations in such a manner as to enable the department to compare the relative effectiveness of the same or similar programs or services provided in different locations.

Evaluation studies shall be designed to provide the Legislature, the State Department of Education, the school districts, and other servicing agencies with the following information:

(1) A detailed description of groups served;
 (2) A detailed description of the kind of programs or services provided and their cost per unit of service as well as the cost of each service; and

(3) A detailed description of the effectiveness of the programs or services.

Sec. 43. That section 79-3505, Revised Statutes Supplement, 1989, be amended to read as

follows:

79-3505. (1) Each provider shall certify to the department by September 1 of each year (a) the number of full-time equivalent teachers employed by the provider for the school year and (b) the weighted number of full-time equivalent teachers based on the weighted values found in subsection (2) of this section.

(2) In calculating the weighted number of full-time equivalent teachers, the following values shall be used:

(a) A full-time equivalent teacher paid less than the amounts prescribed in subdivision (b) of this subsection as regular compensation shall not be counted in the calculation;

(b)(i) For school year 1989-90, a full-time equivalent teacher paid at least sixteen thousand dollars but less than nineteen thousand dollars as regular compensation shall be counted as sixty-hundredths of one full-time equivalent teacher; and

(ii) For school year 1990-91, a full-time equivalent teacher paid at least seventeen thousand dollars but less than nineteen thousand dollars as regular compensation shall be counted as sixty-hundredths of one full-time equivalent teacher;

(c) A full-time equivalent teacher paid nineteen thousand dollars or more as regular compensation shall be counted as one full-time equivalent teacher; and

(d) A full-time equivalent teacher with a master's degree, regardless of his or her regular compensation, shall be counted as one and one-fifth full-time equivalent teachers.

(3) The department shall compute each provider's dollar share of program funds using the formula provided in subsection (4) of this section and shall provide such information to the State Treasurer.

(4) The State Treasurer shall distribute an amount to providers in the same proportion as their weighted number of full-time equivalent teachers bears to the weighted number of full-time equivalent teachers in the state as a whole employed by providers which have submitted the information as required by this section. Any amounts distributed under this subsection shall be used only for purposes of providing general salary increases which are bargained for together with other salary increases and benefit changes at the local level and for paying the employer's share of federal social security and retirement benefit payments on such salary

increases.

Sec. 44. That original sections 77-913, 79-312, 79-330, 79-408.03, 79-458, 79-470, 79-504, 79-601, 79-1001.01, 79-1004, 79-1006, 79-1247.06, 79-1303, 79-1304, 79-1307, 79-1415, 79-1416, 79-1418 to 79-1423, 79-1428, 79-1429, 79-2210.02, 79-2210.03, 79-3315, 79-3322, and 79-3345, Reissue Revised Statutes of Nebraska, 1943, sections 79-4,140.10, 79-4,140.13, and 79-802, Revised Statutes Supplement, 1988, and sections 79-426.05, 79-451, 79-701, 79-1247.05, 79-1302, 79-1306, 79-1331, and 79-3505, Revised Statutes Supplement, 1989, and also sections 79-471, 79-1368, 79-1417, and 79-1435, Reissue Revised Statutes of Nebraska, 1943, are repealed.