

LEGISLATIVE BILL 123

Approved by the Governor April 24, 1995

Introduced by Matzke, 47; Vrtiska, 1

AN ACT relating to teachers and administrators; to amend sections 79-1233 and 79-1247.05, Reissue Revised Statutes of Nebraska; to change provisions relating to substitute teachers and temporary certificates; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 79-1233, Reissue Revised Statutes of Nebraska, is amended to read:

79-1233. (1) No Except as provided in subsection (2) of this section, no person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except that no Nebraska certificate or permit shall be required of persons teaching exclusively in community colleges.

(2) Any person who holds a valid certificate or permit to teach issued by another state may be employed as a substitute teacher in any public, private, denominational, or parochial school in this state for not more than ten working days if he or she begins the application process, on the first employment day, for a Nebraska substitute teacher's certificate and the issuance of such certificate is pending.

(3) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

Sec. 2. Section 79-1247.05, Reissue Revised Statutes of Nebraska, is amended to read:

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, which requirement 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 board shall establish or designate basic skills competency examinations for prospective teachers. The examinations shall measure competency in the written use of the English language, competency to read, comprehend, and interpret professional writing and other written materials, and 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 a 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 April 1 of any year and who meets all other requirements but has not ~~had an opportunity to take taken or~~ received a satisfactory score on the examinations. The temporary certificate shall be valid only for the ensuing school year and may ~~not~~ not be renewed for one additional year. 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 pursuant to subdivision (1)(d) of this section or the special education competencies requirement specified in section 79-1247.16. 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.

(d) The board may issue substitute teaching certificates or permits in the absence of training in human relations required pursuant to subdivision (1)(d) of this section, the basic skills competency examinations required pursuant to subdivision (2)(b) of this section, or the special education competencies requirement specified in section 79-1247.16.

(3) 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. 3. Original sections 79-1233 and 79-1247.05, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.