

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1081**

Introduced by Conrad, 46.

Read first time January 09, 2024

Committee:

- 1 A BILL FOR AN ACT relating to schools; to provide required student-to-
- 2 teacher ratios as prescribed; to provide a reporting requirement;
- 3 and to provide powers and duties to the Commissioner of Education,
- 4 the State Department of Education, and the State Board of Education.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) For purposes of this section:

2           (a) Co-taught class means a class taught by one general education  
3 teacher and one special education teacher who is in the class to provide  
4 special education instruction and accommodations to students in such  
5 class with individualized education programs;

6           (b) General education class means a class taught by one general  
7 education teacher who may or may not have the assistance of one or more  
8 paraprofessionals in the classroom. Students with individualized  
9 education programs who are in these classes are students who require no  
10 specialized instruction in the subject-matter being taught, although they  
11 may require accommodations;

12           (c) Special education class means a class that serves only students  
13 with an individualized education program that have special education  
14 needs defined by such program; and

15           (d) Special education teacher means an individual with a certificate  
16 to teach who holds an endorsement in special education.

17           (2) Beginning with or prior to the 2025-26 school year, each school  
18 district shall ensure that if a student with a disability as defined in  
19 section 79-1118.01 is educated with nondisabled students and specially  
20 designed instruction and supplementary special education services are  
21 provided in the general education classroom, including, as appropriate,  
22 resource room programs and special class programs, the appropriate  
23 student-to-teacher ratio is followed. The appropriate student-to-teacher  
24 ratios are as follows:

25           (a) For a general education class, a maximum class size of twenty-  
26 four students;

27           (b) For a co-taught class, a maximum class size of eighteen students  
28 and the number of students with an individualized education program in a  
29 co-taught class shall not exceed thirty percent of the total class size;

30           (c) For a special education class:

31           (i) Containing a majority of students with academic or behavioral

1 management needs which interfere with the instructional process, require  
2 additional adult support to engage in learning, and require specially  
3 designed instruction which can best be accomplished in a self-contained  
4 setting, a maximum class size of twelve students and such class shall  
5 include one full-time special education teacher and one full-time  
6 paraprofessional;

7 (ii) Containing a majority of students with management needs that  
8 are severe and chronic and that require intensive constant supervision, a  
9 significant degree of individualized attention, intervention and  
10 intensive behavior management, and additional adult support, a maximum  
11 class size of eight students and such class shall include one full-time  
12 special education teacher and one full-time paraprofessional;

13 (iii) Containing a majority of students with very high needs in most  
14 or all need areas, including academic, social and interpersonal  
15 development, and physical development, whose behavior is characterized as  
16 aggressive or self-abusive, or who have severe difficulties in the  
17 acquisition and generalization of language and social development, and  
18 who are best taught in a setting with very intense individual  
19 programming, continual adult supervision, and specific behavior  
20 management programs, a maximum class size of six students and such class  
21 shall include one full-time special education teacher and one full-time  
22 paraprofessional; and

23 (iv) Containing a majority of students with severe and multiple  
24 disabilities as defined in section 79-1118.01, with limited language  
25 ability, and who require a program primarily of rehabilitation and  
26 treatment including training in daily living skills and the development  
27 of communication skills, sensory stimulation, and therapeutic  
28 interventions, a maximum class size of twelve students and such class  
29 shall include one full-time special education teacher and one additional  
30 staff person, who may be a teacher or a paraprofessional, for every three  
31 students in such class.

1           (3) Each school district shall annually file a report with the State  
2 Department of Education on forms and in a manner prescribed by the  
3 department certifying that such school district is in compliance with the  
4 student-to-teacher ratios required pursuant to this section. A school  
5 district may apply to the department for an exception waiver to the  
6 student-to-teacher ratios required pursuant to this section. The  
7 department may grant a school district a one-year exception waiver to  
8 exceed the required student-to-teacher ratio, but no school district  
9 shall receive more than three exception waivers.

10           (4) If the Commissioner of Education determines that any school  
11 district has intentionally refused in a material manner to comply with  
12 this section, the commissioner shall notify the school district of the  
13 noncompliance and allow the school district a reasonable time to comply.  
14 If the commissioner determines, after such time has elapsed, that the  
15 school district is not in compliance and has not made a good faith  
16 attempt to comply, the commissioner shall take appropriate remedial  
17 action within the commissioner's authority, up to and including  
18 considering such noncompliance as a violation of the rules and  
19 regulations for the accreditation of schools.

20           (5) The State Board of Education may adopt and promulgate rules and  
21 regulations to carry out this section.