

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 549

Introduced by Lippincott, 34.

Read first time January 22, 2025

Committee:

1 A BILL FOR AN ACT relating to education; to amend sections 79-804,
2 79-805, and 79-814.01, Reissue Revised Statutes of Nebraska; to
3 allow a school board to employ a chaplain, including in a volunteer
4 capacity, to perform various duties at a school without a
5 certificate issued by the Commissioner of Education as prescribed;
6 to provide powers and duties to the State Board of Education; to
7 harmonize provisions; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) For purposes of this section, chaplain means a
2 clergy member that is licensed, ordained, or endorsed by their religious
3 organization and trained to serve in secular environments.

4 (2)(a) A school board may employ a chaplain, including in a
5 volunteer capacity, to perform various duties at the school including
6 providing academic, career, emotional, and behavioral health supports to
7 students. A chaplain employed pursuant to this section shall not be
8 required to hold a certificate to teach, administer, or perform special
9 services in this state.

10 (b) The employment of a chaplain pursuant to this section shall not
11 be construed as an endorsement of any particular religion.

12 (3) Prior to such employment, a chaplain shall be subject to a
13 criminal history record information check pursuant to section 79-814.01
14 and shall pay any required fees for such check. A school board shall not
15 employ a chaplain pursuant to this section if the chaplain's eligibility
16 is denied by the Commissioner of Education based on such criminal history
17 record information check.

18 (4) A school board shall, prior to employment of a chaplain pursuant
19 to this section, develop a policy consistent with this section relating
20 to employment of an uncertified individual to perform various duties at
21 the school as described in subdivision (2)(a) of this section. The policy
22 shall include provisions relating to the employment, discipline,
23 continued education, and termination of employment of a chaplain.

24 (5) Nothing in this section shall require that a school board employ
25 a chaplain pursuant to this section.

26 **Sec. 2.** Section 79-804, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 79-804 (1) Each teacher or administrator shall register his or her
29 certificate with the public, private, denominational, or parochial school
30 in which the teacher or administrator is employed. The superintendent or
31 administrator of the school shall endorse upon the certificate that it

1 has been registered and the date of registration. Such registration shall
2 be without fee. No employment of a teacher or administrator shall be
3 valid until the certificate is so registered. On or before September 15
4 of each year, the public, private, denominational, and parochial schools
5 shall file with the State Department of Education a fall personnel report
6 which shall specify the names of all individuals employed by the school
7 who are required by law to hold a certificate and such other information
8 as the Commissioner of Education directs. The superintendent or
9 administrator of the school shall transmit within ten days to the State
10 Department of Education the name of the teacher or administrator to be
11 employed, together with the position to which employed, if the teacher or
12 administrator is employed after the submission of the fall personnel
13 report. The Commissioner of Education shall certify to the school the
14 name of any teacher or administrator who has not been issued a
15 certificate or given evidence of application to the State Department of
16 Education and qualification for a certificate or permit. The teacher or
17 administrator shall not be reimbursed for any services to the school
18 after the date of receipt of notification by the school.

19 (2) The Commissioner of Education shall notify the county treasurer
20 to withhold all school money belonging to any district employing an
21 uncertificated teacher or administrator until the teacher or
22 administrator has obtained a certificate or has been dismissed by the
23 board employing such teacher or administrator. The county treasurer shall
24 withhold such money.

25 (3) This section shall not apply to a chaplain employed pursuant to
26 section 1 of this act.

27 **Sec. 3.** Section 79-805, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 79-805 (1) The school board or board of education shall be
30 personally liable for all public money paid to teachers or administrators
31 who are not qualified under sections 79-806 to 79-815. A teacher or

1 administrator violating such sections shall not recover any money for
2 services while teaching during the time that such contract and
3 certificate are invalid. Any person having knowledge of the employment by
4 a school district of an uncertified teacher or administrator may prefer
5 charges against the board.

6 (2) This section shall not apply to a chaplain employed pursuant to
7 section 1 of this act.

8 **Sec. 4.** Section 79-814.01, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 79-814.01 (1) Upon request by the commissioner, the Nebraska State
11 Patrol shall undertake a search for criminal history record information
12 relating to an applicant for a certificate pursuant to subdivision (1)(c)
13 of section 79-808 or an applicant for employment as a chaplain pursuant
14 to section 1 of this act, including transmittal of the applicant's
15 fingerprints to the Federal Bureau of Investigation for a national
16 criminal history record information check. The criminal history record
17 information check shall include information concerning the applicant from
18 federal repositories of such information and repositories of such
19 information in other states if authorized by federal law. The Nebraska
20 State Patrol shall issue a report to the commissioner that shall include
21 the criminal history record information concerning the applicant.

22 (2) The commissioner may deny issuance of a certificate or permit or
23 the eligibility of a chaplain to be employed by a school board pursuant
24 to section 1 of this act to any applicant who has a felony conviction or
25 who has any misdemeanor conviction involving abuse, neglect, or sexual
26 misconduct. In reviewing an applicant's criminal history record
27 information, the commissioner shall take into consideration any
28 information, including information submitted by the applicant, regarding
29 (a) the facts and circumstances surrounding a conviction, (b) the type of
30 offense and the sentence imposed, (c) whether the conduct resulting in a
31 conviction would constitute a crime in Nebraska, (d) the date of the

1 offense, (e) the age of the applicant at the time of the offense, and (f)
2 the applicant's conduct and positive social contributions since the
3 offense.

4 (3) The board shall determine and set the costs for processing
5 criminal history record information checks pursuant to this section, ~~and~~
6 section 79-808, and section 1 of this act which shall be borne by the
7 applicant ~~for a certificate or permit~~. The costs shall be limited to the
8 actual direct costs arising from the processing of the criminal history
9 record information checks.

10 (4) Criminal history record information subject to federal
11 confidentiality requirements shall remain confidential and may be
12 released only upon the written authorization by the applicant, except
13 that if the applicant appeals the denial by the commissioner of a
14 certificate or permit or the eligibility of a chaplain to be employed by
15 a school board pursuant to section 1 of this act ~~by the commissioner~~, the
16 filing of an administrative appeal shall constitute a release of the
17 information for the limited purpose of the appeal. If the applicant
18 requests a closed hearing, such request shall be subject to the Open
19 Meetings Act.

20 **Sec. 5.** Original sections 79-804, 79-805, and 79-814.01, Reissue
21 Revised Statutes of Nebraska, are repealed.