

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 568

Introduced by Erdman, 47; Halloran, 33.

Read first time January 18, 2017

Committee:

- 1 A BILL FOR AN ACT relating to teachers; to amend sections 79-808 and
- 2 79-814.01, Reissue Revised Statutes of Nebraska; to change
- 3 provisions related to temporary teaching certificates; to harmonize
- 4 provisions; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-808, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-808 (1) The board shall establish, adopt, and promulgate
4 appropriate rules, regulations, and procedures governing the issuance,
5 renewal, conversion, suspension, and revocation of certificates and
6 permits to teach, provide special services, and administer based upon (a)
7 earned college credit in humanities, social and natural sciences,
8 mathematics, or career and technical education, (b) earned college
9 credit, or its equivalent in professional education, for particular
10 teaching, special services, or administrative assignments, (c) criminal
11 history record information if the applicant has not been a continuous
12 Nebraska resident for five years immediately preceding application for
13 the first issuance of a certificate, (d) human relations training, (e)
14 successful teaching, administration, or provision of special services,
15 and (f) moral, mental, and physical fitness for teaching, all in
16 accordance with sound educational practices. Such rules, regulations, and
17 procedures shall also provide for endorsement requirements to indicate
18 areas of specialization on such certificates and permits.

19 (2)(a) Prior to August 1, 2018, the (2) The board may issue a
20 temporary certificate, valid for a period not to exceed two years, to any
21 applicant for certification who has not completed the human relations
22 training requirement.

23 (b) Beginning August 1, 2018, the board may issue a temporary
24 teaching certificate, valid for a period of five years, to any qualified
25 candidate. To be a qualified candidate, an applicant shall:

26 (i) Be twenty-one years of age or older;

27 (ii) Possess a valid high school diploma;

28 (iii) Complete twenty-four hours of inservice training;

29 (iv) Complete ten hours of classroom observation at each level for
30 (A) elementary school or early childhood education, (B) middle school,
31 and (C) high school for a total of thirty hours;

1 (v) Successfully complete a course and pass an examination
2 administered by the department with a score of at least eighty percent on
3 the Constitution of the United States;

4 (vi) Successfully complete a course and pass an examination
5 administered by the department with a score of at least eighty percent on
6 the Constitution of Nebraska;

7 (vii) Submit fingerprints for purposes of a search for criminal
8 history record information pursuant to section 79-814.01;

9 (viii) Complete an application for a temporary teaching certificate;
10 and

11 (ix) Submit an application fee not to exceed eighty dollars for a
12 resident who has resided within the state for the past two years or one
13 hundred dollars for any other applicant.

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

25 Sec. 2. Section 79-814.01, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 79-814.01 (1) Upon request by the commissioner, the Nebraska State
28 Patrol shall undertake a search for criminal history record information
29 relating to an applicant for a certificate pursuant to subdivision (1)(c)
30 or (2)(b) of section 79-808, including transmittal of the applicant's
31 fingerprints to the Federal Bureau of Investigation for a national

1 criminal history record information check. The criminal history record
2 information check shall include information concerning the applicant from
3 federal repositories of such information and repositories of such
4 information in other states if authorized by federal law. The Nebraska
5 State Patrol shall issue a report to the commissioner that shall include
6 the criminal history record information concerning the applicant.

7 (2) The commissioner may deny issuance of a certificate or permit to
8 any applicant who has a felony conviction or who has any misdemeanor
9 conviction involving abuse, neglect, or sexual misconduct. In reviewing
10 an applicant's criminal history record information, the commissioner
11 shall take into consideration any information, including information
12 submitted by the applicant, regarding (a) the facts and circumstances
13 surrounding a conviction, (b) the type of offense and the sentence
14 imposed, (c) whether the conduct resulting in a conviction would
15 constitute a crime in Nebraska, (d) the date of the offense, (e) the age
16 of the applicant at the time of the offense, and (f) the applicant's
17 conduct and positive social contributions since the offense.

18 (3) The board shall determine and set the costs for processing
19 criminal history record information checks pursuant to this section and
20 section 79-808 which shall be borne by the applicant for a certificate or
21 permit. The costs shall be limited to the actual direct costs arising
22 from the processing of the criminal history record information checks.

23 (4) Criminal history record information subject to federal
24 confidentiality requirements shall remain confidential and may be
25 released only upon the written authorization by the applicant, except
26 that if the applicant appeals the denial of a certificate or permit by
27 the commissioner, the filing of an administrative appeal shall constitute
28 a release of the information for the limited purpose of the appeal. If
29 the applicant requests a closed hearing, such request shall be subject to
30 the Open Meetings Act.

31 Sec. 3. Original sections 79-808 and 79-814.01, Reissue Revised

1 Statutes of Nebraska, are repealed.