

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 506**

Introduced by Bolz, 29.

Read first time January 23, 2013

Committee: Education

A BILL

1 FOR AN ACT relating to the Tax Equity and Educational Opportunities  
2 Support Act; to amend section 79-804, Reissue Revised  
3 Statutes of Nebraska, and section 79-1007.04, Revised  
4 Statutes Cumulative Supplement, 2012; to change  
5 provisions relating to the elementary class size  
6 allowance; to provide requirements for the fall personnel  
7 report; to harmonize provisions; to provide an operative  
8 date; to repeal the original sections; and to declare an  
9 emergency.

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

1           Section 1. Section 79-804, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           79-804 (1) Each teacher or administrator shall register  
4 his or her certificate with the public, private, denominational, or  
5 parochial school in which the teacher or administrator is employed.  
6 The superintendent or administrator of the school shall endorse upon  
7 the certificate that it has been registered and the date of  
8 registration. Such registration shall be without fee. No employment  
9 of a teacher or administrator shall be valid until the certificate is  
10 so registered. On or before September 15 of each year, the public,  
11 private, denominational, and parochial schools shall file with the  
12 State Department of Education a fall personnel report which shall  
13 specify the names, salaries, years of experience, benefits,  
14 certificate level, postsecondary education degree level, hours of  
15 postsecondary education, and highest degree level attained of all  
16 individuals employed by the school who are required by law to hold a  
17 certificate and such other information as the Commissioner of  
18 Education directs. The fall personnel report shall also include  
19 information on the salary, benefits, years of experience, and  
20 education level of instructional paraprofessionals employed by the  
21 school. The superintendent or administrator of the school shall  
22 transmit within ten days to the State Department of Education the  
23 name of the teacher, paraprofessional, or administrator to be  
24 employed, together with the position to which employed, if the  
25 teacher, paraprofessional, or administrator is employed after the

1 submission of the fall personnel report. The Commissioner of  
2 Education shall certify to the school the name of any teacher or  
3 administrator who has not been issued a certificate or given evidence  
4 of application to the State Department of Education and qualification  
5 for a certificate or permit. The teacher or administrator shall not  
6 be reimbursed for any services to the school after the date of  
7 receipt of notification by the school.

8 (2) The Commissioner of Education shall notify the county  
9 treasurer to withhold all school money belonging to any district  
10 employing an uncertificated teacher or administrator until the  
11 teacher or administrator has obtained a certificate or has been  
12 dismissed by the board employing such teacher or administrator. The  
13 county treasurer shall withhold such money.

14 Sec. 2. Section 79-1007.04, Revised Statutes Cumulative  
15 Supplement, 2012, is amended to read:

16 79-1007.04 (1) For school fiscal years 2008-09 through  
17 ~~2012-13, 2015-16,~~ the department shall determine the elementary class  
18 size allowance for each school district from information submitted by  
19 a school district on a form prescribed by the department on or before  
20 October 15 of the school fiscal year preceding the school fiscal year  
21 for which aid is being calculated.

22 (2) For school fiscal year 2008-09, the allowance shall  
23 equal the statewide average general fund operating expenditures per  
24 formula student multiplied by 0.20 then multiplied by the number of  
25 students in the school district in kindergarten through grade eight

1 who qualify for free or reduced-price lunches and who spend at least  
2 fifty percent of the school day in a classroom with a minimum of ten  
3 students and a maximum of twenty students as reported on the fall  
4 membership report from the school fiscal year immediately preceding  
5 the school fiscal year in which the aid is to be paid.

6 (3) For school fiscal years 2009-10 through 2012-13, the  
7 allowance shall equal the statewide average general fund operating  
8 expenditures per formula student multiplied by twenty percent of the  
9 number of students in the school district in kindergarten through  
10 grade three who spend at least fifty percent of the school day in one  
11 or more classrooms with a minimum of ten students and a maximum of  
12 twenty students as reported on the fall membership report from the  
13 school fiscal year immediately preceding the school fiscal year in  
14 which the aid is to be paid for state aid certified pursuant to  
15 section 79-1022 and as reported on the annual statistical summary  
16 report from the school fiscal year immediately preceding the school  
17 fiscal year in which the aid was paid for the final calculation of  
18 state aid pursuant to section 79-1065.

19 (4) For school fiscal years 2013-14 through 2015-16, the  
20 elementary class size allowance shall equal the statewide average  
21 general fund operating expenditures per formula student multiplied by  
22 twenty percent of the number of students in the school district in  
23 kindergarten through grade three who spend at least fifty percent of  
24 the school day in one or more classrooms with (a) an appropriately  
25 certified teacher and a minimum of ten students and a maximum of

1 twenty students or (b) an appropriately certified teacher and  
2 instructional paraprofessional meeting the requirements for Title I  
3 paraprofessionals of the federal Elementary and Secondary Education  
4 Act of 1965, 20 U.S.C. 6301 et seq., as such act and sections existed  
5 on January 1, 2013, and a minimum of twenty-one and a maximum of  
6 twenty-eight students. Students shall be counted as reported on the  
7 fall membership report submitted pursuant to section 79-528 from the  
8 school fiscal year immediately preceding the school fiscal year in  
9 which the aid is to be paid for state aid certified pursuant to  
10 section 79-1022 and as reported on the annual statistical summary  
11 report from the school fiscal year immediately preceding the school  
12 fiscal year in which the aid was paid for the final calculation of  
13 state aid pursuant to section 79-1065.

14           Sec. 3. This act becomes operative on July 1, 2013.

15           Sec. 4. Original section 79-804, Reissue Revised Statutes  
16 of Nebraska, and section 79-1007.04, Revised Statutes Cumulative  
17 Supplement, 2012, are repealed.

18           Sec. 5. Since an emergency exists, this act takes effect  
19 when passed and approved according to law.