

## LEGISLATIVE BILL 220

Approved by the Governor February 22, 1971

Introduced by Wayne W. Ziebarth, 37th District; Ramey C. Whitney, 44th District; Thomas C. Kennedy, 21st District; Harold D. Simpson, 46th District

AN ACT to amend section 79-321, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that the Deputy Commissioner of Education shall perform the duties of the Commissioner of Education as prescribed; to repeal the original section; and to declare an emergency.

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

Section 1. That section 79-321, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-321. (1) The State Department of Education provided for in Article VII, section 14, of the Constitution of this state shall consist of a State Board of Education and a Commissioner of Education. The State Department of Education shall have general supervision and administration of the school system of the state, and of such other activities as the Legislature may direct.

(2) All of the powers and duties heretofore conferred upon the State Superintendent of Public Instruction shall be possessed by the State Department of Education, the State Board of Education, or the Commissioner of Education, as provided by law.

(3) The State Board of Education, acting as a unit, shall be the policy-forming, planning, and evaluative body for the state school program. Except in the appointment of a Commissioner of Education, the board shall deliberate and take action with the professional advice and counsel of the Commissioner of Education.

(4) The Commissioner of Education shall be the executive officer of the State Board of Education and the administrative head of the professional, technical, and clerical staff of the State Department of Education. He shall act under the authority of the State Board of Education. The commissioner shall have the

responsibility for carrying out the requirements of law and of board policies, standards, rules, and regulations, and for providing the educational leadership and services deemed necessary by the board for the proper conduct of the state school program. In the event of vacancy in office or the absence or incapacity of the Commissioner of Education, the Deputy Commissioner shall carry out all the duties imposed by law upon the commissioner.

Sec. 2. That original section 79-321, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.