

LEGISLATIVE BILL 15

Approved by the Acting Governor January 24, 1989

Introduced by Labeledz, 5, Chairperson, Executive Board

AN ACT relating to schools; to amend sections 79-328, 79-1241, 79-1270, 79-1270.01, and 79-1270.02, Reissue Revised Statutes of Nebraska, 1943, and section 79-1247.02, Revised Statutes Supplement, 1988; to transfer statutes relating to course offerings, approval and accreditation standards, and health education; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 79-328, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-328. The State Board of Education shall have the power and it shall be its duty:

(1) To appoint and fix the compensation of the Commissioner of Education;

(2) To remove the commissioner from office at any time for conviction of any crime involving moral turpitude or felonious act, for inefficiency, or for willful and continuous disregard of his or her duties as commissioner or of the directives of the board;

(3) Upon recommendation of the commissioner, to appoint and fix the compensation of a deputy commissioner and all professional employees of the board;

(4) To organize the State Department of Education into such divisions, branches, or sections as may be necessary or desirable to perform all its proper functions and to render maximum service to the board and to the state school system;

(5) To provide, through the commissioner and his or her professional staff, enlightened professional leadership, guidance, and supervision of the state school system, including educational service units. In order that the commissioner and his or her staff may carry out their duties, the board shall, through the commissioner: (a) Provide supervisory and consultative services to the schools of the state; (b) issue materials helpful in the development, maintenance, and improvement of educational facilities and programs; (c)

establish rules and regulations which govern standards and procedures for the approval and legal operation of all schools in the state and for the accreditation of all schools requesting state accreditation. All public, private, denominational, or parochial schools shall either comply with the accreditation or approval requirements prescribed in this section and section 79-1247-02 3 of this act or, for those schools which elect not to meet accreditation or approval requirements, the requirements prescribed in this section and subsections (2) ~~to~~ through (4) of section 79-1701. Such standards and procedures shall be based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, and health and safety factors in buildings and grounds. Rules and regulations which govern procedures and standards for private, denominational, and parochial schools which elect, pursuant to the procedures prescribed in subsections (2) ~~to~~ through (4) of section 79-1701, not to meet state accreditation or approval requirements shall be based upon evidence that such schools offer a program of instruction leading to the acquisition of basic skills in the language arts, mathematics, science, social studies, and health. Such rules and regulations may include a provision for the visitation of such schools and regular achievement testing of students attending such schools in order to insure that such schools are offering instruction in the basic skills listed in this subdivision. Any arrangements for visitation or testing shall be made through a parent representative of each such school. The results of such testing may be used as evidence that such schools are offering instruction in such basic skills; but shall not be used to measure, compare, or evaluate the competency of students at such schools; (d) ~~establish rules adopt and promulgate rules and regulations~~ for the approval of high schools for the collection of nonresident high school tuition money in accordance with the rules and regulations provided for in this subdivision, except that the State Board of Education shall approve a school for the collection of nonresident high school tuition money when a hardship would result to the students and a substantial effort is being made to comply with the such rules and regulations; ~~established;~~ (e) institute a statewide system of testing to determine the degree of achievement and accomplishment of all the students within the

state's school systems, if it determines such testing would be advisable; (f) prescribe a uniform system of records and accounting for keeping adequate educational and financial records, for gathering and reporting necessary educational data, and for evaluating educational progress; (g) cause to be published laws, rules, and regulations governing the schools and the school lands and funds with explanatory notes for the guidance of those charged with the administration of the schools of the state; (h) approve teacher education programs conducted in Nebraska institutions of higher education designed for the purpose of certificating teachers and administrators; (i) approve teacher evaluation policies and procedures developed by school districts and educational service units; and (j) approve general plans and adopt educational policies, standards, rules, and regulations for carrying out the board's responsibilities and those assigned the State Department of Education by the Legislature;

(6) To adopt and promulgate rules and regulations for the guidance, supervision, accreditation, and coordination of educational service units. Such rules and regulations for accreditation shall include, but not be limited to, (a) a requirement that programs and services offered the school district by each educational service unit shall be evaluated on a regular basis, but not less than every seven years, to assure that educational service units remain responsive to school district needs and (b) guidelines for the use and management of funds, generated from the property tax levy and other sources of revenue as may be available to the educational service units, to assure that public funds are used to accomplish the purposes and goals assigned to the educational service units by section 79-2201.02. The State Board of Education shall establish procedures to encourage the coordination of activities among educational service units and to encourage effective and efficient educational service delivery on a statewide basis;

(7) To submit a biennial report to the Governor and the Clerk of the Legislature covering the actions of the board, the operations of the State Department of Education, and the progress and needs of the schools and to recommend such legislation as may be necessary to satisfy these needs;

(8) To cause to be prepared and distributed reports designed to acquaint school district officers, teachers, and patrons of the schools with the conditions and needs of the schools;

(9) To provide for consultation with professional educators and lay leaders for the purpose of securing advice deemed necessary in the formulation of policies and in the effectual discharge of its duties;

(10) To cause such studies, investigations, and reports to be made and such information assembled as are necessary for the formulation of policies, for making plans, for evaluating the state school program, and for the making of essential and adequate reports;

(11) To submit to the Governor and the Legislature a budget necessary to finance the state school program under its jurisdiction, including the internal operation and maintenance of the State Department of Education;

(12) To interpret its own policies, standards, rules, and regulations and, upon reasonable request, hear complaints and disputes arising therefrom;

(13) With the advice of the Department of Motor Vehicles, to adopt and promulgate reasonable standards rules and regulations, not inconsistent with existing statutes, governing: (a) The general design, equipment, color, operation, and maintenance of any vehicle with a manufacturer's rated seating capacity of eleven or more passengers used for the transportation of school children; and (b) the equipment, operation, and maintenance of any vehicle with a capacity of ten or less passengers used for the transportation of school children, when such vehicles are either owned or operated, or owned and operated, by any school district or privately owned or operated under contract with any school district in this state. Similar standards rules and regulations are to be adopted and promulgated for operators of such vehicles as to physical and mental qualities, driving skills and practices, and knowledge of traffic laws, rules, and regulations which relate to school bus transportation. Such rules and regulations shall by reference be made a part of any such contract with a school district. Any officer or employee of any school district who violates any of the rules or regulations or fails to include obligations to comply with the rules and regulations in any contract executed by him or her on behalf of a school district shall be guilty of a Class V misdemeanor and shall, upon conviction thereof, be subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of such rules and regulations shall be guilty of breach of contract and such contract shall be canceled

after notice and hearing by the responsible officers of such school district;

(14) To accept, on behalf of the Nebraska School for the Visually Handicapped, on behalf of the Nebraska School for the Deaf, or on behalf of any school for children with mental retardation which is exclusively owned by the State of Nebraska and under the control and supervision of the State Department of Education, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of any such school or the students attending thereat, or both, and may cause any such real estate to be irrigated or otherwise improved when in its judgment it would be advisable to do so; and

(15) Upon acceptance of any devise, donation, or bequest as provided in this section, to administer and carry out such devise or bequest in accordance with the terms and conditions thereof. If not prohibited by the terms and conditions of any such devise, donation, or bequest, it may sell, convey, exchange, or lease property so devised, donated, or bequeathed upon such terms and conditions as it deems best and deposit all money derived from any such sale or lease in the State Department of Education Trust Fund.

Each member of the Legislature shall receive a copy of the report required by subdivision (7) of this section by making a request for it to the commissioner.

None of the duties prescribed in this section shall prevent the board from exercising such other duties as in its judgment may be necessary for the proper and legal exercise of its obligations.

Sec. 2. That section 79-1241, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-1241-~~ Any local school board or governing authority of a private school may establish alternating biennial secondary course offerings, not to exceed one course in each of four subject fields as designated by such school board or governing authority, as part of the total instructional units provided each school term for the purpose of meeting minimum annual criteria for accreditation under ~~sections~~ section 79-328 and ~~79-1247-02 section 3 of this act.~~ Reporting of biennial course offerings which are to receive annual instructional unit credit in meeting accreditation standards shall be on forms prescribed by the State Department of Education.

Sec. 3. That section 79-1247.02, Revised

Statutes Supplement, 1988, be amended to read as follows:

79-1247-02- (1) To ensure both equality of opportunity and quality of programs offered, after July 1, 1989, all public schools in the state shall be required to meet quality and performance-based approval or accreditation standards as prescribed by the State Board of Education. The State Board of Education shall establish a core curriculum standard, which shall include vocational education courses, for all public schools in the state. Accreditation and approval standards shall be designed to assure effective schooling and quality of instructional programs regardless of school size, wealth, or geographic location. The State Board of Education shall recognize and encourage the maximum use of cooperative programs and may provide for approval or accreditation of programs on a cooperative basis, including the sharing of administrative and instructional staff, between school districts for the purpose of meeting the approval and accreditation requirements established pursuant to this section and section 79-328.

(2) The Commissioner of Education shall appoint an accreditation committee which shall be representative of the educational institutions and agencies of the state and shall include as a member the director of admissions of the University of Nebraska.

(3) The accreditation committee shall be responsible for: (a) Recommending appropriate standards and policies with respect to the accreditation and classification of schools; and (b) making recommendations annually to the commissioner relative to the accreditation and classification of individual schools. No school shall be considered for accreditation status which has not first fulfilled all requirements for an approved school.

(4) It is the goal of the Legislature that by school year 1993-94 all public schools in the state should be accredited.

(5) It is the intent of the Legislature that all public school students shall have access to all educational services required of accredited schools. Such services may be provided through cooperative programs or alternative methods of delivery.

(6) The State Board of Education shall by July 1, 1989, review the accreditation standards for public schools.

(7) The State Board of Education shall on or before January 1, 1990, adopt and promulgate needed

revisions in accreditation rules and regulations and report to the Legislature on the standards ~~developed~~ reviewed pursuant to subsection (6) of this section.

Sec. 4. That section 79-1270, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-1270-~~ Provisions shall be made by the proper local school authorities for instructing the pupils in all public schools in a comprehensive health education program which shall include instruction (1) as to the physiological, psychological, and sociological aspects of drug use, misuse, and abuse and (2) on mental retardation and other developmental disabilities, such as cerebral palsy, autism, and epilepsy, their causes, and the prevention thereof through proper nutrition and the avoidance of the consumption of drugs as defined in this section. Drugs are defined as For purposes of this section, drugs shall mean any and all biologically active substances used in the treatment of illnesses, or for recreation or pleasure. Special emphasis shall be placed upon the commonly abused drugs of tobacco, alcohol, marijuana, hallucinogenics, amphetamines, barbiturates, and narcotics.

Sec. 5. That section 79-1270.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-1270-01-~~ It shall be the duty of the Commissioner of Education to prepare such teaching aids and materials as may be necessary for an effective course in comprehensive health education, which shall include drug education, for distribution to all public and private schools requesting such materials and approved for continued legal operation under rules and regulations established adopted and promulgated by the State Board of Education pursuant to subdivision (5)(c) of section 79-328.

Sec. 6. That section 79-1270.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~79-1270-02-~~ School systems failing to meet the provisions of sections ~~79-1270 to 79-1270-02~~ 4 and 5 of this act shall be guilty of a deviation from the rules and regulations for the approval and accreditation of schools, and proper action by the State Department of Education shall be taken.

Sec. 7. That original sections 79-328, 79-1241, 79-1270, 79-1270.01, and 79-1270.02, Reissue Revised Statutes of Nebraska, 1943, and section 79-1247.02, Revised Statutes Supplement, 1988, are

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repealed.