

AMENDMENTS TO LB300

Introduced by Education.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 79-566, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-566 The board of education of a Class IV school district shall at
6 a regular meeting elect from outside its own members a superintendent, an
7 associate superintendent of instruction, an associate superintendent of
8 business affairs, a school district treasurer, and the number of
9 employees the board of education may deem necessary for the proper
10 conduct of the affairs of the school district at such compensation
11 ~~salaries~~ as the board of education may determine, except that the
12 compensation of the superintendent shall comply with the Superintendent
13 Pay Transparency Act. The board may contract with them for terms not to
14 exceed three years. The election of all officers of the board of
15 education and all elections for filling vacancies on the board of
16 education shall be by ballot. No person shall be declared elected unless
17 he or she receives the vote of a majority of all the members of the board
18 of education.

19 **Sec. 2.** Section 79-567, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 79-567 The members of the board of education of a Class V school
22 district, at their regular meeting in January each year, shall elect a
23 president and vice president from their own members, who shall serve for
24 terms of one year or until their successors are elected and qualified.
25 The members of the board of education may also select from outside their
26 own members one superintendent of public schools, one secretary, one
27 treasurer, and such other officers as the board may deem necessary for

1 the administration of the affairs of the school district, at such
2 compensation salary as the board may deem just, except that the
3 compensation of the superintendent shall comply with the Superintendent
4 Pay Transparency Act. The members of the board of education and in their
5 discretion ~~they~~ may enter into contracts with such officers for terms of
6 not to exceed three years. The board shall have the power to elect its
7 president and vice president and to select its officers and employees in
8 accordance with rules adopted by the board.

9 **Sec. 3.** Section 79-594, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 79-594 The school board in a Class I, II, III, or IV school district
12 may also elect at any regular meeting one superintendent of public
13 instruction with such compensation salary as the board deems best, except
14 that such compensation shall comply with the Superintendent Pay
15 Transparency Act. The board and may enter into contract with the
16 superintendent him or her at its discretion, for a term not to exceed
17 three years.

18 **Sec. 4.** Section 79-1219, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-1219 Each board of an educational service unit deciding to
21 provide supplementary services shall appoint and fix the ~~compensation and~~
22 duties of an administrator, who shall be a person experienced in public
23 school administration and who shall hold at least a standard
24 administrative certificate. The board shall fix the compensation of the
25 administrator, and such compensation shall comply with the Superintendent
26 Pay Transparency Act. With the advice of the administrator, the board
27 shall also employ and fix the compensation and duties of such
28 professional and clerical assistants as shall be necessary. No board
29 member of an educational service unit shall be employed by the
30 educational service unit board on which he or she is a board member.

31 **Sec. 5.** Section 79-2401, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 79-2401 Sections 79-2401 to 79-2405 and sections 6 and 7 of this act
3 shall be known and may be cited as the Superintendent Pay Transparency
4 Act.

5 **Sec. 6.** For purposes of the Superintendent Pay Transparency Act:

6 (1)(a) Benefit means any amount, not included in salary, to be paid
7 during the contract year or to be paid in the future by a school district
8 or educational service unit in exchange for the personal services
9 performed during such contract year resulting in a benefit for the
10 employee or the family of the employee including, but not limited to, (i)
11 employer contributions pursuant to the School Employees Retirement Act or
12 the Class V School Employees Retirement Act, (ii) early retirement
13 inducements as defined in section 79-978 for employees of Class V school
14 districts and as defined in section 79-902 for employees of all other
15 school districts and educational service units, (iii) cash awards paid by
16 the school district or educational service unit, (iv) severance pay, (v)
17 employer contributions made for the purpose of separation payments to be
18 made at retirement, (vi) employer contributions to annuities, (vii)
19 employer contributions to group life, health, or disability insurance
20 premiums, and (viii) payments made to an employee in lieu of employer
21 contributions to insurance premiums; and

22 (b) Benefit does not include any amount, not included in salary, to
23 be paid during the contract year or to be paid in the future by a school
24 district or educational service unit in exchange for the personal
25 services performed during such contract year relating to an award or
26 payment for longevity of service to the school district or educational
27 service unit;

28 (2) Compensation means a reasonable estimate of the total amount of
29 salary and benefits to be paid by a school district or educational
30 service unit in exchange for personal services performed during a
31 contract year;

1 (3) Compensation for a beginning teacher means compensation expected
2 to be paid by a school district or educational service unit for the first
3 year of teaching by a certificated teacher assuming such certificated
4 teacher receives the maximum benefits generally available to a teacher
5 who does not receive additional compensation for duties beyond the
6 standard teaching contract; and

7 (4) Salary means gross wages to be paid in exchange for personal
8 services performed during the contract year and includes (a) overtime
9 pay, (b) member contributions pursuant to the School Employees Retirement
10 Act or the Class V School Employees Retirement Act, and (c) amounts
11 contributed to plans under section 125, 403(b), or 457 of the Internal
12 Revenue Code or any other section of the code which defers or excludes
13 such amounts from income.

14 **Sec. 7.** (1) Beginning with school year 2027-28, no school district
15 or educational service unit may enter into any contract with a
16 superintendent for services to be rendered to a school district or an
17 administrator for services to be rendered to an educational service unit
18 if such contract will cause, by the terms of such contract or in
19 combination with existing contracts, such school district or educational
20 service unit to pay compensation for any contract year to or on behalf of
21 such superintendent or administrator that is in conflict with the
22 requirements of section 9 of this act relating to the compensation for a
23 beginning teacher in such school district or educational service unit for
24 the same contract year.

25 (2) For purposes of this section:

26 (a) If a superintendent of a school district also receives
27 compensation from an educational service unit in which such school
28 district is a member, such compensation shall be deemed compensation from
29 such school district; and

30 (b) If an administrator of an educational service unit receives
31 compensation from a school district which is a member of such educational

1 service unit, such compensation shall be deemed compensation from such
2 educational service unit.

3 (3) Any contract entered into in violation of this section shall be
4 invalid, and money belonging to a school district or educational service
5 unit shall not be expended on such a contract.

6 (4) Any compensation received by a superintendent or administrator
7 in violation of the limitations in this section shall be forfeited by
8 such superintendent or administrator and returned to the school district
9 or educational service unit, and a notice regarding such excess
10 compensation shall be filed with the Commissioner of Education within
11 thirty days after the superintendent, administrator, school board, or
12 board of the educational service unit becomes aware of such violation.

13 (5) This section does not apply to a superintendent or administrator
14 that has been employed as a certified employee by the contracting school
15 district for more than twenty years.

16 **Sec. 8.** Section 79-2402, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 79-2402 (1) Before the school board of any school district or the
19 board of any educational service unit approves a proposed contract, or
20 any proposed amendment to an existing contract, for future superintendent
21 services to be rendered to such school district by the current
22 superintendent or future administrator services to be rendered to such
23 educational service unit by the current administrator, the board shall
24 publish a copy of such proposed contract or amendment, and a reasonable
25 estimate and description of all current and future costs to the school
26 district or educational service unit if the proposed contract or
27 amendment were to be approved, and the compensation for a beginning
28 teacher required pursuant to section 9 of this act based on the total
29 compensation for the superintendent or administrator under the proposed
30 contract or amendment, at least three days before the meeting of the
31 board at which such proposed contract or amendment will be considered.

1 Such publication shall also specify the date, time, and place of the
2 public meeting at which the proposed contract or amendment will be
3 considered. Electronic publication on the website of the school district
4 or educational service unit shall satisfy the requirement of this
5 subsection if such electronic publication is prominently displayed and
6 allows public access to the entire proposed contract or amendment and all
7 other information required by this section.

8 (2) After the school board of any school district or the board of
9 any educational service unit approves a contract for future
10 superintendent services to be rendered to such school district by a new
11 superintendent or future administrator services to be rendered to such
12 educational service unit by a new administrator, the board shall publish
13 a copy of such contract, and a reasonable estimate and description of all
14 current and future costs to the school district or educational service
15 unit that will be incurred as a result of such contract, within two days
16 after the meeting of the board at which such contract was approved.
17 Electronic publication on the website of the school district or
18 educational service unit shall satisfy the requirement of this subsection
19 if such electronic publication is prominently displayed and allows public
20 access to the entire contract.

21 **Sec. 9. (1)** For purposes of this section, the definitions found in
22 section 6 of this act apply.

23 (2) Beginning with school year 2027-28, the school board of any
24 school district or the board of any educational service unit shall pay
25 compensation for a beginning teacher for the first contract year in an
26 amount that is at least twenty percent of the compensation of the
27 superintendent or administrator of such school district or educational
28 service unit for such contract year.

29 (3) This section does not apply if the superintendent or
30 administrator of the school district has been employed as a certified
31 employee by the contracting school district for more than twenty years.

1 **Sec. 10.** Original sections 79-566, 79-567, 79-594, 79-1219,
2 79-2401, and 79-2402, Reissue Revised Statutes of Nebraska, are repealed.