

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 690

Introduced by Linehan, 39.

Read first time January 18, 2023

Committee:

1 A BILL FOR AN ACT relating to education; to amend sections 79-302 and
2 79-306, Reissue Revised Statutes of Nebraska, and section 79-301,
3 Revised Statutes Cumulative Supplement, 2022; to change provisions
4 relating to powers and duties of the State Department of Education,
5 State Board of Education, and the Commissioner of Education; to
6 harmonize provisions; and to repeal the original sections.

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

1 Section 1. Section 79-301, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 79-301 (1) The State Department of Education provided for in Article
4 VII, section 2, of the Constitution of Nebraska shall consist of a State
5 Board of Education and a Commissioner of Education. The State Department
6 of Education shall have general supervision and administration of the
7 school system of the state and of such other activities as the
8 Legislature may direct. In all sections of law, references to the State
9 Department of Education shall be construed as directive to the
10 Commissioner of Education unless specifically directing the State Board
11 of Education in a duty or responsibility.

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

17 (3) The Commissioner of Education shall be the executive officer of
18 the State Board of Education and the administrative head of the
19 professional, technical, and clerical staff of the State Department of
20 Education. The commissioner shall act under the authority of the statutes
21 directing the State Board of Education and in matters specified to be
22 directed by the State Board of Education as directed by the Legislature
23 State Board of Education. In no circumstance shall the State Board of
24 Education assume authority over or direct the Commissioner of Education
25 contrary to state law. The commissioner shall have the responsibility for
26 carrying out the requirements of law and of board policies, standards,
27 rules, and regulations and for providing the educational leadership and
28 services deemed necessary ~~by the board~~ for the proper conduct of the
29 state school program. In the event of vacancy in office or the absence or
30 incapacity of the Commissioner of Education, a deputy commissioner shall
31 carry out any duties imposed by law upon the commissioner.

1 Sec. 2. Section 79-302, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-302 The State Department of Education, through the Commissioner
4 of Education, shall prescribe forms for making all reports and
5 regulations for all proceedings under the general school laws of the
6 state. The department may establish procedures for submission of forms on
7 electronic media or via telecommunications systems. The department may
8 require the use of a personally identifiable number, which it will
9 assign, on electronic data submissions in lieu of requiring authorized
10 signatures on paper forms.

11 Sec. 3. Section 79-306, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 79-306 The Commissioner of Education shall be the administrative
14 head of the State Department of Education and as such shall (1) have the
15 authority to delegate administrative and supervisory functions to the
16 members of the staff of the department, (2) establish and maintain an
17 appropriate system of personnel administration for the department, (3)
18 prescribe such administrative rules and regulations as are necessary for
19 the proper execution of duties and responsibilities placed upon him or
20 her, (4) perform all duties prescribed by the Legislature in accordance
21 with the policies adopted by the State Board of Education,—~~and~~ (5)
22 faithfully execute the policies and directives of the State Board of
23 Education, except that such directives shall not be contrary to law, (6)
24 report annually to the Education Committee of the Legislature on matters
25 related to general supervision and administration of the state school
26 system, (7) provide an annual state of the schools report each January to
27 the Legislature in a manner determined by the Speaker of the Legislature,
28 (8) present a biennial budget to the Appropriations Committee of the
29 Legislature, (9) act as the executive and administrative head of the
30 State Department of Education, and (10) report on the conduct of the
31 State Board of Education to the Governor, Legislature, and Attorney

1 General on an annual basis.

2 Sec. 4. Original sections 79-302 and 79-306, Reissue Revised
3 Statutes of Nebraska, and section 79-301, Revised Statutes Cumulative
4 Supplement, 2022, are repealed.