

AMENDMENTS TO LB705

(Amendments to E&R amendments, ER30)

Introduced by Vargas, 7.

1 1. Insert the following new sections:

2 Sec. 78. Section 79-566, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-566 The board of education of a Class IV school district shall at
5 a regular meeting elect from outside its own members a superintendent, an
6 associate superintendent of instruction, an associate superintendent of
7 business affairs, a school district treasurer, and the number of
8 employees the board of education may deem necessary for the proper
9 conduct of the affairs of the school district at such compensation
10 salaries as the board of education may determine, except that the
11 compensation of the superintendent shall comply with the Superintendent
12 Pay Transparency Act. The board may contract with them for terms not to
13 exceed three years. The election of all officers of the board of
14 education and all elections for filling vacancies on the board of
15 education shall be by ballot. No person shall be declared elected unless
16 he or she receives the vote of a majority of all the members of the board
17 of education.

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

20 79-567 The members of the board of education of a Class V school
21 district, at their regular meeting in January each year, shall elect a
22 president and vice president from their own members, who shall serve for
23 terms of one year or until their successors are elected and qualified.
24 The members of the board of education may also select from outside their
25 own members one superintendent of public schools, one secretary, one
26 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. 80. Section 79-594, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 79-594 The school board in a Class III or IV school district may
12 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. 100. Section 79-2401, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 79-2401 Sections 79-2401 to 79-2405 and sections 101 and 102 of this
21 act shall be known and may be cited as the Superintendent Pay
22 Transparency Act.

23 Sec. 101. For purposes of the Superintendent Pay Transparency Act:

24 (1) Benefit means any amount, not included in salary, to be paid
25 during the contract year or to be paid in the future by a school district
26 in exchange for the personal services performed during such contract year
27 resulting in a benefit for the employee or the family of the employee
28 including, but not limited to, (a) employer contributions pursuant to the
29 School Employees Retirement Act or the Class V School Employees
30 Retirement Act, (b) early retirement inducements as defined in section
31 79-978 for employees of Class V school districts and as defined in

1 section 79-902 for employees of all other school districts, (c) cash
2 awards paid by the school district, (d) severance pay, (e) employer
3 contributions made for the purpose of separation payments to be made at
4 retirement, (f) employer contributions to annuities, (g) employer
5 contributions to group life, health, or disability insurance premiums,
6 (h) payments made to an employee in lieu of employer contributions to
7 insurance premiums, and (i) the maximum cash payment for potential unused
8 leave of any type that could be accrued during such contract year;

9 (2) Compensation means a reasonable estimate of the total amount of
10 salary and benefits to be paid by a school district in exchange for
11 personal services performed during a contract year;

12 (3) Compensation for a beginning teacher means compensation expected
13 to be paid by a school district for the first year of teaching by a
14 certificated teacher assuming such certificated teacher receives the
15 maximum benefits generally available to a teacher who does not receive
16 additional compensation for duties beyond the standard teaching contract;
17 and

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

25 Sec. 102. (1) On and after the operative date of this section, no
26 school district that receives equalization aid pursuant to section
27 79-1008.01 may enter into any contract with a superintendent for services
28 to be rendered to the school district if such contract will cause, by the
29 terms of such contract or in combination with existing contracts, such
30 school district to pay compensation for any contract year to or on behalf
31 of such superintendent in excess of five times the compensation for a

1 beginning teacher in such school district for the same contract year.

2 (2) For purposes of this section if a superintendent of a school
3 district also receives compensation from an educational service unit in
4 which such school district is a member, such compensation shall be deemed
5 compensation from such school district.

6 (3) Any contract entered into in violation of this section shall be
7 invalid, and money belonging to a school district shall not be expended
8 on such a contract.

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

15 Sec. 103. Section 79-2402, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 79-2402 (1) Before the school board of any school district or the
18 board of any educational service unit approves a proposed contract, or
19 any proposed amendment to an existing contract, for future superintendent
20 services to be rendered to such school district by the current
21 superintendent or future administrator services to be rendered to such
22 educational service unit by the current administrator, the board shall
23 publish a copy of such proposed contract or amendment, ~~and~~ a reasonable
24 estimate and description of all current and future costs to the school
25 district or educational service unit if the proposed contract or
26 amendment were to be approved, and if applicable, the maximum total
27 compensation allowed for the superintendent pursuant to section 102 of
28 this act at least three days before the meeting of the board at which
29 such proposed contract or amendment will be considered. Such publication
30 shall also specify the date, time, and place of the public meeting at
31 which the proposed contract or amendment will be considered. Electronic

1 publication on the website of the school district or educational service
2 unit shall satisfy the requirement of this subsection if such electronic
3 publication is prominently displayed and allows public access to the
4 entire proposed contract or amendment and all other information required
5 by this section.

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

19 2. Correct the operative date and repealer sections so that the
20 sections added by this amendment become operative three calendar months
21 after the adjournment of this legislative session.

22 3. Renumber the remaining sections and correct internal references
23 accordingly.