

AMENDMENTS TO LB705

(Amendments to Standing Committee amendments, AM1468)

Introduced by Wayne, 13.

1 1. Insert the following new sections:

2 Sec. 65. 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. 66. 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. 67. 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. 83. 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, except that such compensation shall comply with the
26 Superintendent Pay Transparency Act. With the advice of the
27 administrator, the board shall also employ and fix the compensation and
28 duties of such professional and clerical assistants as shall be
29 necessary. No board member of an educational service unit shall be
30 employed by the educational service unit board on which he or she is a
31 board member.

1 Sec. 88. Section 79-2401, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-2401 Sections 79-2401 to 79-2405 and sections 89 and 90 of this
4 act shall be known and may be cited as the Superintendent Pay
5 Transparency Act.

6 Sec. 89. For purposes of the Superintendent Pay Transparency Act:

7 (1) Benefit means any amount, not included in salary, to be paid
8 during the contract year or to be paid in the future by a school district
9 or educational service unit in exchange for the personal services
10 performed during such contract year resulting in a benefit for the
11 employee or the family of the employee including, but not limited to, (a)
12 employer contributions pursuant to the School Employees Retirement Act or
13 the Class V School Employees Retirement Act, (b) early retirement
14 inducements as defined in section 79-978 for employees of Class V school
15 districts and as defined in section 79-902 for employees of all other
16 school districts and educational service units, (c) cash awards paid by
17 the school district or educational service unit, (d) severance pay, (e)
18 employer contributions made for the purpose of separation payments to be
19 made at retirement, (f) employer contributions to annuities, (g) employer
20 contributions to group life, health, or disability insurance premiums,
21 (h) payments made to an employee in lieu of employer contributions to
22 insurance premiums, and (i) the maximum cash payment for potential unused
23 leave of any type that could be accrued during such contract year;

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

28 (3) Compensation for a beginning teacher means compensation expected
29 to be paid by a school district or educational service unit for the first
30 year of teaching by a certificated teacher assuming such certificated
31 teacher receives the maximum benefits generally available to a teacher

1 who does not receive additional compensation for duties beyond the
2 standard teaching contract; and

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

10 Sec. 90. (1) On and after the operative date of this section, no
11 school district or educational service unit may enter into any contract
12 with a superintendent for services to be rendered to a school district or
13 an administrator for services to be rendered to an educational service
14 unit if such contract will cause, by the terms of such contract or in
15 combination with existing contracts, such school district or educational
16 service unit to pay compensation for any contract year to or on behalf of
17 such superintendent or administrator in excess of five times the
18 compensation for a beginning teacher in such school district or
19 educational service unit for the same contract year.

20 (2) For purposes of this section:

21 (a) If a superintendent of a school district also receives
22 compensation from an educational service unit in which such school
23 district is a member, such compensation shall be deemed compensation from
24 such school district; and

25 (b) If an administrator of an educational service unit receives
26 compensation from a school district which is a member of such educational
27 service unit, such compensation shall be deemed compensation from such
28 educational service unit.

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

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

8 Sec. 91. Section 79-2402, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 79-2402 (1) Before the school board of any school district or the
11 board of any educational service unit approves a proposed contract, or
12 any proposed amendment to an existing contract, for future superintendent
13 services to be rendered to such school district by the current
14 superintendent or future administrator services to be rendered to such
15 educational service unit by the current administrator, the board shall
16 publish a copy of such proposed contract or amendment, ~~and~~ a reasonable
17 estimate and description of all current and future costs to the school
18 district or educational service unit if the proposed contract or
19 amendment were to be approved, and the maximum total compensation allowed
20 for the superintendent or administrator pursuant to section 90 of this
21 act at least three days before the meeting of the board at which such
22 proposed contract or amendment will be considered. Such publication shall
23 also specify the date, time, and place of the public meeting at which the
24 proposed contract or amendment will be considered. Electronic publication
25 on the website of the school district or educational service unit shall
26 satisfy the requirement of this subsection if such electronic publication
27 is prominently displayed and allows public access to the entire proposed
28 contract or amendment and all other information required by this section.

29 (2) After the school board of any school district or the board of
30 any educational service unit approves a contract for future
31 superintendent services to be rendered to such school district by a new

1 superintendent or future administrator services to be rendered to such
2 educational service unit by a new administrator, the board shall publish
3 a copy of such contract, and a reasonable estimate and description of all
4 current and future costs to the school district or educational service
5 unit that will be incurred as a result of such contract, within two days
6 after the meeting of the board at which such contract was approved.
7 Electronic publication on the website of the school district or
8 educational service unit shall satisfy the requirement of this subsection
9 if such electronic publication is prominently displayed and allows public
10 access to the entire contract.

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

14 3. Renumber the remaining sections and correct internal references
15 accordingly.