NEBRASKA DEPARTMENT OF EDUCATION

TO: Roger Breed, Ed.D.
Commissioner of Education

FROM: Freida Lange, Administrator, Accreditation and School Improvement

SUBJECT: Revisions to Rule 84 "Regulations for the Accreditation of Educational Service Units"

Proposed Board Action:

Approve revisions to Rule 84 "Regulations for the Accreditation of Educational Service Units".

Background Information:

A public hearing was held February 17, 2012 to review the attached Rule 84 draft. Testimony received at the hearing supported the proposed revisions with no testimony against.

Preceding the hearing, initial revisions were done in three meetings of an ad hoc committee comprised of representatives from the ESU Coordinating Council, and NDE staff. The ad hoc committee's revisions were reviewed by all members of the ESU Coordinating Council, ESU board members, NDE's Leadership Council and the State Accreditation Committee.

Rule 84 was last revised in 1998. Since that date, legislation has been passed that affects organizational structures and the types of services that must be provided for all public school systems by ESUs. The proposed revisions to Rule 84 affect the following areas within Rule 84: General Provisions, Definitions, Requirements for Operation, Procedures for Accreditation, Staff, and ESU Improvement. The revisions align Rule 84 with current statutes and also with Rule 10 which contains the regulations for the accreditation of school systems.

Estimated Cost:

Cost of printing - $1000

Supporting Documentation Included:

Hearing Summary for Rule 84
Summary of Rule 84 revisions
Proposed Rule 84 draft

For Additional Information on this item:

Freida Lange - 402-471-2444, freida.lange@nebraska.gov

Roger D. Breed, Ed.D., Commissioner
Scott Swisher, Ed.D., Deputy Commissioner

NEBRASKA DEPARTMENT OF EDUCATION

301 Centennial Mall South
PO Box 94987
Lincoln, NE 68509-4987

Tel: (402) 471-2295
Fax: (402) 471-0117
Web: www.education.ne.gov

TO: State Board of Education

FROM: Scott Summers, Legal Counsel III – Commissioner's Appointed Staff Person to Conduct a Rule Hearing on revisions to Title 92, Nebraska Administrative Code, Chapter 84, *Regulations for the Accreditation of Educational Service Units* 2.5.

DATE: February 17, 2012

RE: Summary of rulemaking hearing on proposed revisions to 92 NAC 84

On December 8, 2011 the State Board of Education granted the Commissioner the authority to approve a hearing draft and set a hearing date and location as well as designate a staff person to conduct a hearing on behalf of the State Board on the adoption of proposed revisions to Title 92, Nebraska Administrative Code, Chapter 84. By a memorandum dated January 13, 2012, the Commissioner appointed me to conduct a hearing on this Rule on February 17, 2012, commencing at 10:00 a.m. After the proper legal notice was published, this hearing was held at the Nebraska State Office Building, Nebraska Department of Education, State Board Meeting Room, 301 Centennial Mall South, Sixth Floor, Lincoln, Nebraska. Pursuant to State Board of Education Policy B9, what follows is a written summary of the hearing testimony.

An audio recording of the hearing is available if any members of the Board wish to hear it.

SUMMARY OF TESTIMONY ON THE PROPOSED REVISIONS TO 92 NAC 84
Regulations for the Accreditation of Educational Service Units

Scott Summers, staff attorney and the hearing official, called this hearing to order, read into the record the name of the newspaper in which a legal notice of the hearing was published and the date the notice appeared, outlined the procedures for the hearing and introduced **Freida Lange, Senior Administrator, Accreditation & School Improvement, Nebraska Department of Education.**

Ms. Lange introduced and explained the proposed revisions to Title 92, Nebraska Administrative Code, Chapter 84. Ms. Lange testified that Rule 84 was last revised in 1998. Since that date, legislation has been passed that affects organizational structures of ESUs and the types of services that must be provided for all public school systems by ESUs. The proposed revisions to Rule 84 have the objectives of improving communication and collaboration between NDE and the ESUs, as well as among all ESUs. Please see Ms. Lange's attached written testimony.

Ms. Lange also indicated that she had received written testimony from **Marge Beatty, President, Educational Service Unit Coordinating Council** in support of the proposed revisions and is attached.

Matthew Blomstedt, Executive Director for the Educational Service Units Coordinating Council (ESUCC) testified on behalf of the 17 ESU administrators in support of the revisions to Rule 84 and request that the State Board of Education adopt the rule. Mr. Blomstedt indicated that he has enjoyed working with the NDE staff as well as the ESU personnel, ESUCC and the State Accreditation Committee in revising Rule 84.

No other oral or written testimony was received.

Opening Comments
Proposed Revisions for Rule 84 Public Hearing
February 17, 2012

Presented by: Freida Lange, Administrator of Accreditation and School Improvement

Rule 84 (*Regulations for the Accreditation of Educational Service Units*), was last revised in 1998. Since that date, legislation has been passed that affects organizational structures of educational service units (ESUs) and the types of services that must be provided for all public school systems by ESUs. Moreover, the additions and revisions have the objective of improving communication and collaboration between the Department of Education (NDE) and the ESUs, as well as among all ESUs.

The proposed revisions were written with the assistance of an ad hoc committee comprised of representatives from the ESU Coordinating Council and NDE staff. All members of the ESU Coordinating Council, ESU board members, NDE's Leadership Council, and the State Accreditation Committee, have reviewed the revisions. Input from the individuals and groups that viewed the draft have been incorporated into the revisions that are found in the following sections of the proposed draft.

- Section 001 – General Provisions, establishes the scope and application of Rule 84
- Section 002 – Definitions, adds definitions for collaboration, core services and services, and ESU Coordinating Council
- Section 003 – Requirements for Operation, deletes the requirement for advisory councils due to statute change, emphasizes collaborative structures among ESUs and NDE, adds core service requirements and differentiates between core services and services
- Section 004 – Procedures for Accreditation, aligns Rule 84 with Rule 10 (*Regulations for the Accreditation for Schools*) by allowing ESUs the same flexibility that school systems are allowed in correcting violations
- Section 005 – Staff, outlines certification and endorsement requirements for administrators, teacher, and special service certificated staff and, also inserts the certificated staff evaluation policy requirements
- Section 006 – ESU Improvement and Evaluation, outlines the continuous improvement requirements, changing the improvement cycle from seven years to five, which aligns Rule 84 with Rule 10

We have appreciated the advice and support from ESU personnel, the ESU Coordinating Council, and the State Accreditation Committee in addressing the revisions to Rule 84. Thank you for attending this hearing and any testimony is welcomed.

Lange, Freida

From: Marge Beatty [mbeatty@esu16.org]
Sent: Thursday, February 16, 2012 11:05 PM
To: Lange, Freida
Subject: State Board of Education Correspondence

To: State Board of Education

From Marge Beatty, President, Educational Service Unit Coordinating Council

Re: Proposed Revisions to Rule 84

The purpose of this correspondence is to express support for the proposed changes to Rule 84. The amended language parallels the statutory intent of LB 603 and provides for statewide planning between the Nebraska Department of Education and Educational Service Units. Clearly, the new language will provide direction to ESUs in the future and we urge you to consider moving the amendments forward. On behalf of the Educational Service Unit Coordinating Council, I want to commend the work of Freida Lange and Brian Halstad. Their leadership has been invaluable.

Rule 84-Revision Summary
(Regulations for the Accreditation of ESUs)

Rationale for Revisions and Additions: A. Improved Communication, B. Improve Opportunity for Consistency in Quality and Uniformity of Core Services, C. Accountability, and D. Strengthen the relationship between ESUs and NDE

Section	Content & Potential Change
OO1 -- General Provisions Pages 1-3	Clarifies the purpose of Rule 84 by establishing the scope and application. It describes the role and mission of ESUs.
OO2 --Definitions Pages 3-4	Adds definitions for collaboration, core services and services, and ESU Coordinating Council.
OO3 -Requirements for Operation Pages 4-6	Deletes the requirement for Advisory Councils due to statute change. 003.01 – Emphasizes collaboration among ESUs. OO3.O2 – OO3.O3 Adds core service requirement and differentiates between core service and service. OO3.O2A1 and OO3.O2B - Emphasizes collaboration by requiring two meetings annually between ESUCC and NDE, also requires staff to be delegated to participate in state-wide initiatives and planning. OO3.04 – Reports. Nothing new is added, but the submission of informational reports has been moved from Section 6 to Section 3. OO3.O5 - Outlines required policies with few changes from the original rule.
OO4 --Procedures for Accreditation Pages 6-9	Aligns with Rule 10, allowing ESUs the same flexibility that school systems are allowed in correcting violations. In existing Rule 84, ESUs are either accredited or not accredited – this section allows time for correction.
OO5 -- Staff Pages 9-11	OO5.O1 – 005.O3 – Outlines certification and endorsement requirements for administrators, teacher, and special service certificated staff. OO5.O4 – (New) Adds evaluation policy requirements for certificated staff, pursuant to statute 79-318 (aligns with revision to Rule 10)
OO6 -- (New) ESU Improvement and Evaluation Pages 12-13	The former OO6, "informational reports," is now incorporated into Section OO3. New 006 – Outlines continuous improvement requirements, changes the CIP cycle from 7 years to 5, aligns CIP processes with Rule 10 external visitation requirements for school systems, and recognizes the use of AdvancED protocols, if an ESU uses them.
OO7 -- Audits Pages 13	No change, other than adding statutory reference.
OO8 -- Core Service Pages 13-14	Changes are simply 'clean-up.' This section describes core service
OO9 -- Deleted Pages 14-15	Deletes the funding structures for core service due to statute change.

NEBRASKA DEPARTMENT
OF EDUCATION

RULE 84

REGULATIONS FOR THE ACCREDITATION OF EDUCATIONAL SERVICE UNITS

TITLE 92, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 84

PROPOSED HEARING DRAFT
NOVEMBER 28, 2011

State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509

NUMBERICAL TABLE OF CONTENTS

SUBJECT	STATUTORY AUTHORITY	CODE SECTION
General ~~Information~~ Provisions	79-318, 79-1204	001
Definitions	79-318, 79-1204	002
~~General Provisions~~ Requirements for Operation	79-318, 79-1204	003
Procedures for Accreditation	79-318, 79-1204	004
Staff	79-318, 79-1204	005
~~Informational Reports~~	~~79-318, 79-1204~~	~~006~~
ESU Improvement and Evaluation	79-318, 79-1204	00~~7~~ 6
Audits	79-318, 79-1204	00~~8~~ 7
Core Services	79-318, 79-1204	00~~9~~ 8

Appendix A: Annual Accreditation Compliance Report

ALPHABETICAL TABLE OF CONTENTS

SUBJECT	STATUTORY AUTHORITY	CODE SECTION
Audits	79-318, 79-1204	00~~8~~ 7
Core Services	79-318, 79-1204	00~~9~~ 8
Definitions	79-318, 79-1204	002
ESU Improvement and Evaluation	79-318, 79-1204	00~~7~~ 6
General ~~Information~~ Provisions	79-318, 79-1204	001
~~Informational Reports~~	~~79-318, 79-1204~~	~~006~~
Procedures for Accreditation	79-318, 79-1204	004
~~General Provisions~~ Requirements for Operation	79-318, 79-1204	003
Staff	79-318, 79-1204	005

Appendix A: Annual Accreditation Compliance Report

001 General ~~Information~~ Provisions

001.01 Statutory Authority. Sections 79-318(6) and 79-1204(4) of the Revised Statutes of Nebraska (R.R.S.) direct the State Board of Education to adopt and promulgate rules and regulations for the accreditation of educational service units.

001.02 ~~Scope and Application of this Chapter~~ Accreditation Classification. ~~This Chapter provides rules and regulations for the accreditation of educational service units. These rules are intended to assist educational service units and local school districts in making decisions that will~~ Accredited educational service units shall comply with all of the provisions of this Chapter. Educational service units shall be classified as accredited if they meet all of the requirements of this Chapter. All of the statements herein are requirements of accredited educational service units and are intended to enable the resources of the state to be used efficiently to support the ~~approved or~~ accredited school ~~systems~~ districts in this state. ~~Further, the intent of this Chapter is to establish the minimal level of performance for accreditation which shall be required of the Nebraska educational service unit.~~

001.03 Accreditation Requirement. Educational service units, as providers of educational services, are required to be accredited under the provisions of this Chapter. These provisions are intended to assure that accredited educational service units provide accountability to taxpayers; assist and cooperate with school districts to provide equitable and adequate educational opportunities statewide; and provide quality educational programs and services to school districts.

001.04 Implementation of this Chapter. This Chapter will initially be used during the 2012-2013 school year to determine future accreditation status.

001.0~~3~~5 The Role and Mission of the Educational Service Units. Section 79-1204 R.R.S. states, in part, that Educational Service Units shall:

001.~~03A~~ 05A Act primarily as service agencies in providing core services and services identified and requested by member school districts;

~~001.03B As providers of educational services, meet minimum accreditation standards set by the State Board of Education that will:~~
(Incorporated into Section 001.02)

~~001.03B1 Provide for accountability to taxpayers;~~ *(Incorporated into Section 001.03)*

~~001.03B2 Assure that educational service units are assisting and cooperating with school districts to provide for equitable and adequate educational opportunities statewide; and~~ *(Incorporated into Section 001.03)*

~~001.03B3 Assure a level of quality in educational programs and services provided to school districts by the educational service units.~~ *(Incorporated into Section 001.03)*

001.~~03C~~ 05B Provide for economy, efficiency, and cost-effectiveness in the cooperative delivery of educational services;

001.~~03D~~ 05C Provide educational services through leadership, research, and development in elementary and secondary education;

001.~~03E~~ 05D Act in a cooperative and supportive role with the State Department of Education and school districts in development and implementation of long-range plans, strategies, and goals for the enhancement of educational opportunities in elementary and secondary education; and

001.~~03F~~ 05E Serve, when appropriate and as funds become available, as a repository, clearinghouse, and administrator of federal, state, and private funds on behalf of school districts which choose to participate in special programs, projects, or grants in order to enhance the quality of education in Nebraska schools.

001.~~04~~ 06 Property Tax Funds. Section 79-1242 R.R.S. specifies, in part, that ~~F~~funds generated from the property tax levy shall only be used for purposes approved by representatives of two-thirds of the member school districts in an educational service unit, representing a majority of the students in those member school districts.

001.~~05~~ 07 Contract Services. Section 79-1204 R.R.S. specifies, in part, that ~~E~~educational service units may contract to provide services to:

001.~~05A~~ 07A Nonmember public school districts;

001.~~05B~~ 07B Nonpublic school systems;

001.~~05C~~ 07C Other educational service units; and

001.~~05D~~ 07D Other political subdivisions, under the Interlocal Cooperation Act and the Joint Public Agency Act.

001.~~06~~ 08 Regulation of Schools. Section 79-1204 R.R.S. specifies, in part, that ~~E~~educational service units shall not regulate school districts unless specifically provided pursuant to law.

002 Definitions. As used in this Chapter:

002.01 Accreditation~~/~~ or accredited shall mean a level of recognition by the State Board of Education which establishes that the educational service unit has met all provisions and requirements of this Chapter.

002.02 Board shall mean the State Board of Education.

002.03 Collaboration shall mean a systemic process in which individuals and agencies work together to achieve common goals.

002.~~03~~ 04 Commissioner shall mean the State Commissioner of Education.

002.05 Core services shall mean services funded by a state appropriation that are provided by educational service units to all member school districts and that are in the following service areas in order of priority:

002.05A Staff development, which shall include access to staff development related to improving the achievement of students in poverty and students with diverse backgrounds;

002.05B Technology, including distance education services; and

002.05C Instructional materials services.

002.~~04~~ 06 Department shall mean the State Department of Education, which is comprised of the State Board of Education and the State Commissioner of Education.

002.~~05~~ 07 ESU shall mean ~~Nebraska~~ an educational service unit of the State of Nebraska.

002.~~06~~ 08 ESU Board shall mean the governing board of the educational service unit as defined and described in Section 79-1217 R.R.S.

002.09 ESU Coordinating Council shall mean the political subdivision composed of one administrator from each educational service unit, as described in Section 79-1245 R.R.S.

002.10 ESU Services shall mean educational services that are supported by sources other than the state appropriation for core services, such as property tax levy funds or grant funds.

002.~~07~~ 11 Member School District shall mean any school district which is a member of an educational service unit ~~pursuant to Section 79-1203 R.R.S~~.

002.~~08~~ 12 Teaching Responsibility shall have the same meaning as "teach" as defined in Section 79-101(12) R.R.S.

003 ~~General Provisions~~ Requirements for Operation

003.01 Collaboration and Accountability. When carrying out the duties described in Sections 001.05B and 001.05D, the ESU shall engage in collaboration as defined in Section 002.03. When carrying out the duties described in Section 001.05D such collaboration shall include, but is not limited to, working together with the ESU Coordinating Council and supporting accountability for student achievement in school districts.

003.02 ~~The Advisory Committee~~ Core Services. ~~The selection of the advisory committee shall be determined by a process mutually acceptable to the ESU and member school districts.~~ The ESU shall provide core services to all member school districts. The provision of core services shall include, but is not limited to, access to statewide core service initiatives as established by the ESU Coordinating Council in collaboration with the Department and requested by member districts as being necessary services.

003.02A ~~The ESU Advisory Committee shall be a group composed of representatives of each class of member districts in the educational service unit as defined in section 79-102 of the Revised Statutes of Nebraska (R.R.S.).~~ Each ESU administrator shall serve as a member of the ESU Coordinating Council as established by Section 79-1245 R.R.S.

003.02A1 The ESU administrator or his or her designee shall participate in two jointly established meetings with representatives

of the Department and the ESU Coordinating Council annually to establish the focus and coordination of necessary core services based on priorities and on needs that are identified through the analysis of data.

003.02B ~~The advisory committee shall provide recommendations for educational services to the ESU board, including recommendations for the approval or disapproval of applications by a member school districts for funds to provide core services for itself in a cost efficient manner.~~ Each ESU administrator shall designate staff members to participate in professional development related to statewide core services initiatives and planning.

~~003.02C The advisory committee shall meet at least four times each school year.~~

~~003.02D The advisory committee shall meet to review the program of services being conducted by the ESU board and to discuss and plan changes and further refinement of that program of services.~~

003.~~01~~ 03 ESU Services. The ESU ~~shall~~ may provide ~~educational~~ ESU services ~~as identified and requested by member school districts through the advisory committee and approved by the ESU board~~ as permitted by the Educational Service Units Act.

003.04 Accountability Reporting.

003.~~03~~04A Annual Report. Pursuant to Section 79-1228 R.R.S., ~~A~~an annual written program report on the various programs of service to schools for the past year shall be provided by each ~~educational service unit to the ESU boards,~~ ESU to member school districts and to the Department in written or electronic form by November 1 of each year.

003.04B Informational Reports. The ESU shall submit informational reports as required by the Commissioner or his or her designee on or before the due date(s) and with all requested information, including required signatures. *(Moved from Sections 006.01 and 006.03)*

003.04C If an ESU fails to submit an informational report on or before the due date, the Commissioner or his or her designee may issue official notice of such failure by certified mail to the president of the ESU board and to the administrator. If the delinquent report is not received by the

Commissioner or his or her designee within thirty days of the date which the notice is postmarked, the Commissioner or his or her designee may recommend to the State Board of Education that the ESU not be accredited for the remainder of the accreditation period. This action shall be subject to the procedures outlined in Section 004.07. *(Moved from Section 006.04)*

003.~~04~~ 05 Written Policies. The ESU board shall adopt a comprehensive set of written policies governing the organization and operation of the ESU which shall include, but not be limited to:

003.~~0~~405A A policy establishing the process by which the ESU provides services and calculates the cost.

003.~~0~~405B A policy establishing the process by which member and ~~non-member~~ nonmember schools request and pay for services.

003.~~0~~405C A policy governing the supervision, assignment and evaluation of ESU employees when they are serving on the instructional or service faculty of a school.

~~003.04D A policy providing for the advisory committee to propose and evaluate ESU programs and services.~~

003.~~04E~~ 05D A policy providing ~~the equivalent of at least two days annually of professional growth to all ESU professional staff~~ for in-service for all ESU staff that is aligned with the ESU's priorities as established in the continuous improvement process outlined in Section 006 of this Chapter.

003.~~04F~~ 05E A policy indicating the written policies will be available for review upon request at the administrative office of the ESU.

004 Procedures for Accreditation

~~004.01 The period of accreditation shall be for one year from July 1 to June 30.~~

~~004.02 An ESU shall either be accredited for the entire period of accreditation or not accredited for the entire period of accreditation,~~ Accreditation shall be based on ~~it's the~~ ESU's performance during the immediate preceding period of accreditation. The ESU shall complete and submit on or before November 1 of

each year the Annual Accreditation Compliance Report in Appendix A of this Chapter. *(Revised and moved from Section 004.07)*

004.~~03~~ 02 To receive accreditation status, the ESU shall comply with all provisions of this Chapter as verified by the Department.

~~004.04 Any violations from the provisions of this Chapter which remain uncorrected or which first occur on or after February 1 during a period of accreditation will be considered for the purpose of this Chapter to have existed during the entire period of accreditation.~~

~~004.05 Any violation from the provisions of this Chapter which is corrected prior to February 1, properly reported thus to the Department, and acknowledged by the Department, will be considered for the purposes of this Chapter to have not existed during that entire period of accreditation.~~

004.03 Violations. In determining the future accreditation status of an ESU, each failure to meet a numbered regulation constitutes a separate violation which, if not corrected, will result in a recommendation to the Board for probation or loss of accreditation. *(Revised from Sections 004.04 and 004.05)*

004.04 Reporting Violations. The ESU shall report any existing violations to the Department on its Annual Accreditation Compliance Report (Appendix A). *(Revised from Section 004.05)*

004.05 Correction of Violations. An ESU will have until February 1 to correct violations or to prepare a written plan for correction of a violation that existed at the time of submission of the Annual Accreditation Compliance Report. Written evidence of the correction of the violation(s) or a written plan developed in accordance with Section 004.05A must be submitted to the Department. *(Revised from Section 004.05)*

> 004.05A An ESU having an uncorrected violation may submit a written plan to the Department by February 1 for correcting the violation before the following school year. Such plans may be approved by the Board if evidence provided indicates that the violation occurred after August 1, and the violation could not reasonably be corrected immediately before or during the current school year. Written evidence of the correction must be submitted to the Department by the following September 1.

004.06 Effect on Violations on an ESU. An ESU is required by state statute to be accredited. If, after consultation with the ESU administrator and staff, the

Commissioner determines that an ESU has any uncorrected violations, he or she shall make the applicable following recommendations to the Board:

004.06A An ESU having an uncorrected violation of a requirement with no written plan under Section 004.05A shall be recommended for ACCREDITATION ON PROBATION for the following school year.

004.06B An ESU having a written plan under Section 004.05A and having the same uncorrected violation after September 1 shall be recommended for ACCREDITATION ON PROBATION for the current school year.

004.06C An ESU receiving ACCREDITATION ON PROBATION designation and continuing to have the same uncorrected violation after February 1 shall be recommended for NONACCREDITATION for the following school year and shall be subject to the loss of authority to operate.

~~004.06 Each ESU will cooperate fully with the Department by hosting the on-site visitation for the purpose of verifying compliance with this Chapter.~~ *(Incorporated into Section 006)*

~~004.07 The ESU shall complete and submit on or before November 1 of each year an application for accreditation to the Department on forms prescribed by the Department.~~ *(Revised and moved to Section 004.01)*

~~004.08 The Department shall notify each ESU by April 15 of its intention to recommend that an ESU be accredited or not accredited for the subsequent year. The ESU shall be notified by certified mail to the chief administrator and to the president of the ESU board whenever the Department intends to recommend to the Board that the ESU not be accredited.~~

~~004.08A Within 21 calendar days of the ESU's receipt of the notice of the Department's intention to recommend to the Board that the ESU not be accredited, the ESU may make a written request for a review by the Commissioner. Following the review, the Commissioner shall:~~

~~004.08A1 Notify the ESU by certified mail that, based upon the review, (s)he will recommend that the ESU not be accredited, or~~

~~004.08A2 Notify the ESU by certified mail that, based upon the review, (s)he will recommend that the ESU be accredited.~~

~~004.08B Within 30 calendar days of receipt of the notice of the Commissioner's intention to recommend that the ESU not be accredited, the ESU may request in writing a hearing before the Board. The hearing shall be conducted in accordance with the hearing procedures of 92 NAC 61, including provisions of that Chapter relating to evidence.~~

004.07 Provisions for Notice and Hearing.

004.07A When the Commissioner makes a recommendation to the Board for an ESU to be placed on probation or for denial or revocation of accreditation, notice of the recommendation and of the right to request a hearing shall be given to the ESU by certified mail sent at least 30 calendar days prior to the date of the Board meeting at which the recommendation is to be considered. Copies will be sent to the ESU administrator and to the presiding officer of the ESU board, if known. This notice shall specify the basis for the recommendation.

004.07B If the ESU notifies the Commissioner at least seven (7) days prior to the date the recommendation is to be considered by the Board that it requests a hearing, the Board shall schedule a hearing date.

004.07C All hearings arising under this Chapter shall be conducted in accordance with the hearing procedures of 92 NAC 61.

004.08 Action by the Board. Upon review of the Commissioner's recommendation, and following any hearing, the Board shall make a determination of the future accreditation status of the ESU and shall inform the ESU in writing of its determination.

005 Staff

005.01 The ESU board shall employ a chief administrator who shall hold a Nebraska Administrative Certificate endorsed as a superintendent pursuant to 92 NAC 21. *(Moved and revised from 005.01B)*

~~005.01A The chief administrator of the ESU who is first employed before January 2, 1989 shall hold a valid Nebraska Professional Administrative Certificate pursuant to 92 NAC 21.~~

~~005.01B The chief administrator of the ESU who is first employed after January 2, 1989 shall hold a superintendent endorsement on his/her valid Nebraska Professional Administrative Certificate pursuant to 92 NAC 21.~~

005.02 All ESU staff who have teaching responsibilities for students shall hold valid Nebraska teaching or administrative certificates pursuant to 92 NAC 21.

005.02A Computed on a full-time equivalency basis, a minimum of 90 percent of the ESU's teaching assignments shall be in areas for which assigned teachers hold certificates having appropriate endorsements pursuant to 92 NAC 24.

~~005.03 Teaching assignments shall be made only to ESU teachers who hold valid Nebraska teaching certificates having appropriate endorsements, provided such endorsements are being offered by a Nebraska standard institution of higher education.~~

~~005.03A Each certificated instructional staff member who is inappropriately assigned shall constitute a violation of this Chapter.~~

~~005.03B The ESU will be allowed one inappropriate assignment violation per period of accreditation.~~

005.~~04~~ 03 Special service certificate holders shall be limited to providing those services specified on their Nebraska Special Services Certificate.

005.04 Evaluation Policies and Procedures for Certificated Staff. The ESU shall have written board policies and procedures for the evaluation of certificated employees that are filed with the Department and approved by the Commissioner or his or her designee.

005.04A The policies and procedures shall include, but are not limited to, the following:

005.04A1 Annual written communication of the evaluation process to those being evaluated;

005.04A2 A description of the duration and frequency of observations and written evaluations for probationary and permanent certificated employees;

005.04A3 Specific ESU-defined evaluation criteria, which include, at the minimum:

005.04A3a Instructional performance (applicable to teachers only),

005.04A3b Classroom organization and management (applicable to teachers only), and

005.04A3c Personal and professional conduct.

005.04A4 Provision for written communication and documentation to the evaluated certificated employee specifying all noted deficiencies, specific means for the correction of the noted deficiency, and an adequate timeline for implementing the concrete suggestions for improvement;

005.04A5 Provision for the certificated employee to offer a written response to the evaluation; and

005.04A6 A description of the ESU plan for training evaluators.

005.04B The Commissioner or his or her designee shall approve the policies and procedures if they are in compliance with the requirements in Sections 005.04A1 through 005.04A6 and shall notify the ESU of approval in writing. Such approval shall remain in effect until there is a change in the policies or procedures by the ESU, or an amendment of state law or regulations relating to such approval.

005.04C In the event an ESU changes, or is required by law or regulation to change, its approved policies or procedures for certificated employee evaluation, it shall resubmit the revised policies and procedures to the Commissioner or his or her designee for reapproval.

005.04D If the Commissioner or his or her designee determines that the policies and procedures of the ESU are out of compliance with the provisions of this Chapter, the Commissioner or his or her designee shall notify the ESU in writing. The ESU may resubmit amended policies and procedures or may appeal such determination to the Board pursuant to the procedures set forth in 92 NAC 61.

005.05 All evaluators, with the exception of the ESU board when it evaluates the administrator, shall possess a valid Nebraska Administrative Certificate and shall be trained to use the evaluation system used in the ESU.

~~006 Informational Reports~~ (*Moved to Section 003.04B)*

~~006.01 The ESU shall submit informational reports as required by the Department.~~ *(Incorporated into Section 003.04B)*

~~006.02 All reports required of ESU's shall be made on forms prescribed and furnished by the Department.~~

~~006.03 Any report required by the Department shall be submitted on or before the due date and with all requested information, including required signatures.~~ *(Incorporated into Section 003.04B)*

~~006.04 Any ESU which fails to submit a report on or before the due date shall cause the Department to issue official notice of such failure by certified mail to the president of the ESU board and to the chief administrator. If the delinquent report is not received by the Department within thirty days of the date which the notice is postmarked, the Department shall recommend to the Board that the ESU not be accredited for the remainder of the accreditation period. This action shall be subject to the procedures outlined in 004.08.~~ *(Moved to Section 003.04C)*

~~007 Evaluation~~ 006 ESU Improvement and Evaluation

~~007.01 Each ESU shall conduct a comprehensive evaluation of its programs and services at least once in every seven year period using models approved by the Department and as scheduled by the Department.~~ 006.01 The ESU shall develop and implement a continuous improvement process to promote quality learning, equity, and accountability. The ESU's improvement process shall include, but is not limited to, the following activities within each five-year period:

~~007.01A The evaluation shall include an on site visitation by an external team. The membership of the team shall be mutually agreed upon by the chief administrator of the ESU and the Department.~~ 006.01A Review and update of a mission and vision statement.

006.01B On-going collection and analysis of aggregate data about student performance, programs, core services and services, demographics, and school district satisfaction;

006.01C Identification of annual improvement goals based on the data identified in Section 006.01B;

006.01D Development and implementation of a plan that includes procedures, strategies, or actions to achieve goals; and

006.01E Annual evaluation of progress toward improvement goals.

006.02 The ESU continuous improvement process shall include an on-site visitation by an external team to review the process. The external team shall be made up of a minimum of five (5) persons, not employed by the ESU or in schools served by the ESU. The chair of the external team shall be assigned by the Commissioner or his or her designee with remaining membership of the team agreed upon by the ESU administrator and the Commissioner or his or her designee. A copy of the external team's written report, including recommendations, shall be provided to the Department. The external team visits shall be conducted at least once each five years.

006.02A The AdvancED Quality Assurance Review (QAR) may be used by the ESU to fulfill the requirement for an on-site visitation if all of the requirements of Section 006.02 of this Chapter are met.

~~007.01B The External Team shall be a group of persons, not employed by the ESU or in schools served by the ESU, who conduct the on-site evaluation visit as required by this Rule.~~ *(Revised and moved to 006.02)*

~~008 Audits~~ 007 Audits

~~008.01~~ 007.01 The ESU shall ~~conduct an~~ cause an annual independent audit of ~~all~~ its books, accounts, records, and affairs to be made as required by Section 79-1229(2) R.R.S. ~~annually using a licensed independent auditor or the Auditor of Public Accounts.~~

~~008.02~~ 007.02 ~~A copy of the annual audit report shall be provided to each member public school system on request and to the Department.~~ The original copy of the audit shall be filed in the office of the Auditor of Public Accounts, as required by Section 79-1229(2) R.R.S., and copies of the audit shall be provided to each member school district on request and to the Department.

~~009 Core Services~~ 008 Core Services

~~009.01~~ 008.01 Provision of Core Services. ~~Except as provided in Section 009.02, c~~Core services shall be provided by ~~educational service units~~ the ESU to all member school districts. Core services shall be defined by each ~~educational service unit~~ ESU as follows:

~~009.01A~~ 008.01A Core services shall be within the following service areas in order of priority: Staff development, which shall include staff development related to improving the achievement of all students including the achievement of students in poverty and students with diverse backgrounds; technology, including distance education services; and instructional materials services;

~~009.01B~~ 008.01B Core services shall improve teaching and student learning by focusing on enhancing school improvement efforts, meeting statewide requirements including but not limited to accountability requirements, and achieving statewide goals in the state's system of elementary and secondary education;

~~009.01C~~ 008.01C Core services shall provide schools with access to services that:

~~009.01C1~~ 008.01C1 the ~~educational service unit~~ ESU and its member school districts have identified as necessary services;

~~009.01C2~~ 008.01C2 are difficult, if not impossible, for most individual school districts to effectively and efficiently provide with their own personnel and financial resources;

~~009.01C3~~ 008.01C3 can be efficiently provided by each ~~educational service unit~~ ESU to its member school districts; and

~~009.01C4~~ 008.01C4 can be adequately funded to ensure that the service is provided equitably to the state's public school districts;

~~009.01D~~ 008.01D Core services shall be designed so that the effectiveness and efficiency of the service can be evaluated on a statewide basis; and

~~009.01E~~ 008.01E Core services shall be provided by the ~~educational service unit~~ ESU in a manner that minimizes the costs of administration or service delivery to member school districts.

~~009.02 Funds for Core Services. Funds appropriated for core services shall be distributed proportionally to each educational service unit by the State Department of Education on or before August 1 of each school fiscal year based on the fall membership in member districts in the preceding school fiscal year, although no educational service unit will receive less than 2.5% of the total funds~~

~~allocated. Funds distributed pursuant to this section shall be used for core services with the approval of representatives of two-thirds of the member school districts, representing a majority of the students in those member school districts. If a member school district provides evidence satisfactory to the educational service unit that the district will provide core services for itself in a cost-efficient manner, the educational service unit may distribute funds directly to the district to be used for providing core services, or if all member school districts within the boundaries of an educational service unit together provide evidence satisfactory to the State Department of Education that the districts will provide core services for themselves in a more cost-efficient manner than the educational service unit, the department shall distribute funds directly to the districts to be used for providing core services.~~

~~009.02A Satisfactory evidence that a member district will provide cost-efficient core services for itself shall be submitted to the ESU according to a uniform application procedure adopted by all ESU boards. It shall include a description of the proposed core services, a budget, a description of delivery methods, and summative evaluation.~~

~~009.02B Applications for funds to be used by member districts to provide their own cost-efficient core services shall be reviewed by the ESU Advisory Committee. The Committee recommendations for approval or disapproval shall be presented to the ESU Board for final action.~~

ANNUAL ACCREDITATION COMPLIANCE REPORT
-AND-
APPLICATION FOR CLASSIFICATION AS AN ACCREDITED ESU FOR 20__-20__
UNDER RULE 84 (Regulations for the Accreditation of Educational Service Units)

EDUCATIONAL SERVICE UNIT NUMBER: _____

Address: _____City: _____ Zip code: _____.

The Educational Service Unit complies with the following provisions of law and regulation and hereby applies for accreditation for 20__-20__:

Rule 84 Reference		Yes	No
003.02	Does the ESU provide core services to all member districts, including access to statewide core service initiatives as established by the ESU Coordinating Council in collaboration with the Department of Education and requested by member districts?		
003.02A	Does the ESU administrator serve as a member of the ESU Coordinating Council?		
003.02A1	Did the ESU administrator or designee participate in two meetings jointly established between the ESU Coordinating Council and the Department of Education during the past school year?		
003.02B	Does the ESU have staff designated to participate in professional development activities related to statewide core services initiatives and planning established during the meetings designated in Section 003.02A1?		
003.03	Does the ESU provide ESU services as permitted by the ESU Act?		
003.04A	Is the annual written program report on the various programs of service to schools for the past year provided to member school districts and to the Department by November 1 of each year? (**Please enclose a copy of the annual written program report if not already mailed or indicate the weblink to access the report electronically.)**		
003.04B	Are all informational reports as required by the Commissioner or his or her designee submitted, i.e. Personnel Report?		
003.05	Has the ESU board adopted a comprehensive set of written policies in accordance with Sections 003.05A through 003.05E that govern the organization and operation of the ESU?		

Rule 84 Reference		Yes	No
005.01	Does the chief administrator hold a Nebraska Administrative Certificate with an endorsement for superintendent?		
005.02	Do all ESU staff who have teaching responsibilities for students hold valid Nebraska teaching certificates pursuant to 92 NAC 21?		
005.02A	Are at least 90% of the teaching assignments, when computed on a full-time equivalency basis, assigned to appropriately endorsed teachers?		
005.03	Are special service certificate holders limited to providing those services specified on their Nebraska Special Services Certificate?		
005.04B	Is the current evaluation policy for certificated staff approved and on file with the Department of Education?		
006.02	Has the ESU conducted a comprehensive evaluation of its continuous improvement process to promote quality learning, equity, and accountability and external visit in the past five-year period?		
	The date of the last on-site visitation by an external team was:		
	We anticipate the next scheduled visit will be:		
007.02	Has a copy of the annual audit report been provided to each member school district on request and to the Department?		
008.01	Does the ESU provide core services to all member school districts?		

We presently meet the accreditation provisions in Title 92, Chapter 84 with the following exceptions:

_____

I have referred to Rule 84 and hereby certify that to the best of my knowledge the information contained herein is correct and complete.

_____ _____

Signature of Administrator Date

Retain a photocopy of the completed, signed form.
Return the original to the Department of Education