



TO: Scott Swisher, Ed.D.
Deputy Commissioner of Education

FROM: Sharon Katt, Administrator Adult Program Services

SUBJECT: Revision to Rule 23 (92 NAC 23), "Regulations for the Basic Skills Competency Testing of Teachers and Administrators."

Proposed Board Action:

It is recommended that the State Board approve the proposed revisions to Rule 23 (92 NAC 23) "Regulations for the Basic Skills Competency Testing of Teachers and Administrators."

Background Information:

Effective September 1, 2014, Nebraska will transition to the Core Academic Skills for Educators test (or CORE) to assess the basic skills competency of individuals seeking admission to educator preparation programs or applying for initial Nebraska certification. Currently, the Pre-Professional Skills Test (PPST or also known as Praxis I) is used. The primary purpose of this revision is to incorporate the new test, including associated passing score requirements and timelines, in anticipation of the September 1, 2014 transition. Other substantive changes in this revision are found in Section 008 which addresses accommodations for individuals whose primary language is sign language or for whom English is a second language and Section 009 which addresses considerations for individuals coming into Nebraska from another state. Other changes have been made to clarify provisions but do not have a significant impact on the Rule's intent.

Estimated Cost:

Printing of final rule estimated at \$250.00.

Supporting Documentation Included:

Hearing Summary
Hearing Draft of Rule 23

For Additional Information on this item:

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

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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 23, *Regulations for the Basic Skills Competency Testing of Teachers and Administrators* 

DATE: September 12, 2013

RE: Summary of rulemaking hearing on proposed revisions to 92 NAC 23

On August 9, 2013, the State Board of Education authorized the Commissioner to set a hearing date and location as well as designate a staff person to conduct a hearing on the adoption of proposed revisions to Title 92, Nebraska Administrative Code, Chapter 23. By a memorandum dated August 9, 2013, the Commissioner appointed me to conduct a hearing on this Rule on September 12, 2013, 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 the proceedings.

SUMMARY OF TESTIMONY ON THE PROPOSED REVISIONS TO 92 NAC 23
Regulations for the Basic Skills Competency Testing of
Teachers and Administrators

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 **Dr. Kevin Peters, Director, Teacher Certification**, Adult Program Services, Nebraska Department of Education.

Dr. Peters introduced and explained the proposed revisions to Title 92, Nebraska Administrative Code, Chapter 23. Dr. Peters testified that the proposed revisions to Rule 23 are due to the testing company discontinuing the current basic skills test, Pre-Professional Skills Test (PPST), in 2014; the current PPST passing scores, a requirement for applicants, would change as to the new test (the Core Academic Skills for Educators Test); and, updating of language/technical edits from the last Rule 23 changes in 2008. A copy of Dr. Peters’ written testimony is attached to this memo.

No other oral or written testimony was received.



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

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Rule 23 hearing at 10:00 a.m. on Thursday, September 12, 2013
State Board Room – NDE – Lincoln, NE

Testimony:

My name is Kevin Peters and I am the Director of Teacher Certification at the NE Department of Education.

The proposed revisions to Rule 23 are due to:

1. Testing company was discontinuing the current basic skills test in 2014.
2. Current passing scores, a requirement for applicants, would no longer be able to be used.
3. Updating of language/ technical edits from the last Rule 23 changes in 2008.

I will list only the major changes. Additional non-substantive changes are identified in the document.

Major changes include:

- In 2.08 & 3.01** Identify the new basic skills test, Core Essentials Test, effective Sept. 1, 2014
- In 3.02** Identify Nebraska passing scores needed by applicants for the Core Essentials Test after Sept. 1, 2014.
- In 009** Clarify that a person having two years of teaching or administrative experience in an approved, accredited or otherwise legally operated school in another state or a person who successfully passed a basic Skills test required by another state with individually reported scores for reading, math and writing will meet the requirements of Rule 23.

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
 CHAPTER 23 - **REGULATIONS FOR THE** BASIC SKILLS COMPETENCY TESTING OF
 TEACHERS AND ADMINISTRATORS

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TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 23 - **REGULATIONS FOR THE** BASIC SKILLS COMPETENCY TESTING OF
TEACHERS AND ADMINISTRATORS

001 General Information

001.01 Statutory Authority. This chapter is adopted pursuant to the power and authority vested in the State Board of Education in Nebraska Revised Statutes (R.R.S) Sections 79-807, 79-808, and 79-809 and 79-318.

001.02 Scope, Application, and Delineations of this Chapter. This chapter provides procedures for the administration of a basic skills competency examination for individuals seeking an entry-level Nebraska teacher or administrator certificate after July 31, 1989.

001.03 Institutional Responsibility. Each standard institution of higher education is required to annually notify applicants of the requirement for taking the examinations and of the scheduled opportunity to take the examinations. ~~sponsor administration of examinations as described in this chapter and to notify those of its students who may be affected of the requirement for taking the examinations and of the available opportunity to take the examinations.~~

001.04 Related Chapters. Throughout this chapter reference is made to other Department of Education rules relating to teachers and administrators. For a more detailed explanation of the procedures for the issuance of certificates to teach, counsel, or supervise in Nebraska schools refer to 92 NAC 21 (Rule 21). Title 92 NAC 20 (Rule 20) covers the approval of ~~teacher education~~educator preparation programs in Nebraska. Copies of these rules are available from the Department of Education.

002 Definition of Terms

As used in this chapter, the terms listed below shall be defined as follows:

002.01 Basic Skills Competency shall mean either (a) proficiency in (i) the written use of the English language, (ii) reading, comprehending, and interpreting professional writing and other written materials, and (iii) working with fundamental mathematical computations as demonstrated by successful completion of an examination designated by the board and taken by teacher education students-at a standard institution of higher education; or (b) successful employment experiences of ~~three (3)~~two (2) or more consecutive years in an approved, accredited, or otherwise

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legally operated school while (i) holding or qualifying to hold a regular certificate issued by another state on the basis of completion of an approved ~~teacher education~~educator preparation program; at a standard institution of higher education; or (ii) holding current credentials from a credentialing organization approved pursuant to 92 NAC 22 (Master Teacher Program) as referenced in 92 NAC 21 (Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools). Basic skills examinations shall be those which meet section (a) in this definition and are approved by the State Board of Education, pursuant to this ~~e~~Chapter.

002.02 Board shall mean the Nebraska State Board of Education.

~~002.03 CMEE BST shall mean the Content Mastery Examinations for Educators Basic Skills Test published by National Computer Systems, which is no longer available.~~

002.043 Commissioner shall mean the Nebraska State Commissioner of Education.

002.054 Department shall mean the State Department of Education which is comprised of the Board and the Commissioner.

002.065 Entry level certificate shall mean the first regular certificate acquired in Nebraska by an applicant.

~~002.07 Governing body shall mean the school board of a public school district, a board elected or appointed to provide direction to a nonpublic school, or an individual or corporate owner of a nonpublic school.~~

~~002.08 Nebraska school system shall mean an institution organized to provide elementary or secondary instruction that is accredited or approved by the Department, educational service unit accredited by the Department, or a special education service agency approved by the Department pursuant to 92 NAC 51.~~

002.096 PPST shall mean the paper or computerized reading, writing, and mathematics portions of the Pre-Professional Skills Test published by the Educational Testing Service of Princeton, New Jersey ~~or the CBT.~~

~~002.107~~ Regular certificate shall mean an initial, standard, or professional certificate, or a comparable and equivalent certificate.

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002.08 Core Academic Skills for Educators shall mean the paper or computerized reading, writing and mathematics portions of the Core Academic Skills for Educators Test published by the Educational Testing Service of Princeton, New Jersey.

002.09 Passing scores shall mean scaled scores in math, reading and writing individually reported on an original score report as set forth in Sections 003.02 and 003.03 or a determination by the Commissioner under Section 008 or a score submitted under the Provisions of Section 009.

~~002.11 Satisfactory scores shall mean scaled scores as shown on an original score report from the Educational Testing Service as set forth in section 003.02, or a determination by the Commissioner under section 008, or a score submitted under the provisions of section 009.~~

002.1210 Standard institution of higher education shall mean any college or university whose ~~teacher education~~educator preparation program is fully approved by the Board, or by a comparable agency in any other state or country.

003 General Provisions

003.01 Designation Requirements of Basic Skills Competency Examination for Program Admission or Initial Certification. Prior to September 1, 2014 The applicants taking a basic skills competency examinations to seek admission to an educator preparation program or an applicant for an entry level Nebraska teacher or administrative certificate will be required to complete shall consist of the reading, mathematics, and writing portions of the Pre-Professional Skills Test published by the Educational Testing Service of Princeton, New Jersey, referred to in this section as the PPST. As described in Section 003.03 of this Chapter, passing scores on PPST obtained prior to September 1, 2014 will meet the basic skills competency examination requirement. Effective September 1, 2014, applicants taking a basic skills test to seek admission to an educator preparation program will be required to complete the reading, mathematics, and writing portions of the Core Academic Skills for Educators Test published by Educational Testing Service of Princeton, New Jersey, referred to in this Chapter and related chapters as the Core Skills Test. After September 1, 2014, applicants for an entry level Nebraska certificate can use the Pre-Professional Skills test or the Core Academic Skills for Educators test to meet the Basic Skills Competency requirement. Section 008 contains alternate accommodation

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provisions for the basic skills competency examination ~~for deaf individuals~~ and ~~s~~Section 009 deals with competency determinations based on ~~equivalency reciprocity~~.

003.02 Passing Scores. Core Skills Test. Passing scores shall be the scaled scores as shown on an original score report from the Educational Testing Service consisting of the following:

003.02A One hundred fifty-six (156) or above on the reading portion of the Core Skills Test; and

003.02B One hundred fifty (150) or above on the mathematics portion of the Core Skills Test; and

003.02C One hundred sixty-two (162) or above on the writing portion of the Core Skills Test; or

003.02D A composite score of 468 on all three portions of the Core Skills Test, with no single test score being more than one point below the score required in Section 003.02A, 003.02B, or 003.02C, and upon the recommendation of a standard institution of higher education.

003.023 Satisfactory Passing Scores. Designation PPST. Satisfactory scores on the PPST shall be the scaled scores as shown on an original score report from the Educational Testing Service consisting of the following:— Applicants will meet the basic skills competency examination requirement by taking the PPST prior to September 1, 2014. Applicants may use passing scores on the PPST as identified in Sections 005.03A-005.03D for program admission after September 1, 2014 with institutional approval.

003.023A One hundred seventy (170) or above on the reading portion of the PPST; and

003.023B One hundred seventy-one (171) or above on the mathematics portion of the PPST; and

003.023C One hundred seventy-two (172) or above on the writing portion of the PPST; or

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003.023D A composite score of 513 on all three portions of the PPST, with no single test score being more than one point below the score required in ~~s~~Sections 003.023A, 003.03B, or 003.03C, and upon the recommendation of a standard institution of higher education.

~~003.03~~ Scores on the computerized version of the PPST are now the same as those for the paper/pencil version. Satisfactory scores on the CBT, which was a computerized version of the PPST and was discontinued in the Fall of 2001, are still valid and shall be the scaled scores as shown on an original score report from the Educational Testing Service consisting of the following:

~~003.03A~~ Three hundred sixteen or above on the reading portion of the PPST; and

~~003.03B~~ Three hundred sixteen or above on the mathematics portion of the PPST; and

~~003.03C~~ Three hundred eighteen or above on the writing portion of the PPST.

~~003.04~~ Payment of Test Fees. All fees in connection with registration for the PPST shall be paid by the person who registers to take the tests.

003.054 Applications for Renewal and for Second Certificates. No portion of this chapter shall be construed as having any application to the renewal of a Nebraska teaching or administrative certificate or to the application for a second Nebraska teaching or administrative certificate.

003.065 Number of Times Tests May Be Taken. There shall be no limitation by the Department on the number of times an applicant may take the PPST-Basic Skills Competency Examination in meeting the requirements of this chapter.

003.076 Score Reports. Only original PPST score reports sent from the Educational Testing Service or PPST score reports sent by a Nebraska standard institution of higher education and to which the applicant shall not have had access shall be accepted by the Department for the purpose of meeting the requirements of this chapter and 92 NAC 21.

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004 Basic Skills Competency Examination Requirements for Applicants for Administrative or Teaching Certificates

Except as provided in ~~s~~Section 008 and ~~s~~Section 009, each applicant for an entry-level administrative or teaching certificate shall:

004.01 Take the ~~PPST–Basic Skills Competency test~~ at a Nebraska location designated by the ~~Department–Institution~~ or at any other location where the ~~PPST test~~ is given; and

004.02 Receive ~~satisfactory passing~~ scores on the ~~PPST basic competency examination~~ as designated by ~~s~~Sections 003.02 or 003.03; and

004.03 Require that his or her original score report be sent directly to the designated Nebraska standard institution of higher education or to the Department.

005 Basic Skills Competency Examination Requirements for Nebraska Standard Institutions of Higher Education

Each Nebraska standard institution of higher education shall:

~~005.01 Annually notify applicants of the requirement for taking the examinations and of the scheduled opportunities to take the examinations. Sponsor the administration of designated basic skills competency examination(s) at least annually, to any person who shall register, as required by 92 NAC 20; and~~

005.02 Require that all persons entering the ~~teacher education~~educator preparation program of such institution receive ~~satisfactory passing~~ scores on a designated basic skills competency examination prior to being admitted to such program pursuant to 92 NAC 20; and

~~005.03 Post notices stating the Nebraska basic skills competency examination requirement and the dates, times, and locations of the test administrations, as required by 92 NAC 20; and~~

005.043 Explain to each ~~student applicant~~ who seeks ~~enrollment in the teacher education admission to the educator preparation~~ program of such institution the Nebraska basic skills competency examination requirement and the consequences of failing to receive a satisfactory score, as required by 92 NAC 20;

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005.043A Evidence of compliance with ~~s~~Section ~~005.04~~ 005.03 shall be a statement signed by each ~~student applicant~~ in the Nebraska teacher education educator preparation program and maintained in the ~~student applicant's~~ file ~~which is prepared by the institution and~~ which states the limitations posed for the ~~student applicant~~ who does not achieve satisfactory passing scores on the basic skills competency examination. The date of the ~~student's applicant's~~ signature thereon shall also be included on the statement; ~~;~~ and

005.054 Forward the original PPST score report of each person who has had his or her score report sent directly to such institution as part of that person's application for certification to the Department at the request of such person.

005.054A No person shall be required to satisfy the score reporting requirement more than once. Thus, if the institution determines that a score report for passing scores is on file in the Department, and the Department issues a statement to that effect, the institution shall not require the submission of a score report from that applicant, either for admission to the program or for an institutional recommendation for certification purpose.

006 Basic Skills Competency Examination Duties of the Department

The Department shall:

006.01 Provide to any person upon request current information on Nebraska dates and testing locations for the PPSTbasic skills competency examination.

007 Provisions for Hearing

007.01 When a person is denied any Nebraska teaching or administrative certificate for which he or she has applied because of the provisions of this chapter, he or she shall be entitled to request a review and hearing pursuant to 92 NAC 21.

008 Provisions for Deaf IndividualsAccommodations

008.01 Individuals whose primary language is sign language and or for whom English is a second language shall be required to take the same basic skills competency examinations as other individuals. However, if they fail to obtain the minimum satisfactory scores as specified in ~~s~~Sections 003.02 or 003.03, they may

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apply to the Commissioner for a review of their past education, employment, and standardized testing experience.

008.02 If, upon examination, the Commissioner determines that the applicant has provided evidence of the possession of basic skills competency equivalent to that designated in ~~s~~Sections 003.02 or 003.03, the Commissioner shall issue a determination that the applicant has demonstrated satisfactory scores for purposes of this chapter and 92 NAC, Chapters 20 and 21.

009 Reciprocity Determination Based on Equivalency

009.01 An individual who has taught or administered ~~successfully~~ for ~~three (3)~~ two (2) consecutive years in ~~any~~ approved, accredited, or otherwise legally operated school in ~~any other another~~ state shall meet this requirement by submitting an employment verification form; or

009.02 A person who has been certificated by ~~any other another~~ state following the successful completion of a basic skills competency examination with separate passing scores individually reported for math, reading and writing required by ~~such that~~ state, shall meet the basic skills competency requirement. The applicant shall submit an original score report pursuant to this ~~e~~Chapter or 92 NAC 21.