

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

FROM: Freida Lange, Administrator
Accreditation and School Improvement

SUBJECT: Rule 84 Overview and Project Update

PROPOSED BOARD ACTION

Report only.

BACKGROUND INFORMATION

Rule 84 (*Regulations for Educational Service Units*) establishes the baseline that all Educational Service Units must meet for legal operation. The Rule contains regulations related to:

- Role and mission of Educational Service Units
- General provisions regarding how services are identified and requested by member school districts
- Procedures for ESU Accreditation
- Staff requirements (instructional and administrative)
- Evaluation of ESUs through external visitations
- Core Services

As the Department looks at reorganizing to better facilitate a Statewide System of Support for schools and school systems, improving every agency's capacity to provide service and support has become a focus. One critical area of capacity building at NDE will be strengthening the partnership between the Educational Service Units and the Nebraska Department of Education. The first step in making the NDE/ESU relationship more effective and efficient is to collaboratively review the Rule 84 document for updating and revision.

Estimated Cost

N/A

Supporting Documentation Included: [Rule 84](#)

For additional information on this item: Call Freida Lange (402) 471-2444 or e-mail freida.lange@nebraska.gov

**NEBRASKA DEPARTMENT
OF EDUCATION**

RULE 84

REGULATIONS FOR EDUCATIONAL SERVICE UNITS

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 84**

**EFFECTIVE DATE
August 10, 1998
(REVISED)**

**State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509
Douglas D. Christensen, Ph.D.
Commissioner**



TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 84 – REGULATIONS FOR EDUCATIONAL SERVICE UNITS

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CHAPTER 84 – REGULATIONS FOR EDUCATIONAL SERVICE UNITS

001 General Information

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. 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 enable the resources of the state to be used efficiently to support the approved or accredited school systems 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 The Role and Mission of the Educational Service Units. Section 79-1204 R.R.S. states that Educational Service Units shall:

001.03A 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:

001.03B1 Provide for accountability to taxpayers;

001.03B2 Assure that educational service units are assisting and cooperating with school districts to provide for equitable and adequate educational opportunities statewide; and

001.03B3 Assure a level of quality in educational programs and services provided to school districts by the educational service units.

001.03C Provide for economy, efficiency, and cost-effectiveness in the cooperative delivery of educational services;

001.03D Provide educational services through leadership, research, and development in elementary and secondary education;

001.03E Act in a cooperative and supportive role with the State Department of Education and school districts in development and implementation of long-range

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plans, strategies, and goals for the enhancement of educational opportunities in elementary and secondary education; and

001.03F 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 Property Tax Funds. 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.

001.105 Contract Services. Educational service units may contract to provide services to:

001.05A Nonmember public school districts;

001.05B Nonpublic school systems;

001.05C Other educational service units; and

001.05D Other political subdivisions, under the Interlocal Cooperation Act.

001.06 Regulation of Schools. Educational service units shall not regulate school districts unless specifically provided pursuant to law.

002 Definitions. As used in this Chapter:

002.01 Accreditation/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 Commissioner shall mean the State Commissioner of Education.

002.04 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 ESU shall mean Nebraska educational service unit.

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

002.07 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 Teaching Responsibility shall have the same meaning as “teach” as defined in Section 79-101(12) R.R.S.

003 General Provisions

003.01 ESU Services. The ESU shall provide educational services as identified and requested by member school districts through the advisory committee and approved by the ESU board.

003.02 The Advisory Committee. The selection of the advisory committee shall be determined by a process mutually acceptable to the ESU and member school districts.

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.).

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.

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.

003.03 Annual Report. 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, to member school districts and to the Department by November 1 of each year.

003.04 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:

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003.04A A policy establishing the process by which the ESU provides services and calculates the cost.

003.04B A policy establishing the process by which member and non-member schools request and pay for services.

003.04C 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 A policy providing the equivalent of at least two days annually of professional growth to all ESU professional staff.

003.04F 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, based on its performance during the immediate preceding period of accreditation.

004.03 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.

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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.

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.

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.

005 Staff

005.01 The ESU Board shall employ a chief administrator.

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.

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

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

006 Informational Reports

006.01 The ESU shall submit informational reports as required by the Department.

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.

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.

007 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.

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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.

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.

008 Audits

008.01 The ESU shall conduct an independent audit of all its accounts annually using a licensed independent auditor or the Auditor of Public Accounts.

008.02 A copy of the annual audit report shall be provided to each member public school system on request and to the Department.

009 Core Services

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

009.01A Core services shall be within the following service areas in order of priority: Staff development, technology, and instructional materials services;

009.01B Core services shall improve teaching and student learning by focusing on enhancing school improvement efforts, meeting statewide requirements, and achieving statewide goals in the state's system of elementary and secondary education;

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

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

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

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

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

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

009.01E Core services shall be provided by the educational service unit 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.