



NEBRASKA

DEPARTMENT OF EDUCATION

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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 81, *Regulations for the High School Equivalency Program* *SS*

DATE: March 29, 2016

RE: Summary of rulemaking hearing on proposed revisions to 92 NAC 81

On February 18, 2016 the Commissioner of Education approved a hearing draft and 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 81. By a memorandum dated February 22, 2016, the Commissioner appointed me to conduct a hearing on this Rule on March 29, 2016, commencing at 1:00 p.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 81 Rules and Regulations for the High School Equivalency Program

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 **Ms. Vicki Bauer, Adult Education Director in the Adult Program Services**, Nebraska Department of Education.

Ms. Bauer introduced and explained the proposed revisions to Title 92, Nebraska Administrative Code, Chapter 81. Specifically the proposed revisions are due to: 1) new minimum score requirements for passing the GED® test series; 2) update of application requirements for those persons 18 years of age and older and those persons who are 16 or 17 years of age; and, 3) updating of language/small technical edits from the last Rule 81 changes in 2013. Ms. Bauer's testimony is attached.

Ms. Kirsten Case, Executive Director, Literacy Center for the Midlands, testified in support of the proposed changes. Ms. Case testified that The Literacy Center is the second largest provider of Adult Education services in the Omaha metro area and since the new 2014 GED® test 39 students have successfully completed their GED®. By approving these new proposed revisions, an additional 36 students will have successfully completed their GED®, nearly doubling the number of students who can take their next steps towards continuing their education or obtaining a job. Ms. Case's written testimony is attached.

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Ms. Mary Hagerup, The Literacy Center, testified in support of the proposed changes to Rule 81 including changing the passing scores of each of the four content modules from 150 to 145 and making the changes retroactive to the adoption of the new GED® test on January 1, 2014. Ms. Hagerup testified that in the 22 years of teaching adult education she has seen the GED® test evolve and with the changes there have been challenges for both teachers and students. Ms. Hagerup testified that the difference in score between 150 to 145 is small, but the difference in the number of students successfully completing the test is huge. Ms. Hagerup's testimony is attached.

Board Member, John Witzel, was in attendance at the public hearing.

No other oral or written testimony was received.



Matthew L. Blomstedt, Ph.D., Commissioner
Scott Swisher, Ed.D., Deputy Commissioner

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March 29, 2016

NDE State Board Room

1:00 pm Hearing on Rule 81

My name is Vicki Bauer and I am the Adult Education Director in the Adult Program Services team at the Nebraska Department of Education. In my position, I have responsibility for the GED® Testing Program.

The proposed revisions to Rule 81, Rules and Regulations for the High School Equivalency Program, are due to:

1. New minimum score requirements for passing the GED® 2014 test series;
2. Update of application requirements for those persons 18 and older and those persons who are 16 or 17 years of age; and
3. Updating of language/small technical edits from the last Rule 81 changes in 2013.

I will briefly review for you the proposed major changes in Rule 81. The small technical edits are identified in the document.

- In Section 004, application procedures are distinguished between those persons 18 years of age and older and those who are 16 or 17 years old. For those persons 18 and older, the application to test is done online with GED® Testing Service.

For 16 & 17 year old examinees, a completed application form, a transcript of high school credits from last school attended, and the school withdrawal form are required to be submitted to the Adult Education section of NDE for approval and referral to an Adult Education program.

For all ages, 16 and above, a valid photo-bearing identification is required to be shown to the GED examiner prior to taking any GED® test modules.

- In Section 005, the language regarding the score requirements for the issuance of the State of Nebraska High School Diploma have been changed. To guard against the necessity of a Rule change each time score requirements/test series might be changed by GED® Testing Service, the language now indicates that the individual and battery passing scores determined by GED® Testing Service and that are in effect at the time that an individual takes the GED® tests will be used to ascertain a passing score.

Also in Section 005, persons who took the GED® examination prior to the effective date of this Chapter and on or after January 1, 2014, and who will now meet the minimum score requirements, will be eligible for a State of Nebraska High School Equivalency Diploma.

These modifications enumerated in the hearing draft will be presented to the State Board of Education at the April 2016 meeting. We plan to request that the Board adopt the Rule's proposed revisions. With the Board's approval, Rule 81 will be moved forward to final approval by the Attorney General and the Governor.

Approximately 150 Nebraskans are awaiting the Rule change. Many can then gain employment, a job advancement, and/or entry into postsecondary education.

MARCH 29, 2016

Rule 81 Testimony

My name is Kirsten Case, I am the Executive Director of the Literacy Center for the Midlands. The Literacy Center is the second largest provider of Adult Education services in the Omaha metro area serving students in the areas of English as a Second Language, Adult Basic Education and GED Preparation.

I am here today to testify in favor of changing the passing standard for each GED content module from 150 to 145 and making these changes retroactive to the adoption of the new GED test on January 1, 2014 as proposed in the Rule 81 changes being considered today.

Since the implementation of the new 2014 GED test the Literacy Center has had 39 students who have successfully completed their GED. With the approval of the changes proposed on Rule 81 an additional 36 of our students would have successfully completed their GED under the new standards nearly doubling the number of students who can take next steps towards continuing their education or obtaining a job.

Not only will this change immediately impact the lives of those students I just mentioned but many more to come who are working towards self-sufficiency.

Our student body is diverse with students ranging in age from 18 well into their 80's. Many students have been lifelong employees finding their job to be in jeopardy because they don't have their GED. Others cannot earn a living wage job or continue their education.

Your support of the proposed changes to Rule 81 will help so many Nebraskans today and tomorrow that have just begun their journey of improving their lives through education.

Thank you for your time and consideration of this important matter.

MARCH 29, 2016

Presentation to the State Board

My name is Mary Hagerup. I am here to support the Rule 81 change from the passing standard of each of the four content modules from 150 to 145 and making the changes retroactive to the adoption of the new G.E.D. test on January 1, 2014.

I have had the privilege to teach adult education for 22 years, and during this time seen the G.E.D. test evolve from an average score of 45, to incorporating the calculator, to a computer-based test. With each change, there have been challenges for both teachers and students.

Pearson VUE has addressed many of these challenges – adding more time to the math test, additional formulas, allowing a hand-held calculator, a laminated formula sheet, and recently eliminating the Social Studies Extended Response. Pearson VUE's final change was the scoring system – making the passing score 145 from 150.

Why the change? Pearson VUE has the statistics, but I have the students who have encountered the new test. It is particularly hard for our older students, and those working at jobs that don't require computer skills. Their scores are often lower and do not accurately reflect their mastery of the material, but rather their difficulties with a computer-based test.

The difference in score between 150 and 145 is small, but the difference in the number of students successfully completing the test is huge. The G.E.D. is their first step, not last. I have students with scores of 145-149 who are waiting for jobs, promotions, college entrance, and financial aid. I urge you to make the decision without delay and enable these students to continue on their journeys.

Thank you for allowing me the time to speak, and your consideration of the proposed scoring change.