



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

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301 Centennial Mall South    Tel: (402) 471-2295  
PO Box 94987    Fax: (402) 471-0117  
Lincoln, NE 68509-4987    Web: [www.education.ne.gov](http://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 Title 92, Nebraska Administrative Code, Chapter 82, *Regulations Governing the Diploma of High School Equivalency Assistance Act* 

DATE: November 18, 2015

RE: Summary of rulemaking hearing on proposed 92 NAC 82

*On October 6, 2015, the Commissioner approved a hearing draft and set a hearing date and location to conduct a hearing on the adoption of proposed Title 92, Nebraska Administrative Code, Chapter 82. By a memorandum dated October 9, 2015, the Commissioner appointed a representative from the General Counsel’s Office to conduct a hearing on this Rule on November 18, 2015, 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 82**  
**Regulations Governing the Diploma of High School Equivalency Assistance Act**

**Scott Summers, Legal Counsel III 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 **Vicki Bauer, Director, Adult Education, Adult Program Services, Nebraska Department of Education**.

**Ms. Bauer** testified that the proposed revisions to Rule 82 are the result of the passage of LB382 during the 2015 Nebraska legislative session. The revision would allow state funds available to entities other than institutions to defray the costs of providing high school equivalency programs. Rule 82 contains regulations to provide assistance to institutions (school districts, state agencies, or community colleges), which offer high school equivalency programs in order to defray the costs associated with participation in such programs pursuant to the Diploma of High School Equivalency Assistance Act.

A copy of **Ms. Bauer’s** testimony is attached to this memo.

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**Kirsten Case, Literacy Center for the Midlands**, testified in support of Rule 82 and the potential it has in helping adults attain GEDs and help prepare for the workforce.

**Ms. Case** testified:

“The Literacy Center is the second largest provider of Adult Education services in the Omaha Metro area and in the last five years our programs have grown 470%. We are now serving over 500 adults in seven community locations in the Omaha area. Over 50% of our students are unemployed and they are between the ages of 25-44 with 30% enrolled our GED programs and 52% enrolled in our pre-GED programs. Earning a GED means that these students will have critical skills needed to enter the workforce and to work toward self-sufficiency as active members of their community. Rule 82 increases our capacity to serve this community need, ensuring that students can take those first steps towards entering the workforce.”

No other oral or written testimony was received.



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My name is Vicki Bauer and I serve as the Director of the Adult Education section on the Adult Program Services team at the Nebraska Department of Education.

The current Rule 82 became effective on July 2, 2014. The purpose of Chapter 82 is to provide assistance to institutions (school district, state agency, or community college area) which offer high school equivalency programs in order to defray the costs associated with participation in such programs. However, there were no funds available for distribution to community-based organizations that were granted federal Adult Education funds from the Nebraska Department of Education.

During the 2015 Nebraska legislative session, a statute change was created by LB 382. The proposed Rule makes state funds available to entities other than institutions to defray the costs of providing high school equivalency programs. Funding received by these entities will be held to equivalent requirements of the institutions already receiving funds under Rule 82.

The purpose of this hearing draft is to:

Incorporate language which provides for distribution of funds to entities other than institutions to defray the costs associated offering the high school equivalency program.

This statute change will become effective with payments made to institutions and entities for the FY 2015 program payments.

I am happy to answer any questions.

Vicki Bauer  
Director, Adult Education  
Adult Program Services  
Nebraska Department of Education