



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

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 revisions to Title 92, Nebraska Administrative Code, Chapter 21, *Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools*

DATE: May 5, 2015

RE: Summary of Rulemaking Hearing on Proposed Revisions to 92 NAC 21

*On April 3, 2015, the State Board of Education approved a hearing draft and 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 21. By a memorandum dated April 3, 2015, the Commissioner appointed me to conduct a hearing on this Rule on May 5, 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 the tape.*

**SUMMARY OF TESTIMONY ON THE PROPOSED REVISIONS TO 92 NAC 21**  
**Regulations of the Issuance of Certificates and Permits to Teach, Provide**  
**Special Services, and Administer in Nebraska Schools**

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 **Sharon Katt, Senior Administrator**, Adult Program Services, Nebraska Department of Education.

**Ms. Katt** testified that as Senior Administrator for Adult Program Services, she approves of the proposed revisions to Rule 21. Please see Ms. Katt’s written testimony attached.

**Dr. Kevin Peters, Director of Teacher Certification, Nebraska Department of Education.** Dr. Peters testified to the proposed revisions to Rule 21. In addition to revisions that have been made to enhance clarity and consistency throughout the rule the primary revisions to the Rule are: the term certificate will apply to Initial, Standard, and Professional certificates; change fingerprint charge from \$50 to \$35; impose a 2-year time

limit for completion of deficiencies on a Provisional administrative and the Provisional and Provisional Commitment teaching permits; add Special Education Master's to the list of qualifying Master's degree leading to a Professional teaching certificate; create the Alternative Program teaching permit; Career Education teaching certificate becomes the Career Education teaching permit; Dual Credit teaching certificate becomes the Postsecondary teaching permit and the Special Services section (Section 007) is revised to add clarity, incorporate the permit/certificate distinction, and to reflect current school system needs. Dr. Peters' written testimony is attached.

**Ben Anderson** on behalf of **First Five Nebraska** testified in opposition to adopting the proposed revisions to Rule 21. Mr. Anderson also submitted written testimony which is attached to this summary.

First Five's work is driven by neuroscience and data, and focuses on children birth through age eight. Mr. Anderson emphasized the importance of early childhood education and experience in influencing children in K-12 and beyond.

Mr. Anderson referred to an attachment to his written testimony that contains data showing an estimated 64,000 children in Nebraska age 0-5 that are "at risk" using NDE Rule 11's at-risk criteria. He testified that only 27% of those children are currently in "early learning environments" that can be accounted for as "high quality." Further, to have all such children served by a "high quality" early education program, Nebraska would need an estimated 8,000 additional early childhood teachers. Given these numbers, it is First Five's request that some additional accommodations be made within Rule 21 that allow more qualified and experienced persons to become certified early childhood teachers.

Mr. Anderson referred to proposed Section 005.12. Sections 005.12E and E1 make a distinction between coursework in pre-student teaching and subject/field endorsement coursework. In the early childhood teaching area, he testified that this distinction does not apply well in practice. Teaching methods and subject matter content are often covered in a single course because early childhood is focused on "making sure children learn how to learn." First Five suggests revising that section of Rule 21 to "just make a 50% across the board requirement threshold" so that if you have 50% of the pre-teaching courses completed, you could obtain an Early Childhood Alternative Program teaching permit. Also, First Five requests that early childhood education be afforded "some sort of additional alternative" given the great need in the area and that there are already many well qualified persons that have Bachelor's degrees in either Child Development or Early Childhood Education. First Five knows of positions in early childhood that have remained unfilled for over a year.

In closing, First Five requests that the Board refrain from adopting the revisions to Rule 21 at this time, and instead make additional revisions to accommodate early childhood professionals with Bachelor's degrees.

**Jay Sears, Program Director Instructional Advocacy, Nebraska State Education Association**, provided written testimony in support of the revisions to Rule 21, which is attached to this summary. He also complimented NDE on involving “stakeholders” in the revision of Rule 21 and noted that there are “lots of opinions” about what the Rule should contain.

At the close of the hearing, **Ms. Katt** testified that “we agree” that there is an issue with Early Childhood Education teachers, and her hope is to begin work on revisions to Rule 21, and perhaps other rules, to address that matter. However, it was her position that the proposed revisions to Rule 21 in this hearing draft move forward at this time.

Additional written testimony, all of which is attached to this summary, was submitted by:

**Amy Bornemeier – Sixpence Administrator, on behalf of the Nebraska Children and Families Foundation;**

**Samuel Meisels – Founding Executive Director of the Buffett Early Childhood Institute; and**

**Helen Raikes – Willa Cather Professor, University of Nebraska-Lincoln.**

No other oral or written testimony was received.



# NEBRASKA

## DEPARTMENT OF EDUCATION

[www.education.ne.gov](http://www.education.ne.gov)  
301 Centennial Mall South  
P.O. Box 94987  
Lincoln, NE 68509-4987  
TEL 402.471.2295  
FAX 402.471.0117

May 5, 2015

My name is Sharon Katt and I serve the Nebraska Department of Education as the Senior Administrator for the Adult Program Services team. In this role I have specific responsibility for all Educator (Teacher) Preparation processes and program approval, as well as oversight for Educator Certification.

As Senior Administrator for Adult Program Services, I have reviewed the Rule 21 being presented today for Public Hearing. It certainly has my approval and further details about the revision will be presented by a member of my staff, Kevin Peters, Director of Teacher Certification. After his presentation we will be available to answer any questions or address any concerns.

Sharon Katt, Senior Administrator  
Adult Program Services



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

301 Centennial Mall South    Tel: (402) 471-2295  
PO Box 94987    Fax: (402) 471-0117  
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May 5, 2015

My name is Dr. Kevin Peters and I serve the Nebraska Department of Education as Director of Teacher Certification with specific responsibility for Rule 21.

The primary revisions to Rule 21 *Issuance of Certificates and Permits to Teach, Provide Special Services and Administer in Nebraska Schools* include:

1. A regular Nebraska certificate is designated as an initial, standard or professional certificate. This clearly communicates that individuals who have not completed all Nebraska requirements receive a permit.
2. Fingerprint cost is reduced from \$50 to \$35 for all applicants.
3. Add a Masters in Special Education to the accepted list of master degrees allowing teachers to move to a Professional Certificate.
4. Clarify that career education teachers will be monitored, every three years, through school district verification of completion of courses taught to high school students.
5. Dual Credit Certificates are renamed Postsecondary Permits given for three years to offer dual credit courses to high school students. Establishes that a person's eligibility is determined by the post-secondary institution faculty qualifications in compliance with the requirements of the Higher Learning Commission (HLC).
6. Addresses the concerns that Nebraska is open to hiring people who have deficiencies in their academic preparation by giving them a new Alternative Program Teaching Permit with a strict timeline to gain a regular Nebraska certificate.
7. Impose a two year limit for the completion of deficiencies on Provisional Administrative, Provisional Teaching and Alternative Program Teaching Permits.
8. Provide a Special Service Permit for coaches who are not certified as regular Nebraska teachers.

In addition changes have been made to enhance clarity and consistency throughout the rule.

I will be happy to answer any questions.

Dr. Kevin Peters

Director of Teacher Certification

firstfivebraska.org

Cornhusker Plaza  
301 South 13th Street, Suite 600  
Lincoln, NE 68508  
(402) 261-9671



May 5, 2015

Matthew L. Blomstedt, Ph.D.  
Commissioner of Education  
Nebraska Department of Education  
301 Centennial Mall South  
Lincoln, NE 68509-4987

Re: Notice of Rule-Making Hearing  
Title 92, Nebraska Administrative Code, Chapter 21 (Rule 21) *Issuance of Certificates and Permits to Teach, Counsel, Supervise, and Administer in Nebraska Schools.*

Dear Commissioner Blomstedt:

Please allow this correspondence to serve as First Five Nebraska's written comments to the Nebraska Department of Education's (NDE) proposed revisions to Title 92, Nebraska Administrative Code, Chapter 21 (Rule 21) *Issuance of Certificates and Permits to Teach, Counsel, Supervise, and Administer in Nebraska Schools.* We thank you for your consideration and commitment to providing high-quality educational opportunities for Nebraskans, from cradle to career.

### **FIRST FIVE NEBRASKA**

First Five Nebraska's work is driven by neuroscience and data. We focus exclusively on policies impacting children from 0 through age 8 who are at risk of failing in school, and the high-quality early childhood experiences that close the achievement gap for those children. Our commitment to quality is uncompromising. This commitment is founded on an overwhelming body of research that tells us the quality of the interactions young children experience in their earliest years shape the brain architecture that those children will rely upon in kindergarten, high school and beyond. Nebraska needs highly-skilled and well-qualified certified teachers in early childhood to ensure those quality interactions occur.

### **NEBRASKA NEEDS MORE CERTIFIED TEACHERS IN EARLY CHILDHOOD EDUCATION**

Attached is a document which demonstrates the need for more certified teachers in the area of early childhood education. The document begins by identifying the number of at-risk children age 0 to 5 years in Nebraska. To calculate this number, First Five Nebraska utilized the at-risk criteria found in NDE's Rule 11. First Five Nebraska estimates that there are 64,000 such children in Nebraska.

While we cannot ignore that a child's parent is their first and best teacher, we recognize that not all parents are in a position to serve as a child's sole caregiver throughout the day. With this in mind, First Five Nebraska estimates that nearly 8,000 early childhood teachers are needed to ensure that all children at-risk age 0 to 5 years can participate in a high-quality program with appropriate staff-to-child ratios. We also recognize that some of this need may be met in the child care setting. Nonetheless, public schools and certified teachers are expected to play a pivotal role in addressing Nebraska's significant early childhood needs.

## **PROPOSED REVISIONS TO RULE 21**

Given the shortage of early childhood teachers in Nebraska, First Five Nebraska respectfully contends that Rule 21 should be more accommodating to existing experienced and well-qualified early childhood professionals that cannot meet the proposed certification or permit requirements. Many professionals are unable to become certified due to the significant time and expense involved in meeting the requirements by the deadlines contained in the current and proposed rules. Comments specific to the proposed revisions are identified below.

### **Section 005.12 Alternative Program Teaching Permit Requirements**

First Five Nebraska notes that the Alternative Program Teaching Permit (which is replacing the Provisional Commitment Teaching Certificate) is no longer renewable. Eliminating the possibility of renewal would place an additional burden on prospective early childhood teachers in the process of becoming certified. Given the significant need for more certified teachers in early childhood education this additional burden could impair a school district's ability to meet the needs of its students.

Additionally, First Five Nebraska notes that sub-sections 005.12E and 005.12E1 make a distinction between coursework in "pre-student teaching requirements" (including teaching methods) and "subject or field endorsement" coursework. In early childhood coursework, this is a distinction without a difference. In early childhood teaching programs, many courses cover both teaching methods and subject matter content because the area is intensely focused on teaching methods to ensure proper child development. Put differently, the subject matter in early childhood is learning how to learn.

### **Consider Additional Alternative Pathways to Certification**

Early childhood education as a field is unique in that some of the need for high-quality early childhood education is met by child care providers. Many professionals in child care have degrees in child development or early childhood education, and a number of years of experience teaching young children. However, they do not have coursework in approved teacher education programs. Nonetheless, these professionals are well-positioned to step in immediately and meet the growing need for more certified teachers in the area of early childhood, but additional time and accommodation is needed to meet the certification requirements. At this time, none of the proposed changes makes sufficient accommodation to meet the need. Accordingly, First Five Nebraska respectfully requests additional revisions that allow professionals with at least an undergraduate degree in child development or early childhood education, be allowed to obtain a

permit that allows for sufficient time to complete the certification and endorsement requirements necessary to obtain an initial teaching certificate.

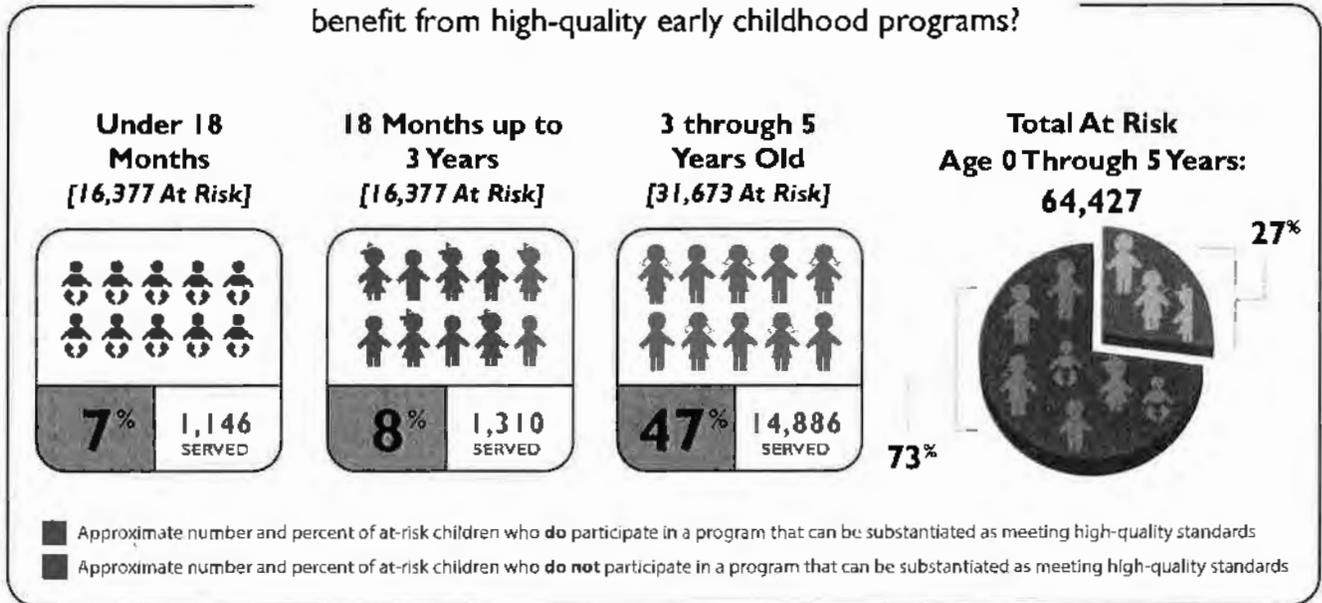
### **CONCLUSION**

Thank you for allowing First Five Nebraska the opportunity to comment on the proposed revision to Rule 21. We appreciate your thoughtful evaluation of Rule 21 and its impact on professionals in early childhood education and school districts in need of more certified early childhood education teachers.

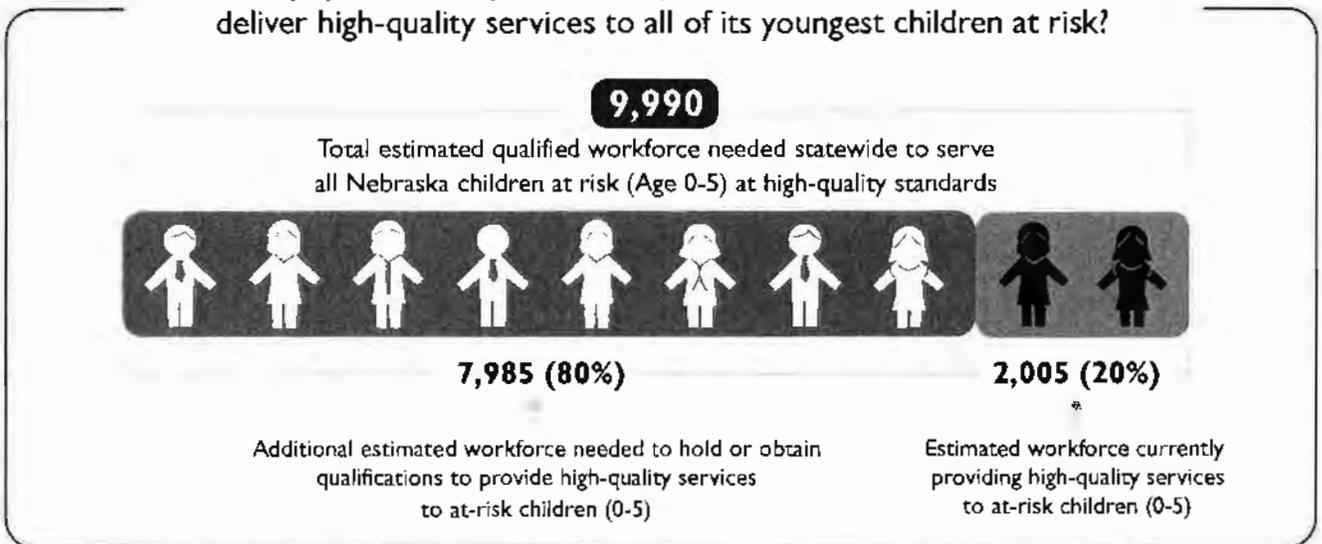
Thank you for your consideration,

Ben Anderson  
First Five Nebraska  
(402) 578-5468  
banderson@firstfivenebraska.org

### How many of Nebraska's youngest, most at-risk children benefit from high-quality early childhood programs?



### How many qualified early childhood professionals does Nebraska need to deliver high-quality services to all of its youngest children at risk?



## Methodology

Estimated numbers of children at risk of failing in school were obtained, calculated and divided by age from U.S. Census Bureau data with the infant (under 18 months) and toddler (18 months up to 3 years) numbers being divided equally. The estimated number of children participating in programs with recognized high-quality standards were calculated from estimated enrollments from NDE Preschool Program Enrollment, which includes the Sixpence Early Learning Fund and Educare programs; Head Start Enrollment; Pre-K student counts in public and schools, and children receiving subsidized care from accredited providers.

The estimated number of children not participating in programs whose quality standards can be accounted for, calculated from the above referenced data, was divided by high-quality teacher to child ratios of 1:4 for infants, 1:6 for toddlers and 1:10 for children 3 through 5 years to determine the estimated statewide qualified workforce needed to ensure that children participate in a program of recognized high-quality standards. Similarly, these data and ratios were used to calculate the estimated number of children participating in programs with recognized high-quality standards and the estimated number of professionals currently serving at-risk children in settings recognized as meeting high-quality standards. To review the data and calculations used please submit a request to First Five Nebraska.



May 5, 2015

Sharon Katt, Administrator  
Adult Program Services  
Nebraska Department of Education  
P.O. Box 94987  
301 Centennial Mall South  
Lincoln, NE 68509-4987

**Reference: Rule 21 Testimony**

Dear Ms. Katt:

The Nebraska State Education Association supports the proposed changes to Title 92, Nebraska Administrative Code, Chapter 21, Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools as provided in the hearing draft dated April 3, 2015.

The NSEA believes Nebraska citizens expect the professional education staff in our schools will meet high standards. The inclusion of the category of "Permit" will help distinguish those educators who have not completed a full educator preparation program from the professional educators who have obtained a "Regular" certificate and meet all of the high standards Nebraskans expect.

NSEA also believes the inclusion of a "Career Education permit" and a "Postsecondary permit" will facilitate the offering of career education and dual credit courses for all Nebraska students.

NSEA appreciates the work of the Department staff who have contributed to this revision of Rule 21 and for involving all of the constituents in this discussion.

NSEA urges the adoption of these revisions to Rule 21 by the State Board of Education at its May 8, 2015 Board meeting.

Thank you for the opportunity to represent NSEA members' interests at this hearing.

Sincerely,

Jay Sears, Director  
Instructional Advocacy  
Nebraska State Education Association



nebraskachildren  
AND FAMILIES FOUNDATION

May 5, 2015

Dr. Matthew Blomstedt, Commissioner  
Nebraska Department of Education  
301 Centennial Mall South  
P.O. Box 94987  
Lincoln, NE 68509-4987

RE: Title 92, Nebraska Administrative Code, Chapter 21 (Rule 21) *Issuance of Certificates and Permits to Teach, Counsel, Supervise, and Administer in Nebraska Schools.*

Dr. Blomstedt and staff at the Nebraska Department of Education,

Thank you for your work supporting the preparation of all Nebraskans for learning, earning, and living. I appreciate the opportunity to comment on the proposed changes to Rule 21 dealing with teacher certification.

As you know, the Sixpence Early Learning Fund (known in statute as the Nebraska Early Childhood Education Endowment Fund) is an innovative public-private partnership that provides stimulating environments that spark learning through meaningful interactions for their young children (ages 0-3) who are at risk of failing in school. These early experiences are particularly critical when it comes to a long term solution to closing the achievement gap in Nebraska.

To date, the Sixpence Board of Trustees has not had the chance to discuss the proposed changes to Rule 21 and implications for communities across the state (including those Sixpence serves). For this reason, I am writing today solely in my capacity as the Sixpence Administrator and not on behalf of the Sixpence Board of Trustees.

Since 2008, Sixpence has worked with local school districts and their partners on efforts to reach and serve our youngest, most at-risk Nebraskans with high quality early childhood experiences. Since that time, and based on the feedback and experiences from both current Sixpence programs, as well as communities who would like to expand their early childhood services to include programming for infants and toddlers, it is abundantly clear that we need an increased number of certified early childhood teachers in Nebraska. Current

Sixpence grantees struggle to find the workforce they need to continue their efforts. Communities who would like to be Sixpence grantees have an even more difficult time finding and securing the workforce they need. Ideally, steps could be taken in Rule 21 to begin to alleviate this workforce shortage *without compromising critical standards and expectations that ensure our certified teachers are, indeed, well qualified and capable of teaching our youngest learners.*

Based on my review of Rule 21 and my experience offering technical assistance to Sixpence programs across the state, it is my opinion that the current and proposed certification/permit requirements create barriers for many well-qualified early childhood professionals to become certified. I respectfully request that for early childhood teacher certification, the proposed 005.12E1 NOT apply. I do not think that disregarding proposed 005.12E1 (while ensuring applicants meet the proposed 005.12E) will compromise the quality that both the Nebraska Department of Education and the Sixpence Board are extremely committed to.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Amy Bornemeier".

Amy Bornemeier  
Sixpence Administrator

## COMMENTS TO NEBRASKA DEPARTMENT OF EDUCATION

### **PUBLIC COMMENT ON TITLE 92, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 21 (RULE 21) ISSUANCE OF CERTIFICATES AND PERMITS TO TEACH, COUNSEL, SUPERVISE, AND ADMINISTER IN NEBRASKA SCHOOLS**

**MAY 5, 2015**

Good morning and thank you for this chance to address the revisions to Rule 21. My name is Dr. Samuel Meisels, the founding Executive Director of the Buffett Early Childhood Institute.

Suggested changes to Rule 21: *Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools*. Bold text below is Rule 21, Section 005.12 as published for public comment. The yellow highlighted text is wording recommended by the Buffett Early Childhood Institute.

**005.12E Have completed at least one-half of the pre-student teaching requirements, including a course in teaching methods, of an approved program; and**

**005.12E1 Have fulfilled at least three-fourths of the requirements for at least one subject or field endorsement pursuant to 92 NAC 24; this subsection (005.12E1) shall not be applicable to early childhood endorsements**

#### **Comments**

Nebraska has more than 64,000 children age 5 and younger who are considered at risk, yet only a small proportion of these children are in classrooms with established quality standards. One of the most important quality standards within these classrooms is the presence of a lead teacher with a teaching certificate in early childhood. However, Nebraska does not have enough certified teachers to meet the current and expected needs within the field. Based on data from the past five years, only 400 early childhood inclusive endorsements were granted by the state, yet we need approximately 9,000 teachers to serve all of these at-risk children.

One of the signature programs of the Buffett Early Childhood Institute is Early Childhood Workforce Development, with a focus on increasing the quantity, quality and skills of educators and other professionals who teach and care for children. We have been in conversation with others across the state about how best to meet the increasing demands for a highly qualified workforce in early childhood. We are committed to ensuring that teachers of our youngest children are highly qualified, but we recognize that there are barriers to achieving this goal—especially for professionals who are already working in the field and wish to add an initial teaching endorsement.

There are many individuals within the field who are high-quality teachers, but who can profit from returning to higher education in order to add an early childhood endorsement. The barriers to this, however, exist at many levels. One barrier that we would like to address is the specific requirements to receiving a provisional permit.

As you know, a provisional permit allows a teacher to work as a lead teacher while they are completing the requirements for an endorsement. The current rule in Section 005.12 specifies the specific requirements. We recommend that subsection 005.12E1 include a statement that this subsection is NOT applicable to early childhood endorsements. All remaining sections and subsections of 005.12 would remain in effect and applicable.

This change would allow individuals pursuing an early childhood endorsement to qualify for a provisional permit when they have a baccalaureate degree and have completed 50% of the pre-student teaching requirements from an approved program, including a course in teaching methods. The removal of the second requirement – ¾ completed of at least one subject or field endorsement – will impact potential teachers in two ways. First, it will reduce the time needed to qualify for an early childhood endorsement; allowing teachers to begin in their jobs sooner. Second, this eliminates a distinction between professional education and content courses which is not appropriate in early childhood. The field endorsement would be completed during the three year provisional permit, just as other permits require.

This change in Rule 21 would allow individuals who have closely associated degrees (such as child development or an early childhood education degree) to begin teaching in these classrooms while completing their endorsement requirements. Many of these individuals are excellent classroom teachers who can be active, responsive teachers while completing their endorsement requirements.

I look forward to your considering this recommendation. If I or any of my staff can be of assistance to you in your deliberations, I hope you will feel free to call upon me.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Meisels". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Samuel Meisels  
Founding Executive Director  
Buffett Early Childhood Institute

May 4, 2015

To Nebraska State Board of Education:

As you know well, high quality early childhood programs have been shown to reduce gaps at school entry between advantaged and less advantaged students. Longitudinal data from the nationally representative Early Childhood Longitudinal Study-Kindergarten Cohort-- demonstrated that children's decile rankings in that study did not change from kindergarten to fifth grade-- the children who entered behind stayed behind, in aggregate. Thus, across the nation, public school administrators and teachers are recognizing the benefits of early childhood programs, and they are implementing early childhood programs. Tantamount to these programs' achieving their aims is a qualified labor force of well- and appropriately-trained professional teachers. According to a 2015 report on the NDE website, over 80 grants and ESU early childhood programs are in operation in Nebraska, and according to the Sixpence website, there are currently 25 school grantees for Sixpence 0-3 programs. Certified teachers are required for all center-based programs among them. This number of programs represents an expansion of early childhood programs requiring state certification for teachers. Currently, programs are challenged to fill positions. In my professional position I have witnessed:

- Center-based 0-3 and 3-5 programs with positions unfilled for an entire school year.
- Competency-qualified teachers with bachelors' degrees in early childhood education unable to attain temporary/provisional early childhood education certification status-- for Inclusive Birth Through Grade 3 Certification because they do not have 75% of the credits for the certification when they are lacking K-Gr3 courses (although they may have met requirements for the below-kindergarten portion).

Thus, this letter is in support of the Nebraska State Board of Education adopting measures in conjunction with passage of Rule 21 that make it possible for more early childhood education teachers to obtain provisional/alternative or temporary certification during this period of rapid program growth and shortages in the early childhood education labor force. I recommend that proposed section of Rule 21 --005.12E1 not apply in the case of early childhood education. Thank you for your attention to this important matter.

Sincerely yours,

*Helen Raikes*

Helen Raikes

Willia Cather Professor

