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TO: State Board of Education

FROM: Margaret Worth— General Counsel and Appointed Staff Person to Conduct a Rule Hearing on revisions to Title 92, Nebraska Administrative Code, Chapter 19, *Regulations Regarding School Enrollment*

DATE: September 9, 2015

RE: Summary of rulemaking hearing on proposed revisions to 92 NAC 19

On August 7, 2015, the State Board approved a hearing draft and authorized the Commissioner to set a hearing date and location to conduct a hearing on the adoption of proposed revisions to Title 92, Nebraska Administrative Code, and Chapter 19. By a memorandum dated August 7, 2015, the Commissioner appointed an attorney from the General Counsel's Office to conduct a hearing on this Rule on September 9, 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 19 Regulations Regarding School Enrollment

Margaret Worth, General Counsel 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 **Scott Summers, NDE Legal Counsel III**.

Mr. Summers testified that Rule 19 is proposed to be revised for the chief purpose of making a revision to reflect the 2015 legislative revision to *Neb. Rev. Stat. §79-215* regarding homeless students' enrollment in public schools. The revision appears in Appendix C of the proposed Rule. In addition, a proposed revision was made to Section 003.02B to clarify school district's responsibilities in relation to enrollment under the Missing Children's Identification Act in state law. Mr. Summers also testified that an additional change to that proposed Section that is believed to be non-substantive will be requested of the State Board at the time this Rule is proposed for adoption. That additional change is to add the words double-underscored below:

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003.02 Presentation of a certified copy of a birth certificate or other proof of identity and age, which is subject to the Missing Children's Identification Act (Section 43-2007 R.R.S.). Under that Act, upon enrollment of a child for the first time in a public school district, the person enrolling the student, within 30 days, must provide a certified copy of the student's birth certificate or other reliable proof of identity and age as described in §43-2007.

No other oral or written testimony was received.