NEBRASKA DEPARTMENT
OF EDUCATION

RULE 84

REGULATIONS FOR THE ACCREDITATION OF EDUCATIONAL SERVICE UNITS

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 84

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State of Nebraska
Department of Education
P.O. Box 94987
Lincoln, Nebraska 68509

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

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001 General Provisions

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 Accreditation Classification. Accredited educational service units shall comply with all of the provisions of this Chapter. Educational service units shall be classified as accredited if they meet all of the requirements of this Chapter. All of the statements herein are requirements of accredited educational service units and are intended to enable the resources of the state to be used efficiently to support the accredited school districts in this state.

001.03 Accreditation Requirement. Educational service units, as providers of educational services, are required to be accredited under the provisions of this Chapter. These provisions are intended to assure that accredited educational service units provide accountability to taxpayers; assist and cooperate with school districts to provide equitable and adequate educational opportunities statewide; and provide quality educational programs and services to school districts.

001.04 Implementation of this Chapter. This Chapter will initially be used during the 2012-2013 school year to determine future accreditation status.

001.05 The Role and Mission of the Educational Service Units. Section 79-1204 R.R.S. states, in part, that Educational Service Units shall:

001.05A Act primarily as service agencies in providing core services and services identified and requested by member school districts;

001.05B Provide for economy, efficiency, and cost-effectiveness in the cooperative delivery of educational services;

001.05C Provide educational services through leadership, research, and development in elementary and secondary education;

001.05D Act in a cooperative and supportive role with the State Department of Education and school districts in development and implementation of long-range plans, strategies, and goals for the enhancement of educational opportunities in elementary and secondary education; and

001.05E 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.

001.06 Property Tax Funds. Section 79-1242 R.R.S. specifies, in part, that 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.

001.07 Contract Services. Section 79-1204 R.R.S. specifies, in part, that educational service units may contract to provide services to:

001.07A Nonmember public school districts;

001.07B Nonpublic school systems;

001.07C Other educational service units; and

001.07D Other political subdivisions, under the Interlocal Cooperation Act and the Joint Public Agency Act.

001.08 Regulation of Schools. Section 79-1204 R.R.S. specifies, in part, that educational service units shall not regulate school districts unless specifically provided pursuant to law.

002 Definitions. As used in this Chapter:

002.01 Accreditation or 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 Collaboration shall mean a systemic process in which individuals and agencies work together to achieve common goals.

002.04 Commissioner shall mean the State Commissioner of Education.

002.05 Core services shall mean services that are provided by educational service units to all member school districts and that are in the following service areas in order of priority:

002.05A Staff development, which shall include access to staff development related to improving the achievement of students in poverty and students with diverse backgrounds;

002.05B Technology, including distance education services; and

002.05C Instructional materials services.

002.06 Department shall mean the State Department of Education, which is comprised of the State Board of Education and the State Commissioner of Education.

002.07 ESU shall mean an educational service unit of the State of Nebraska.

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

002.09 ESU Coordinating Council shall mean the political subdivision composed of one administrator from each educational service unit, as described in Section 79-1245 R.R.S.

002.10 ESU Services shall mean educational services that are supported by sources other than the state appropriation for core services, such as property tax levy funds or grant funds.

002.11 Member School District shall mean any school district which is a member of an educational service unit.

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

003 Requirements for Operation

003.01 Collaboration and Accountability. When carrying out the duties described in Sections 001.05B and 001.05D, the ESU shall engage in collaboration as defined in Section 002.03. When carrying out the duties described in Section 001.05D such collaboration shall include, but is not limited to, working together with the ESU Coordinating Council and supporting accountability for student achievement in school districts.

003.02 Core Services. The ESU shall provide core services to all member school districts. The provision of core services shall include, but is not limited to, access to statewide core service initiatives as established by the ESU Coordinating Council in collaboration with the Department and requested by member districts as being necessary services.

003.02A Each ESU administrator shall serve as a member of the ESU Coordinating Council as established by Section 79-1245 R.R.S.

003.02A1 The ESU administrator or his or her designee shall participate in two jointly established meetings with representatives of the Department and the ESU Coordinating Council annually to establish the focus and coordination of necessary core services based on priorities and on needs that are identified through the analysis of data.

003.02B Each ESU administrator shall designate staff members to participate in professional development related to statewide core services initiatives and planning.

003.03 ESU Services. The ESU may provide ESU services as permitted by the Educational Service Units Act.

003.04 Accountability Reporting.

003.04A Annual Report. Pursuant to Section 79-1228 R.R.S., an annual written program report on the various programs of service to schools for the past year shall be provided by each ESU to member school districts and to the Department in written or electronic form by November 1 of each year.

003.04B Informational Reports. The ESU shall submit informational reports as required by the Commissioner or his or her designee on or before the due date(s) and with all requested information, including required signatures.

003.04C If an ESU fails to submit an informational report on or before the due date, the Commissioner or his or her designee may issue official notice of such failure by certified mail to the president of the ESU board and to the administrator. If the delinquent report is not received by the Commissioner or his or her designee within thirty days of the date which the notice is postmarked, the Commissioner or his or her designee may

recommend to the State Board of Education that the ESU not be accredited for the remainder of the accreditation period. This action shall be subject to the procedures outlined in Section 004.07.

003.05 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:

003.05A A policy establishing the process by which the ESU provides services and calculates the cost.

003.05B A policy establishing the process by which member and nonmember schools request and pay for services.

003.05C A policy governing the supervision, assignment and evaluation of ESU employees when they are serving on the instructional or service faculty of a school.

003.05D A policy providing for in-service for all ESU staff that is aligned with the ESU's priorities as established in the continuous improvement process outlined in Section 006 of this Chapter.

003.05E 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 Accreditation shall be based on ESU's performance during the immediate preceding period of accreditation. The ESU shall complete and submit on or before November 1 of each year the Annual Accreditation Compliance Report in Appendix A of this Chapter.

004.02 To receive accreditation status, the ESU shall comply with all provisions of this Chapter as verified by the Department.

004.03 Violations. In determining the future accreditation status of an ESU, each failure to meet a numbered regulation constitutes a separate violation which, if not corrected, will result in a recommendation to the Board for probation or loss of accreditation.

004.04 Reporting Violations. The ESU shall report any existing violations to the Department on its Annual Accreditation Compliance Report (Appendix A).

004.05 Correction of Violations. An ESU will have until February 1 to correct violations or to prepare a written plan for correction of a violation that existed at the time of submission of the Annual Accreditation Compliance Report. Written evidence of the correction of the violation(s) or a written plan developed in accordance with Section 004.05A must be submitted to the Department.

004.05A An ESU having an uncorrected violation may submit a written plan to the Department by February 1 for correcting the violation before the following school year. Such plans may be approved by the Board if evidence provided indicates that the violation occurred after August 1, and the violation could not reasonably be corrected immediately before or during the current school year. Written evidence of the correction must be submitted to the Department by the following September 1.

004.06 Effect on Violations on an ESU. An ESU is required by state statute to be accredited. If, after consultation with the ESU administrator and staff, the Commissioner determines that an ESU has any uncorrected violations, he or she shall make the applicable following recommendations to the Board:

004.06A An ESU having an uncorrected violation of a requirement with no written plan under Section 004.05A shall be recommended for ACCREDITATION ON PROBATION for the following school year.

004.06B An ESU having a written plan under Section 004.05A and having the same uncorrected violation after September 1 shall be recommended for ACCREDITATION ON PROBATION for the current school year.

004.06C An ESU receiving ACCREDITATION ON PROBATION designation and continuing to have the same uncorrected violation after February 1 shall be recommended for NONACCREDITATION for the following school year and shall be subject to the loss of authority to operate.

004.07 Provisions for Notice and Hearing.

004.07A When the Commissioner makes a recommendation to the Board for an ESU to be placed on probation or for denial or revocation of accreditation, notice of the recommendation and of the right to request a hearing shall be given to the ESU by certified mail sent at least 30 calendar days prior to the date of the Board meeting at which the recommendation is to be considered. Copies will be sent to the ESU administrator and to the presiding officer of the ESU board, if known. This notice shall specify the basis for the recommendation.

004.07B If the ESU notifies the Commissioner at least seven (7) days prior to the date the recommendation is to be considered by the Board that it requests a hearing, the Board shall schedule a hearing date.

004.07C All hearings arising under this Chapter shall be conducted in accordance with the hearing procedures of 92 NAC 61.

004.08 Action by the Board. Upon review of the Commissioner's recommendation, and following any hearing, the Board shall make a determination of the future accreditation status of the ESU and shall inform the ESU in writing of its determination.

005 Staff

005.01 The ESU board shall employ a chief administrator who shall hold a Nebraska Administrative Certificate endorsed as a superintendent pursuant to 92 NAC 21.

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

005.02A Computed on a full-time equivalency basis, a minimum of 90 percent of the ESU's teaching assignments shall be in areas for which assigned teachers hold certificates having appropriate endorsements pursuant to 92 NAC 24.

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

005.04 Evaluation Policies and Procedures for Certificated Staff. The ESU shall have written board policies and procedures for the evaluation of certificated employees that are filed with the Department and approved by the Commissioner or his or her designee.

005.04A The policies and procedures shall include, but are not limited to, the following:

005.04A1 Annual written communication of the evaluation process to those being evaluated;

005.04A2 A description of the duration and frequency of observations and written evaluations for probationary and permanent certificated employees;

005.04A3 Specific ESU-defined evaluation criteria, which include, at the minimum:

005.04A3a Instructional performance (applicable to teachers only),

005.04A3b Classroom organization and management (applicable to teachers only), and

005.04A3c Personal and professional conduct.

005.04A4 Provision for written communication and documentation to the evaluated certificated employee specifying all noted deficiencies, specific means for the correction of the noted deficiency, and an adequate timeline for implementing the concrete suggestions for improvement;

005.04A5 Provision for the certificated employee to offer a written response to the evaluation; and

005.04A6 A description of the ESU plan for training evaluators.

005.04B The Commissioner or his or her designee shall approve the policies and procedures if they are in compliance with the requirements in Sections 005.04A1 through 005.04A6 and shall notify the ESU of approval in writing. Such approval shall remain in effect until there is a change in the policies or procedures by the ESU, or an amendment of state law or regulations relating to such approval.

005.04C In the event an ESU changes, or is required by law or regulation to change, its approved policies or procedures for certificated employee evaluation, it shall resubmit the revised policies and procedures to the Commissioner or his or her designee for reapproval.

005.04D If the Commissioner or his or her designee determines that the policies and procedures of the ESU are out of compliance with the provisions of this Chapter, the Commissioner or his or her designee shall notify the ESU in writing. The ESU may resubmit amended policies and procedures or may appeal such determination to the Board pursuant to the procedures set forth in 92 NAC 61.

005.05 All evaluators, with the exception of the ESU board when it evaluates the administrator, shall possess a valid Nebraska Administrative Certificate and shall be trained to use the evaluation system used in the ESU.

006 ESU Improvement and Evaluation

006.01 The ESU shall develop and implement a continuous improvement process to promote quality learning, equity, and accountability. The ESU's improvement process shall include, but is not limited to, the following activities within each five-year period:

006.01A Review and update of a mission and vision statement.

006.01B On-going collection and analysis of aggregate data about student performance, programs, core services and services, demographics, and school district satisfaction;

006.01C Identification of annual improvement goals based on the data identified in Section 006.01B;

006.01D Development and implementation of a plan that includes procedures, strategies, or actions to achieve goals; and

006.01E Annual evaluation of progress toward improvement goals.

006.02 The ESU continuous improvement process shall include an on-site visitation by an external team to review the process. The external team shall be made up of a minimum of five (5) persons, not employed by the ESU or in schools served by the ESU. The chair of the external team shall be assigned by the Commissioner or his or her designee with remaining membership of the team agreed upon by the ESU administrator and the Commissioner or his or her designee. A copy of the external team's written report, including recommendations, shall be provided to the Department. The external team visits shall be conducted at least once each five years.

006.02A The AdvancED Quality Assurance Review (QAR) may be used by the ESU to fulfill the requirement for an on-site visitation if all of the requirements of Section 006.02 of this Chapter are met.

007 Audits

007.01 The ESU shall cause an annual independent audit of its books, accounts, records, and affairs to be made as required by Section 79-1229(2) R.R.S.

007.02 The original copy of the audit shall be filed in the office of the Auditor of Public Accounts, as required by Section 79-1229(2) R.R.S., and copies of the audit shall be provided to each member school district on request and to the Department.

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008 Core Services

008.01 Provision of Core Services. Core services shall be provided by the ESU to all member school districts. Core services shall be defined by each ESU as follows:

008.01A Core services shall be within the following service areas in order of priority: Staff development, which shall include staff development related to improving the achievement of all students including the achievement of students in poverty and students with diverse backgrounds; technology, including distance education services; and instructional materials services;

008.01B Core services shall improve teaching and student learning by focusing on enhancing school improvement efforts, meeting statewide requirements including but not limited to accountability requirements, and achieving statewide goals in the state's system of elementary and secondary education;

008.01C Core services shall provide schools with access to services that:

008.01C1 the ESU and its member school districts have identified as necessary services;

008.01C2 are difficult, if not impossible, for most individual school districts to effectively and efficiently provide with their own personnel and financial resources;

008.01C3 can be efficiently provided by each ESU to its member school districts; and

008.01C4 can be adequately funded to ensure that the service is provided equitably to the state's public school districts;

008.01D Core services shall be designed so that the effectiveness and efficiency of the service can be evaluated on a statewide basis; and

008.01E Core services shall be provided by the ESU in a manner that minimizes the costs of administration or service delivery to member school districts.

ANNUAL ACCREDITATION COMPLIANCE REPORT
-AND-
APPLICATION FOR CLASSIFICATION AS AN ACCREDITED ESU FOR 20__-20__
UNDER RULE 84 (Regulations for the Accreditation of Educational Service Units)

EDUCATIONAL SERVICE UNIT NUMBER: _____

Address: _____ City: _____ Zip code: _____.

The Educational Service Unit complies with the following provisions of law and regulation and hereby applies for accreditation for 20__-20__:

Rule 84 Reference		Yes	No
003.02	Does the ESU provide core services to all member districts, including access to statewide core service initiatives as established by the ESU Coordinating Council in collaboration with the Department of Education and requested by member districts?		
003.02A	Does the ESU administrator serve as a member of the ESU Coordinating Council?		
003.02A1	Did the ESU administrator or designee participate in two meetings jointly established between the ESU Coordinating Council and the Department of Education during the past school year?		
003.02B	Does the ESU have staff designated to participate in professional development activities related to statewide core services initiatives and planning established during the meetings designated in Section 003.02A1?		
003.03	Does the ESU provide ESU services as permitted by the ESU Act?		
003.04A	Is the annual written program report on the various programs of service to schools for the past year provided to member school districts and to the Department by November 1 of each year? (**Please enclose a copy of the annual written program report if not already mailed or indicate the weblink to access the report electronically.)**		
003.04B	Are all informational reports as required by the Commissioner or his or her designee submitted, i.e. Personnel Report?		
003.05	Has the ESU board adopted a comprehensive set of written policies in accordance with Sections 003.05A through 003.05E that govern the organization and operation of the ESU?		

Rule 84 Reference		Yes	No
005.01	Does the chief administrator hold a Nebraska Administrative Certificate with an endorsement for superintendent?		
005.02	Do all ESU staff who have teaching responsibilities for students hold valid Nebraska teaching certificates pursuant to 92 NAC 21?		
005.02A	Are at least 90% of the teaching assignments, when computed on a full-time equivalency basis, assigned to appropriately endorsed teachers?		
005.03	Are special service certificate holders limited to providing those services specified on their Nebraska Special Services Certificate?		
005.04B	Is the current evaluation policy for certificated staff approved and on file with the Department of Education?		
006.02	Has the ESU conducted a comprehensive evaluation of its continuous improvement process to promote quality learning, equity, and accountability and external visit in the past five-year period?		
	The date of the last on-site visitation by an external team was:		
	We anticipate the next scheduled visit will be:		
007.02	Has a copy of the annual audit report been provided to each member school district on request and to the Department?		
008.01	Does the ESU provide core services to all member school districts?		

We presently meet the accreditation provisions in Title 92, Chapter 84 with the following exceptions:

_____

I have referred to Rule 84 and hereby certify that to the best of my knowledge the information contained herein is correct and complete.

_____ _____

Signature of Administrator Date

Retain a photocopy of the completed, signed form.
Return the <u>original</u> to the Department of Education