

**NEBRASKA DEPARTMENT
OF EDUCATION**

RULE 14

**REGULATIONS AND PROCEDURES FOR THE LEGAL OPERATION OF
APROVED NONPUBLIC SCHOOLS**

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 14**

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001 General Provisions

001.01 Statutory Authority. This Chapter is adopted pursuant to Neb. Rev. Stat. §§ 79-305, 79-318, 79-703, and 79-1601.

001.02 Approval of School Systems. Nonpublic Schools will be classified as approved if they meet all of the requirements of this Chapter. Each private and parochial school in Nebraska that provide elementary, middle, or secondary instruction to children of compulsory attendance age is required to be approved under the provisions of this Chapter, unless the school is part of a school system accredited under Title 92, Nebraska Administrative Code (NAC), Chapter 10 or is exempt under the provisions of 92 NAC 13.

001.03 Related Regulations. Provisions regarding teacher certification and endorsement are contained in 92 NAC 21 and 92 NAC 24.

001.04 Implementation of this Chapter. This Chapter will initially be used during the 2023-24 school year to determine future approval status.

002 Definitions. As used in this Chapter:

002.01 Board means the State Board of Education.

002.02 Commissioner means the State Commissioner of Education.

002.03 Core Curriculum means a curriculum which includes language arts, social science, science, mathematics, career and technical education, world languages, visual and performing arts, and personal health and physical education.

002.04 Course means a particular subject, subject area, or defined sequence of learning experiences scheduled during the school day with a certificated teacher assigned and with one or more students enrolled and in attendance.

002.05 Department means the State Department of Education, which is comprised of the Board and the Commissioner.

002.06 Elementary Grades means those grades designated by the school system as elementary, but not to include any above grade eight.

002.07 Governing Body means a board elected or appointed to provide direction to a nonpublic school or to a nonpublic school system, or an individual or corporate owner

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002.08 High School Grades means grades 9 through 12 in a school system organized with a four-year high school and grades 10 through 12 in a school system organized with a three-year high school. Schools organized as a three-year high school may include the ninth grade in determining compliance with this Chapter.

002.09 Instructional Unit means 15 clock hours (900 minutes) of classroom instruction in a course offered in the secondary school. As an example, a course which meets for 50 minutes a day for 180 days generates 10 instructional units. Instructional units should be computed to the nearest one-tenth.

002.10 Middle Grades means grades designated by the school system as middle and may include any grades from four through nine. The middle grades typically include at least grades seven and eight. Common middle grade configurations are grades six through eight or grades seven through nine.

002.11 School means an individual attendance center within a school system which provides either elementary, middle, secondary, or high school education.

002.12 School System means a school or group of schools under a governing body organized to provide education in elementary, middle, secondary, or high school grades as provided in this Chapter.

002.13 Secondary Grades means those grades designated by the school system as secondary, but not to include any below grade seven.

002.14 Teach has the same meaning as in Neb. Rev. Stat. § 79-101.

003 Procedures for Approval

003.01 Application for Initial Approval. A governing body seeking approval or seeking to add grades to a previously approved school must make application on forms supplied by the Department. The completed application forms must be received by the Department no later than May 1 prior to the start of the school year.

003.02 Recommendation by the Commissioner. If it is determined through visitation and/or reporting that the applicant school can comply with the provisions of this Chapter, a recommendation by the Commissioner will be made to the Board that the applicant school be granted conditional approval.

003.03 Action by the Board and Subsequent Reports. Upon favorable action by the Board, the applicant school will be granted conditional approval for one school year.

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003.04 Visitation. Applicant schools must be visited during the school year by a representative of the Department or a designated superintendent to determine the school's compliance with the provisions of this Chapter.

003.05 Noncompliance. If it is determined by the Commissioner that a school has failed to comply with the provisions of this Chapter at any time during the year of conditional approval, such failure will be just cause following notice to initiate proceedings before the Board to immediately terminate the conditional approval.

003.06 Duration of Approval. Continued approval is granted for one school year from each July 1 through the following June 30. Renewal is granted based upon the school's compliance with this Chapter during the prior school year. As detailed in this Chapter, failure to comply with mandatory standards in Section 004.01 of this Chapter may cause a school or school system to lose its approval during the school year.

003.07 School Site Review. The State Department of Education staff must conduct periodic on-site visits to schools to review and determine compliance with the provisions of this Chapter.

004 Requirements for All Schools

004.01 Mandatory Requirements for Legal Operation. To be eligible for approval or to continue as an approved school or school system, the following requirements must be met when applicable. Failure to comply with Sections 004.01A through 004.01G1 of this Chapter will be just cause for the Commissioner to initiate proceedings before the Board to terminate approval and end legal operation during the school year.

004.01A Teachers. The school must use only persons certificated pursuant to 92 NAC 21 to teach. Persons conducting religion or prekindergarten classes which are not counted as a part of the nonpublic school's courses for purposes of complying with the requirements of this Chapter are excluded from this requirement.

004.01B Grade Levels. The school must operate, offer instruction in, and give credit in only the grades for which the school is approved.

004.01C Required Instruction. Instruction in English, mathematics, science, and social studies must be provided each school year for all grades.

004.01D Graduation Requirements. Each high school must require from grades nine through twelve at least 200 credit hours for graduation, for which at least 80 percent must be from the core curriculum. The number of credit hours given

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for a course may be less than the number of instructional units and may be increased up to 25 percent above the number of instructional units.

004.01E School Year. Each school must provide at least the following instruction annually between July 1 and June 30 for the grades it offers: (a) for grades through eight, the time equivalent to at least 1,032 hours, (b) for grades nine through twelve, the time equivalent to at least 1,080 hours, and (c) if kindergarten is provided, the time equivalent to at least 400 hours. When a school is dismissed for any reason such as tournaments or contests, parent/teacher conferences, funerals, parades, and school picnics, such time may not be counted in meeting the 400/1,032/1,080 hour school year requirement. Time scheduled for the school lunch period may not be counted in meeting the school year requirements.

004.01F Assurance Statement. Each school or school system must, by November 1 of each year, submit to the Department an Assurance Statement, as prescribed by the Department, signed by a representative of the governing body affirming compliance or specifically noting any noncompliance with the regulations contained in this Chapter.

004.01G Reports. The head administrator, or head teacher, or presiding officer of the governing body of each school must submit each school year a Fall Personnel Report on or before September 15 and a Curriculum Report on or before the last day of February to the Department electronically via the Department's reporting system.

004.01G1 Additions of certificated staff after submission of the Fall Personnel Report must be reported to the Department at the time of contracting.

004.02 The School and School System. Regulations contained in this section apply to all approved schools.

004.02A School Policies

004.02A The governing body annually updates a written set of policies based upon the purposes and goals of the school or school system. This document is on file in each school building.

004.02A2 The school has a written policy which describes the 1,080 hour instructional program scheduled for high school students and the 1,032 hour instructional program scheduled for elementary students and, if

provided, the 400 hour instructional program for kindergarten students. The policy(ies) or regulations stipulate the conditions for which individual students may be excused from the regular school days.

004.02B The Instructional Program

004.02B1 The instructional program of the school is based on a written statement of purposes and/or goals developed at the local level and approved by the local board of education or governing body. This document is on file in each school building and each certificated staff member is provided a copy.

004.02B2 The school has written guides or frameworks for each core curriculum area and for the library and guidance programs. The guide in each core curriculum area addresses, as appropriate, instruction in written composition.

004.02B3 The school ensures its teachers arrange and present instruction in the manner specified in Neb. Rev. Stat. § 79-725 to promote and develop an upright and desirable citizenry.

004.02B4 The school provides a comprehensive cumulative record of attendance, academic progress, and dates of enrollment in and withdrawal from the school for each student enrolled.

004.02B5 No student in grades seven or eight participates in interscholastic athletic contests between schools within a school system or between school systems which exceed six games in football, fourteen matches in volleyball, twelve games in basketball, eight meets in wrestling, eight meets in track and field, and eight contests in all other activities. Contest limits must be based upon the total number of contests played. Each game, match, or meet played in a tournament setting must count as one of the contests permitted within these contest limits. Pupils in kindergarten through sixth grade do not participate in any kinds of athletic contests between schools within a school system or between school systems, except that nonpublic elementary school systems having seventh and eighth grade athletics may include sixth grade boys or girls when combined enrollment for seventh and eighth grade becomes fewer than 12 boys or 12 girls and if the local governing body has a policy regulating participation for sixth graders. Annual field or play days are excluded from this regulation.

004.02C Number, Preparation, and Assignment of Staff Members

004.02C1 Each K-12 and each secondary school having grades ten through twelve or high school has a head administrator who holds a Nebraska Administrative Certificate issued pursuant to 92 NAC 21 with an endorsement for serving as a superintendent issued pursuant to 92 NAC 24. Nonpublic schools may share an area or diocesan head administrator.

004.02C2 Any person employed in an administrative or supervisory capacity in addition to the head administrator holds a Nebraska Administrative Certificate with an appropriate endorsement for the position held.

004.02C3 A copy of the certificate or permit of each staff member who is required to have a certificate is on file in the school or school system's administrative office.

004.02C4 The ratio of pupils to certificated staff members computed on a full-time equivalency basis in each school does not exceed 30 to 1.

004.02C5 Each teacher participates in at least ten hours of staff development activities each year.

004.02D Materials and Facilities

004.02D1 Each school has a library media area(s) which is available to students during the entire school day. All library media resources are properly cataloged, marked, and shelved according to a standard classification system. Each elementary school has at least one set of encyclopedias which has a copyright date within six years of the current school year. Each secondary school has two sets of encyclopedia from different publishers with copyright dates in the past five years. Required encyclopedia may be in print or electronic format.

004.02D2 Each elementary, middle, and high school acquires a minimum of 25 new library media resources, exclusive of textbooks and encyclopedia, of different titles, per teacher per year, up to 150 titles during one year. The minimum full text hard copy titles is 100 if library media resources are also available through electronic format.

004.02D3 Each middle and high school subscribes to at least ten periodicals listed in the guide or index to periodicals used by the school.

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At least six are hard copy. The remainder may be obtained through electronic format.

004.02D4 Each school maintains safe, healthful, and sanitary conditions within the school building(s) and on the school grounds and meets fire, safety, and health codes.

004.02E School System Performance: Evaluation and Improvement

004.02E1 Each school annually prepares a written report which includes but need not be limited to student performance and school demographics. No public reports of student performance are provided for any grades having fewer than five students.

004.02E2 Each school selects and uses a standardized norm-referenced assessment instrument. Whole grade assessment begins no earlier than grade two and assessment is conducted annually in at least one grade in each of the following three levels: grades 4-6; grades 7-9; grades 10-12.

004.02E3 Each school uses criterion referenced assessment data, beginning at least in grade five, to determine acquisition of competencies in reading, writing, and mathematics. The assessment is based upon local checklists or benchmarks of progress, portfolio collections showing student progress, or other criterion-referenced measures.

004.02E4 At least once every three years, each high school conducts a follow-up study of its graduates.

005 Regulations Pertaining to the Elementary School

005.01 The Elementary Instructional Program. The elementary school has on file a representative weekly schedule for each classroom teacher encompassing experiences in the following subject areas:

005.01A Reading and Language Arts;

005.01B Mathematics;

005.01C Social Studies, including instruction required pursuant to Neb. Rev. Stat. § 79-724;

005.01D Science/Health;

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005.01E Physical Education;

005.01F Art; and

005.01G Music.

005.02 Number, Preparation, and Assignment of Elementary Staff

005.02A Computed on a full-time equivalency basis, a minimum of 90 percent of the teachers in the elementary grades are assigned to areas for which they hold certificates having appropriate endorsements pursuant to 92 NAC 24.

005.02B An elementary school having more than one and less than ten full-time equivalency teachers has a principal or designates one teacher as head teacher. The head teacher holds at least a Nebraska Initial, Standard, or Professional Teaching Certificate issued pursuant to 92 NAC 21 with an appropriate endorsement for elementary education issued pursuant to 92 NAC 24. The principal holds a Nebraska Standard or Professional Administrative Certificate issued pursuant to 92 NAC 21 with an endorsement for principal or superintendent issued pursuant to 92 NAC 24. When the number of full-time equivalency teachers reaches ten or more, a principal holding a Nebraska Standard or Professional Administrative Certificate issued pursuant to 92 NAC 21 with an endorsement for principal or superintendent issued pursuant to 92 NAC 24 is assigned at least one-half time for administration and supervision.

005.02C Two or more schools may jointly contract with a person holding a Nebraska Standard or Professional Administrative Certificate with an endorsement for principal or superintendent.

006 Regulations Pertaining to the Middle Grades School

006.01 The middle grades instructional program. Instruction may be provided through separate courses, integrated blocks of time, or through exploratory programs. The program in the middle grades includes instruction for each grade each year in the following subject areas:

006.01A Reading and Language Arts;

006.01B Mathematics;

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006.01C Social Studies, including instruction required pursuant to Neb. Rev. Stat. § 79-724;

006.01D Science;

006.01E Health;

006.01F Art;

006.01G Music; and

006.01H Physical Education. Practice for and participation in interscholastic activities cannot substitute for any part of physical education.

006.02 Number, Preparation, and Assignment of Middle Grades Staff

006.02A Computed on a full-time equivalency basis, a minimum of 80 percent of the teachers in the middle grades are assigned to areas for which they hold one of the following endorsements or meet the provisions of subsections 006.02A1a or 006.02A4 of this Chapter.

006.02A1 In grades seven and eight, any middle grades endorsement or an appropriate secondary endorsement.

006.02A1a Teachers holding an elementary endorsement may teach in grades seven and eight if they acquire six credit hours per year toward the middle grades endorsement or participate in staff development in accordance with a local mission and plan for education of middle grade students.

006.02A2 In grades four through six, an elementary endorsement or any middle grades endorsement.

006.02A2a Teachers holding a content area endorsement at the secondary level may teach grade six in that content area if they acquire six credit hours per year toward the elementary or middle grades endorsement or participate annually in staff development in accordance with a local mission and plan for education of middle grade students.

006.02A3 In grade nine, an appropriate secondary endorsement or any middle grades endorsement.

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006.02A4 Teachers not holding an appropriate endorsement may be assigned to the middle grades if they acquire six credit hours per year toward a middle grades endorsement.

006.02A5 Secondary teachers assigned to integrated courses or curriculum in grades seven through nine are considered appropriately endorsed if they hold an endorsement for any of the subjects or fields included in the course.

006.02B A middle grades school having more than one and less than ten full-time equivalency teachers has a principal or designates one teacher as head teacher. The head teacher holds a least a Nebraska Initial, Standard, or Professional Teaching Certificate issued pursuant to 92 NAC 21 with an endorsement for principal or superintendent issued pursuant to 92 NAC 24. The principal holds a Nebraska Standard or Professional Administrative Certificate issued pursuant to 92 NAC 21 with an endorsement for principal or superintendent issued pursuant to 92 NAC 24. When the number of full-time equivalency teachers reaches ten or more, a principal holding a Nebraska Standard or Professional Administrative Certificate issued pursuant to 92 NAC 21 with an endorsement for principal or superintendent issued pursuant to 92 NAC 24 is assigned at least one-half time for administration and supervision.

006.02C Two or more middle grades schools may jointly contract with a person holding a Nebraska Standard or Professional Administrative Certificate with an endorsement for principal or superintendent.

007 Regulations Pertaining to the Secondary School

007.01 The Secondary Instructional Program

007.01A Required High School Program. The high school program consists of courses totaling at least 200 instructional units of which at least 100 instructional units are taught by certificated teachers employed by the school. Up to a total of 100 instructional units may be provided through one or more of the following:

007.01A1 Cooperative Arrangements. Instructional units provided through contractual or cooperative arrangements with other schools, educational service units, and/or postsecondary institutions may be counted in meeting a portion of the instructional unit requirement provided the courses are taught by properly certificated teachers and are made available to all eligible students. The course(s) must be shown on

the high school class schedule if the courses are to be counted toward compliance with this regulation. A copy of the written agreement with the cooperation school/agency must be on file in the school.

007.01A1a Distance Learning. Up to 60 instructional units of the 200 unit instructional program requirement of the high school may be met through the use of courses presented primarily through one or more forms of distance learning technology such as satellite, regional course sharing, or other audio-video distance learning, provided: (a) each course is shown on the high school class schedule, (b) at least one student is enrolled and participating in each course to be counted, and, (c) each student enrolled in a course is assigned to a local certificated teacher who monitors student progress and general appropriateness of the course. The teacher is present in the classroom while instruction is in progress unless:

007.01A1a1 The off-site teacher holds a valid teaching certificate and a para-professional is present in the classroom, or

007.01A1a2 The off-site teacher holds a Nebraska teaching certificate, maintains two-way audio and video communication with the distance learning classroom, and has a direct telephone connection with a supervising adult in the school.

007.01A2 Correspondence Courses. Up to 30 instructional units of the instructional program requirement of the high school may be met through the use of correspondence courses available through the Independent Study High School, University of Nebraska-Lincoln, provided: (a) the courses are made available to all students at the school's expense, (b) at least one high school student is enrolled in each course used towards compliance with the instructional program requirement, (c) a correspondence study class is scheduled each day that school is in session with a certificated teacher present (one teacher may supervise several correspondence courses within a single class period), (d) students are required to attend the scheduled classes, and (e) a statement indicating the name of the course, the number of hours to be completed, and the name of the students enrolled is on file in the

school system. The class assigned for the correspondence work must be shown on the high school class schedule.

007.01B A school adding high school grades provides at least one-fourth of the total instructional unit requirement and one-fourth of the individual subject matter requirements for each grade that it offers.

007.01C The instructional program in grades 9-12 includes as a minimum the following subject fields and the number of instructional units shown for each:

007.01C1 Language Arts – 40 instructional units. Schools may include world language in meeting this requirement;

007.01C2 Social Science – 30 instructional units. This must include instruction required pursuant to Neb. Rev. Stat. § 79-724;

007.01C3 Mathematics – 20 instructional units;

007.01C4 Science – 20 instructional units. This includes courses each year in the biological and the physical sciences;

007.01C5 Career and Technical Education – 40 instructional units;

007.01C6 Personal Health and Physical Education – 10 instructional units. Practice for and participation in interscholastic athletic activities cannot substitute for any part of the personal health and physical education requirement; and

007.01C7 Visual and Performing Arts – 5 instructional units in music and 5 in art.

007.01D Secondary schools including grades seven and eight provide instruction in the following subject areas in each grade during each school year: Reading, Language Arts, Social Science, Mathematics, Science, Personal Health and Physical Education, Music, and Art. Computer education is integrated in the instructional program. Practice for and participation in interscholastic activities are not accepted as a substitute for any part of this requirement.

007.02 Number, Preparation, and Assignment of Secondary Staff

007.02A A minimum of 70 percent of the units offered in secondary grades during the regular school term are assigned to teachers who hold certificates

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having appropriate endorsements issued pursuant to 92 NAC 24. If 92 NAC 24 does not provide an endorsement designated for a particular course or subject area, any teacher holding a regular certificate may instruct such course without penalty to the school system. Teachers holding a subject endorsement are considered appropriately endorsed for any other subject within the broad field if they are acquiring six credit hours per year toward the subject endorsement or the broad field endorsement.

007.02B Each secondary school has a principal assigned who holds a Nebraska Administrative and Supervisory Certificate with an endorsement for serving as a secondary principal or for superintendent. When the number of full-time equivalency teachers reaches 10 or more, the principal is assigned at least one-half time for administration and supervision. The principal is assigned full-time for administration and supervision when the number of full-time equivalency teachers reaches 20 or more.

008 Loss of Approval

Section 004 of this Chapter lists requirements that must be met at all times by school systems as a condition of approval. Failure to meet the provisions of Section 004 may result in the Board terminating the legal operation of the school system during the school year. Noncompliance with other regulations in this Chapter will result in the assessment of violations which, if not corrected, will result in a recommendation to the Board for probation or loss of approval.

008.01 Violations. In determining the future approval status of a school, each failure to meet a numbered regulation other than those contained in Section 004 of this Chapter will constitute a separate violation.

008.02 Reporting Violations. A school must report any existing violations to the Department on its annual Statement of Assurance.

008.03 Correction of Violations. Schools 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 Statement of Assurance. Written evidence of the correction of the violations or a written plan developed in accordance with Section 008.03A of this Chapter must be submitted to the Department.

008.03A Schools 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

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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.

008.04 Effect of Violations on Nonpublic Schools. If, after consultation with school officials, the Commissioner determines that approved nonpublic school systems have any uncorrected violations, the Commissioner must make the applicable following recommendations to the Board.

008.04A AN APPROVED NONPUBLIC SCHOOL SYSTEM having an uncorrected violation that applies to approved school systems and no written plan under Section 008.03A of this Chapter must be recommended for APPROVAL ON PROBATION for the following year.

008.04B An APPROVED NONPUBLIC SCHOOL SYSTEM having a plan under Section 008.03A of this Chapter and having the same uncorrected violation after September 1 of any requirement that applies to approved school systems must be recommended for APPROVAL ON PROBATION for the current year.

008.04C An APPROVED NONPUBLIC SCHOOL SYSTEM ON PROBATION continuing to have the same uncorrected violation after February 1 must be recommended for NONAPPROVAL for the following school year.

008.05 Provisions for Notice and Hearing

008.05A When the Commissioner makes a recommendation to the Board for a school system to be placed on probation or for denial or revocation of approval, notice of the recommendation and of the right to request a hearing must be given to the school system 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 superintendent, head administrator, or head teacher of the school system, and to the presiding officer of the governing body, if known. This notice must specify the basis for the recommendation.

008.05B If the school system notifies the Commissioner at least seven days prior to the date the recommendation is to be considered by the Board that it requests a hearing, the Board must schedule a hearing date.

008.05C All hearings arising under this Chapter must be conducted in accordance with the hearing procedures of 92 NAC 61, including provisions of that Chapter relating to evidence. Any action taken or recommended by the Commissioner adverse to the school system may be the subject of a petition by

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such school system under 92 NAC 61, in which case all the provisions of 92 NAC 61 must apply to such appeal.

008.06 Action by the Board. Upon review of the Commissioner's recommendation, and following any hearing, the Board must make a determination of the future approval status of the system and must inform the system in writing of its determination.