

STATE OF NEBRASKA)

) ss.

LANCASTER COUNTY)

NOTICE OF RULE-MAKING HEARING
NEBRASKA DEPARTMENT OF EDUCATION

NOTICE is hereby given that the Department of Education will conduct consecutive rule-making hearings on January 31, 2022, commencing at 9:00 a.m. (Central Time) on revisions to Title 92, Nebraska Administrative Code, Chapter 10 (Rule 10), *Regulations and Procedures for the Accreditation of Schools*, Title 92, Nebraska Administrative Code, Chapter 14 (Rule 14), *Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools* AND Repeal of Title 92, Nebraska Administrative Code, Chapter 23, *Regulations for the Basic Skills Competency Testing of Teachers and Administrators*.

Testimony will be received via ZOOM <https://educationne.zoom.us/j/95155900826> .

The PURPOSE of the proposed revisions to Rule 10 (*Regulations and Procedures for the Accreditation of Schools*) is to incorporate 79-724 and 79-725 Nebraska Revised Statutes into rules to ensure compliance with 79-727 Nebraska Revised State Statute. Additionally, edits were made to reduce redundancy with Nebraska Revised State Statutes (E.g., the definition of “teach” now reflects a reference to the statutory definition), elimination of appendix documents, and other minor edits (E.g., replace “shall” with “must”).

The PURPOSE of the proposed revisions to Rule 14 (*Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools*) is to incorporate 79-724 and 79-725 Nebraska Revised Statutes into rules to ensure compliance with 79-727 Nebraska Revised State Statute. Additionally, edits were made to reduce redundancy with Nebraska Revised State Statutes (E.g., the definition of “teach” now reflects a reference to the statutory definition), elimination of appendix documents, and other minor edits (E.g., replace “shall” with “must”).

The PURPOSE of the proposed repeal of Rule 23 (*Regulations for the Basic Skills Competency Testing of Teachers and Administrators*) is eliminate the requirement for educators to demonstrate basic skills competency, as defined in 79-807 (R.R.S.), when applying for an entry-level certificate. Nebraska is currently experiencing an educator shortage and is looking at eliminating unnecessary and duplicative barriers for educators related to certification while ensuring high standards are retained. Most research finds that certification exams are not strong predictor a teaching effectiveness. Basic skills competency examinations also add to costs for new educators. Additionally, a baccalaureate degree and completion of an approved educator preparation program (including student teaching) is required for an initial teaching certificate and these requirements demonstrate an applicant has the basic skills to be a teacher. This would not preclude an educator preparation program or school system from instituting basic skills testing requirement for those entering into a program or being hired as a teacher but would allow that decision to be one of local control. The repeal would also allow Nebraska to be more competitive for teachers as no other states that borders Nebraska requires basic skills competency examinations for certification. The repeal of Chapter 23 will result in an increase in the number of certificated teachers in Nebraska.

FISCAL IMPACT statements may be obtained and inspected at the Office of the Nebraska Department of Education.

These hearings are being conducted under the provisions of Section 84-907 R.R.S., 1943, which provides that a DRAFT COPY OF THE PROPOSED RULE IS AVAILABLE for public examination at the Nebraska Department of Education and at the Office of the Secretary of State, State Capitol Building, Lincoln, Nebraska. A copy of the hearing draft for these Rules are also available on the Nebraska Department of Education's webpage at: <http://www.education.ne.gov/LEGAL/hearingdrafts.html>

All INTERESTED PERSONS are invited to ATTEND and TESTIFY via ZOOM <https://educationne.zoom.us/j/95155900826>. If reasonable accommodations are needed, please contact Brad Dirksen at least five (5) days prior to the hearing. Interested persons may also submit written comments to the Nebraska Department of Education prior to the hearing at NDE.RuleHearing@nebraska.gov. Written comments will be made a part of the hearing record at the time of the hearing.

Dated at Lincoln, Nebraska this 21st day of December 2022.

Nebraska Department of Education
Matthew L. Blomstedt, Ph.D.
Commissioner of Education