NEBRASKA
DEPARTMENT OF EDUCATION

www.education.ne.gov
301 Centennial Mall South
P.O. Box 94987
Lincoln, NE 68509-4987
TEL 402.471.2295
FAX 402.471.0117

FILED
NOV - 1 2017

October 31, 2017

Rules and Regulations Officer
Office of the Secretary of State
State Capitol Building, Room 2300
Lincoln, NE 68509

Dear Rules and Regulations Officer:

The Department of Education will be conducting a rule-making hearing on Friday, December 1, 2017, commencing at 10:00 a.m.(CT) on proposed revisions to Title 92, Nebraska Administrative Code, Chapter 23 (Rule 23) *Regulations for the Basic Skills Competency Testing of Teachers and Administrators.* Testimony will be received at the Nebraska State Office Building, Nebraska Department of Education, 6th floor, State Board Meeting Room, 301 Centennial Mall South, Sixth Floor, Lincoln, NE.

A fiscal impact statement for the Rule is attached.

Please use the following as the One line Description for Online Rules Tracking:

Title 92, Nebraska Administrative Code, Chapter 23, *Regulations for the Basic Skills Competency Testing of Teachers and Administrators.*

Please enable the online comments for this rule change. The E-Mail address for the submission of online comments shall be: nderulehearing@nde.ne.gov

Enclosed is a copy of a hearing draft for the Rule and the legal notice, which will be published in the Omaha World Herald on October 31, 2017.

Sincerely,

Brenda Wid

BRENDA L. WID
Office Associate IV

Enclosures

cc: Matthew L. Blomstedt, Ph.D., Commissioner
Executive Board of the Legislative Council w/enc.
Rule Docket File w/enc.
Sara Hulac
Sharon Katt
Leslie Donley w/enc.
Kevin Peters

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DATE: October 31, 2017

TO: Pete Ricketts
Governor of Nebraska

FROM: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

RE: Proposed revisions to Title 92, Nebraska Administrative Code, Chapter 23
Basic Skills Competency Testing of Teachers and Administrators

Attached for your review is a copy of Title 92, Nebraska Administrative Code, Chapter 23. This proposed Hearing Draft was approved by the Commissioner of Education on October 26, 2017. A public hearing is scheduled for Friday, December 1, 2017, at 10:00 a.m. (CT) in the State Board Meeting Room at the Nebraska Department of Education, Nebraska State Office Building, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509.

PURSUANT TO SECTION 84-907.09, THE FOLLOWING INFORMATION IS PROVIDED:

A. A DESCRIPTION OF THE PROPOSED RULE AND THE ENTITY OR ENTITIES IT WILL IMPACT.

Chapter 23 provides procedures for the administration of basic skills competency examination to all individuals seeking their first Nebraska teacher or administrator certificate after July 31, 1989, and for the issuance of temporary teaching or administrative certificates.

B. AN EXPLANATION OF THE NECESSITY OF THE PROPOSED RULE, INCLUDING THE IDENTIFICATION OF THE AUTHORIZING STATUTE OR LEGISLATIVE BILL.

Chapter 23 is adopted pursuant to Nebraska Revised Statutes Section 79-808. The proposed revised Chapter 23 aligns with basic skills competency testing addressed in Section 79-807(1) and 79-809(3). The revised Chapter 23 incorporates changes to the composite score option for the two basic skills tests currently authorized by Chapter 23. The revised composite score option will no longer include the qualifiers in the current Chapter 23.

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C. A STATEMENT THAT THE PROPOSED RULE IS CONSISTENT WITH LEGISLATIVE INTENT.

The proposed rule is consistent with legislative intent.

D. A STATEMENT INDICATING IF THE PROPOSED RULE IS THE RESULT OF A STATE MANDATE ON A LOCAL GOVERNMENTAL SUBDIVISION AND IF THE MANDATE IS FUNDED.

The proposed rule is not the result of a state mandate on state or local government.

E. A STATEMENT INDICATING IF THE PROPOSED RULE IS THE RESULT OF A FEDERAL MANDATE ON STATE GOVERNMENT OR ON A LOCAL GOVERNMENTAL SUBDIVISION AN IF THE MANDATE IS FUNDED.

The proposed rule is not the result of a federal mandate on state or local government.

F. A DESCRIPTION, INCLUDING AN ESTIMATED QUANTIFICATION, OF THE FISCAL IMPACT ON STATE AGENCIES, POLITICAL SUBDIVISIONS, AND REGULATED PERSONS.

Please see the attached fiscal impact statement.

G. A STATEMENT THAT THE AGENCY WILL SOLICIT PUBLIC COMMENT ON THE PROPOSED RULE BEFORE THE PUBLIC HEARING.

A public hearing for the proposed revisions to Chapter 23 is scheduled for Friday, December 1, 2017, at 10:00 a.m. in the State Board Meeting Room at the Nebraska Department of Education, Nebraska State Office Building, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509.

H. A STATEMENT INDICATING WHETHER OR NOT THE AGENCY HAS UTILIZED THE NEGOTIATED RULEMAKING PROCESS AS PROVIDED FOR IN THE NEGOTIATED RULEMAKING ACT WITH RESPECT TO THE PROPOSED RULE.

The Department of Education has not utilized the negotiated rulemaking process as provided for in the Negotiated Rulemaking Act with respect to the proposed rule.

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FISCAL IMPACT STATEMENT

Agency:	Nebraska Department of Education
Prepared by:	Sharon Katt & Kevin Peters
Date Prepared:	10-24-2017
Phone:	471-0738
Title:	
Chapter:	23
Name:	REGULATIONS FOR THE BASIC SKILL COMPETENCY
Statement Status:	Hearing Draft

Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact		X	X
Increase Costs	X		
Decrease Costs			
Increased Revenue			
Decreased Revenue			
Indeterminable			

Description of Impact:

State Agency: It will cost approximately $650 to hold the hearing and print copies for distribution upon approval of the revised rule. In addition, new requirements will result in relatively minimal costs for revision of handbooks/guidance documents and data collection systems for the Nebraska Department of Education.

Political Subdivision:

Regulated Public:

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The Omaha World-Herald Ad Order Confirmation

Ad Order Number	Customer	PO Number
0002060343	STATE OF NEBRASKA	134605
Sales Rep.	**Customer Account**	**Customer EMail**
mmiller4	13429	patty.steiner@nebraska.gov
Order Taker	**Customer Address**	**Special Pricing**
mmiller4	C/O ELLIE - CREDIT DEPARTMEN OMAHA NE 68102 USA	
	Customer Phone	
	4024714135	

Tear Sheets	Proofs	Affidavits	Blind Box	Materials
0	0	0		

Invoice Text

Ad Order Notes

Net Amount	Total Amount	Payment Method	Payment Amount	Amount Due
$596.04	$596.04	INVOICE	$0.00	$596.04

Ad Number	Ad Type	Production Method	Pick Up	External Ad Number
0002060343-01	Liner Semi Display	AdBooker		

Ad Size	Color
2 X 46 li	B&W

WYSIWYG Content

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 hold a rule-making hearing on Friday, December 1, 2017, commencing at 10:00 a.m. (CT) at the Nebraska State Office Building, Nebraska Department of Education, 6th floor, State Board Meeting Room, 301 Centennial Mall South, Sixth Floor, Lincoln, Nebraska 68509.

The PURPOSE of the **proposed revisions to Chapter 23** is to incorporate changes to the composite score options that may be used to meet the Nebraska basic skills test requirement. Both basic skills tests currently authorized by Chapter 23 will have a composite score that can be met without the additional qualifiers currently included in the Rule. No other changes have been made.

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

This hearing is being conducted under the provisions of Section 84-907 R.R.S., 1943, which provides that DRAFT COPIES OF THE PROPOSED RULES ARE 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 the Rule is also available on the Nebraska Department of Education's webpage at: https://www.education.ne.gov/legal/current-hearing-drafts/

All INTERESTED PERSONS are invited to ATTEND and TESTIFY at the location of the hearing. Interested persons may also submit written comments to the Nebraska Department of Education prior to the hearing, and those comments will be made a part of the hearing record at the time of the hearing.

Dated at Lincoln, Nebraska this 31th day of October 2017.

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

Product	Placement	First Date	Last Date	Insertions	Subtotal
OWH	Public Notices	10/31/2017	10/31/2017	1	586.04
On Line Class	Public Notices	10/31/2017	11/06/2017	7	10.00

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