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

December 18, 2017

FILED
DEC 18 2017
SECRETARY OF STATE

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 Thursday, January 25, 2018, commencing at 10:00 a.m. (CT) on proposed revisions to Title 92, Nebraska Administrative Code, Chapter 11 (Rule 11) *Regulations for the Approval of Prekindergarten Programs Established by School Boards or Educational Service Units and for the Issuance of Early Childhood Education Grants.* 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 11, *Regulations for the Approval of Prekindergarten Programs Established by School Boards or Educational Service Units and for the Issuance of Early Childhood Education Grants.*

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 December 20, 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.
Melody Hobson
Leslie Donley w/enc.
Scott Summers

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DATE: December 18, 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 11, (92 NAC 11), *Regulations for the Approval of Prekindergarten Programs Established by School Boards or Educational Service Units and for the Issuance of Early Childhood Education Grants*

Attached for your review is a copy of Title 92, Nebraska Administrative Code, Chapter 11. This proposed Hearing Draft was approved by the Commissioner of Education on December 13, 2017. A public hearing is scheduled for Thursday, January 25, 2018 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 R.R.S., THE FOLLOWING INFORMATION IS PROVIDED:

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

The purpose of Chapter 11 is to provide regulations for the approval of any pre-kindergarten programs (early childhood education programs) established by public school boards or educational service units. Rule 11 also provides for the distribution of Early Childhood Education Grants to these pre-kindergarten programs.

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

Chapter 11 is adopted pursuant to Sections 79-1101, 79-1103, 79-1104 and 79-318 Nebraska Revised Statutes (R.R.S.). The purpose of the proposed revision of Rule 11 is to equalize requirements for center-based and home-based early childhood programs, increase the number of annual training hours, and clarify existing language.

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 AND IF THEMANDATE IS FUNDED.

The proposed rule is not the result of a federal mandate on a 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 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 11 is scheduled for Thursday, January 25, 2018, 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.

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:	Melody Hobson
Date Prepared:	11/9/17
Phone:	471-0263
Title:	92, Nebraska Administrative Code
Chapter:	11
Name:	Regulations for the Approval of Prekindergarten Programs Established by School Boards of Educational Service Units and for the Issuance of Early Childhood Education Grants.
Statement Status:	Hearing Draft

Type of Fiscal Impact:

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

Description of Impact:

State Agency: Nebraska Department of Education
The fiscal impact on NDE is a $650 filing fee which covers filing a public hearing notice and printing of the rule once adopted.

Political Subdivision: Fiscal impact for any individual school district or educational service unit is indeterminable. There are two areas which may increase costs.

To lead and support the preparation of all Nebraskans for learning, earning, and living.

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1. Background Checks for Home Visitors and Home Visitor Specialists – Rule 11 would now require background checks for Home Visitors and Home Visiting Specialists. Data from the 2016-2017 school year indicated that there were 17 districts that reported either a home visitor or a home visitor specialist. Statewide there were 46 individuals in those roles. Background check costs range from approximately $30 to $100 per individual, based on the number of prior states in which the individual has lived. It is impossible to determine the cost for any one district.
2. Increase of annual training hours from 12 to 15. There are many ways to get quality professional development in Nebraska that are free. The Early Childhood Training Center (ECTC) has many options for appropriate professional development that are available on a free loan basis. The Media Center at ECTC also has many independent study or video and online resources that are available free or for a very low cost. These independent study options can be accessed at any time, limiting or completely eliminating the need for additional para-educator and home visitor paid hours. Additionally, regional Early Learning Connection Partnerships (available in every region of Nebraska) offer free or low cost training throughout the year.

Regulated Public: No fiscal impact is expected.

To lead and support the preparation of all Nebraskans for learning, earning, and living.

Ad Number	Ad Type	Production Method	Pick Up	External Ad Number
0002069293-01	Liner Semi Display	AdBooker		

Ad Size	Color
2 X 48 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 Thursday, January 25, 2018, commencing at 10:00 a.m. (Central Time) on revisions to Title 92, Nebraska Administrative Code, Chapter 11, Regulations for the Approval of Prekindergarten Programs Established by School Boards or Educational Service Units and for the Issuance of Early Childhood Education Grants at the Nebraska Department of Education, Nebraska State Office Building, State Board Meeting Room, 301 Centennial Mall South, Sixth Floor, Lincoln, NE.

The PURPOSE of the proposed revision of the RULE is to incorporate changes that equalize requirements for center-based and home--based early childhood programs, increase the number of annual training hours, and clarify existing language.

The FISCAL IMPACT statement 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 this 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 20th day of December, 2017

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

Product	Placement	First Date	Last Date	Insertions	Subtotal
OWH	Public Notices	12/20/2017	12/20/2017	1	515.52