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
DEC 19 2017
SECRETARY OF STATE

December 19, 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 Thursday, January 25, 2018, commencing at 1:00 p.m. (CT) on proposed revisions to Title 92, Nebraska Administrative Code, Chapter 21 (Rule 21) *Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools.* 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 21, *Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools.*

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.
Dr. Kevin Peters
Leslie Donley w/enc.
Scott Summers

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DATE: December 19, 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 21
Regulations of the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools

Attached for your review is a copy of Title 92, Nebraska Administrative Code, Chapter 21. This proposed Hearing Draft was approved by the Commissioner of Education on Friday, December 15, 2017. A public hearing is scheduled for Thursday, January 25, 2018, at 1:00 p.m.(CT) at the Nebraska Department of Education, Nebraska State Office Building, State Board Meeting Room, 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.

Chapter 21 contains procedures for the issuance of teaching, administrative, and special services certificates and permits for use in accredited or approved Nebraska school systems.

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

Chapter 21 is adopted pursuant to Section 79-318 and 79-806 through 79-815 of the Nebraska Revised Statutes (R.R.S.). Changes to Rule 21 have been made to enhance clarity and consistency throughout the rule; however, specific changes have also been made which will amend procedures related to certification of educators, including:

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- Clarify requirements for the certificate or permit renewal allowing verified teaching experience in the last five years to include college and community college teaching experience.
- Implement a Military Teaching Permit allowing military spouses or retired military personnel or spouses, with verified teaching experience, to gain a three year permit. Deficiencies would be set aside initially but completed over the three years.
- Revise forms as necessary to reflect the addition of the military teaching permit and to make other edits to update terminology and formatting.

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

Section 79-808 R.R.S. references the State Board shall establish, adopt, and promulgate appropriate rules, regulations, and procedures governing the issuance, renewal, conversion, suspension, and revocation of certificates and permits to teach, provide special services, and administer. Rule 21 provides procedures for issuance of certificates and permits to teach, provide special services, and administer in Nebraska schools.

D. A STATEMENT INDICATING WHETHER 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.

The fiscal impact on the Nebraska Department of Education is approximately $650 for filing of a public notice and printing copies of the rule once adopted. There is no fiscal impact on K-12 school districts.

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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 21 is scheduled for Thursday, January 25, 2018 at 1:00 p.m.(CT) at the Nebraska Department of Education, Nebraska State Office Building, State Board Meeting Room, 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:	Dr. Kevin Peters & Sharon Katt
Date Prepared:	December 12, 2017
Phone:	471-0738
Title:	92
Chapter:	21
Name:	Regulations for Issuance of Certificates & Permits
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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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
0002069739-01	Liner Semi Display	AdBooker		

Ad Size	Color
2 X 58 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 1:00 p.m. (CT) at the Nebraska State Office Building, Nebraska Department of Education, State Board Meeting Room, 301 Centennial Mall South, Sixth Floor, Lincoln, Nebraska 68509.

This hearing will be held on revisions to Title 92, Nebraska Administrative Code, Chapter 21 (Rule 21) Issuance of Certificates and Permits to Teach, Counsel, Supervise, and Administer in Nebraska Schools.

The PURPOSE of the hearing for Rule 21 is to revise certain provisions for issuing certificates and permits to current and prospective Nebraska educators while maintaining high standards for all professional education staff in the schools of the state. The specific changes that amend procedures related to certification of educators, include: clarify requirements for the certificate or permit renewal allowing teaching experience in the last five years to include college and community college teaching experience; implement a Military Teaching Permit allowing military spouses or retired military personnel or spouses, with verified teaching experience, to gain a three year permit and revise forms as necessary to reflect the addition of the military teaching permit and to make other edits to update terminology and formatting.

The FISCAL IMPACT statement for this hearing draft 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	622.92

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