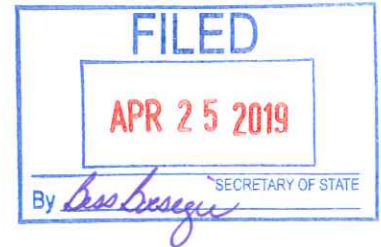


STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)



NOTICE OF RULE-MAKING HEARING
NEBRASKA DEPARTMENT OF EDUCATION

NOTICE is hereby given that the Department of Education will hold consecutive rule-making hearings on Wednesday, May 29, 2019 commencing at 1:00 p.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 hearings will be held on the **proposed revisions** to Title 92, Nebraska Administrative Code, Chapter 20 (Rule 20), *Regulations for the Approval of Teacher Education Programs* and the **proposed revisions** to Title 92, Nebraska Administrative Code, Chapter 23 (Rule 23), *Regulations for the Basic Skills Competency Testing of Teachers and Administrators*.

The PURPOSE of the **proposed revisions to Chapter 20** is incorporate changes that: (1) reflect requirements of LB1052 (2018), (2) eliminates basic skills competency as an admission requirement to teacher education programs, and (3) provide clarity to the standards which the institutions are expected to meet.

The PURPOSE of the **proposed revisions to Chapter 23** is to incorporate changes that: (1) changes the composite score options for the basic skills competency tests currently authorized by Chapter 23, (2) adds the American College Test (ACT) as an additional means to demonstrate basic skills, (3) allows for a combination of tests as a means to demonstrate basic skills, and (4) modifies references to basic skills competency as it applies to Nebraska standard institutions of higher education.

The 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 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 drafts for these Rules are 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 hearings. Interested persons may also submit written comments to the Nebraska Department of Education prior to the hearings at NDE.RuleHearing@nebraska.gov. Written comments will be made a part of the hearing record at the time of the hearings.

Dated at Lincoln, Nebraska this 26th day of April, 2019.

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

APR 25 2019



NEBRASKA

DEPARTMENT OF EDUCATION

FISCAL IMPACT STATEMENT

Agency: Nebraska Department of Education
 Prepared by: Pat Madsen
 Date Prepared: 4.5.19
 Phone: 471- 4863
 Title: 92
 Chapter: 23
 Name: *Regulations for the Basic Skills Competency Testing of Teachers and Administrators*
 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: Anticipated cost is \$500.00 to hold the hearing and print copies for distribution upon approval of the revised rule. In addition, new requirements for endorsements will result in relatively minimal costs for revision of handbooks/guidance documents, and data collection systems for the Nebraska Department of Education and the public and private institutions with approved teacher education programs.

Political Subdivision: None

Regulated Public: None

APR 25 2019

NEBRASKA DEPARTMENT
OF EDUCATION

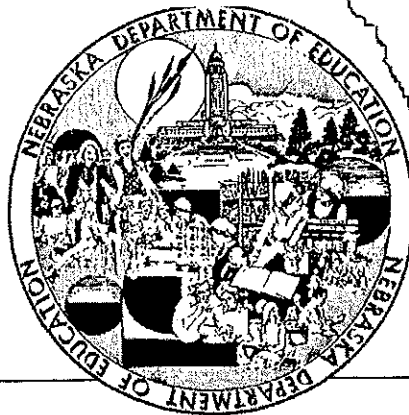
RULE 23

REGULATIONS FOR THE BASIC SKILLS COMPETENCY TESTING OF
TEACHERS AND ADMINISTRATORS

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 23

HEARING DRAFT
APRIL 19, 2019

State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509



APR 25 2019

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
 CHAPTER 23 - REGULATIONS FOR THE BASIC SKILLS COMPETENCY TESTING OF
 TEACHERS AND ADMINISTRATORS

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TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
 CHAPTER 23 - REGULATIONS FOR THE BASIC SKILLS COMPETENCY TESTING OF
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TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 23 - REGULATIONS FOR THE BASIC SKILLS COMPETENCY TESTING OF
TEACHERS AND ADMINISTRATORS

001 General Information

001.01 Statutory Authority. This chapter is adopted pursuant to the power and authority vested in the State Board of Education in Nebraska Revised Statutes (R.R.S) Sections 79-807, 79-808, 79-809 and 79-318.

001.02 Scope, Application, and Delineations of this Chapter. This chapter provides procedures for the administration of a basic skills competency examination for individuals seeking an entry-level Nebraska teacher or administrator certificate after July 31, 1989.

001.03 Institutional Responsibility. Each standard institution of higher education is required to annually notify applicants of the requirement for taking the basic skills competency examination and of the scheduled opportunity to take the examination.

001.04 Related Chapters. Throughout this chapter reference is made to other Department of Education rules relating to teachers and administrators. For a more detailed explanation of the procedures for the issuance of certificates to teach, counsel, or supervise in Nebraska schools refer to 92 NAC 21 (Rule 21). Title 92 NAC 20 (Rule 20) covers the approval of teacher education programs in Nebraska. Copies of these rules are available from the Department of Education.

002 Definition of Terms

As used in this chapter, the terms listed below shall be defined as follows:

002.01 ACT means the paper or computerized sections of the American College Test (ACT) used as a measurement of student performance.

002.012 Basic Skills Competency shall means either (a) proficiency in (i) the written use of the English language, (ii) reading, comprehending, and interpreting professional writing and other written materials, and (iii) working with fundamental mathematical computations as demonstrated by successful completion of an examination designated by the board and taken by teacher education students enrolled at a standard institution of higher education; or (b) successful employment experiences of two (2) or more consecutive years in an approved, accredited, or otherwise legally operated school while (i) holding or qualifying to hold a regular certificate issued by another state on the basis of completion of an approved teacher education program at a standard institution of higher education; or (ii) holding

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current credentials from a credentialing organization approved pursuant to 92 NAC 22 (Master Teacher Program) as referenced in 92 NAC 21 (Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools). Basic skills competency examinations ~~shall be~~ are those which meet section (a) in this definition and are approved by the State Board of Education, pursuant to this chapter.

002.023 Board ~~shall~~ means s the State Board of Education.

002.034 Commissioner ~~shall~~ means s the State Commissioner of Education.

002.045 Core Skills Test ~~shall~~ means s the paper or computerized reading, writing and mathematics portions of the Core Academic Skills for Educators Test published by the Educational Testing Service of Princeton, New Jersey.

002.056 Department ~~shall~~ means s the State Department of Education which is comprised of the Board and the Commissioner.

002.067 Entry level certificate ~~shall~~ means s the first regular certificate acquired in Nebraska by an applicant.

002.078 PPST ~~shall~~ means s the paper or computerized reading, writing, and mathematics portions of the Pre-Professional Skills Test published by the Educational Testing Service of Princeton, New Jersey.

002.089 Regular certificate ~~shall~~ means s an ~~i~~Initial, ~~s~~Standard, or ~~p~~Professional Nebraska certificate, or a comparable and equivalent certificate from another state.

002.109 Passing scores ~~shall~~ means s scaled scores in math, reading and writing individually reported on an original score report as set forth in Sections 003.02, ~~and~~ 003.03, 003.04 and 003.05 of this chapter, or a determination by the Commissioner under Section 0087 of this chapter, or a score submitted under the provisions of Section 0098 of this chapter.

002.101 Standard institution of higher education ~~shall~~ means s any college or university whose teacher education program is fully approved by the Board, or by a comparable agency in any other state or country.

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003 General Provisions

003.01 Requirements of Basic Skills Competency Examination for ~~Program Admission or Initial Certification or permit~~. Prior to September 1, 2014 applicants taking a basic skills competency examination ~~to seek admission to a teacher education program or an applicant~~ for an entry level Nebraska teacher or administrative certificate ~~will be were~~ required to complete the reading, mathematics, and writing portions of the Pre-Professional Skills Test (PPST). As described in Section 003.03 of this chapter, passing scores on the PPST obtained prior to September 1, 2014 will meet the basic skills competency examination requirement. Effective September 1, 2014, applicants taking a basic skills competency examination ~~to seek admission to a teacher education program will be were~~ required to complete the Core Skills Test. After September 1, 2014, applicants for an entry level Nebraska certificate ~~or permit~~ can use previously obtained passing scores on the PPST or the Core Skills Test to meet the basic skills competency examination requirement. Effective September 1, 2019, applicants for an entry level Nebraska certificate or permit can meet the Basic Skills requirement by submitting passing scores on the ACT test as described in section 003.04 of this chapter. Section 003.05 of this chapter allows a combination of this aforementioned examinations to be used. Section ~~0087~~ of this chapter contains accommodation provisions for the basic skills competency examination and Section ~~0098~~ of this chapter deals with competency determinations based on equivalency.

003.02 Passing Scores. Core Skills Test. Passing scores ~~shall be means~~ the scaled scores as shown on an original score report from the Educational Testing Service consisting of the following:

003.02A One hundred fifty-six (156) or above on the reading portion of the Core Skills Test; and

003.02B One hundred fifty (150) or above on the mathematics portion of the Core Skills Test; and

003.02C One hundred sixty-two (162) or above on the writing portion of the Core Skills Test; or

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~~003.02D A composite score of 468 on all three portions of the Core Skills Test, with no single test score being more than one point below the score required in Section 003.02A, 003.02B, or 003.02C of this chapter, and upon the recommendation of a standard institution of higher education. A composite score of all three sections of the CORE Skills Test of 468 with no score reported below 148-Reading, 142-Math, and/or 156-Writing will be accepted to meet the basic skills examination requirement.~~

003.03 Passing Scores. PPST. Applicants will meet the basic skills competency examination requirement by taking the PPST prior to September 1, 2014. Applicants may use passing scores on the PPST as identified in Sections 003.03A through 003.03D of this chapter for program admission after September 1, 2014 with institutional approval.

003.03A One hundred seventy (170) or above on the reading portion of the PPST; and

003.03B One hundred seventy-one (171) or above on the mathematics portion of the PPST; and

003.03C One hundred seventy-two (172) or above on the writing portion of the PPST; or

003.03D A composite score of 513 on all three portions of the PPST, with no single test score being more than one point below the score required in Section 003.03A, 003.03B, or 003.03C of this chapter, and upon the recommendation of a standard institution of higher education.

003.04 Passing Scores. ACT. Applicants may meet the Basic Skills competency examination requirement by taking the American College Test (ACT). Passing scores means the scaled scores as shown on an original score report from the American Testing Service consisting of the following:

003.04A Nineteen (19) or above on the ELA (English, Reading & Writing) portion of the ACT; and

003.04B Twenty-one (21) or above of the math portion of the ACT.

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003.05 Passing Scores. Combination of Tests. Applicants may meet the Basic Skills competency examination requirement by combining passing scores from each area of competency, (reading, mathematics and writing), taken from more than one examination:

003.05A For reading, a score described in Sections 003.02A or 003.03A or 003.04A; combined with,

003.05B For mathematics, a score described in Sections 003.02B or 003.03B or 003.04B; combined with,

003.05C For writing, a score described in Sections 003.02C or 003.03C or 003.04A.

003.046 Applications for Renewal and for Second Certificates. No portion of this chapter ~~shall~~ will be construed as having any application to the renewal of a Nebraska teaching or administrative certificate or to the application for a second Nebraska teaching or administrative certificate.

~~003.05 Number of Times Tests May Be Taken.~~ There shall be no limitation by the Department on the number of times an applicant may take the basic skills competency examination in meeting the requirements of this chapter.

003.067 Score Reports. Only original score reports sent from the Educational Testing Service or the American College Test Company or score reports sent by a Nebraska standard institution of higher education and to which the applicant ~~shall not~~ did not have ~~had~~ access shall will be accepted by the Department for the purpose of meeting the requirements of this chapter and 92 NAC 21.

004 Basic Skills Competency Examination Requirements for Applicants for Administrative or Teaching Certificates

Except as provided in Section ~~0087~~ and Section ~~0098~~ of this chapter, each applicant for an entry-level administrative or teaching certificate shall will:

004.01 Take the basic skills competency examination at a Nebraska location designated by the institution or at any other location where the examination is given; and

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004.02 Receive passing scores on the basic skills competency examination as designated by Sections 003.02 ~~or 003.03, 003.04, or 003.05~~ of this chapter; and

004.03 Require that his or her original score report be sent directly to the designated Nebraska standard institution of higher education or to the Department.

~~005 Basic Skills Competency Examination Requirements for Nebraska Standard Institutions of Higher Education~~

~~Each Nebraska standard institution of higher education shall:~~

~~005.01 Annually notify applicants of the requirement for taking the basic skills competency examination and of the scheduled opportunities to take the examination.~~

~~005.02 Require that all persons entering the teacher education program of such institution receive passing scores on a designated basic skills competency examination prior to being admitted to such program pursuant to 92 NAC 20; and~~

~~005.03 Explain to each applicant who seeks admission to the teacher education program of such institution the Nebraska basic skills competency examination requirement and the consequences of failing to receive a passing score, as required by 92 NAC 20;~~

~~005.03A Evidence of compliance with Section 005.03 of this chapter shall be a statement signed by each applicant in the Nebraska teacher education program and maintained in the applicant's file which states the limitations posed for the applicant who does not achieve passing scores on the basic skills competency examination. The date of the applicant's signature thereon shall also be included on the statement; and~~

~~005.04 Forward the original score report of each person who has had his or her score report sent directly to such institution as part of that person's application for certification to the Department at the request of such person.~~

~~005.04A No person shall be required to satisfy the score reporting requirement more than once. Thus, if the institution determines that a score report for passing scores is on file in the Department, and the Department issues a statement to that effect, the institution shall not require the submission of a score report from that applicant, either for admission to the program or for an institutional recommendation for certification purpose.~~

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0065 Basic Skills Competency Examination Duties of the Department

The Department ~~shall~~ will:

0065.01 Provide to any person upon request current information on Nebraska dates and testing locations for the basic skills competency examination.

0076 Provisions for Hearing

0076.01 When a person is denied any Nebraska teaching or administrative certificate for which he or she has applied because of the provisions of this chapter, he or she ~~shall be~~ is entitled to request a review and hearing pursuant to 92 NAC 21.

0087 Accommodations

0087.01 ~~Individuals~~ An individual whose primary language is sign language or for whom English is a second language ~~shall be~~ is required to take the same basic skills competency examinations as other individuals. However, if they fail to obtain the minimum passing scores as specified in Sections 003.02, or 003.03, 003.04, or 003.05 of this chapter, they may apply to the Commissioner for a review of their past education, employment, and standardized testing experience.

0087.02 If, upon examination, the Commissioner determines that the applicant has provided evidence of the possession of basic skills competency equivalent to that designated in Sections 003.02, or 003.03, 003.04, or 003.05 of this chapter, the Commissioner ~~shall~~ will issue a determination that the applicant has demonstrated satisfactory scores for purposes of this chapter and 92 NAC, Chapters 20 and 21.

0098 Determination Based on Equivalency

0098.01 An individual who has taught or administered for two (2) consecutive years in an approved, accredited, or otherwise legally operated school in another state ~~shall~~ meets this requirement by submitting an employment verification form (a recommended form may be found on the Department's Teacher Certification website); or

0098.02 A person who has been certificated by another state following the successful completion of a basic skills competency examination with separate passing scores individually reported for math, reading and writing required by that state, ~~shall~~ meets the basic skills competency requirement. The applicant ~~shall~~ must submit an original score report pursuant to this chapter or 92 NAC 21.