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NOTICE OF A RULE-MAKING HEARING
NEBRASKA DEPARTMENT OF EDUCATION

NOTICE is hereby given that the Department of Education will conduct a rule-making hearing Tuesday, July 26, 2022, at 9:00 a.m. (CT) via ZOOM <https://educationne.zoom.us/j/99250721427>.

This hearing will be held on the proposed revisions to Title 92, Nebraska Administrative Code, Chapter 20, *Regulations for the Approval of Educator Preparation Programs* (formerly *Regulations for the Approval of Teacher Education Programs*).

The PURPOSE of the proposed revisions to RULE 20 is to incorporate changes to educator preparation program requirements. Substantive changes contained in the proposed revisions to this Rule include: Removal of the basic skills competency mandate for the admission into an educator preparation program due to passage of LB1218 (2022), the addition of administrative program academic requirements for administrative endorsement programs because none existed previously in Rule, and the addition of a flexibilities section to provide educator preparation programs the ability to innovate in response to extenuating circumstances.

The FISCAL IMPACT statement for the RULE 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 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 this Rule is 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/99250721427>.

If reasonable accommodations are needed, please contact Brad Dirksen at 402-430-0267 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 23rd day of June, 2022.

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

FISCAL IMPACT
STATEMENT

Agency: Nebraska Department of Education
Prepared by: Kelly Heineke
Date Prepared: 4/25/2022
Phone: 402-314-4432
Title: 92
Chapter: 20
Name: *Regulations for the Approval of Teacher Education Programs*
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 for endorsements will result in relatively minimal costs for revision of handbooks/guidance documents, and data collection systems for the Nebraska Department of Education.

Political Subdivision: None

Regulated Public: None



Client

NEBRASKA DEPARTMENT OF EDUCATION

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4024712598

Account: 1013482

Address: PO BOX 94987

LINCOLN NE 685094987

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Sales Rep

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Acct Rep

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Ordered By

Brenda W.

Fax:

EEmail: Brenda.Wid@nebraska.gov

Total Amount

\$558.45

Payment Amount

\$0.00

Status

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Amount Due

\$558.45

Tear Sheets

Proofs

Affidavits

Blind Box

Tax Amount:

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Payment Meth:

Invoice Statement

PO Number:

13-25-1

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STATE OF NEBRASKA)

) ss.

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STATE OF NEBRASKA)
ss.
LANCASTER COUNTY)

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This hearing will be held on the proposed revisions to Title 92, Nebraska Administrative Code, Chapter 20, Regulations for the Approval of Educator Preparation Programs (formerly Regulations for the Approval of Teacher Education Programs).

The PURPOSE of the proposed revisions to RULE 20 is to incorporate changes to educator preparation program requirements. Substantive changes contained in the proposed revisions to this Rule include: Removal of the basic skills competency mandate for the admission into an educator preparation program due to passage of LB1218 (2022), the addition of administrative program academic requirements for administrative endorsement programs because none existed previously in Rule, and the addition of a flexibilities section to provide educator preparation programs the ability to innovate in response to extenuating circumstances.

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Dated at Lincoln, Nebraska this 23rd day of June, 2022.

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

**NEBRASKA DEPARTMENT
OF EDUCATION**

RULE 20

**REGULATIONS FOR THE APPROVAL OF EDUCATOR PREPARATION
PROGRAMS**

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 20**

**HEARING DRAFT
JUNE 21, 2022**

**State of Nebraska
Department of Education
P.O. Box 94987
Lincoln, Nebraska 68509**



TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
 CHAPTER 20 - APPROVAL OF EDUCATOR PREPARATION ~~TEACHER EDUCATION~~
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001 General Information.

001.01 Statutory Authority. This chapter is adopted pursuant to ~~Section 79-318 of the Revised Statutes of Nebraska (R.R.S.)~~ Neb. Rev. Stat. § 79-318.

001.02 Scope and Application. This chapter provides procedures for the approval of educator preparation teacher education programs conducted in Nebraska standard institutions of higher education colleges and universities and designed for the purpose of certifying teachers and administrators and other professional school personnel requiring certification.

001.03 Related Regulations. Throughout this chapter reference is made to other Department of Education regulations relating to teachers and administrators. Procedures for the issuance of certificates to teach, counsel, or supervise in Nebraska schools are contained in Title 92, Nebraska Administrative Code (NAC), Chapter 21. 92 NAC 23 contains regulations concerning the basic skills competence testing of teachers. 92 NAC 24 contains regulations regarding the issuance of endorsements on teaching, administrative, or special services certificates in Nebraska. 92 NAC 27 contains regulations and standards for professional practices criteria. Copies of these regulations are available from the Department at <https://www.education.ne.gov/LEGAL/>.

001.04 Implementation Date. The implementation date of this chapter will be August 1, 2014 the effective date of approval, ~~whichever is later. Institutions must meet these requirements after this date. Prior to that implementation date, the provisions of this chapter, as approved with an effective date of January 19, 2008, shall remain in effect.~~

002 Definition of Terms. As used in this chapter:

002.01 Academic year shall means a school year which consists of two (2) regular consecutive semesters that occur from fall through spring.

002.02 Accreditation means the status of public recognition that an accrediting agency grants to an educational institution and is recognized by the United States Department of Education.

002.032 Advanced program shall means a program at the postbaccalaureate level for (a) educators who have previously completed initial preparation or (b) the preparation of other school professionals.

002.043 Board shall means the State Board of Education.

002.054 Candidate shall means an individual admitted to, or enrolled in, a program for the initial or advanced preparation or the continuing professional development of educators.

002.065 Certificate shall means a teaching, administrative, or special services certificate issued by the Department pursuant to 92 NAC 21.

002.076 Clinical practice shall means a culminating, supervised experience that provides a candidate with opportunities to demonstrate competence in the professional role for which the candidate is preparing and that includes student teaching or an internship.

002.087 Commissioner shall means the State Commissioner of Education.

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002.098 Content test ~~shall~~ means a Praxis or School Leadership Series test published by the Educational Testing Service (ETS) of Princeton, NJ.

002.1009 Cooperating educator ~~shall~~ means an educator employed in a setting utilized for a clinical practice who has the appropriate certification and experience to perform observation, coaching, mentoring, and/or evaluation of a candidate.

002.110 Coursework ~~shall~~ means the experiences required to complete the preparation program and may include class instruction, field experiences, or other required activities.

002.124 Credit hour ~~shall~~ means the equivalent of fifteen (15) instructional class periods of fifty (50) minutes or more.

002.132 Department ~~shall~~ means the State Department of Education, which is comprised of the Board and the Commissioner.

002.143 Diversity ~~shall~~ means differences among groups of people and individuals based on ethnicity, race, socioeconomic status, gender, exceptionalities, language, religion, sexual orientation, and/or geographical areas.

002.154 Educator ~~shall~~ means a holder of a teaching, administrative or special services certificate.

002.165 Educator certificate ~~shall~~ means a certificate issued pursuant to standards comparable and equivalent to those in 92 NAC 21.

002.17 Educator preparation program means the system of procedures, coursework, and activities in a college, school, or department of an approved standard institution of higher education that result in the initial or advanced preparation of teachers, administrators, and other school professionals.

002.186 Endorsement ~~shall~~ means an area of specialization indicated on a certificate issued pursuant to 92 NAC 21 signifying that the individual has met specific content preparation requirements contained in 92 NAC 24.

002.19 Exceptional expertise requirement means documented scholarship, skill, or experience in the priorities set by the educator preparation program, such as content specialization, diversity, assessment, or technology.

002.2017 Faculty ~~shall~~ means all professional education faculty, including adjunct faculty and graduate students, employed by a standard institution of higher education who teach one or more courses in professional education and/or supervise field experiences.

002.218 Field experience ~~shall~~ means an opportunity for candidates to observe, assist, tutor, instruct, and/or conduct research to develop professional education knowledge, skills, and dispositions. Field experiences include practicum and clinical practice requirements. Field experiences are designed and implemented through collaboration with school partners and faculty and occur in school systems or other settings serving students.

002.22 Human relations requirement has the same meaning as human relations training in Neb. Rev. Stat. § 79-807 and as required by Neb. Rev. Stat. § 79-808

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~~002.2319~~ Initial program ~~shall~~ means a program at the baccalaureate or postbaccalaureate level that prepares candidates for their first license-to-teach certificate. They include five-year programs, master's programs, and other postbaccalaureate and alternate route programs that prepare individuals for their first ~~license-in-teacher~~ certificate.

~~002.2420~~ Internship ~~shall~~ means a clinical practice in which candidates practice and demonstrate the knowledge, skills, and professional dispositions required for advanced programs.

~~002.251~~ Practicum ~~shall~~ means a field experience completed prior to a culminating supervised candidate's clinical practice.

~~002.262~~ Professional dispositions ~~shall~~ means candidate attitudes, values, and beliefs demonstrated in interactions with students, families, educators, and communities consistent with ethical performance criteria contained in 92 NAC 27.

~~002.273~~ Professional education coursework ~~shall~~ means coursework, including field experience, designed to develop educator competencies, including, but not limited to, student development, learning differences, learning environments, content knowledge and its application, assessment, planning for instruction, instructional strategies, collaboration, and ethical practice.

~~002.284~~ Professional educator preparation program or unit ~~shall~~ means the school, college, department or other administrative body within the institution that is primarily responsible for the preparation of teachers, administrators, and other school personnel.

~~002.295~~ Regional accreditation ~~shall~~ means a voluntary process by which one (1) of several accrediting bodies, each serving one (1) of six (6) defined geographic areas of the country, accredits PK-12 schools, colleges, and universities. Nebraska institutions are served by the Higher Learning Commission.

~~002.3026~~ School partner ~~shall~~ means school systems and other education programs that collaborate with the educator preparation teacher education program in designing, developing, and implementing field experiences, delivery of instruction, and research.

~~002.3127~~ School system ~~shall~~ means an institution that is accredited or approved by the Department to provide instruction at any level PK-Grade 12, including an educational service unit accredited by the Department.

~~002.3228~~ Special authorization ~~shall~~ means a process by which the Department ~~approval can be granted~~ may grant approval for a standard institution of higher education to offer a pilot endorsement program.

002.33 Special education requirement has the same meaning as special education training in Neb. Rev. Stat. § 79-807 and as required by Neb. Rev. Stat. § 79-809.

~~002.3429~~ Standard institution of higher education, or institution, ~~shall mean any college or university whose teacher education programs are fully approved by the Board or by a comparable agency in any other state or country.~~ has the same meaning as in Neb. Rev. Stat. § 79-807.

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~~002.350~~ Student teaching ~~shall~~ **means** a clinical practice in a school system which provides an initial preparation candidate with ~~a culminating supervised an experience~~ to demonstrate competence in the professional role for which the candidate is preparing.

~~002.31 Teacher education program shall mean the system of procedures, coursework and activities in a college, school, or department of an approved standard institution of higher education which result in the initial or advanced preparation of teachers, administrators, and other school professionals.~~

~~002.362~~ Terminal degree ~~shall~~ **means** the highest degree available in a specific field of preparation or recognized by the profession.

003 Requirements for ~~Educator Preparation~~Teacher Education Program Approval

003.01 Original ~~Educator Preparation~~Teacher Education Program Approval

003.01A Letter of Application and Institutional Planning Report. Any Nebraska institution of higher education may apply for approval of its ~~educator teacher~~ preparation program by submitting a letter of intent to seek approval and an Institutional Planning Report (IPR) signed by the chief academic officer of the institution on behalf of the governing board of the institution. These documents must be received by the Commissioner on or before January 15 of the calendar year in which the institution seeks to begin the approval process.

003.01B Governing Board Approval. The IPR ~~must~~ **shall** include documentation that the governing board of the institution has approved the plans and a time table whereby the institution will meet each of the requirements to become a standard institution of higher education within four (4) years.

003.01C Chapter 20 Compliance. The IPR ~~must~~ **shall** include the procedures and time table for compliance with the requirements in Sections 004 through 007 of this chapter.

003.01D Collaboration and Support of School Systems. The IPR ~~must~~ **shall** contain statements of support from school systems documenting their collaboration and assistance in planning to provide field experiences which meet the requirements of 92 NAC 20 and 92 NAC 24.

003.01E The IPR ~~must~~ **shall** contain documentation that the institution is ~~regionally~~ accredited.

003.02 Initial Provisional Approval

003.02A The Commissioner, after receiving the institution's request to begin the process of becoming a standard institution of higher education, ~~must~~ **shall** appoint a team to visit the institution and report on the institution's ability to comply with the provisions of this chapter.

003.02A1 The team ~~must~~ **shall** schedule a visit to the institution within sixty (60) days after receiving the IPR.

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003.02A2 The team ~~must~~ ~~shall~~ file a recommendation with the Commissioner within sixty (60) days after the scheduled visit to the institution.

003.02A3 Following a review of the institutional visit report, the Commissioner ~~must~~ ~~shall~~ file a recommendation with the Board regarding the application and ~~shall~~ notify the institution of the recommendations. Notification ~~must~~ ~~shall~~ be sent by certified mail to the chief academic officer of the institution. The institution ~~will~~ ~~shall~~ have thirty (30) days after receipt of the recommendation to request an opportunity for a hearing before the Board as provided in Section 008 of this chapter.

003.02A4 Following a review of the Commissioner's recommendation, and after giving the institution an opportunity for a hearing, if requested, the Board ~~must~~ ~~shall~~ either approve or deny the institution's implementation of the plan under provisional approval. Provisional approval permits the institution to phase in an educator preparation program, excluding clinical practice, over a period of time not to exceed three (3) years.

003.03 Continuing Provisional Approval

003.03A Provisional Approval Report. By March 1 of each year during provisional approval, the institution ~~must~~ ~~shall~~ file the Provisional Approval Report with the Commissioner which includes:

003.03A1 Documentation ~~of that~~ written notification made to all candidates taking education courses that the institution has provisional approval, but is not yet approved for recommending certification;

003.03A2 Statements of continuing participation by the school systems in which the institution is placing candidates for field experiences; and

003.03A3 Documentation of the degree to which the institution is in compliance with all applicable sections of 92 NAC 20, excluding clinical practice; 92 NAC 23; and 92 NAC 24. The Provisional Approval Report ~~must also~~ ~~shall~~ indicate how, in each succeeding year, the institution is progressing toward total compliance, excluding clinical practice.

003.03B The Commissioner may respond each year with a scheduled visit by a team or staff, to the institution within sixty (60) days after receiving the Provisional Approval Report.

003.03C The team or staff conducting such a visit ~~must~~ ~~shall~~ file a recommendation with the Commissioner within thirty (30) days after a scheduled visit.

003.03D Following a review of the report, the Commissioner ~~must~~ ~~shall~~ file a recommendation with the Board regarding the application and ~~shall~~ notify the institution of the recommendations. Notification ~~must~~ ~~shall~~ be sent by certified mail to the chief academic officer of the institution. The institution ~~will~~ ~~shall~~ have thirty (30) days after receipt of the recommendation to request an opportunity for a hearing before the Board as provided in Section 008 of this chapter.

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003.03E Following a review of the Commissioner's recommendation, and after giving the institution an opportunity for a hearing, if requested, the Board must shall either approve or deny continuation of provisional or recommend temporary approval.

003.04 Temporary Approval to Offer an Educator Preparation a Teacher Education Program. If the Commissioner recommends and the Board concurs, the institution may be granted a one (1) year temporary approval. Temporary approval allows the institution to place candidates and to recommend graduates of the program to the Department for certification. Temporary approval may be renewed on a yearly basis for a maximum of three (3) years, using the process found in Sections 003.04A through 003.04F of this chapter for each of these years.

003.04A By March 1 of each year in which the institution is operating with temporary approval, the institution must shall file a Temporary Approval Report with the Commissioner. The Temporary Approval Report must shall document complete compliance with all applicable sections of 92 NAC 20, 92 NAC 23, and 92 NAC 24.

003.04B The Commissioner may respond with a scheduled visit by a team or staff, to the institution within sixty (60) days after receiving the Temporary Approval Report.

003.04C The team or staff conducting such a visit must shall file a recommendation with the Commissioner within thirty (30) days after the scheduled visit.

003.04D Following a review of the report, the Commissioner must shall file a recommendation with the Board regarding the application and ~~shall~~ notify the institution of the recommendations. Notification must shall be sent by certified mail to the chief academic officer of the institution. The institution will shall have thirty (30) days after receipt of the recommendation to request an opportunity for a hearing before the Board as provided in Section 008 of this chapter.

003.04E Following a review of the Commissioner's recommendation, and after giving the institution an opportunity for a hearing, if requested, the Board must shall exercise one of the following options: (a) approve the institution as a standard institution of higher education, (b) grant it temporary approval for another year, or (c) deny the institution further status as an educator preparation a teacher education program.

003.04F Once the Board has approved the institution as a standard institution of higher education, the institution is subject to the provisions in Section 003.05 of this chapter.

003.05 Continuing Approval of an Educator Preparation a Teacher Education Program. Continuing approval will shall be for the period of August 1 through July 31 of the next year and will shall be conditional upon the institution's compliance with the requirements in Sections 003 through 007 of this chapter. ~~The An~~ institution's failure to meet a numbered regulation will shall be considered a violation and will be subject to the provisions of Section 003.05C of this chapter.

003.05A Annual Board Approval. The institution must shall submit the information a list of endorsements offered, program outcomes, assurance of compliance, and correction of areas of non-compliance, if applicable, requested in Sections 003.05A1 through 003.05A4 of this chapter by May 15 of each year. Recommended forms may be found on the NDE Educator Preparation Teacher Education website.

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~~003.05A1 Endorsements Offered.~~ A written list of endorsements to be offered for the period of approval. For each endorsement, the institution must provide the Commissioner with a current list of required courses which also specifies alignment of the courses to the requirements in 92 NAC 24.

~~003.05A2 Program Outcomes.~~ Information regarding program admission, program completion, graduate follow-up, and program changes made or planned in response to candidate or graduate performance, or changes made or planned in response to the needs of school systems.

~~003.05A3 Assurance of Compliance.~~ The chief academic officer or designee for the institution shall indicate compliance or noncompliance status with the numbered provisions of 92 NAC 20.

~~003.05A4 Correction of Areas of Noncompliance.~~ For any area of noncompliance identified in Section 003.05A3 of this chapter, a plan for correction must be provided. In addition, the annual report shall contain documentation of resolution/status of any areas of noncompliance reported in the previous annual report to the Board.

003.05B State Program Review. At least once every seven (7) years, the Commissioner must shall conduct a full review of the educator preparation ~~teacher education~~ program ~~to determine compliance, including both an offsite and an onsite component,~~ to determine compliance with all applicable provisions of 92 NAC 20 and 92 NAC 24. ~~The review includes both an offsite and an onsite component.~~

003.05B1 The state program review must shall be conducted by a state team, appointed by the Commissioner, which includes representation from the Nebraska Council on Teacher Education (NCTE), persons with content knowledge in the endorsement areas offered by the educator preparation ~~teacher education~~ program, and Department staff.

003.05B2 For institutions participating in a national accreditation review of educator education preparation programs, the state program review must shall be conducted to coordinate with the national accreditation process.

003.05B3 Offsite Review

003.05B3a Institutional Report. Qualitative and quantitative information regarding compliance with the requirements of Sections 004 through 007 of this chapter must shall be submitted on a schedule established by the Commissioner. Recommended forms may be found on the NDE Educator Preparation ~~Teacher Education~~ website.

003.05B3b Endorsement Program Folios. Information regarding each endorsement program offered by the institution must shall be submitted on a schedule established by the Commissioner. Recommended forms may be found on the NDE Educator Preparation ~~Teacher Education~~ website. Folio information will must include:

003.05B3b1 Documentation of compliance with the endorsement requirements in 92 NAC 24;

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003.05B3b2 Quantitative and qualitative candidate assessment and performance information; and

003.05B3b3 Changes made in response to data regarding candidate or graduate performance and/or in response to the needs of school systems.

003.05B4 Onsite Review. An onsite review ~~must~~ ~~shall~~ be conducted to validate information submitted by the institution in response to Section 003.05B3 of this chapter or to acquire additional information to determine compliance with the provisions of 92 NAC 20 and 92 NAC 24.

003.05B5 Results of the state program review ~~must~~ ~~shall~~ be reported to the Board during the annual approval meeting.

003.05C Correction of Areas of Noncompliance. The institution ~~will~~ ~~shall~~ have until May 1 of the year following the Board's annual approval decision to correct areas of noncompliance identified in Section 003.05 of this chapter.

003.05C1 Approval on Probation. The Commissioner may recommend to the Board approval on probation for an institution with uncorrected areas of noncompliance as of May 1 of the first year following the Board's annual approval decision.

003.05C2 Denial of Approval. The Commissioner may recommend to the Board denial of approval for an institution with uncorrected areas of noncompliance as of May 1 of the year following designation of approval on probation.

003.05C3 Notification and Appeal. The Commissioner ~~must~~ ~~shall~~ notify the chief academic officer of the institution of a recommendation for probation or denial of approval in writing by certified mail. The institution ~~will~~ ~~shall~~ have thirty (30) days after receipt of the recommendation to request an opportunity for a hearing as provided in Section 008 of this chapter.

003.06 Special Endorsement Authorization. A Nebraska standard institution of higher education may apply for approval of a special authorization to offer an endorsement program ~~that is~~ not included in 92 NAC 24.

003.06A Application for Approval. An application must be received by the Commissioner on or before January 15 of the calendar year in which the institution seeks to begin the new endorsement program.

003.06A1 The application must include justification of interest and need for the proposed new endorsement program, educator competencies appropriate for the proposed new endorsement program, a list of the required courses that will address the competencies and accompanying syllabi, and the timetable for candidates' completion of the proposed new endorsement program.

003.06A2 The application ~~must~~ ~~shall~~ contain statements of support from school systems documenting the school systems' collaboration and assistance in planning to provide field experience placements which meet the requirements of 92 NAC 20 and 92 NAC 24.

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003.06A3 Within thirty (30) days from receipt of the application, the Commissioner ~~must shall~~ assign a team to assess the information provided in the application, which may include a visit to the institution. The team must include members representing the Nebraska Council on Teacher Education (NCTE) and persons with content knowledge in the proposed endorsement area.

003.06A4 The team ~~must shall~~ file a recommendation with the Commissioner for denial of the application or provisional approval.

003.06A5 The Commissioner ~~must shall~~ provide written notification by certified mail of the decision to the chief academic officer of the institution by May 1. The institution ~~will shall~~ have thirty (30) days after receipt of the notification to request a meeting with the Commissioner if the decision is to deny approval. Following the meeting, the Commissioner ~~must shall~~ inform the institution in writing if the decision to deny is upheld.

003.06B Provisional Approval of a Special Endorsement Authorization.

003.06B1 Following provisional approval by the Commissioner, the institution may phase in the new endorsement program, excluding clinical practice, over a period of time not to exceed three (3) years, ~~excluding clinical practice~~.

003.06B2 By March 1 of each year following provisional approval, the institution ~~must shall~~ file a written progress report on the program with the Commissioner which ~~must shall~~ include:

003.06B2a Enrollment data and documentation of written notification to the candidates stating that the institution has provisional approval, ~~including candidate recourse if the program is eliminated and describing candidate recourse if the program is eliminated~~;

003.06B2b Statements of continuing participation from school systems for placement of candidates for field experiences; and

003.06B2c Reaffirmation or updated information regarding elements in Sections 003.06A1 and 003.06A2 of this chapter.

003.06B3 The review team identified in Section 003.06A3 of this chapter ~~must shall~~ review the progress report, which may include an onsite visit, and file a recommendation of denial, continued provisional approval, or temporary approval with the Commissioner within thirty (30) days following the review.

003.06B4 The Commissioner ~~must shall~~ provide written notification by certified mail of the decision to the chief academic officer of the institution by May 1. The institution ~~will shall~~ have thirty (30) days after receipt of the notification to request a meeting with the Commissioner if the decision is to deny approval. Following the meeting, the Commissioner ~~must shall~~ inform the institution in writing if the subsequent decision to deny is upheld.

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003.06C Temporary Approval of a Special Endorsement Authorization.

003.06C1 Following temporary approval by the Commissioner, the endorsement program may place candidates and recommend completers graduates of the program for certification by the Department.

003.06C2 By March 1 of each year following temporary approval, the institution must shall file a written progress report on the program with the Commissioner. which shall include: The progress report must include:

003.06C2a Enrollment data and documentation of written notification to the candidates stating that that the institution has temporary approval and describing candidate recourse if the program is eliminated;

003.06C2b Statements of continuing participation from school systems for placement of candidates for field experiences; and

003.06C2c Reaffirmation or updated information regarding elements in Sections 003.06A1 and 003.06A2 of this chapter.

003.06C3 The review team identified in Section 003.06A3 of this chapter must will review the progress report, which may include an onsite visit, and file a recommendation with the Commissioner to (a) continue temporary approval until the endorsement is placed in 92 NAC 24, (b) return to provisional status, or (c) deny any further approval.

003.06C4 By May 1, the Commissioner must shall consider the team's recommendation and provide written notification by certified mail to the chief academic officer of the institution of the decision to (a) renew temporary approval for a period not to exceed three (3) years, (b) return the endorsement to provisional status, (c) deny further approval and the reasons for the decision, or (d) recommend the special authorization be moved forward for inclusion in 92 NAC 24.

003.06C5 The institution will shall have thirty (30) days after receipt of the notification to request a meeting with the Commissioner if the decision is to deny approval. Following the meeting, the Commissioner must shall inform the institution in writing if the subsequent decision to deny is upheld.

004 Educator Preparation Professional Teacher Education Program Requirements.

004.01 General Policy Statements. The institution must shall have a written policy stating philosophy and objectives which delineates the its goal's and commitment to the preparation of educators. Not all of the programs for the preparation of school personnel need to be administratively located within the unit; however all professional education programs are organized and coordinated by the unit.

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004.02 Personnel Requirements.

004.02A Unit Administrator. The institution ~~must~~ ~~shall~~ designate an individual to administer the professional ~~teacher-education~~ educator preparation program or unit. This individual ~~is required to~~ ~~shall~~ hold, qualify for, or have held an educator certificate.

004.02B Certification Officer. The institution ~~must~~ ~~shall~~ designate a faculty or staff member to receive correspondence regarding this chapter and to oversee the submission of certified records, transcripts, reports, and/or recommendations to the Department for the purpose of certification and/or endorsement.

004.02C Field Experience Coordinator. The institution ~~must~~ ~~shall~~ designate a faculty or staff member to coordinate field experience requirements contained in this chapter.

004.02D Cooperating Educators. The institution ~~must~~ ~~shall~~ ensure that cooperating educators employed by school systems or other field-based settings ~~shall~~ have a minimum of three (3) years of education employment experience and hold an appropriate certificate with an endorsement in the area or level they are supervising.

004.03 ~~Educator Preparation Professional Teacher Education~~ Program Faculty Requirements.

004.03A Minimum Required Faculty

004.03A1 Undergraduate faculty. There ~~must~~ ~~shall~~ be a minimum of three (3) full-time professional education faculty.

004.03A2 Graduate faculty. Each advanced degree program leading to the doctorate must have at least three (3) full-time professional education faculty members who have earned the doctorate in the field of specialization for which the degree is offered.

004.03B Faculty Qualifications

004.03B1 All professional education faculty ~~must~~ ~~shall~~ hold a ~~master's graduate degree or a professional degree from a college or university accredited by an accrediting organization recognized by the United States Department of Education.~~

004.03B2 The preparation, research, and experience of each faculty member ~~must~~ ~~shall~~ be in the field in which ~~he or she~~ the faculty member teaches.

004.03B3 All professional education faculty, hired after July 1, 1994, ~~must~~ ~~shall~~ have two (2) years of PK-12 teaching experience in ~~state approved or accredited~~ elementary or secondary schools ~~approved or accredited by a state~~ or ~~in~~ similarly constituted and governed schools in a state where non-public schools are not recognized by the state.

Faculty who do not possess two (2) years of PK-12 teaching experience must meet the exceptional expertise requirement. ~~defined as documented scholarship, skill, or experience in the priorities of the teacher education program such as content specialization, diversity, assessment or technology.~~

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004.03B4 At least one-third of the full-time undergraduate faculty must shall hold a terminal degree.

004.03B5 At least one-half of full-time graduate faculty must shall hold a terminal degree.

004.03B6 All faculty in programs which grant the sixth year specialist's certificate or doctorate degree must shall hold the doctorate and have two (2) years of teaching or school administration experience.

004.03B7 Faculty who do not possess a terminal degree must meet the exceptional expertise requirement.

004.03B8 Adjunct faculty utilized for clinical experience supervision must hold or have held appropriate certification for the area ~~and~~/or level which they are supervising.

004.03C Faculty Load

004.03C1 For undergraduate faculty, assignments for teaching, supervision of clinical experience, and administration must shall not exceed twenty-four (24) credit hours within the same academic year for a full-time equivalent undergraduate faculty member except as provided in Section 004.03C3 of this chapter.

004.03C2 For graduate faculty, assignments for teaching, supervision of clinical experience, and administration must shall not exceed eighteen (18) credit hours within the same academic year for a full-time equivalent graduate faculty member with the exception stated in Section 004.03C3 of this chapter.

004.03C3 For faculty teaching a combination of undergraduate and graduate assignments, the load may be a proration of nine (9) undergraduate and twelve (12) graduate credit hours, with total hours assigned within the same academic year not to exceed twenty-one (21) hours.

004.03C4 Supervision of clinical experiences must shall not exceed a ratio of eighteen (18) full-time equivalent candidates to one (1) full-time equivalent faculty member within one (1) semester.

~~004.03C5 Advising for advanced program candidates shall be assigned to advanced program faculty.~~

004.04 Minimum Endorsement Offering Requirements. The institution must shall offer courses for a minimum of eight (8) approved subject and/or field endorsements contained in 92 NAC 24 and have on file a plan of study which documentsing that required courses are offered on a schedule to enable candidates access to the coursework in a four (4) year period.

004.05 Library Requirements. Library holdings, curriculum materials, and related technology resources must shall provide adequate scope, breadth, and currency to support education candidates and faculty. The institution must shall employ staff to work collaboratively with the unit to acquire relevant and current resources and to provide support services for material utilization.

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004.06 Policies for Program Admission, Progression, and Completion. The institution must have on file, and systematically communicate to all candidates, specific requirements regarding candidate admission, progression, and completion of the educator preparation ~~teacher education~~ program, including:

004.06A Disclosure. The institution must shall require the prospective candidate to disclose all criminal convictions, except traffic offenses.

004.06B Notice Regarding Convictions. The institution must shall inform all persons who apply for admission to its program that persons who have felony convictions or misdemeanor convictions involving abuse, neglect, or sexual misconduct, as ~~defined in Section 004.06D of this chapter, are automatically rejected by the Department for certification, and may only be considered for certification, or participation in field experiences, with the approval of the Department. outlined in 92 NAC 21, Section 003.12, may only be considered for certification, or participation in field experiences, with the approval of the Department.~~ A person with a felony conviction ~~as defined in Section 004.06D of this chapter may request approval~~ or a misdemeanor conviction involving abuse, neglect, or sexual misconduct may request the approval of the Department using the procedures set forth in 92 NAC 21, Sections 009.02 through 009.04.

004.06C Criminal Background Check. The institution must shall conduct or verify an official criminal background check on candidates prior to admission to an initial teacher educator preparation ~~teacher education~~ program. ~~and again prior to clinical practice.~~

004.06D Convictions (as referenced in 92 NAC 21, Sections 003.11 through 003.14).

~~004.06D1 For purposes of this chapter, a felony conviction means any felony offense under the laws of any jurisdiction, including misdemeanor convictions in other jurisdictions that would constitute a felony if committed in Nebraska.~~

~~004.06D2 For purposes of this chapter, a misdemeanor conviction involving abuse, neglect, or sexual misconduct means an offense under the laws of any jurisdiction, which, if committed in Nebraska, would constitute one of the following misdemeanors (with the applicable sections of the Revised Statutes of Nebraska in parentheses):~~

- ~~004.06D2a Assault (third degree) (28-310)~~
- ~~004.06D2b Child Enticement (28-311)~~
- ~~004.06D2c Stalking (28-311.03)~~
- ~~004.06D2d Hazing (28-311.06)~~
- ~~004.06D2e Unlawful Intrusion (28-311.08)~~
- ~~004.06D2f Violating a Harassment Protection Order (28-311.09)~~
- ~~004.06D2g False Imprisonment (28-315)~~
- ~~004.06D2h Sexual Assault (third degree) (28-320)~~
- ~~004.06D2i Domestic Assault (28-323)~~
- ~~004.06D2j Child/Vulnerable Adult Contact with Methamphetamine (28-457)~~
- ~~004.06D2k Abandonment of Spouse or Child (28-705)~~
- ~~004.06D2l Child Abuse (28-707)~~
- ~~004.06D2m Contributing to the Delinquency of a Child (28-709)~~
- ~~004.06D2n Prostitution (28-801)~~
- ~~004.06D2o Keeping a Place of Prostitution (28-804)~~
- ~~004.06D2p Debauching a Minor (28-805)~~

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~~004.06D2g — Public Indecency (28-806)~~
~~004.06D2r — Sale of Obscene Material to Minor (28-808)~~
~~004.06D2s — Obscene Motion Picture Show, Admitting Minor (28-809)~~
~~004.06D2t — Obscene Literature Distribution (28-813)~~
~~004.06D2u — Sexually Explicit Conduct (28-813.01)~~
~~004.06D2v — Resisting Arrest (28-904(1)(a)), when the conviction involves use or threat of physical force or violence against a police officer~~
~~004.06D2w — Indecency with an Animal (28-1010)~~
~~004.06D2x — Intimidation by Phone Call (28-1310)~~
~~004.06D2y — Violating a Protection Order (42-924(4))~~

~~004.06D3 For purposes of this chapter, in addition to the offenses listed above, felony convictions, and misdemeanor convictions involving abuse, neglect, or sexual misconduct shall also include convictions related to such crimes, including: (with the applicable sections of the Revised Statutes of Nebraska in parentheses)~~

~~004.06D3a — Attempt to Commit A Crime (28-201)~~
~~004.06D3b — Criminal Conspiracy (28-202)~~
~~004.06D3c — Accessory to a Felony (28-204)~~
~~004.06D3d — Aiding, Abetting, Procuring, or Causing Another to Commit an Offense (28-206)~~

~~004.06D4 Convictions which have been set aside, nullified, expunged, or pardoned shall not be considered convictions for purposes of this chapter, unless the laws of the jurisdiction of the conviction would allow the conviction to be used as the basis for denial of permission to teach or participate in classroom or field experiences, or for denial of a certificate to teach, counsel, supervise, administer, or provide special services in schools. However, such convictions shall be listed by the candidate as required in Section 004.06A of this chapter.~~

004.06D Grade Point Average.

~~004.06DE1 Candidates must hold a cumulative GPA, as measured by the institution, of 2.5 on a 4.0 scale or its equivalent for admission to an educator preparation a teacher education program.~~

~~004.06DE2 Candidates for admission to clinical practice must hold a cumulative GPA, as measured by the institution, of at least 2.75 on a 4.0 scale or its equivalent.~~

~~004.06F Basic Skills Test. Prior to admission to a teacher education program, the candidate must have achieved a satisfactory score on an examination as specified in 92 NAC 23.~~

~~004.06FG Application. Candidates for admission to an educator preparation a teacher education program must shall complete an application process which includes consideration of components identified in Section 004.06 of this chapter and other institution-determined criteria for selection, such as recommendations from professional educators, interviews, or essays.~~

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004.06GH Performance Assessments. The institution must identify the performance standards and assessments for successful progression and completion of the education programs offered by the unit.

005 Teacher Initial Preparation Academic Program Coursework Requirements.

005.01 General Education Requirements. Coursework. The institution ~~must shall~~ require ~~that~~ all ~~undergraduate~~ candidates meet the institution's general education ~~course~~ requirements. ~~These courses which~~ may also be used to meet endorsement requirements. ~~General education course requirements are established by the institution for all students.~~

005.02 Professional Education Requirements. Coursework. ~~At least one-sixth of the total credit hour requirement established by the institution for the completion of a degree shall be professional education coursework which may include practicum experiences, but shall not include clinical experiences.~~

The Educator Preparation Program must ~~The institution shall~~ identify required coursework and/or competency leading to candidate ~~development and competency~~ demonstration of the following:

005.02A Student Development. The candidate understands how students grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences.;

005.02B Learning Differences. The candidate uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each student to meet high standards.;

005.02C Learning Environments. The candidate works with others to create environments ~~that~~ supporting individual and collaborative learning, and ~~encouraging that encourage~~ positive social interaction, active engagement in learning, and self-motivation.;

005.02D Content Knowledge. The candidate understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make these aspects of the discipline accessible and meaningful for students to assure mastery of the content, including the ability to integrate the Nebraska Content Standards (92 NAC 10 Appendices A-D) into instruction;

005.02E Application of Content. The candidate understands how to connect concepts and use differing perspectives to engage students in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues.;

005.02F Assessment. The candidate understands and uses multiple methods of assessment to engage students in their own growth, to monitor student progress, and to guide the candidate's and student's decision making.;

005.02G Planning for Instruction. The candidate plans instruction supporting that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills, technology, and pedagogy, as well as knowledge of the student and the community context.;

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005.02H Instructional Strategies. The candidate understands and uses a variety of instructional strategies to encourage students to develop deep understanding of content areas and their connections, build reading and writing skills, and to apply knowledge in meaningful ways. This includes developing competency for utilizing technology for instruction, assessment, and communication;.

005.02I Professional Learning and Ethical Practice. The candidate engages in ongoing professional learning, models ethical professional practice, and uses evidence to continually evaluate his/her practice, particularly the effects of his/her choices and actions on others (students, families, other professionals, and the community), and adapts practice to meet the needs of each student;.

005.02J Leadership and Collaboration. The candidate seeks opportunities to take responsibility for student learning, to collaborate with students, families, colleagues, other school professionals, and community members to ensure student growth, and to advance the profession;.

005.02K Human Relations. The ~~institution shall~~ candidate has met the human relations requirement ~~offer training integrated into a required course or combination of required courses which shall be designed to lead to the following skills~~ 79-807(6) R.R.S.; and

005.02K1 ~~An awareness and understanding of the values, lifestyles, contributions, and history of a pluralistic society;~~

005.02K2 ~~The ability to recognize and deal with dehumanizing biases, including, but not limited to, sexism, racism, prejudice, and discrimination, and an awareness of the impact such biases have on interpersonal relations;~~

005.02K3 ~~The ability to translate knowledge of human relations into attitudes, skills, and techniques which result in favorable experiences for students;~~

005.02K4 ~~The ability to recognize the ways in which dehumanizing biases may be reflected in instructional materials;~~

005.02K5 ~~Respect for human dignity and individual rights; and~~

005.02K6 ~~The ability to relate effectively to other individuals and to groups in a pluralistic society other than the applicant's own.~~

005.02L Special Education. The candidate has met the special education requirement. ~~The institution will require one (1) or more courses which provide candidates with systematic and continuing opportunities to develop knowledge, skills, and professional dispositions for teaching students with disabilities, including the areas enumerated by Section 79-807(7) R.R.S.;~~

005.02L1 ~~Knowledge of the exceptional educational needs of the disabilities defined by Section 79-1118.01 R.R.S.;~~

005.02L2 ~~Knowledge of the major characteristics of each disability defined by Section 79-1118.01 R.R.S. in order to recognize its existence in children;~~

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~~005.02L3 Knowledge of various alternatives for providing the least restrictive environment for children with disabilities;~~

~~005.02L4 Knowledge of methods of teaching children with disabilities in the regular classroom; and~~

~~005.02L5 Knowledge of prereferral alternatives, referral systems, multidisciplinary team responsibilities, the individualized education plan process, and the placement process.~~

005.03 Field Experience. Coursework. The educator preparation program institution must shall require practicum and clinical experiences that provide candidates opportunities to work with students and school partners to develop knowledge, skills, and professional dispositions. ~~When viewed as a whole, Field~~ field experiences are central to candidate preparation and must shall provide opportunities to work with diverse students which may include, but is not limited to, differences based on ethnicity, race, socioeconomic status, gender, exceptionalities, and language. These experiences range from candidate interaction with students to assuming responsibility for instructional planning and implementation, and assessment of student learning.

~~005.03A Initial Program Field Experience. These experiences shall range from candidate interaction with students to assuming responsibility for instructional planning and implementation, and assessment of student learning.~~

005.03A1 Practicum experience consists of a minimum of one hundred (100) clock hours of contact with students. Field-based practicum experiences are completed prior to clinical practice and provide opportunities for candidates to observe, assist, tutor, instruct, or conduct research. Practicum experiences may occur in settings such as school systems, or other settings serving students.

005.03BA2 Clinical Practice. The educator preparation program institution must shall require a clinical practice experience for initial teacher certification in which candidates demonstrate knowledge, skills, and professional dispositions by assuming responsibility for whole class instruction in the area of the endorsement and within the grade level for which they are preparing.

005.03B1A2a The educator preparation program must institution shall have a clear statement of policies and procedures relating to clinical practice ~~which shall be made~~ available, together with the Standards for Professional Practices Criteria in 92 NAC 27, to all persons involved in the clinical practice experience.

005.03B2A2b All clinical practice must shall be conducted in a Nebraska school system, or in an approved, accredited, or otherwise legally operated school in another state or ~~an English-speaking school in another~~ country where teachers and administrators in the school are required by law or regulation to be certificated by the state or nation's educational authority.

005.03B3A2c The educator preparation program must institution shall engage with school partners on a regular and ongoing basis to develop and communicate the roles and responsibilities of candidates, college supervisors, cooperating educators, and other school personnel; to provide opportunities for school partners to provide input to

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the program regarding candidate placements, candidate performance, and program improvement; and to develop opportunities for faculty and school-based educators to work collaboratively to enhance candidate development.

005.03B3aA2c1 The educator preparation program must ~~institution shall~~ negotiate written agreements delineating the roles and responsibilities of candidates in clinical practice, college supervisors, and the cooperating educators.

005.03B4A2d The educator preparation program must ~~institution shall~~ require a clinical practice experience equivalent to:

005.03B4aA2d1 A minimum of one (1) semester (at least fourteen (14) full-day weeks) for one (1) field endorsement; one (1) field endorsement and one (1) subject endorsement which is a content area specified in the field endorsement and is at the same grade level; or up to two (2) subject endorsements at the same grade level;

005.03B4bA2d2 A minimum of eighteen (18) full-day weeks for two (2) field endorsements; one (1) field endorsement and one (1) subject endorsement which is not a content area specified in the field endorsement; one (1) field endorsement and one (1) subject endorsement which is a content area specified in the field endorsement but is not at the same grade level; or two (2) subject endorsements which are not at the same grade level; and

005.03B4cA2d3 A minimum of an additional nine (9) full-day weeks for each field or subject endorsement added to those described in Section ~~005.03A2d1~~ 005.03B4a or Section ~~005.03A2d2~~ 005.03B4b of this chapter.

005.03B5A2e The educator preparation program must ~~institution shall~~ ensure that a minimum of five (5) formal observations by faculty ~~shall be~~ are conducted during clinical practice for candidates preparing for initial level teaching certification. ~~Two (2)~~ Three (3) observations must be onsite and ~~three (3)~~ two (2) of the observations may be conducted utilizing technology which allows for visual contact between the parties.

005.03CB Speech Language Pathology and School Psychologist Preparation Programs at the Initial Teacher Certification Level Field Experience. The educator preparation program must ~~institution shall~~ ensure that a minimum of three (3) formal onsite observations by faculty are conducted.

006 Administrator Program Academic Requirements.

006.01 Education Preparation Administrative Academic Program Requirements. The Educator Preparation Program must identify required coursework and/or competency leading to candidate demonstration of the following:

006.01A Mission, Vision and Core Values. The candidate develops, advocates, and enacts the shared mission, vision, and core values of high-quality education, academic success, and the well-being of each student.

006.01B Ethics and Professional Norms. The candidate acts ethically and according to professional norms to promote each student's academic success and well-being.

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006.01C Equity and Cultural Responsiveness. The candidate strives for equity of educational opportunity and culturally responsive practices to promote each student's academic success and well-being.

006.01D Curriculum, Instruction, and Assessment. The candidate develops and supports intellectually rigorous and coherent systems of curriculum, instruction, and assessment to promote each student's academic success and well-being.

006.01E Community of Care and Support for Students. The candidate develops and supports intellectually rigorous and coherent systems of curriculum, instruction, and assessment to promote each student's academic success and well-being.

006.01F Professional Capacity of School Personnel. The candidate develops the professional capacity and practice of school personnel to promote each student's academic success and well-being.

006.01G Professional Community for Teachers and Staff. The candidate fosters a professional community of teachers and other professional staff to promote each student's academic success and well-being.

006.01H Meaningful Engagement of Family and Community. The candidate engages families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being.

006.01I Operations and Management. The candidate manages school operations and resources to promote each student's academic success and well-being.

006.01J School Improvement. The candidate acts as an agent of continuous improvement to promote each student's academic success and well-being.

006.02 Advanced Program Field Experience.

006.02A4 The educator preparation program must ~~institution shall~~ have a clear statement of policies and procedures relating to field experiences which shall be made available, together with the Standards for Professional Practices Criteria in 92 NAC 27, to all persons involved in the field experience.

006.02B The educator preparation program must ~~Institutions shall~~ require field experiences for advanced certification programs.

006.02C3 All clinical practice must ~~shall~~ be conducted in a Nebraska school system, or in an approved, accredited or otherwise legally operated school in another state or an English-speaking school in another country where teachers and administrators in the school are required by law or regulation to be certificated by the state or nation's educational authority.

006.02D4 The educator preparation program ~~institution shall~~ must engage with school partners on a regular and ongoing basis to develop and communicate the roles and responsibilities of candidates, college supervisors, cooperating educators, and other school personnel; to provide opportunities for school partners to provide input to the program regarding candidate placements, candidate performance, and program

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improvement; and to develop the skills of faculty and school-based educators to work collaboratively to enhance candidate development.

007 Program Quality Indicators. The educator preparation program must ~~institution shall~~ establish a systematic process to address and document the following program quality indicators:-

007.01 Candidate Admission and Completion. The educator preparation program institution utilizes information related to candidate admission, progression, completion, and graduate employment to document the institution's continuing and purposeful expectations for candidate quality:-

007.02 Content Knowledge. The educator preparation program institution utilizes candidate performance information from content tests, as set forth in 92 NAC 24, to determine potential areas for improvement in content knowledge preparation of candidates:-

007.03 ~~Program Completer Follow-up. Graduate follow-up.~~ The educator preparation program institution utilizes a graduate follow-up process to obtain program completer input regarding satisfaction, relevance and effectiveness of their preparation for professional roles and responsibilities:-

007.04 Employer ~~F~~follow-up. The educator preparation program institution utilizes a process for collecting information from employers regarding satisfaction with the program and program completers:-

007.05 ~~Program Completer Graduate~~ Support. The educator preparation program institution makes resources available to support its completers graduates who are within new to the education teaching-profession; and-

007.06 Continuous Program Improvement. The educator preparation program institution initiates continuous program improvement strategies based on regular analysis of data, current research, and/or as the result of engagement with PK-12 education partners regarding initiatives and challenges of PK-12 education.

008 Provisions for Notice and Hearing.

008.01 When the Commissioner makes a recommendation to the Board for an institution to be placed on probation or for the denial of continuing approval, notice of the recommendation and of the right to request a hearing within thirty (30) days after receipt must shall be given to the institution by certified mail. Copies must shall be sent to the certification officer and the chief executive officer, if known. This notice must shall specify the basis for the recommendation and the tentative date ~~that~~ the Board will consider the recommendation unless a formal hearing is requested.

008.02 If the institution files a request for a formal hearing within thirty (30) days after receipt of the recommendation, the Board must shall schedule a hearing date. If no formal hearing is requested, the recommendation must shall be considered by the Board and adopted or modified by order of the Board.

008.03 All hearings arising under this chapter must shall be conducted in accordance with the hearing procedures of Chapter 61 of Title 92 of the Nebraska Administrative Code.

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009 Flexibilities. Educator preparation programs within institutions of higher education, to better meet local goals, may submit a request for a short-term flexibility of one or more regulations found in Sections 004.01 to 004.05, 004.06E to 004.06H, 005, and 006 of this chapter. A request for flexibility may also be made in response to extenuating circumstances causing an educator preparation program to be unable to meet the requirements of any section of this chapter or if an educator preparation program creates an innovative solution to an unmet need. The request for flexibility must include at least the following:

009.01 An explanation of the unique circumstances leading to the request;

009.02 A description of the program or process to be substituted for the existing regulation;

009.03 An explanation indicating how the program or process will provide equivalent or improved opportunities for candidates;

009.04 If appropriate, how resources would be reallocated or used differently to provide programs or services;

009.05 The length of time for the requested flexibility, not to exceed three years; and

009.06 Procedures for providing an annual progress report to the Board.

009.07 The Commissioner may approve the requested flexibility, for up three (3) years, if the components of the plan substituted for the provisions will promote quality learning, equity, and/or accountability. The Commissioner shall reject the flexibility if the plan and requested flexibilities would not promote quality learning, equity, and/or accountability.

009.08 At the end of the established time period of the flexibility, the educator preparation program may request, and be granted, Commissioner approval of the same flexibility for a period of up to three (3) additional years if it can be demonstrated that the system is meeting the objectives for which the flexibility was granted.

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1218

FINAL READING

Introduced by Education Committee: Walz, 15, Chairperson; Day, 49;
McKinney, 11; Morfeld, 46; Pansing Brooks, 28.

Read first time January 20, 2022

Committee: Education

1 A BILL FOR AN ACT relating to education; to amend sections 79-806,
2 79-810, and 79-811, Reissue Revised Statutes of Nebraska, sections
3 79-318, 79-807, and 79-8,137, Revised Statutes Cumulative
4 Supplement, 2020, and sections 77-2716 and 79-813, Revised Statutes
5 Supplement, 2021; to adopt the Teach in Nebraska Today Act; to
6 provide for income tax adjustments; to change provisions relating to
7 certification of qualified educators and the Attracting Excellence
8 to Teaching Program; to harmonize provisions; and to repeal the
9 original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 8 of this act shall be known and may be
2 cited as the Teach in Nebraska Today Act.

3 Sec. 2. For purposes of the Teach in Nebraska Today Act:

4 (1) Default has the same meaning as in 20 U.S.C. 1085, as such
5 section existed on January 1, 2022;

6 (2) Department means the State Department of Education;

7 (3) Program means the Teach in Nebraska Today Program created in
8 section 3 of this act; and

9 (4) Teaching full-time means (a) teaching an average of at least
10 four hours per contract day performing instructional duties as a full-
11 time employee of an approved or accredited public, private,
12 denominational, or parochial school in this state or (b) teaching an
13 average of at least four hours per contract day performing dual-credit
14 instructional duties for students of approved or accredited public,
15 private, denominational, or parochial schools in this state while
16 employed full-time at an accredited public or private nonprofit college
17 or university in this state.

18 Sec. 3. The Teach in Nebraska Today Program is created. The
19 department shall administer the program. The purpose of the program is to
20 attract individuals to the teaching profession who have expressed an
21 interest in teaching and to support the employment of those individuals
22 as classroom teachers by providing student loan repayment assistance for
23 service as a classroom teacher in this state.

24 Sec. 4. (1) Student loan repayment assistance under the program
25 shall be available to an individual who applies for the assistance and
26 who:

27 (a) Is a resident of the State of Nebraska; and

28 (b) Is teaching full-time or has a contract to teach full-time at
29 the time of application for the program.

30 (2) The amount of repayment assistance awarded to an eligible
31 applicant pursuant to this section shall be limited to five thousand

1 dollars per year. An eligible applicant may be awarded repayment
2 assistance for up to five years. The five years of awards are not
3 required to be consecutive but shall not extend beyond eight years in
4 total.

5 (3) If the funds available for repayment assistance in any year are
6 insufficient to provide assistance to all eligible applicants described
7 in subsection (1) of this section, the department shall establish
8 priorities for awarding repayment assistance with renewal applications
9 given priority over initial applications. For initial applications,
10 priority shall be given to applicants who demonstrate financial need.

11 (4) An eligible applicant may receive repayment assistance under the
12 program for the repayment of a student loan received through any lender
13 which was incurred in the applicant's own name for his or her own
14 educational expenses at any accredited public or private nonprofit
15 college or university in this state or any other state. If the loan is
16 not a state or federal guaranteed student loan, the note or other writing
17 governing the terms of the loan must require the loan proceeds to be used
18 for expenses incurred by the applicant to attend an accredited public or
19 private nonprofit college or university in this state or any other state.

20 Sec. 5. Applications for student loan repayment assistance must be
21 submitted no later than June 10, 2023, and no later than June 10 of each
22 year thereafter, on a form developed by the department. The department
23 shall determine whether to approve or deny each application and shall
24 notify each applicant of such determination no later than September 10,
25 2023, and no later than September 10 of each year thereafter. Repayment
26 assistance awarded under the program shall be paid, in whole or in part
27 as provided in section 6 of this act, no later than November 10, 2023,
28 and no later than November 10 of each year thereafter.

29 Sec. 6. (1) Student loan repayment assistance awarded under the
30 program may be applied to the principal amount of the loan and to
31 interest that accrues. The repayment assistance shall be paid in one of

1 the following three ways as directed by the applicant on his or her
2 application:

3 (a) Directly to the lender or loan servicer that holds the
4 outstanding balance of the student loan in one lump-sum payment;

5 (b) Directly to the lender or loan servicer that holds the
6 outstanding balance of the student loan in monthly payments. Such monthly
7 payments shall be made:

8 (i) In twelve equal payments; or

9 (ii) If requested by the applicant, in smaller amounts over a longer
10 period of time, not to exceed twenty-four months. In such case, payments
11 shall be equal for the first twelve months or until such time as the
12 applicant's payment amount is recalculated by the lender or loan servicer
13 and then, if adjusted, shall be equal for the next twelve-month period.
14 Any unpaid funds at the end of twenty-four months may be requested to be
15 paid in a lump-sum payment to the lender or loan servicer or shall be
16 considered forfeited by the applicant. Applicants who are awarded
17 repayment assistance in more than one year may have their awards divided
18 across no more than one hundred twenty monthly payments under the
19 program; or

20 (c) Directly to the applicant for the purpose of making the
21 applicant's student loan payments. This subdivision shall only be
22 available if the applicant is not in default on any student loan at the
23 time of application. Any individual receiving repayment assistance under
24 this subdivision must provide documentation that the full award was used
25 for student loan payments when (i) applying for repayment assistance
26 under the program in subsequent years and (ii) claiming an adjustment to
27 federal adjusted gross income pursuant to section 77-2716. Such
28 documentation shall be provided using a form prescribed by the
29 department.

30 (2) The department may contract with a third-party vendor to
31 administer the repayment assistance provided pursuant to the program.

1 Sec. 7. The total amount of student loan repayment assistance
2 awarded pursuant to the program shall not exceed five million dollars in
3 any fiscal year.

4 Sec. 8. The State Board of Education may adopt and promulgate rules
5 and regulations to carry out the Teach in Nebraska Today Act.

6 Sec. 9. Section 77-2716, Revised Statutes Supplement, 2021, is
7 amended to read:

8 77-2716 (1) The following adjustments to federal adjusted gross
9 income or, for corporations and fiduciaries, federal taxable income shall
10 be made for interest or dividends received:

11 (a)(i) There shall be subtracted interest or dividends received by
12 the owner of obligations of the United States and its territories and
13 possessions or of any authority, commission, or instrumentality of the
14 United States to the extent includable in gross income for federal income
15 tax purposes but exempt from state income taxes under the laws of the
16 United States; and

17 (ii) There shall be subtracted interest received by the owner of
18 obligations of the State of Nebraska or its political subdivisions or
19 authorities which are Build America Bonds to the extent includable in
20 gross income for federal income tax purposes;

21 (b) There shall be subtracted that portion of the total dividends
22 and other income received from a regulated investment company which is
23 attributable to obligations described in subdivision (a) of this
24 subsection as reported to the recipient by the regulated investment
25 company;

26 (c) There shall be added interest or dividends received by the owner
27 of obligations of the District of Columbia, other states of the United
28 States, or their political subdivisions, authorities, commissions, or
29 instrumentalities to the extent excluded in the computation of gross
30 income for federal income tax purposes except that such interest or
31 dividends shall not be added if received by a corporation which is a

1 regulated investment company;

2 (d) There shall be added that portion of the total dividends and
3 other income received from a regulated investment company which is
4 attributable to obligations described in subdivision (c) of this
5 subsection and excluded for federal income tax purposes as reported to
6 the recipient by the regulated investment company; and

7 (e)(i) Any amount subtracted under this subsection shall be reduced
8 by any interest on indebtedness incurred to carry the obligations or
9 securities described in this subsection or the investment in the
10 regulated investment company and by any expenses incurred in the
11 production of interest or dividend income described in this subsection to
12 the extent that such expenses, including amortizable bond premiums, are
13 deductible in determining federal taxable income.

14 (ii) Any amount added under this subsection shall be reduced by any
15 expenses incurred in the production of such income to the extent
16 disallowed in the computation of federal taxable income.

17 (2) There shall be allowed a net operating loss derived from or
18 connected with Nebraska sources computed under rules and regulations
19 adopted and promulgated by the Tax Commissioner consistent, to the extent
20 possible under the Nebraska Revenue Act of 1967, with the laws of the
21 United States. For a resident individual, estate, or trust, the net
22 operating loss computed on the federal income tax return shall be
23 adjusted by the modifications contained in this section. For a
24 nonresident individual, estate, or trust or for a partial-year resident
25 individual, the net operating loss computed on the federal return shall
26 be adjusted by the modifications contained in this section and any
27 carryovers or carrybacks shall be limited to the portion of the loss
28 derived from or connected with Nebraska sources.

29 (3) There shall be subtracted from federal adjusted gross income for
30 all taxable years beginning on or after January 1, 1987, the amount of
31 any state income tax refund to the extent such refund was deducted under

1 the Internal Revenue Code, was not allowed in the computation of the tax
2 due under the Nebraska Revenue Act of 1967, and is included in federal
3 adjusted gross income.

4 (4) Federal adjusted gross income, or, for a fiduciary, federal
5 taxable income shall be modified to exclude the portion of the income or
6 loss received from a small business corporation with an election in
7 effect under subchapter S of the Internal Revenue Code or from a limited
8 liability company organized pursuant to the Nebraska Uniform Limited
9 Liability Company Act that is not derived from or connected with Nebraska
10 sources as determined in section 77-2734.01.

11 (5) There shall be subtracted from federal adjusted gross income or,
12 for corporations and fiduciaries, federal taxable income dividends
13 received or deemed to be received from corporations which are not subject
14 to the Internal Revenue Code.

15 (6) There shall be subtracted from federal taxable income a portion
16 of the income earned by a corporation subject to the Internal Revenue
17 Code of 1986 that is actually taxed by a foreign country or one of its
18 political subdivisions at a rate in excess of the maximum federal tax
19 rate for corporations. The taxpayer may make the computation for each
20 foreign country or for groups of foreign countries. The portion of the
21 taxes that may be deducted shall be computed in the following manner:

22 (a) The amount of federal taxable income from operations within a
23 foreign taxing jurisdiction shall be reduced by the amount of taxes
24 actually paid to the foreign jurisdiction that are not deductible solely
25 because the foreign tax credit was elected on the federal income tax
26 return;

27 (b) The amount of after-tax income shall be divided by one minus the
28 maximum tax rate for corporations in the Internal Revenue Code; and

29 (c) The result of the calculation in subdivision (b) of this
30 subsection shall be subtracted from the amount of federal taxable income
31 used in subdivision (a) of this subsection. The result of such

1 calculation, if greater than zero, shall be subtracted from federal
2 taxable income.

3 (7) Federal adjusted gross income shall be modified to exclude any
4 amount repaid by the taxpayer for which a reduction in federal tax is
5 allowed under section 1341(a)(5) of the Internal Revenue Code.

6 (8)(a) Federal adjusted gross income or, for corporations and
7 fiduciaries, federal taxable income shall be reduced, to the extent
8 included, by income from interest, earnings, and state contributions
9 received from the Nebraska educational savings plan trust created in
10 sections 85-1801 to 85-1817 and any account established under the
11 achieving a better life experience program as provided in sections
12 77-1401 to 77-1409.

13 (b) Federal adjusted gross income or, for corporations and
14 fiduciaries, federal taxable income shall be reduced by any contributions
15 as a participant in the Nebraska educational savings plan trust or
16 contributions to an account established under the achieving a better life
17 experience program made for the benefit of a beneficiary as provided in
18 sections 77-1401 to 77-1409, to the extent not deducted for federal
19 income tax purposes, but not to exceed five thousand dollars per married
20 filing separate return or ten thousand dollars for any other return. With
21 respect to a qualified rollover within the meaning of section 529 of the
22 Internal Revenue Code from another state's plan, any interest, earnings,
23 and state contributions received from the other state's educational
24 savings plan which is qualified under section 529 of the code shall
25 qualify for the reduction provided in this subdivision. For contributions
26 by a custodian of a custodial account including rollovers from another
27 custodial account, the reduction shall only apply to funds added to the
28 custodial account after January 1, 2014.

29 (c) For taxable years beginning or deemed to begin on or after
30 January 1, 2021, under the Internal Revenue Code of 1986, as amended,
31 federal adjusted gross income shall be reduced, to the extent included in

1 the adjusted gross income of an individual, by the amount of any
2 contribution made by the individual's employer into an account under the
3 Nebraska educational savings plan trust owned by the individual, not to
4 exceed five thousand dollars per married filing separate return or ten
5 thousand dollars for any other return.

6 (d) Federal adjusted gross income or, for corporations and
7 fiduciaries, federal taxable income shall be increased by:

8 (i) The amount resulting from the cancellation of a participation
9 agreement refunded to the taxpayer as a participant in the Nebraska
10 educational savings plan trust to the extent previously deducted under
11 subdivision (8)(b) of this section; and

12 (ii) The amount of any withdrawals by the owner of an account
13 established under the achieving a better life experience program as
14 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the
15 extent previously deducted under subdivision (8)(b) of this section.

16 (9)(a) For income tax returns filed after September 10, 2001, for
17 taxable years beginning or deemed to begin before January 1, 2006, under
18 the Internal Revenue Code of 1986, as amended, federal adjusted gross
19 income or, for corporations and fiduciaries, federal taxable income shall
20 be increased by eighty-five percent of any amount of any federal bonus
21 depreciation received under the federal Job Creation and Worker
22 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,
23 under section 168(k) or section 1400L of the Internal Revenue Code of
24 1986, as amended, for assets placed in service after September 10, 2001,
25 and before December 31, 2005.

26 (b) For a partnership, limited liability company, cooperative,
27 including any cooperative exempt from income taxes under section 521 of
28 the Internal Revenue Code of 1986, as amended, limited cooperative
29 association, subchapter S corporation, or joint venture, the increase
30 shall be distributed to the partners, members, shareholders, patrons, or
31 beneficiaries in the same manner as income is distributed for use against

1 their income tax liabilities.

2 (c) For a corporation with a unitary business having activity both
3 inside and outside the state, the increase shall be apportioned to
4 Nebraska in the same manner as income is apportioned to the state by
5 section 77-2734.05.

6 (d) The amount of bonus depreciation added to federal adjusted gross
7 income or, for corporations and fiduciaries, federal taxable income by
8 this subsection shall be subtracted in a later taxable year. Twenty
9 percent of the total amount of bonus depreciation added back by this
10 subsection for tax years beginning or deemed to begin before January 1,
11 2003, under the Internal Revenue Code of 1986, as amended, may be
12 subtracted in the first taxable year beginning or deemed to begin on or
13 after January 1, 2005, under the Internal Revenue Code of 1986, as
14 amended, and twenty percent in each of the next four following taxable
15 years. Twenty percent of the total amount of bonus depreciation added
16 back by this subsection for tax years beginning or deemed to begin on or
17 after January 1, 2003, may be subtracted in the first taxable year
18 beginning or deemed to begin on or after January 1, 2006, under the
19 Internal Revenue Code of 1986, as amended, and twenty percent in each of
20 the next four following taxable years.

21 (10) For taxable years beginning or deemed to begin on or after
22 January 1, 2003, and before January 1, 2006, under the Internal Revenue
23 Code of 1986, as amended, federal adjusted gross income or, for
24 corporations and fiduciaries, federal taxable income shall be increased
25 by the amount of any capital investment that is expensed under section
26 179 of the Internal Revenue Code of 1986, as amended, that is in excess
27 of twenty-five thousand dollars that is allowed under the federal Jobs
28 and Growth Tax Act of 2003. Twenty percent of the total amount of
29 expensing added back by this subsection for tax years beginning or deemed
30 to begin on or after January 1, 2003, may be subtracted in the first
31 taxable year beginning or deemed to begin on or after January 1, 2006,

1 under the Internal Revenue Code of 1986, as amended, and twenty percent
2 in each of the next four following tax years.

3 (11)(a) For taxable years beginning or deemed to begin before
4 January 1, 2018, under the Internal Revenue Code of 1986, as amended,
5 federal adjusted gross income shall be reduced by contributions, up to
6 two thousand dollars per married filing jointly return or one thousand
7 dollars for any other return, and any investment earnings made as a
8 participant in the Nebraska long-term care savings plan under the Long-
9 Term Care Savings Plan Act, to the extent not deducted for federal income
10 tax purposes.

11 (b) For taxable years beginning or deemed to begin before January 1,
12 2018, under the Internal Revenue Code of 1986, as amended, federal
13 adjusted gross income shall be increased by the withdrawals made as a
14 participant in the Nebraska long-term care savings plan under the act by
15 a person who is not a qualified individual or for any reason other than
16 transfer of funds to a spouse, long-term care expenses, long-term care
17 insurance premiums, or death of the participant, including withdrawals
18 made by reason of cancellation of the participation agreement, to the
19 extent previously deducted as a contribution or as investment earnings.

20 (12) There shall be added to federal adjusted gross income for
21 individuals, estates, and trusts any amount taken as a credit for
22 franchise tax paid by a financial institution under sections 77-3801 to
23 77-3807 as allowed by subsection (5) of section 77-2715.07.

24 (13)(a) For taxable years beginning or deemed to begin on or after
25 January 1, 2015, under the Internal Revenue Code of 1986, as amended,
26 federal adjusted gross income shall be reduced by the amount received as
27 benefits under the federal Social Security Act which are included in the
28 federal adjusted gross income if:

29 (i) For taxpayers filing a married filing joint return, federal
30 adjusted gross income is fifty-eight thousand dollars or less; or

31 (ii) For taxpayers filing any other return, federal adjusted gross

1 income is forty-three thousand dollars or less.

2 (b) For taxable years beginning or deemed to begin on or after
3 January 1, 2020, under the Internal Revenue Code of 1986, as amended, the
4 Tax Commissioner shall adjust the dollar amounts provided in subdivisions
5 (13)(a)(i) and (ii) of this section by the same percentage used to adjust
6 individual income tax brackets under subsection (3) of section
7 77-2715.03.

8 (c) For taxable years beginning or deemed to begin on or after
9 January 1, 2021, under the Internal Revenue Code of 1986, as amended, a
10 taxpayer may claim the reduction to federal adjusted gross income allowed
11 under this subsection or the reduction to federal adjusted gross income
12 allowed under subsection (14) of this section, whichever provides the
13 greater reduction.

14 (14)(a) For taxable years beginning or deemed to begin on or after
15 January 1, 2021, under the Internal Revenue Code of 1986, as amended,
16 federal adjusted gross income shall be reduced by a percentage of the
17 social security benefits that are received and included in federal
18 adjusted gross income. The pertinent percentage shall be:

19 (i) Five percent for taxable years beginning or deemed to begin on
20 or after January 1, 2021, and before January 1, 2022, under the Internal
21 Revenue Code of 1986, as amended;

22 (ii) Twenty percent for taxable years beginning or deemed to begin
23 on or after January 1, 2022, and before January 1, 2023, under the
24 Internal Revenue Code of 1986, as amended;

25 (iii) Thirty percent for taxable years beginning or deemed to begin
26 on or after January 1, 2023, and before January 1, 2024, under the
27 Internal Revenue Code of 1986, as amended;

28 (iv) Forty percent for taxable years beginning or deemed to begin on
29 or after January 1, 2024, and before January 1, 2025, under the Internal
30 Revenue Code of 1986, as amended; and

31 (v) Fifty percent for taxable years beginning or deemed to begin on

1 or after January 1, 2025, under the Internal Revenue Code of 1986, as
2 amended.

3 (b) It is the intent of the Legislature to enact legislation within
4 five years after August 28, 2021, to increase the percentage of social
5 security benefits that are excluded under this subsection to (i) sixty
6 percent for taxable years beginning or deemed to begin on or after
7 January 1, 2026, and before January 1, 2027, under the Internal Revenue
8 Code of 1986, as amended, (ii) seventy percent for taxable years
9 beginning or deemed to begin on or after January 1, 2027, and before
10 January 1, 2028, under the Internal Revenue Code of 1986, as amended,
11 (iii) eighty percent for taxable years beginning or deemed to begin on or
12 after January 1, 2028, and before January 1, 2029, under the Internal
13 Revenue Code of 1986, as amended, (iv) ninety percent for taxable years
14 beginning or deemed to begin on or after January 1, 2029, and before
15 January 1, 2030, under the Internal Revenue Code of 1986, as amended, and
16 (v) one hundred percent for taxable years beginning or deemed to begin on
17 or after January 1, 2030, under the Internal Revenue Code of 1986, as
18 amended.

19 (c) For purposes of this subsection, social security benefits means
20 benefits received under the federal Social Security Act.

21 (d) For taxable years beginning or deemed to begin on or after
22 January 1, 2021, under the Internal Revenue Code of 1986, as amended, a
23 taxpayer may claim the reduction to federal adjusted gross income allowed
24 under this subsection or the reduction to federal adjusted gross income
25 allowed under subsection (13) of this section, whichever provides the
26 greater reduction.

27 (15)(a) For taxable years beginning or deemed to begin on or after
28 January 1, 2015, and before January 1, 2022, under the Internal Revenue
29 Code of 1986, as amended, an individual may make a one-time election
30 within two calendar years after the date of his or her retirement from
31 the military to exclude income received as a military retirement benefit

1 by the individual to the extent included in federal adjusted gross income
2 and as provided in this subdivision. The individual may elect to exclude
3 forty percent of his or her military retirement benefit income for seven
4 consecutive taxable years beginning with the year in which the election
5 is made or may elect to exclude fifteen percent of his or her military
6 retirement benefit income for all taxable years beginning with the year
7 in which he or she turns sixty-seven years of age.

8 (b) For taxable years beginning or deemed to begin on or after
9 January 1, 2022, under the Internal Revenue Code of 1986, as amended, an
10 individual may exclude one hundred percent of the military retirement
11 benefit income received by such individual to the extent included in
12 federal adjusted gross income.

13 (c) For purposes of this subsection, military retirement benefit
14 means retirement benefits that are periodic payments attributable to
15 service in the uniformed services of the United States for personal
16 services performed by an individual prior to his or her retirement. The
17 term includes retirement benefits described in this subdivision that are
18 reported to the individual on either:

19 (i) An Internal Revenue Service Form 1099-R received from the United
20 States Department of Defense; or

21 (ii) An Internal Revenue Service Form 1099-R received from the
22 United States Office of Personnel Management.

23 (16) For taxable years beginning or deemed to begin on or after
24 January 1, 2021, under the Internal Revenue Code of 1986, as amended,
25 federal adjusted gross income shall be reduced by the amount received as
26 a Segal AmeriCorps Education Award, to the extent such amount is included
27 in federal adjusted gross income.

28 (17) For taxable years beginning or deemed to begin on or after
29 January 1, 2022, under the Internal Revenue Code of 1986, as amended,
30 federal adjusted gross income shall be reduced by the amount received by
31 or on behalf of a firefighter for cancer benefits under the Firefighter

1 Cancer Benefits Act to the extent included in federal adjusted gross
2 income.

3 (18) There shall be subtracted from the federal adjusted gross
4 income of individuals any amount received by the individual as student
5 loan repayment assistance under the Teach in Nebraska Today Act, to the
6 extent such amount is included in federal adjusted gross income.

7 Sec. 10. Section 79-318, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 79-318 The State Board of Education shall:

10 (1) Appoint and fix the compensation of the Commissioner of
11 Education;

12 (2) Remove the commissioner from office at any time for conviction
13 of any crime involving moral turpitude or felonious act, for
14 inefficiency, or for willful and continuous disregard of his or her
15 duties as commissioner or of the directives of the board;

16 (3) Upon recommendation of the commissioner, appoint and fix the
17 compensation of all new professional positions in the department,
18 including any deputy commissioners;

19 (4) Organize the State Department of Education into such divisions,
20 branches, or sections as may be necessary or desirable to perform all its
21 proper functions and to render maximum service to the board and to the
22 state school system;

23 (5) Provide, through the commissioner and his or her professional
24 staff, enlightened professional leadership, guidance, and supervision of
25 the state school system, including educational service units. In order
26 that the commissioner and his or her staff may carry out their duties,
27 the board shall, through the commissioner: (a) Provide supervisory and
28 consultation services to the schools of the state; (b) issue materials
29 helpful in the development, maintenance, and improvement of educational
30 facilities and programs; (c) establish rules and regulations which govern
31 standards and procedures for the approval and legal operation of all

1 schools in the state and for the accreditation of all schools requesting
2 state accreditation. All public, private, denominational, or parochial
3 schools shall either comply with the accreditation or approval
4 requirements prescribed in this section and section 79-703 or, for those
5 schools which elect not to meet accreditation or approval requirements,
6 the requirements prescribed in subsections (2) through (6) of section
7 79-1601. Standards and procedures for approval and accreditation shall be
8 based upon the program of studies, guidance services, the number and
9 preparation of teachers in relation to the curriculum and enrollment,
10 instructional materials and equipment, science facilities and equipment,
11 library facilities and materials, and health and safety factors in
12 buildings and grounds. Rules and regulations which govern standards and
13 procedures for private, denominational, and parochial schools which
14 elect, pursuant to the procedures prescribed in subsections (2) through
15 (6) of section 79-1601, not to meet state accreditation or approval
16 requirements shall be as described in such section; (d) institute a
17 statewide system of testing to determine the degree of achievement and
18 accomplishment of all the students within the state's school systems if
19 it determines such testing would be advisable; (e) prescribe a uniform
20 system of records and accounting for keeping adequate educational and
21 financial records, for gathering and reporting necessary educational
22 data, and for evaluating educational progress; (f) cause to be published
23 laws, rules, and regulations governing the schools and the school lands
24 and funds with explanatory notes for the guidance of those charged with
25 the administration of the schools of the state; (g) approve teacher
26 education programs conducted in Nebraska postsecondary educational
27 institutions designed for the purpose of certificating teachers and
28 administrators, except that such approval shall not require a statewide
29 examination as an entrance requirement related to basic skills
30 competency; (h) approve certificated-employee evaluation policies and
31 procedures developed by school districts and educational service units;

1 and (i) approve general plans and adopt educational policies, standards,
2 rules, and regulations for carrying out the board's responsibilities and
3 those assigned to the State Department of Education by the Legislature;

4 (6) Adopt and promulgate rules and regulations for the guidance,
5 supervision, accreditation, and coordination of educational service
6 units. Such rules and regulations for accreditation shall include, but
7 not be limited to, (a) a requirement that programs and services offered
8 to school districts by each educational service unit shall be evaluated
9 on a regular basis, but not less than every seven years, to assure that
10 educational service units remain responsive to school district needs and
11 (b) guidelines for the use and management of funds generated from the
12 property tax levy and from other sources of revenue as may be available
13 to the educational service units, to assure that public funds are used to
14 accomplish the purposes and goals assigned to the educational service
15 units by section 79-1204. The State Board of Education shall establish
16 procedures to encourage the coordination of activities among educational
17 service units and to encourage effective and efficient educational
18 service delivery on a statewide basis;

19 (7) Prepare and distribute reports designed to acquaint school
20 district officers, teachers, and patrons of the schools with the
21 conditions and needs of the schools;

22 (8) Provide for consultation with professional educators and lay
23 leaders for the purpose of securing advice deemed necessary in the
24 formulation of policies and in the effectual discharge of its duties;

25 (9) Make studies, investigations, and reports and assemble
26 information as necessary for the formulation of policies, for making
27 plans, for evaluating the state school program, and for making essential
28 and adequate reports;

29 (10) Submit to the Governor and the Legislature a budget necessary
30 to finance the state school program under its jurisdiction, including the
31 internal operation and maintenance of the State Department of Education;

1 (11) Interpret its own policies, standards, rules, and regulations
2 and, upon reasonable request, hear complaints and disputes arising
3 therefrom;

4 (12) With the advice of the Department of Motor Vehicles, adopt and
5 promulgate rules and regulations containing reasonable standards, not
6 inconsistent with existing statutes, governing: (a) The general design,
7 equipment, color, operation, and maintenance of any vehicle with a
8 manufacturer's rated seating capacity of eleven or more passengers used
9 for the transportation of public, private, denominational, or parochial
10 school students; and (b) the equipment, operation, and maintenance of any
11 vehicle with a capacity of ten or less passengers used for the
12 transportation of public, private, denominational, or parochial school
13 students, when such vehicles are owned, operated, or owned and operated
14 by any public, private, denominational, or parochial school or privately
15 owned or operated under contract with any such school in this state,
16 except for vehicles owned by individuals operating a school which elects
17 pursuant to section 79-1601 not to meet accreditation or approval
18 requirements. Similar rules and regulations shall be adopted and
19 promulgated for operators of such vehicles as provided in section 79-607;

20 (13) Accept, on behalf of the Nebraska Center for the Education of
21 Children who are Blind or Visually Impaired, devises of real property or
22 donations or bequests of other property, or both, if in its judgment any
23 such devise, donation, or bequest is for the best interest of the center
24 or the students receiving services from the center, or both, and irrigate
25 or otherwise improve any such real estate when in the board's judgment it
26 would be advisable to do so; and

27 (14) Upon acceptance of any devise, donation, or bequest as provided
28 in this section, administer and carry out such devise, donation, or
29 bequest in accordance with the terms and conditions thereof. If not
30 prohibited by the terms and conditions of any such devise, donation, or
31 bequest, the board may sell, convey, exchange, or lease property so

1 devised, donated, or bequeathed upon such terms and conditions as it
2 deems best and remit all money derived from any such sale or lease to the
3 State Treasurer for credit to the State Department of Education Trust
4 Fund.

5 None of the duties prescribed in this section shall prevent the
6 board from exercising such other duties as in its judgment may be
7 necessary for the proper and legal exercise of its obligations.

8 Sec. 11. Section 79-806, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 79-806 (1) The Legislature finds and declares:

11 (a) That there is an educator workforce shortage in this state and
12 that efforts need to be made to recruit, prepare, retain, and support the
13 teaching profession while maintaining high-quality educators in our
14 classrooms around the state;

15 (b) That the pool of qualified individuals for the teaching
16 profession has been reduced statewide, in part, due to requirements in
17 place as of the effective date of this act for applicants to prove
18 proficiency in basic skills competency by passing a prescribed
19 examination in reading, writing, and mathematics before being accepted
20 into a teacher education program of a standard institution of higher
21 education approved by the State Board of Education pursuant to
22 subdivision (5)(g) of section 79-318 or issued any certificate under
23 sections 79-806 to 79-815 and the rules and regulations adopted and
24 promulgated by the board pursuant to such sections as of the effective
25 date of this act;

26 (c) That candidates for certification should possess academic
27 competency to teach effectively and that multiple measures can
28 proficiently demonstrate such competency. A demonstration of basic skills
29 competency should not be based solely on a single assessment high-stakes
30 examination because such an examination does not accurately portray a
31 teacher candidate's general knowledge in mathematics, reading, and

1 writing when measured within such a testing environment; and

2 (d) That candidates for certification, including candidates coming
3 to Nebraska from other states, should be able to use a portfolio of
4 options to demonstrate basic skills competency, such as coursework taken
5 to satisfy college degree requirements and college admissions
6 examinations.

7 (2) Therefore, it ~~It~~ is declared to be the purpose of sections
8 79-806 to 79-815 to provide more flexibility in the certification of
9 qualified educators for Nebraska schools and not to decrease any
10 requirements for certificates to teach, provide special services, and
11 administer in Nebraska schools.

12 Sec. 12. Section 79-807, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 79-807 For purposes of sections 79-806 to 79-815, unless the context
15 otherwise requires:

16 (1) Basic skills competency means either (a) proficiency in (i) the
17 written use of the English language, (ii) reading, comprehending, and
18 interpreting professional writing and other written materials, and (iii)
19 working with fundamental mathematical computations as demonstrated by
20 successful completion of an examination designated by the board or (b)
21 successful employment experiences;

22 (2) Board means the State Board of Education;

23 (3) Certificate means an authorization issued by the commissioner to
24 an individual who meets the qualifications to engage in teaching,
25 providing special services, or administering in prekindergarten through
26 grade twelve in the elementary and secondary schools in this state;

27 (4) Commissioner means the Commissioner of Education;

28 (5) Department means the State Department of Education;

29 (6) Human relations training means course work or employment
30 experiences that lead to (a) an awareness and understanding of the
31 values, lifestyles, contributions, and history of a pluralistic society,

1 (b) the ability to recognize and deal with dehumanizing biases,
2 including, but not limited to, sexism, racism, prejudice, and
3 discrimination, and an awareness of the impact such biases have on
4 interpersonal relations, (c) the ability to translate knowledge of human
5 relations into attitudes, skills, and techniques which result in
6 favorable experiences for students, (d) the ability to recognize the ways
7 in which dehumanizing biases may be reflected in instructional materials,
8 (e) respect for human dignity and individual rights, and (f) the ability
9 to relate effectively to other individuals and to groups in a pluralistic
10 society other than the applicant's own;

11 (7) Special education training means course work or employment
12 experiences that provide an individual with the knowledge of (a) the
13 exceptional needs of the disabilities defined under the Special Education
14 Act, (b) the major characteristics of each disability in order to
15 recognize its existence in children, (c) the various alternatives for
16 providing the least restrictive environment for children with
17 disabilities, (d) methods of teaching children with disabilities in the
18 regular classroom, and (e) prereferral alternatives, referral systems,
19 multidisciplinary team responsibilities, the individualized education
20 program plan process, and the placement process;

21 (8) Special services means supportive services provided to students
22 that do not primarily involve teaching, including, but not limited to,
23 (a) audiology, psychology, and physical or occupational therapy, (b) the
24 coaching of extracurricular activities, and (c) subject areas for which
25 endorsement programs are not offered by a standard institution of higher
26 education; and

27 (9) Standard institution of higher education means any college or
28 university, the teacher education programs of which are fully approved by
29 the board or approved in another state pursuant to standards which are
30 comparable and equivalent to those set by the board.

31 Sec. 13. Section 79-810, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 79-810 (1) Certificates and permits shall be issued by the
3 commissioner upon application on forms prescribed and provided by him or
4 her which shall include the applicant's social security number.

5 (2) Each certificate or permit issued by the commissioner shall
6 indicate the area of authorization to teach, provide special services, or
7 administer and any areas of endorsement for which the holder qualifies.
8 During the term of any certificate or permit issued by the commissioner,
9 additional endorsements may be made on the certificate or permit if the
10 holder submits an application, meets the requirements for issuance of the
11 additional endorsements, and pays a nonrefundable fee as set by the
12 commissioner, not to exceed fifty-five ~~of forty~~ dollars.

13 (3) The Certification Fund is created. Any fee received by the
14 department under sections 79-806 to 79-815 shall be remitted to the State
15 Treasurer for credit to the fund. The fund shall be used by the
16 department in paying the costs of certifying educators pursuant to such
17 sections and to carry out subsection (3) of section 79-808. For issuance
18 of a certificate or permit valid in all schools, the nonrefundable fee
19 shall be set by the commissioner, not to exceed seventy-five ~~fifty-five~~
20 ~~dollars, except that the commissioner shall designate a portion of the~~
21 ~~thirteen dollars of the fifty-five dollar fee, not to exceed seventeen~~
22 dollars, that shall be credited to the Professional Practices Commission
23 Fund which is created for use by the department to pay for the provisions
24 of sections 79-859 to 79-871, ~~except that transfers may be made from the~~
25 ~~fund to the General Fund at the direction of the Legislature.~~ For
26 issuance of a certificate or permit valid only in nonpublic schools, the
27 nonrefundable fee shall be set by the commissioner, not to exceed fifty-
28 five ~~forty~~ dollars. Any money in the Certification Fund or the
29 Professional Practices Commission Fund available for investment shall be
30 invested by the state investment officer pursuant to the Nebraska Capital
31 Expansion Act and the Nebraska State Funds Investment Act.

1 Sec. 14. Section 79-811, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-811 (1) Except as provided in subsection (2) of this section for
4 applicants who possess a similar certification or permit in another
5 state, all All college credits submitted for the purpose of obtaining a
6 certificate or permit shall be earned in or accepted by a standard
7 institution of higher education and shall be certified by the proper
8 authorities of the institution attended, showing the academic and
9 professional preparation of the applicant.

10 (2) If an applicant possesses a similar certification or permit in
11 another state, such applicant's eligibility for a certificate or permit
12 in this state may be demonstrated by experience as an educator in such
13 other state which shows the academic and professional preparation of the
14 applicant.

15 Sec. 15. Section 79-813, Revised Statutes Supplement, 2021, is
16 amended to read:

17 79-813 (1)(a) The board shall authorize the issuance of a
18 certificate or permit to any applicant for such certificate or permit
19 who:

20 (i) Is a military spouse or has been offered employment to teach,
21 administer, or provide special services by an accredited school district
22 in Nebraska or an approved and accredited private, denominational, or
23 parochial school in Nebraska;

24 (ii) Holds a valid certificate or permit currently in force in
25 another state to teach, administer, or provide special services;

26 (iii) Has held such certificate or permit for at least one year;

27 (iv) Is in good standing in all states where a certificate or permit
28 to teach, administer, or provide special services is held;

29 (v) Does not have any pending investigations or complaints against
30 any such certificate or permit;

31 (vi) Meets all residency and background check requirements otherwise

1 required for a Nebraska certificate or permit; and

2 (vii) Pays any applicable fees.

3 (b) The commissioner shall verify that the applicant for a
4 certificate or permit under this subsection meets the requirements of
5 subdivisions (a)(iv) and (v) of this subsection. Such applicant shall not
6 be required to meet the human relations training requirement under
7 section 79-808 to obtain such certification or permit. Such certificate
8 or permit shall be valid for at least three years and shall include the
9 same or similar endorsements to teach in all subject areas for which the
10 applicant had been certified to teach in such other state if a similar
11 endorsement is offered in Nebraska.

12 (c) A preliminary permit shall be issued to an applicant upon
13 submission of the application, payment of the applicable fees, and the
14 successful completion of the criminal history record information check as
15 provided in section 79-814.01. The preliminary permit shall remain in
16 force until the commissioner completes the review of all requirements in
17 subdivision (1)(a) of this section and either issues a certificate or
18 permit or notifies the applicant of the reason such certificate or permit
19 cannot be issued.

20 (d) The board shall adopt and promulgate rules and regulations to
21 (i) expedite the processing of an application submitted under this
22 subsection by an applicant whose spouse is serving on active duty at the
23 time of such submission and (ii) specify the documentation necessary to
24 establish the applicant's status as a spouse of a person who is serving
25 on active duty at the time of such submission.

26 (e) For purposes of this subsection:

27 (i) Active duty means full-time duty status in the active uniformed
28 service of the United States, including members of the National Guard and
29 Reserve on active duty orders pursuant to 10 U.S.C. chapters 1209 and
30 1211; and

31 (ii) Military spouse has the same meaning as in section 38-118.01.

1 (2) In addition to certificates and permits issued pursuant to
2 subsection (1) of this section, the board may authorize the issuance of
3 certificates or permits to applicants who hold a valid certificate or
4 permit currently in force in another state if the requirements for the
5 certificate or permit held by the applicant are comparable and equivalent
6 to those required for a similar type of certificate or permit issued
7 under sections 79-806 to 79-815.

8 Sec. 16. Section 79-8,137, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 79-8,137 (1)(a) Prior to receiving any money from a loan pursuant to
11 the Attracting Excellence to Teaching Program, an eligible student shall
12 enter into a contract with the department. Such contract shall be exempt
13 from the requirements of sections 73-501 to 73-510.

14 (b) For eligible students who applied for the first time prior to
15 April 23, 2009, the contract shall require that if (i) the borrower is
16 not employed as a teacher in Nebraska for a time period equal to the
17 number of years required for loan forgiveness pursuant to subsection (2)
18 of this section and is not enrolled as a full-time student in a graduate
19 program within six months after obtaining an undergraduate degree for
20 which a loan from the program was obtained or (ii) the borrower does not
21 complete the requirements for graduation within five consecutive years
22 after receiving the initial loan under the program, then the loan must be
23 repaid, with interest at the rate fixed pursuant to section 45-103
24 accruing as of the date the borrower signed the contract, and an
25 appropriate penalty as determined by the department may be assessed. If a
26 borrower fails to remain enrolled at an eligible institution or otherwise
27 fails to meet the requirements of an eligible student, repayment of the
28 loan shall commence within six months after such change in eligibility.
29 The State Board of Education may by rules and regulations provide for
30 exceptions to the conditions of repayment pursuant to this subdivision
31 based upon mitigating circumstances.

1 (c) For eligible students who apply for the first time on or after
2 April 23, 2009, the contract shall require that if (i) the borrower is
3 not employed as a full-time teacher teaching in an approved or accredited
4 school in Nebraska and teaching at least a portion of the time in the
5 shortage area for which the loan was received for a time period equal to
6 the number of years required for loan forgiveness pursuant to subsection
7 (3) of this section or is not enrolled as a full-time student in a
8 graduate program within six months after obtaining an undergraduate
9 degree for which a loan from the program was obtained or (ii) the
10 borrower does not complete the requirements for graduation within five
11 consecutive years after receiving the initial loan under the program,
12 then the loan shall be repaid with interest at the rate fixed pursuant to
13 section 45-103 accruing as of the date the borrower signed the contract
14 and actual collection costs as determined by the department. If a
15 borrower fails to remain enrolled at an eligible institution or otherwise
16 fails to continue to be an eligible student, repayment of the loan shall
17 commence within six months after such change in eligibility. The State
18 Board of Education may by rule and regulation provide for exceptions to
19 the conditions of repayment pursuant to this subdivision based upon
20 mitigating circumstances.

21 (2) If the borrower applied for the first time prior to April 23,
22 2009, and (a) successfully completes the teacher education program and
23 becomes certified pursuant to sections 79-806 to 79-815, (b) becomes
24 employed as a teacher in this state within six months of becoming
25 certified, and (c) otherwise meets the requirements of the contract,
26 payments shall be suspended for the number of years that the borrower is
27 required to remain employed as a teacher in this state under the
28 contract. For each year that the borrower teaches in Nebraska pursuant to
29 the contract, payments shall be forgiven in an amount equal to the amount
30 borrowed for one year, except that if the borrower teaches in a school
31 district that is in a local system classified as very sparse as defined

1 in section 79-1003 or teaches in a school district in which at least
2 forty percent of the students are poverty students as defined in section
3 79-1003, payments shall be forgiven each year in an amount equal to the
4 amount borrowed for two years.

5 (3)(a) If the borrower applies for the first time on or after April
6 23, 2009, and (i) successfully completes the teacher education program
7 and major for which the borrower is receiving a forgivable loan pursuant
8 to the program and becomes certified pursuant to sections 79-806 to
9 79-815 with an endorsement in the shortage area for which the loan was
10 received, (ii) becomes employed as a full-time teacher teaching at least
11 a portion of the time in the shortage area for which the loan was
12 received in an approved or accredited school in this state within six
13 months of becoming certified, and (iii) otherwise meets the requirements
14 of the contract, payments shall be suspended for the number of years that
15 the borrower is required to remain employed as a teacher in this state
16 under the contract.

17 (b) Beginning after the first two years of teaching full-time in
18 Nebraska following graduation for the degree for which the loan was
19 received, for each year that the borrower teaches full-time in Nebraska
20 pursuant to the contract, the loan shall be forgiven in an amount equal
21 to three thousand dollars, except that if the borrower teaches full-time
22 in a school district that is in a local system classified as very sparse
23 as defined in section 79-1003, teaches in a school building that provides
24 free meals to all students pursuant to the community eligibility
25 provision, teaches in a school building in which at least forty percent
26 of the formula students are poverty students as defined in section
27 79-1003, or teaches in an accredited or approved private school in
28 Nebraska in which at least forty percent of the enrolled students
29 qualified for free lunches as determined by the most recent data
30 available from the department, payments shall be forgiven each year in an
31 amount equal to six thousand dollars.

1 (4) Beginning on August 1, 2022, if the borrower provides service as
2 a pre-service teacher intern for a full academic semester as part of a
3 clinical experience within an accredited or approved public, private,
4 denominational, or parochial school in Nebraska and subsequently passes
5 all related semester requirements, then the loan shall be forgiven in an
6 amount equal to one thousand dollars for such borrower.

7 Sec. 17. Original sections 79-806, 79-810, and 79-811, Reissue
8 Revised Statutes of Nebraska, sections 79-318, 79-807, and 79-8,137,
9 Revised Statutes Cumulative Supplement, 2020, and sections 77-2716 and
10 79-813, Revised Statutes Supplement, 2021, are repealed.

79-318. State Board of Education; powers; duties.

The State Board of Education shall:

(1) Appoint and fix the compensation of the Commissioner of Education;

(2) Remove the commissioner from office at any time for conviction of any crime involving moral turpitude or felonious act, for inefficiency, or for willful and continuous disregard of his or her duties as commissioner or of the directives of the board;

(3) Upon recommendation of the commissioner, appoint and fix the compensation of all new professional positions in the department, including any deputy commissioners;

(4) Organize the State Department of Education into such divisions, branches, or sections as may be necessary or desirable to perform all its proper functions and to render maximum service to the board and to the state school system;

(5) Provide, through the commissioner and his or her professional staff, enlightened professional leadership, guidance, and supervision of the state school system, including educational service units. In order that the commissioner and his or her staff may carry out their duties, the board shall, through the commissioner:

(a) Provide supervisory and consultation services to the schools of the state; (b) issue materials helpful in the development, maintenance, and improvement of educational facilities and programs; (c) establish rules and regulations which govern standards and procedures for the approval and legal operation of all schools in the state and for the accreditation of all schools requesting state accreditation. All public, private, denominational, or parochial schools shall either comply with the accreditation or approval requirements prescribed in this section and section 79-703 or, for those schools which elect not to meet accreditation or approval requirements, the requirements prescribed in subsections (2) through (6) of section 79-1601. Standards and procedures for approval and accreditation shall be based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, and health and safety factors in buildings and grounds. Rules and regulations which govern standards and procedures for private, denominational, and parochial schools which elect, pursuant to the procedures prescribed in subsections (2) through (6) of section 79-1601, not to meet state accreditation or approval requirements shall be as described in such section; (d) institute a statewide system of testing to determine the degree of achievement and accomplishment of all the students within the state's school systems if it determines such testing would be advisable; (e) prescribe a uniform system of records and accounting for keeping adequate educational and financial records, for gathering and reporting necessary

educational data, and for evaluating educational progress; (f) cause to be published laws, rules, and regulations governing the schools and the school lands and funds with explanatory notes for the guidance of those charged with the administration of the schools of the state; (g) approve teacher education programs conducted in Nebraska postsecondary educational institutions designed for the purpose of certificating teachers and administrators, except that such approval shall not require a statewide examination as an entrance requirement related to basic skills competency; (h) approve certificated-employee evaluation policies and procedures developed by school districts and educational service units; and (i) approve general plans and adopt educational policies, standards, rules, and regulations for carrying out the board's responsibilities and those assigned to the State Department of Education by the Legislature;

(6) Adopt and promulgate rules and regulations for the guidance, supervision, accreditation, and coordination of educational service units. Such rules and regulations for accreditation shall include, but not be limited to, (a) a requirement that programs and services offered to school districts by each educational service unit shall be evaluated on a regular basis, but not less than every seven years, to assure that educational service units remain responsive to school district needs and (b) guidelines for the use and management of funds generated from the property tax levy and from other sources of revenue as may be available to the educational service units, to assure that public funds are used to accomplish the purposes and goals assigned to the educational service units by section 79-1204. The State Board of Education shall establish procedures to encourage the coordination of activities among educational service units and to encourage effective and efficient educational service delivery on a statewide basis;

(7) Prepare and distribute reports designed to acquaint school district officers, teachers, and patrons of the schools with the conditions and needs of the schools;

(8) Provide for consultation with professional educators and lay leaders for the purpose of securing advice deemed necessary in the formulation of policies and in the effectual discharge of its duties;

(9) Make studies, investigations, and reports and assemble information as necessary for the formulation of policies, for making plans, for evaluating the state school program, and for making essential and adequate reports;

(10) Submit to the Governor and the Legislature a budget necessary to finance the state school program under its jurisdiction, including the internal operation and maintenance of the State Department of Education;

(11) Interpret its own policies, standards, rules, and regulations and, upon reasonable request, hear complaints and disputes arising therefrom;

(12) With the advice of the Department of Motor Vehicles, adopt and promulgate rules and regulations containing reasonable standards, not inconsistent with existing statutes, governing: (a) The general design, equipment, color, operation, and maintenance of any vehicle with a manufacturer's rated seating capacity of eleven or more passengers used for the transportation of public, private, denominational, or parochial school students; and (b) the equipment, operation, and maintenance of any vehicle with a capacity of ten or less passengers used for the transportation of public, private, denominational, or parochial school students, when such vehicles are owned, operated, or owned and operated by any public, private, denominational, or parochial school or privately owned or operated under contract with any such school in this state, except for vehicles owned by individuals operating a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements. Similar rules and regulations shall be adopted and promulgated for operators of such vehicles as provided in section 79-607;

(13) Accept, on behalf of the Nebraska Center for the Education of Children who are Blind or Visually Impaired, devises of real property or donations or bequests of other property, or both, if in its judgment any such devise, donation, or bequest is for the best interest of the center or the students receiving services from the center, or both, and irrigate or otherwise improve any such real estate when in the board's judgment it would be advisable to do so; and

(14) Upon acceptance of any devise, donation, or bequest as provided in this section, administer and carry out such devise, donation, or bequest in accordance with the terms and conditions thereof. If not prohibited by the terms and conditions of any such devise, donation, or bequest, the board may sell, convey, exchange, or lease property so devised, donated, or bequeathed upon such terms and conditions as it deems best and remit all money derived from any such sale or lease to the State Treasurer for credit to the State Department of Education Trust Fund.

None of the duties prescribed in this section shall prevent the board from exercising such other duties as in its judgment may be necessary for the proper and legal exercise of its obligations.

Source: Laws 1953, c. 320, § 8, p. 1056; Laws 1955, c. 306, § 1, p. 947; Laws 1959, c. 383, § 1, p. 1328; Laws 1967, c. 528, § 2, p. 1753; Laws 1969, c. 707, § 2, p. 2712; Laws 1969, c. 708, § 1, p. 2716; Laws 1971, LB 292, § 5; Laws 1974, LB 863, § 8; Laws 1977, LB 205, § 1; Laws 1979, LB 322, § 37; Laws 1981, LB 316, § 1; Laws 1981, LB 545, § 27; Laws 1984, LB 928, § 2; Laws 1984, LB 994, § 6; Laws 1986, LB 1177, § 36; Laws 1987, LB 688, § 11; Laws 1989, LB 15, § 1; Laws 1989, LB 285, § 141; Laws 1990, LB 980, § 34; Laws 1994, LB 858, § 3; R.S.1943, (1994), § 79-328; Laws 1996, LB 900, § 146; Laws 1999, LB 813, § 6; Laws 2009, LB549, § 18; Laws 2010, LB1071, § 5; Laws 2011, LB575, § 8; Laws 2012, LB782, § 148; Laws 2013, LB222, § 32; Laws 2015, LB525, § 9; Laws 2019, LB675, § 2; Laws 2022, LB1218, § 10.

Effective Date: July 21, 2022

Cross References

Gifts, devises, and bequests, loans to needy students, see section 79-2,106.

Private, denominational, or parochial schools, election not to meet approval or accreditation requirements, see section 79-1601 et seq.

Annotations

The state, having a high responsibility for the education of its citizens, has the power to impose reasonable regulations for the control and duration of basic education. Parents have a right to send their children to private schools but do not have the right to be completely unfettered by reasonable government regulations as to the quality of the education furnished and the maintenance of minimum standards. *State ex rel. Douglas v. Faith Baptist Church of Louisville*, 207 Neb. 802, 301 N.W.2d 571 (1981).

Adequate standards are provided by this section to authorize transfer of land from a nonaccredited to an accredited high school district. *De Jonge v. School Dist. of Bloomington*, 179 Neb. 539, 139 N.W.2d 296 (1966).

Matters to be considered in promulgating rules and regulations are specified. *School Dist. No. 8 of Sherman County v. State Board of Education*, 176 Neb. 722, 127 N.W.2d 458 (1964).

Standards were not effective until filed with Secretary of State. *School Dist. No. 228 of Holt County v. State Board of Education*, 164 Neb. 148, 82 N.W.2d 8 (1957).

This section was not applicable to supply standards in cases arising before its enactment. *School Dist. No. 39 of Washington County v. Decker*, 159 Neb. 693, 68 N.W.2d 354 (1955).

79-807. Terms, defined.

For purposes of sections 79-806 to 79-815, unless the context otherwise requires:

(1) Basic skills competency 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 or (b) successful employment experiences;

(2) Board means the State Board of Education;

(3) Certificate means an authorization issued by the commissioner to an individual who meets the qualifications to engage in teaching, providing special services, or administering in prekindergarten through grade twelve in the elementary and secondary schools in this state;

(4) Commissioner means the Commissioner of Education;

(5) Department means the State Department of Education;

(6) Human relations training means course work or employment experiences that lead to (a) an awareness and understanding of the values, lifestyles, contributions, and history of a pluralistic society, (b) the ability to recognize and deal with dehumanizing biases, including, but not limited to, sexism, racism, prejudice, and discrimination, and an awareness of the impact such biases have on interpersonal relations, (c) the ability to translate knowledge of human relations into attitudes, skills, and techniques which result in favorable experiences for students, (d) the ability to recognize the ways in which dehumanizing biases may be reflected in instructional materials, (e) respect for human dignity and individual rights, and (f) the ability to relate effectively to other individuals and to groups in a pluralistic society other than the applicant's own;

(7) Special education training means course work or employment experiences that provide an individual with the knowledge of (a) the exceptional needs of the disabilities defined under the Special Education Act, (b) the major characteristics of each disability in order to recognize its existence in children, (c) the various alternatives for providing the least restrictive environment for children with disabilities, (d) methods of teaching children with disabilities in the regular classroom, and (e) prereferral alternatives, referral systems, multidisciplinary team responsibilities, the individualized education program process, and the placement process;

(8) Special services means supportive services provided to students that do not primarily involve teaching, including, but not limited to, (a) audiology, psychology, and physical or occupational therapy, (b) the coaching of extracurricular activities, and (c) subject areas for which endorsement programs are not offered by a standard institution of higher education; and

(9) Standard institution of higher education means any college or university, the teacher education programs of which are fully approved by the board or approved in another state pursuant to standards which are comparable and equivalent to those set by the board.

Source: Laws 1963, c. 491, § 2, p. 1569; Laws 1988, LB 802, § 25; Laws 1989, LB 250, § 1; R.S.1943, (1994), § 79-1247.04; Laws 1996, LB 900, § 437; Laws 2003, LB 685, § 7; Laws 2019, LB675, § 4; Laws 2022, LB1218, § 12.

Effective Date: July 21, 2022

Cross References

Special Education Act, see section 79-1110.

79-814.01. Criminal history record information search; denial of certificate or permit; when; costs; confidentiality.

(1) Upon request by the commissioner, the Nebraska State Patrol shall undertake a search for criminal history record information relating to an applicant for a certificate pursuant to subdivision (1)(c) of section 79-808, including transmittal of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal history record information check. The criminal history record information check shall include information concerning the applicant from federal repositories of such information and repositories of such information in other states if authorized by federal law. The Nebraska State Patrol shall issue a report to the commissioner that shall include the criminal history record information concerning the applicant.

(2) The commissioner may deny issuance of a certificate or permit to any applicant who has a felony conviction or who has any misdemeanor conviction involving abuse, neglect, or sexual misconduct. In reviewing an applicant's criminal history record information, the commissioner shall take into consideration any information, including information submitted by the applicant, regarding (a) the facts and circumstances surrounding a conviction, (b) the type of offense and the sentence imposed, (c) whether the conduct resulting in a conviction would constitute a crime in Nebraska, (d) the date of the offense, (e) the age of the applicant at the time of the offense, and (f) the applicant's conduct and positive social contributions since the offense.

(3) The board shall determine and set the costs for processing criminal history record information checks pursuant to this section and section 79-808 which shall be borne by the applicant for a certificate or permit. The costs shall be limited to the actual direct costs arising from the processing of the criminal history record information checks.

(4) Criminal history record information subject to federal confidentiality requirements shall remain confidential and may be released only upon the written authorization by the applicant, except that if the applicant appeals the denial of a certificate or permit by the commissioner, the filing of an administrative appeal shall constitute a release of the information for the limited purpose of the appeal. If the applicant requests a closed hearing, such request shall be subject to the Open Meetings Act.

Source: Laws 2003, LB 685, § 14; Laws 2004, LB 821, § 28.

Cross References

Open Meetings Act, see section 84-1407.