NEBRASKA STATE BOARD OF EDUCATION MEETING NOTIFICATION AND AGENDA

Meeting Date:	**Friday, June 6, 2025 9:00 AM**
Meeting Title:	**State Board of Education Meeting Notification and Agenda**
Location:	**NDE Office Building** **Board Room** **500 South 84th Street** **Lincoln, NE 68510**
Agenda:	**Except for emergency items added at the time of the meeting, the agenda will not be changed less than 24 hours prior to the start of the meeting and any changes will be immediately posted on the website.** **The Board will attempt to adhere to the sequence of the published agenda, but reserves the right to adjust the order of items if necessary and may elect to take action on any of the items listed.**
Interpreter:	**If you need interpreter services or other reasonable accommodations, please contact the Nebraska Department of Education at (402) 471-5059 five (5) days prior to the meeting to coordinate arrangements.**
Website:	**An electronic version of the agenda and support materials are available on the State Board of Education's Agenda page: www.education.ne.gov/stateboard/state-board-agendas/**
Lunch:	**On Friday, June 6, 2025, the State Board of Education may also take a recess for lunch. The Board may resume work on the agenda at approximately 1:00 p.m.**

1. CALL TO ORDER (The Board may take a recess)
   President Tegtmeier

   1.1. Roll Call
   President Tegtmeier

   1.2. Pledge of Allegiance
   President Tegtmeier

   1.3. Announcement of the Placement of the Open Meetings Act Information
   President Tegtmeier

2. SPECIAL PRESENTATIONS
   President Tegtmeier

   2.1. Dexter Hanzel, 2024-2025 Nebraska Milken Educator, a Math and Science Teacher at Neligh-Oakdale Junior/Senior High School, Neligh, Nebraska
   David Jespersen and Dexter Hanzel

2.2. Update on Nebraska Teacher Apprenticeship Program – Midland University and Omaha Westside
Commissioner Maher

3. COMMISSIONER'S REPORT
Commissioner Maher

3.1. Agenda Overview and Consent Agenda Process
Commissioner Maher

3.1.A. Commissioner's Recommendations and Items to be Removed from Consent Agenda
Commissioner Maher

3.2. Speech and Theatre Endorsements Information
Brad Dirksen

4. PRESIDENT'S REPORT
President Tegtmeier

5. PUBLIC COMMENT PERIOD
President Tegtmeier

5.1. Public Comment

5.2. Written Public Comment (None Submitted)

6. CONSENT AGENDA
President Tegtmeier

6.1. Board Member Out-of-State Travel Approval

6.2. Committee Appointments

6.3. Contract Approvals

6.3.A. Contract for Support to the ATP Education Program (BF.062025.004)
Tobias Orr and Lindy Foley

6.3.B. Contract for Education and Workforce Alignment Specialist (BF.062025.005)
Katie Graham and Lane Carr

6.3.C. Contract for Project AWARE 2.0 Evaluation (BF.062025.006)
Zainab Rida

6.3.D. Contract for Safe2HelpNE Report System (BF.062025.007)
Zainab Rida

6.3.E. Contract for Required Activities for the National School Lunch and Breakfast Programs, and Summer Food Service Program (BF.042025.013)
Zainab Rida

6.4. Grant Approvals

6.4.A. Early Childhood Education Grant Program Continuation Grants (BF.062025.008)
Melody Hobson

6.4.B. Special Grant Fund List for School District Budgeting (BF.062025.009)
Bryce Wilson

6.4.C. College Pathway Program Grants (BF.062025.010)
Shirley Vargas

6.5. Lease Approvals

6.5.A. Lease Renewal for Nebraska VR, for Office Space in Norfolk (BF.062025.011)
Lindy Foley

6.6. Minutes of the Previous State Board of Education Meeting

6.7. Miscellaneous Approvals

6.7.A. Adopt the Prepared Order to Adjust the Boundaries for Educational Service Units No. 6 and 18 (BF.062025.012)
Troy Hawk

6.7.B. Annual Replacement of Technology and Renewal of Software Licenses (BF.042025.007)
Tibor Moldovan

6.7.C. School Districts' Requests for Exclusions to the Budget Limitation in Accordance with the Provisions of the Tax Equity & Educational Opportunities Support Act (TEEOSA) (BF.042025.018)
Bryce Wilson

6.7.D. Annual Dues (BF.062025.013)
President Tegtmeier

6.7.E. Project PARA funding (BF.062025.014)
Amy Rhone

6.7.F. University of Nebraska – Lincoln WORDS Project Funding (BF.042025.021)
Amy Rhone

6.7.G. Accept e-rate funds from the Nebraska Office of Chief Information Officer (OCIO) (BF.062025.015)
Allyson DenBeste and Dorann Avey

7. STANDING COMMITTEE REPORTS
President Tegtmeier

7.1. Executive Committee
President Tegtmeier

7.1.A. Action Item: Proposed Revisions to Title 93, Nebraska Administrative Code, Chapters 1-16, Nebraska Department of Education Personnel Rules (EX.022025.002)

7.1.B. Action Item: Addendum to the Employment Agreement Between Commissioner Maher and the State Board of Education (EX.062025.001)

7.1.C. Discussion Item: Review 2025 Proposed State Legislation

7.2. Budget and Finance Committee
Kristin Christensen

7.2.A. Monthly Board Travel Expense Reports

7.2.B. Action Item: Subgrants for Promoting Engagement and Knowledge Projects (PEaK) (BF.042025.002)

7.2.C. Action Item: 21st Century Community Learning Center Grant (BF.022025.008)

7.2.D. Action Item: Contract for the Menstrual Product Pilot Program (BF.042025.003)

7.2.E. Action Item: Contract for an Educator Licensure System (BF.042025.004)

7.2.F. Action Item: New and Expansion Early Childhood Grants (BF.042025.005)

7.2.G. Action Item: reVISION Action Grants (BF.042025.006)

7.2.H. Action Item: Accept the 2024 Single Audit Report (BF.042025.008)

7.2.I. Action Item: Comprehensive Literacy State Development (CLSD) Grant External Evaluator Contract (BF.042025.019)

7.2.J. Action Item: Nebraska Improvement Grant Projects (BF.032025.003)

7.2.K. Action Item: Adjustment to Criminal History Record Check Fee (BF.062025.003)

7.2.L. Action Item: Implementation of the Computer Science & Technology Education Fund Expansion Program (BF.022025.003)

7.3. Planning and Evaluation Committee
Lisa Schonhoff

7.3.A. Action Item: Priority School Designation (PE.042025.002)

7.3.B. Action Item: Isanti Elementary School Priority School Status (PE.042025.003)

7.3.C. Action Item: Rule 11 Teacher Waiver Request from Fullerton Public Schools (PE.032025.001)

7.3.D. Action Item: Rule 11 Teacher Waiver Request from Lincoln Public Schools (PE.042025.001)

7.3.E. Action Item: Accreditation of Public and Non-Public Rule 10 School Systems for 2025-2026 (PE.032025.003)

7.3.F. Action Item: Accreditation of Nebraska Educational Service Units for 2025-2026 (PE.032025.004)

7.3.G. Discussion Item: Conditional Approval of New Nonpublic School System(s) (PE.042025.004)

7.3.H. Discussion Item: Conditional Approval of New Interim-Program Schools (PE.042025.005)

7.3.I. Discussion Item: Plan(s) of Corrections for Rule 10, 14, and 18 School Systems and Interim Program Schools (PE.022025.009)

7.3.J. Discussion Item: Approval of Educator Preparation Programs for 2025-2026 (PE.042025.006)

7.4. Rules and Regulations Committee
Maggie Douglas

7.4.A. Report On Rules

7.4.B. Action Item: Proposed Revisions to Rule 3 (92 NAC 3) Regulations Governing High Ability Learners (RR.022025.001)

7.4.C. Action Item: Proposed Revision of Rule 15 (92 NAC 15) Regulations and Procedures for English Learner Programs in Nebraska Public Schools (RR.042025.001)

7.4.D. Action Item: Proposed Repeal of Rule 22 (92 NAC 22) Regulations Governing the Master Teacher Program (RR.032025.002)

7.4.E. Action Item: Proposed Repeal of Rule 25 (92 NAC 25) Regulations Governing the Excellence in Teaching Act (RR.032025.003)

7.4.F. Action Item: Proposed Repeal of Rule 26 (92 NAC 26) Regulations and Procedures for Mentor Teacher Programs (RR.032025.004)

8. ADDITIONAL BUSINESS
   President Tegtmeier

9. INFORMATION ITEMS AND REPORTS
   President Tegtmeier

   9.1. Contracts Approved by Commissioner

   9.2. Grants Approved by Commissioner

   9.3. Notice of Vacancy for the Nebraska Council on Teacher Education (NCTE) (PE.062025.002)
   Jim Kent and Brad Dirksen

   9.4. Notification of Vacancies on the Special Education Advisory Council (SEAC) (PE.062025.004)
   Amy Rhone

   9.5. Re-Appointment of a Member to the State Committee for the Reorganization of School Districts (EX.062025.002)
   Bryce Wilson

10. GOOD OF THE ORDER
    This section of the agenda is intended for Board members to offer informal observations of the work of the State Board. Board members may make brief announcements about attendance at future events for the purpose of informing other Board members. No business or motions, or suggested actions of the Board may be offered at this point in the agenda; nor should Board members engage in substantive discussion about other agenda items or introduce new agenda items.
    President Tegtmeier

11. ADJOURNMENT
    President Tegtmeier

The next regularly scheduled meeting of the State Board of Education will be held on Friday, August 8, 2025, at 9:00 a.m. in Lincoln, Nebraska. As needed, a work session will be held on Thursday, August 7, 2025 in Lincoln, Nebraska.

The agenda contains a list of subjects known at the time of its distribution on May 29, 2025. A copy of the agenda reflecting any changes will be available for public inspection during the normal business hours in the Office of the Commissioner of Education and on the State Board of Education's Agenda page: www.education.ne.gov/stateboard/state-board-agendas/. *Except for items of an emergency nature, the agenda will not be changed later than 24 hours before the scheduled commencement of the meeting.*



WESTSIDE SCHOOLS + MIDLAND UNIVERSITY

TEACHER APPRENTICESHIP

EXPERIENCES FROM THE FIELD

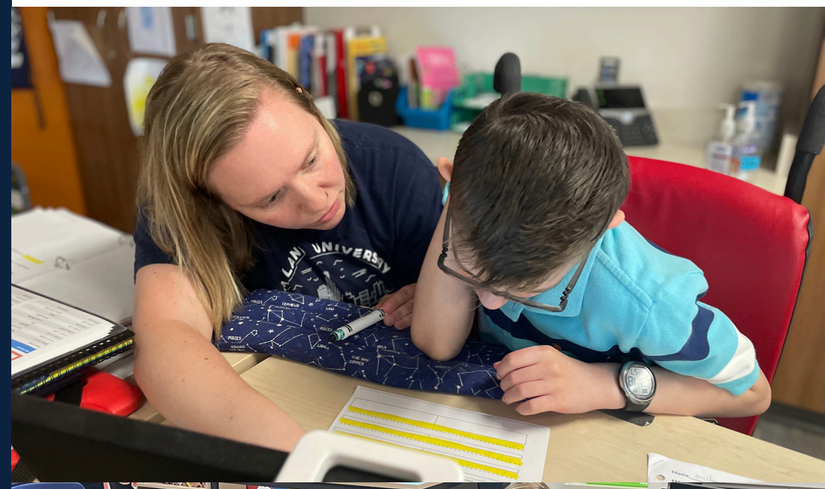
Welcome + Introductions

Dr. Andrea Haynes
Assistant Superintendent of HR & District Operations
Westside Community Schools

Sarah Dohmen
Educational Assistant/Apprentice
Westside Community Schools

Nancy Christensen
Dean of Walker School of Education
Midland University

Dr. Cammy Romanuck Murphy
Associate Dean of Graduate Programs & Strategic Partnerships
Midland University







ESTABLISHING A 'WHY'

Westside Community Schools

Westside is committed to developing, enhancing, and sustaining a pipeline of racially, culturally, and linguistically diverse educators who embrace our commitment to excellence and are reflective of our student body.

We believe, and research demonstrates, all of our “Growing Our Own” efforts will positively impact student engagement, belonging, and achievement.

Midland University

Midland University is passionate about the TCL Apprenticeship Program because it transforms existing talent into certified educators, thereby addressing critical teacher shortages in high-need areas.

We believe in empowering para-educators who are already integral to their communities, providing them with accessible and financially supportive pathways to advance their careers.

The apprenticeship model is a powerful tool for fostering growth, resilience, and diversity within our teaching workforce, ultimately enhancing student engagement and success across Nebraska’s schools.



BENEFITS OF APPRENTICESHIP

01 Provides more on-the-job experience than traditional programs.

02 Leverages prior experience as para-educators, enhancing familiarity with students and communities.

03 Candidates display commitment to education while managing work/life responsibilities.

04 Maximizes existing human capital by uplifting dedicated staff already serving students.

05 Strengthens relationships within the district, reinforcing commitment to growth.

06 Builds on strong relational skills that enhance student engagement and success

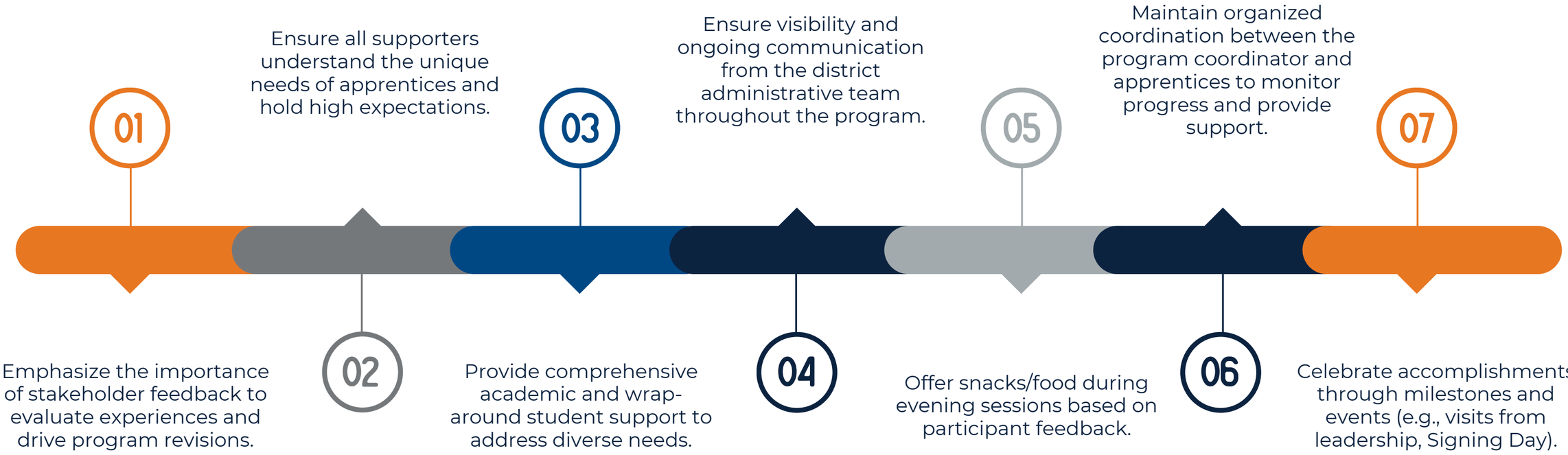
07 Reduces recruiting costs and increases teacher retention.

08 Addresses critical shortages in high-need areas such as Elementary Education, Special Education, ESL, and Early Childhood Education.

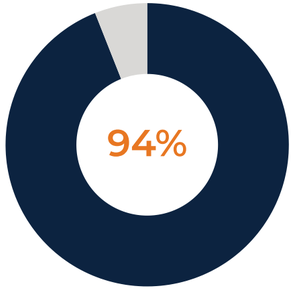
09 Offers district leadership opportunities through the placement of Mentors which in turn provides timely, frequent and reciprocal feedback.

10 Lives are changed. Individuals who otherwise do not have the financial resources to obtain a college degree and career in a teaching profession are provided this opportunity.

LESSONS LEARNED ALONG THE WAY

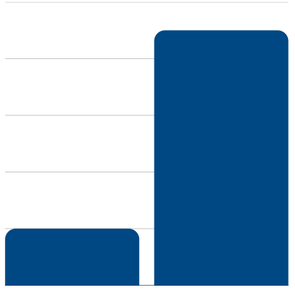


FUTURE DIRECTIONS

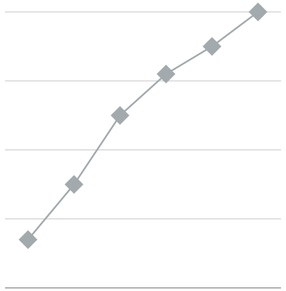


Retention Rate: A retention rate of 94% showcases program effectiveness and promise.

Strengthen Urban & Rural Schools: Potential to graduate 90+ apprentices into the field by 2027, benefiting both urban and rural districts with fewer than 500 students.



2027: 90+ APPRENTICES



2030 GOAL: 800 NEW PARAS

Para-Educator Pipeline: Goal of graduating 800 para-educators by 2030 in high-need areas: Elementary Education, Special Education, Early Childhood Education, and ESL.

THINGS TO NOTE:

- Need for continued funding to sustain and expand apprenticeship initiatives.
- Importance of partnerships and collaboration across Nebraska to address teacher shortages.
- Explore programs and funding streams to sustain and grow new innovative pathways into the profession (Three to Teach Program @ Midland University).

200+ **VACANT JOBS IN 2024-2025**

>650 **UNFILLED POSITIONS WITH FULLY QUALIFIED PERSONNEL**



QUESTIONS?

Out-State Travel Authorization Reports - June (*Updated*)				
Name	**Event Name**	**Date**	**Location**	**Trip Request (i.e. 1st, 2nd, Other)**
Kristin Christensen	NASBE New Member Institute	July 7-9, 2025	Salt Lake City, UT	Other: NASBE pay a portion of expenses
	ECS - National Forum on Education Policy	July 8-11, 2025	Salt Lake City, UT	1st
Lisa Schonhoff	NASBE Early Childhood Education State Network	(edit from April) June 1-4, 2025	Washington, DC	*(edit from April)* *Other: NASBE pay a portion of expenses*
	NASBE New Member Institute	July 7-10, 2025	Salt Lake City, UT	1st
Sherry Jones	(NONE)			
Elizabeth Tegtmeier	NASBE New Member Institute	July 7-9, 2025	Salt Lake City, UT	Other: NASBE pay a portion of expenses

Out-State Travel Authorization Reports - June				
Name	**Event Name**	**Date**	**Location**	**Trip Request (i.e. 1st, 2nd, Other)**
Maggie Douglas	NASBE Early Childhood Education State Network	June 1-3, 2025	Washington, DC	*(edit from April)* *Other: NASBE pay a portion of expenses*
	NASBE New Member Institute	July 7-9, 2025	Salt Lake City, UT	1st
	ECS - National Forum on Education Policy	July 8-11, 2025	Salt Lake City, UT	
Liz Renner	NASBE New Member Institute	July 7-9, 2025	Salt Lake City, UT	*Other: NASBE pay a portion of expenses*
Kirk Penner	(NONE)			
Deborah Neary	(NONE)			

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 19, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Tobias J. Orr – Director, Assistive Technology Partnership (ATP)
Lindy Foley – Office Administrator, Nebraska VR

PROPOSED AGENDA ITEM: Authorize the Commissioner to renew a contract with Educational Service Unit #10 (ESU 10) to provide support to the ATP Education Program.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION: This contract is for Educational Service Unit 10 (ESU10) to provide a 1.0 FTE staff member along with office equipment and a facility to support Assistive Technology Partnership (ATP) Education activities. The ATP Education Program is tasked with building capacity among educators across the state in the area of assistive technology and assistive technology services. ESU10 has been involved with and/or provided support to the ATP Education Program for over twenty (20) years. The provided support enables the Program to provide services to schools/districts/ESUs in the central and western part of the state including in-person professional development and technical assistance regarding assistive devices and assistive technology services to members of Individual Education Plan (IEP) and Individualized Family Service Plan (IFSP) teams. This support also assists the Program with the dissemination of equipment from the statewide assistive technology loan pool to the central and western part of the state when shipping items commercially is not financially prudent.

ESU10 was selected to receive this grant through non-competitive negotiation because of their history supporting the ATP Education Program, their geographic location, their ability to provide the needed staff/services, and because they are a local government agency and non-competitive negotiation is allowed through **Miscellaneous Requirements for Procurement of Contract Services: Exemption (vi.) :** **"**Agreement for services to be performed for a state agency by another state or local government agency for the direct provision of services to the public", non-competitive negotiation is allowed.
This contract will provide support to the ATP Education Program during state fiscal year 2025-2026.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $97,492.00

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal – Special Education IDEA Part B and Part C – The funds for this activity are included in the grant award for this Program.

- New or Renewal: Renewal

- If renewal, date of first approval: June 2022

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Non-Competitive Negotiation
- Rationale for method of procurement: This method of procurement was selected because of the amount of the contract and because these services are only available from this source (circumstance i.). ESU 10 already has the staff and infrastructure in place to provide support to the ATP Education Program. ESU 10 staff are trained on and familiar with ATP Education policies, procedures, and the operation of the statewide assistive technology loan pool. Also, the geographic location of ESU 10 is necessary for the Program to provide services to the central/western part of the state. Lastly, ESU 10 is a local government agency, therefore under **Miscellaneous Requirements for Procurement of Contract Services: Exemption (vi.) : "**Agreement for services to be performed for a state agency by another state or local government agency for the direct provision of services to the public", non-competitive negotiation is allowed.
- Rationale for contractor selection: This contractor was selected because of their involvement with the ATP Education Program over the past twenty (20) years. Through grants and contracts ESU 10 in the past has maintained, managed, and housed the ATP statewide assistive technology loan pool, and since 2022 has supported the ATP Education Program. ESU 10 has the staff, knowledge, and experience to provide the Program support necessary to assure that the Program is successful.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

**Updated 08.15.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Brian L. Maher
Commissioner of Education

FROM: Dr. Katie Graham
Administrator, Office of Career, Technical, and Adult Education

Lane Carr
Administrator, Office of Policy and Strategic Initiatives

PROPOSED AGENDA ITEMS: Education and Workforce Alignment Specialist

AGENDA ITEM TYPE: Action

RATIONALE/BACKGROUND INFORMATION:
Context:
In light of pandemic-induced interuptions to workbased learning opportunites for students, and in response to a greater need for alignment between secondary and postsecondary education with businesses, the NDE leveraged pandemic relief funding to jointly establish a position housed in the Nebraska Chamber to coordinate workforce-education alignment.

The alignment specialist attends meetings on behalf of the Chamber, represents education interests with business owners and economic development staff around the state, coordinates and coheres high school and postsecondary efforts, and serves as a business liaison for the NDE. To sustain this project, the Nebraska Chamber Foundation is seeking private funding.

Scope of Work:

- Coordinate efforts surrounding education and the workforce
- Align statewide goals, plans and strategies to strengthen and coordinate PK-16 pathways
- Work collaboratively with stakeholders in PK-12, postsecondary, and business communities
- Respond directly to the administrator for the office of career, technical, and adult education and Chamber president
- Ensure alignment and help operationalize stated goals in Nebraska's Perkins and WIOA plans

- Develop a plan for sustainability

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $75,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: State Career and Technical Education Funding
- New or Renewal: Renewal
- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Sole Source
- Rationale for method of procurement: The Nebraska Chamber Foundation is the only entity with a statewide reach, and connections to all business sectors.
- Rationale for contractor selection: N/A

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A
- New or Renewal: N/A
- If renewal, date of first approval: N/A

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 27, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Zainab Rida, Ph.D.
Student Services Officer
Office of Coordinated Student Support Services

PROPOSED AGENDA ITEM: Consent Item: Contract for Project AWARE 2.0 Evaluation

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION:
The Nebraska Department of Education as awarded a Project AWARE 2.0 (Advancing Wellness and Resiliency in Education) State Education Agency Grant through the Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Mental Health Services (CMHS) within the U.S. Department of Health and Human Services. This project addresses the high level of mental and behavioral health needs of school-aged children in rural schools, including depression, anxiety, suicide ideation, and trauma.

As documented and approved in the grant application, the Department intends to contract with the University of Nebraska Board of Regents – Public Policy Center for project evaluation, including data collection, performance measurement, and written reports.

PROPOSED BOARD MEETING (MONTH/YEAR): August 2025

ESTIMATED COST: Not to exceed $250,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal SAMHSA AWARE-SEA Grant
- New or Renewal: Renewal

- If renewal, date of first approval: October 2021 - the funds for this activity are included in the grant award for this project

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 27, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Zainab Rida, Ph.D.
Student Services Officer & Administrator
Office of Coordinated Student Support Services

PROPOSED AGENDA ITEM: Consent Item: Contract for Safe2HelpNE Report System

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION:

- **What:** Safe2HelpNE is a report system designed for students, staff, and parents to anonymously report concerning behavior which could impact the safety of students or schools across Nebraska.
- **Why:** In over 80% of violent school incidents, someone "leaked" information prior to the actual incident. This means 4 of 5 times someone knew what was about to happen. 99% of students surveyed in the Nebraska school security assessment indicated they would more likely report a gun brought to schools if they could do it anonymously. Safe2HelpNE, as required by the School Safety and Security Reporting System Act (Neb. Rev. Stat. §79-3101 to 79-3107), will fill a gap by providing a safe way to help someone before they do something tragic.
- **Who:** Boys Town, USA, provides communication center support for the Douglas County Pilot Project and has been the statewide project since the inception of Safe2HelpNE. It is the only in-state 24/7/365 communication center with live crisis counselors.
- **How:** Reporting methods include phone, mobile, and web-based monitored and responded to by trained crisis counselors. Students, staff, and parents can report concerning behavior that may impact the safety of students or schools, including, but not limited to school threats, bullying, suicide concern, crime, domestic violence, abuse, and a friend's physical or mental health. The Act required the NDE to establish a multi-modal statewide, anonymous reporting system enabling students, parents, and school personnel to report threats or concerns of possible harm. The communication center is to be functional 24/7/365, with trained crisis counselors receiving and triaging reports and then notifying school district threat assessment teams of the details of the reports. This reporting system supports public and nonpublic K-12 school threat assessment teams, the intent of which is to reduce risk and incidents of targeted violence, including harm to self, others, or school property.
- **When:** The contract period will be from July 1, 2025-June 30, 2026.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $845,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: State General Funds; Neb. Rev. Stat. 79-3106
- New or Renewal: Renewal
- If renewal, date of first approval: August 2021

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 29, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Zainab Rida, Ph.D., R.D., Administrator, Office of Coordinated Student Support Services
Kayte Partch, M.S., R.D., Assistant Administrator, Office of Coordinated Student Support Services

PROPOSED AGENDA ITEM: Contract for Required Activities for the National School Lunch and Breakfast Programs, and Summer Food Service Program (BF.042025.013)

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION:
The USDA requires that SFAs participating in the NSLP and SBP receive regular oversight and monitoring through Administrative Reviews (AR) and Procurement Reviews (PR). Sponsors participating in the SFSP must also receive regular oversight through compliance reviews. The NDE Nutrition Services team requires support for completing these reviews in order for all (approximately 385) SFAs to receive this oversight and monitoring once every five years. Full-time staffing limitations governed by the Legislature, along with other staff responsibilities, require the support of a contract company to ensure thorough oversight is completed within the required timelines governed by the USDA regulations. Therefore, the NDE Nutrition Services would like to continue its contractual agreement with CN Resource to complete a portion of the Administrative and Procurement Reviews for SY2024-25.

CN Resource was selected using formal procurement through a Request for Proposal process. The contract for SY2024-25 is the third of three possible renewals. Their work will begin in October 2024 and will conclude in August 2025.

The State Board of Education approved an amendment to this contract in April 2025, making the total contract value $199,132.00. This submitted amendment will add additional follow-up reviews for incomplete corrective actions resulting from Administrative Reviews conducted in SY2023-24, as well as additional SFSP reviews for operators of rural-non-congregate meal service in summer 2025. These changes increase the value by $50,223.00 to a new total of $249,355.00.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: Additional $50,223.00 added to the previously approved $199,132.00 (total $249,355.00)

FOR CONTRACTS AND GRANTS:

- Funding Source: Federal State Administrative Expense Funds (USDA)
- New or Renewal: Renewal (third of up to three renewals)
- If renewal, date of first approval: October 2021

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Method of procurement: NA
- Rationale for method of procurement: NA
- Rationale for contractor selection: NA

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: NA

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 16, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Approve Early Childhood Education Grant Program continuation grants

AGENDA ITEM TYPE: Grant - Consent

RATIONALE/BACKGROUND INFORMATION:

- The purpose of the Early Childhood Education Grant Program is to improve access to early childhood education/prekindergarten programs. (Neb. Rev. Stat. § 79-1101)
- Early Childhood programs operated with grant funds are required to operate in compliance with *Rule 11 – Regulations for Approval of Prekindergarten Programs Established by School Boards or Educational Service Units and for the Issuance of Early Childhood Education Grants*. The school districts identified on the included list to receive continuation funds have shown they are in compliance with Rule 11.
- Districts are eligible for continuation funds based on a formula outlined in state statute.
- Requirements for early childhood grants are found in R. S. S. § 79-1103
- Continuation grants are for the 2025/2026 school year.

PROPOSED BOARD MEETING: June 2025

ESTIMATED COST: $2,712,637

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: State general funds identified for the Early Childhood Education Grant Program

- New or Renewal: Renewal

- If renewal, date of first approval: Varies by school district based on year of original application

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: NA

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: Continuation grants are determined by calculations identified in state statute.

**Updated 08.15.2023*

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District	Grant Amount
Adams Central Public Schools	$81,127
Alma Public Schools	$120,000
Arnold Public Schools	$5,182
Auburn Public Schools	$75,582
Beatrice Public Schools	$41,001
Blair Community Schools	$74,116
Brady Public Schools	$50,000
Columbus Public Schools	$251,664
Cozad Community Schools	$18,680
Deshler Public Schools	$47,091
Eustis-Farnam Public Schools	$48,860
Fairbury Public Schools	$63,822
Gering Public Schools	$126,760
Kearney Public Schools	$134,610
Kenesaw Public Schools	$8,406
Lakeview Community Schools	$72,286
Leyton Public Schools	$130,000
Logan View Public Schools	$154,375
Nebraska City Public Schools	$62,948
Norfolk Public Schools	$35,791
North Platte Public Schools	$99,118
Palmyra District OR 1	$40,195
Papillion-LaVista Community Schools	$95,094
Plattsmouth Community Schools	$44,337
Scottsbluff Public Schools	$359,721
Sidney Public Schools	$94,411
Stapleton Public Schools	$24,139
Thayer Central Community	$60,512
Tri-County Public Schools	$43,115
Wayne Community Schools	$51,111
Westside Community Schools	$38,494
York Public Schools	$160,089

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 14, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Bryce Wilson, Administrator, Office of Financial & Administrative Services

PROPOSED AGENDA ITEM: Approve the attached Special Grant Fund List for 2025/26 School District Budgeting.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Other

RATIONALE/BACKGROUND INFORMATION:

Section 79-1003(40) requires the State Board of Education to identify special grant funds that are excluded from the definition of general fund budget of expenditures for purposes of calculating budget limitations of local school districts. Such funds would be treated as exclusions from school districts' general fund budget of expenditures for purposes of calculating budget limitations in accordance with state law.

For each school budget year, the list is revised, and State Board approval is requested. This request is applicable to the 2025/26 school district budget.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: None

FOR CONTRACTS AND GRANTS: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: N/A

FOR GRANT SUBAWARDS: N/A

**Updated 08.15.2023*

Nebraska Department of Education
School Finance & Organization Services

Final
2025/26 SPECIAL GRANT FUND LIST

1. ACE/Cultural Connections
2. Adult Education & Family Literacy Act Grants (WIOA Title II)
3. Adult Education - English Literacy/Civics Grants (WIOA Title II)
4. Adult Education Volunteer Coordination Grants (AEFLA)
5. Annenberg Foundation Grants (Rural Challenge)
6. ARP-HCY I & II
7. Artist-in-Schools/Communities Grants
8. Beyond School Bells Grant
9. Building Safe and Responsive Schools Grants
10. Career Pathway Advancement Project (CPAP)
11. Career and Technical Education Grants (Federal: Carl Perkins)
12. Career and Technical Education Grant (State)
13. Century Link/NETA Grants
14. Child Care & Development Fund
15. Clean School Bus FY22-26
16. Community 4 Kids Grant
17. Community Incentive Grants
18. Comprehensive Literacy State Development Grant (CLSD)
19. Department of Justice STOP Violence Grant
20. Distance Learning Grants (Federal)
21. Early Childhood Education Endowment Program Ages Birth-3 (Sixpence) Grants
22. Early Childhood Education Program Ages 3-5 Grants
23. Early Intervention Act and IDEA Part C (Infants/Toddlers with Disabilities) Grants
24. Education Improvement Fund Grants (includes Distance Education Incentive, Expanded Learning Opportunity, and Innovation Grants)
25. EducationQuest Foundation Community Grants
26. ESEA Title, I Grants (includes Accountability, Support for Improvement, Disadvantaged, Migrant Education, and Neglected or Delinquent)
27. ESEA Title II Part A – Supporting Effective Instruction (Principal and Teacher Training and Recruiting/Class Size Reduction)
28. ESEA Title III Grants - Immigrant Education Grants
29. ESEA Title III Grants – Language Instruction for English Learners
30. ESEA Title IV Part A – Student Support & Academic Enrichment Grants
31. ESEA Title IV Part B - 21st Century Community Learning Center Grants
32. ESEA Title VI Grants - Rural and Low-Income (Rural Education Achievement Program (REAP) Grants)
33. ESEA Title VII Grants - Indian, Native Hawaiian, and Alaska Native Education
34. ESEA Title IX – McKinney-Vento Homeless Assistance Act Grants
35. ESSERS III - Elementary and Secondary School Emergency Relief Fund (CARES,

Pending Board Approval
2025/26 SPECIAL GRANT FUND LIST

CRRSA, ARP)

36. Forest Service Grants (Conservation Education)
37. Great Plains Communications Grants (Commitment to the Schools)
38. Head Start Grants
39. High Ability Learner Incentive Grants (Gifted)
40. High School Equivalency Assistance Act Grants (AEFLA)
41. IDEA Part B Sec 611 & Sec 619 Flow-Through Grants (includes Base, Enrollment/Poverty, CEIS, CCEIS, and Proportionate Share)
42. IDEA Part C - Planning Region Team
43. IDEA Special Education Discretionary Grants/Cooperative Agreements (including State Improvement Grants (SpDG/PBIS), Deaf-Blind Grants, Part B Sec 611 & Sec 619 State Set-Aside Grants/Cooperative Agreements, and other Office of Special Education Program (OSEP) Grants/Cooperative Agreements, Teacher Retention)
44. Immigrant Impact Education Grants
45. Improving Health & Education Outcomes for Young People
46. Individuals with Disabilities Education Act/American Rescue Plan Act of 2021 (ARP)
47. Indian Education Grants
48. Innovation in Education Program Grants (includes funds from USDE)
49. Johnson-O'Malley Grants
50. JROTC
51. Kiewit Foundation Grants
52. Magnet School Grants
53. Medicaid Administrative Activities in Public Schools (MAAPS)
54. Medicaid in Public Schools (MIPS)
55. Mentoring for Success Grants
56. National Assessment of Educational Progress (NAEP)
57. National Science Foundation Grants
58. NDEQ
59. NE Improving Student Health (CARES Act)
60. NE Improving Student Health
61. NE Emerging Technologies Initiative-Pathways to STEM grant
62. Nebraska Grant for School Emergency Management
63. Nebraska STOP School Violence Prevention Training Program
64. Nebraska STOP School Violence Threat Assessment Program
65. NE Youth Suicide Prevention 21
66. Nebraska Arts Council Grants
67. Nebraska Community Foundation/TeamMates Grants

Nebraska Department of Education
School Finance & Organization Services

Pending Board Approval
2025/26 SPECIAL GRANT FUND LIST

68. Nebraska Environmental Trust Grants
69. Nebraska Game & Parks Commission Grants (Conservation Education, Outdoor Classroom)
70. Nebraska Humanities Grants
71. Nebraska Natural Resources Commission Grants
72. Preschool Development Grant (PDG)
73. Project AWARE (Advancing Wellness & Resiliency in Education)
74. Refugee School Impact Grant
75. reVISION Action Grant
76. Safe Routes to Schools Grant
77. Save the Children Grant
78. School Climate Transformation Grant
79. School Health Program Grants
80. School Safety & Security Act
81. Smaller Learning Communities Program Grants
82. Statewide Longitudinal Data System (End 9/2027)
83. Stronger Connections Bipartisan Safer Community Grant
84. Summer Food Service Program
85. Supplemental Nutrition (CRRSA & ARP?)
86. Teaching American History (TAH) Grants
87. Technology Information Infrastructure Assistance Program Grants (U.S. Department of Commerce)
88. Textbook Loan Grants (Rule 4)
89. USDA Nutrition Service Grants
90. Vocational Rehabilitation Grants
91. Waste Reduction and Recycling Grant
92. Young Adult Tobacco Prevention

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 23, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Shirley Vargas, Ed.L.D.
School Transformation Officer

PROPOSED AGENDA ITEM: Consent Item: College Pathway Program Grants

AGENDA ITEM TYPE (contract/grant/rule/program/other): Grant

RATIONALE/BACKGROUND INFORMATION:
What: Per N.R.S. 79-3702, the College Pathway Program Act is designed to provide grants to eligible providers to provide services to underrepresented and low-income students in high school and postsecondary education. Each December 1, an evaluation of programming for each grant recipient must be submitted to the Clerk of the Legislature.

Why: This legislation is intended to provide grants to providers that offer, exclusively to underrepresented and low-income students, educational services that provide materials, services, and supports to help a student graduate from high school, apply for admission to a postsecondary institution, and complete the requirements to receive an associate degree or a baccalaureate degree.

How: Provide assistance and tutorials which help students in completing applications for a college or university, including applying for aid through the Free Application for Federal Student Aid or other scholarships; assistance and materials which help students take the appropriate high school classes in an area or field of study a student is interested in and any classes necessary for a student to gain acceptance at a postsecondary institution or complete the requirements and take the appropriate postsecondary education classes to receive an associate degree or a baccalaureate degree, and any other services specified to rules and regulations adopted and promulgated by the State Board of Education.

Who: In July 2024, the first year of the grant program, the NDE received three applications for this grant program. Contracts began in September 2024 and will end June 30, 2025. Avenue Scholars received a grant for $295,725. Central Plains Center for Services received a grant for $46,940, and College Possible received a grant for $126,739.

When: July 1, 2025 – June 30, 2027, with possible extension based on evaluation results, progress made, and available funds. This two-year timeframe will allow for award recipients to implement programming, track

student participation and outcomes, and evaluate effectiveness within a structured timeframe and with funding that is consistent.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: approx. $470,000 each year (subject to availability)

- Avenue Scholars: $295,725
- Central Plains Center for Services: $46,940
- College Possible: $126,739

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: College Pathway Program Cash Fund
- New or Renewal: Renewal
- If renewal, date of first approval: August 2024

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: This grant was awarded through a grant application which outlines requirements as described in the legislation. Grant applications were made available on our webpage, along with the questions and statutory requirements. All applications are reviewed by an internal review panel using a scoring rubric focused on organization profile, description of services and alignment to specific student population, evaluation plan, budget plan, and overall submission, to determine award(s).

**Updated 08.15.2023*

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To: Clerk of the Legislature

From: Shirley Vargas, Ed.L.D.
School Transformation Officer & Administrator

RE: College Pathway Program Act Annual Report

Date: December 1, 2024

Pursuant to Neb. Rev. Stat. §79-3701, the College Pathway Program Act provides "eligible providers with grants to provide educational services to underrepresented and low-income students in high school and postsecondary education." As required by Neb. Rev. Stat. §79-3704, this report serves as an annual update regarding the College Pathway Program Act.

The funds for this grant program come from a two percent appropriation of the Nebraska Education Improvement Fund, called the College Pathway Program Cash Fund. This amount equates to $469,404 for the 2024-2025 fiscal year.

The table below provides a list of the grant recipients and the grant award amounts:

Organization Name	Grant Award Amount
Avenue Scholars	$ 295,725
Central Plains Center for Services	$ 46,940
College Possible	$ 126,739

The report outlines a description of the student population served, work completed to-date, upcoming work, and plans for evaluating effectiveness, for each organization.

For more information, please contact Shirley Vargas, Ed.L.D., School Transformation Officer, via phone (402-326-5371) or email (shirley.vargas@nebraska.gov).

Name of organization: Avenue Scholars

Student population served, including but not limited to demographic information, etc.:

761 students are enrolled in the Avenue Scholars program for the 2024-2025 program year. 636 of the students benefiting in part from this grant are currently attending or are postsecondary students from the following high schools: Omaha Benson, Blair, Omaha Bryan, Westside High School, Millard North, Millard South, Omaha Northwest, Omaha North, Papillion La Vista, and Ralston. Avenue Scholars serves under-resourced and underrepresented students. "Under- resourced youth" refers to young people who face limited access to essential resources and support systems needed for success in areas like education and employment. These youth often come from low-income or marginalized communities, where systemic barriers such as poverty, lack of mentors or role models, and fewer opportunities for personal and professional growth are common. In addition to material disadvantages, under-resourced and underrepresented students often lack emotional and social support, safe environments, and opportunities to develop essential life skills. The Avenue Scholars program addresses these gaps by offering targeted resources and support to help these youth realize their potential.

Demographics, Fall 2024-25

Hispanic: 32%
Black: 21%
White: 28%
Multiracial: 11%
Asian: 7%
American Indian or Alaskan Native: 1%

Gender, Fall 2024-25

Female: 49%
Male: 48%
Non-Binary: 3%

Participants by Industry Sectors, Fall 2024-25

Business: 23%
Education: 5%
Information Technology: 10%
Healthcare: 28%
Skilled Trades: 18%
Transportation: 16%

Describe work completed to-date, including but not limited to timeline, activities, etc.:
Avenue Scholars Career Coaches, Community Resource Team, (previously referred to as the Student Support Services), and Business Outreach Team use four main activities with the students enrolled in its program for the 2024-2025 school year. These activities provide educational services and support that have been shown to improve outcomes for under-resourced and underrepresented students.

Career Awareness and Exploration Strategies – Avenue Scholars fosters a collaborative environment by partnering with local businesses and community organizations. This collaborative approach includes personalized career coaching, internships, job shadowing, and mentorship programs that connect students with industry professionals. Students participate in career-focused workshops, industry tours, and hands-on experiences to better understand career paths and nurture interest in high-demand industries. The program's approach aligns students' interests and skills with high-demand career fields, ensuring they are well-prepared for successful futures. High School Career Coaches provide educational services through a for-credit junior and senior level course that provides students with the materials, services and supports needed to graduate on time from high school, apply for admission to a postsecondary institution, and complete the requirements to receive an associate degree and/or industry-recognized credentials. Career Awareness experiences for the year are just beginning and data regarding the number of experiences and participating students will be detailed in subsequent reports.

Career Boot Camps – Avenue Scholars plans and coordinates career boot camps by collaborating with industry partners to design relevant, skill-focused curricula. Boot camps include hands-on training, workshops, and simulations to provide practical experience tailored to Avenue Scholars' six career pathways. Each boot camp includes soft skills development, such as communication and teamwork. The program ensures access to resources and support, including transportation and materials, to remove barriers for participants. The boot camp program follows a "learn while earning" model, providing students with a stipend as they build their skills. This approach allows students to earn income while dedicating time to the four-week program, helping to alleviate the impact on their work schedules. By offering financial support, the program not only makes the time commitment more manageable but also improves student retention rates.

Education and Training – Avenue Scholars' individualized career plans include completing coursework that supports on-time high school graduation and may include strategies such as internships, apprenticeships, job shadowing, and part-time and full-time employment. Career Coaches provide learning and skill development in work-ready habits and skills, including responsibility, work ethic, communication, positive attitude, professionalism, teamwork, and problem-solving. These skills are taught in a for-credit course taught in high school student's junior and senior years and throughout one-on-one coaching sessions. Avenue Scholars collaborates with Metropolitan Community College and training centers for dual enrollment and certification programs that lead to an associate degree and industry-recognized certifications.

Community Resource Team (previously referred to as Student Support Services) – Avenue Scholars collaborates with student support services within schools and community organizations to provide wraparound support, addressing challenges that may impact a student's high school graduation and career progression. These services include assistance with basic needs, transportation, and scholarships for tuition and expenses related to industry-recognized certifications. Wraparound services address barriers such as lack of resources and limited career opportunities and ensure equitable access. The Community Resource team provides educational services to students to equip them with the knowledge and skills needed to address the most common factors hindering high school graduation, postsecondary transition, and economic stability of low-income students.

High School Career Coaches began teaching junior and senior level, for-credit courses in their assigned schools at the start of the school year. The curriculum meets the standards set by the Nebraska Department of Education and first quarter grades for the for-credit course will be included in the next report. At this point in time, three hundred seventy-eight Career Plan meetings have been completed. The employment rate of the 636 students is 74%. 32 students are employed in an internship.

Describe upcoming work, including but not limited to timeline, activities, expected reach, etc.:
Avenue Scholars for credit course – 636 students – present to May 2025
Career Coaching (High School & Postsecondary) – 636 students – present to program completion
Career Awareness and Exploration Strategies – 636 students – present to program completion Career Boot Camps – 60 students – Summer 2025
Education & Training – 636 students – present to program completion
Business Outreach – 636 students – present to program completion
Student Support – 636 students – present to program completion

Describe how the organization will evaluate the effectiveness of the grant received:
Avenue Scholars' collects output and outcome metrics to evaluate the program. Output metrics center around the five program guarantees of Education/Training, Work Experience, Work-Ready Skills, Attendance, and Financial/Personal Well-being.

Education/Training: High School Grades, High School GPA, High School Graduation Rates, College Continuation Rates, First-year Postsecondary Retention Rates, Postsecondary Grades, Postsecondary GPA, Postsecondary Degree/Certification Attainment.

Work Experience: High School Part-time Employment Rates, Postsecondary Part-time Employment Rates, Student Employment Hours, Student Employment Wages, Internships.

Work-Ready Skills: Employer Feedback Scores: (Avenue Scholars Career Coaches gather employer feedback regarding participants' job performance. Employers rate participants using a 0-3 scale (a score of "3" being the highest) in seven categories – Responsibility, Work Ethic, Communication, Positive Attitude, Professionalism, Teamwork, and Problem-Solving).

Attendance: High School Attendance and Attendance at Avenue Scholars Programming Activities (such as Senior Academy and career exploration posts). Though not directly addressed, students' attendance at work is also a factor in the employer feedback scores discussed above, namely in the Responsibility and Professionalism categories.

Outcome metrics include High School Graduation rates, College continuation rates, employment status, and Alum outcomes. High School graduation and college continuation rates for students participating in the Avenue Scholars program are compared to school-level outcomes at each participating high school. Alum indicators of success are based on five factors - income at or above 150% of the minimum wage, work status of 30+ hours per week, availability of health benefits, job alignment with the student's industry area of focus, and opportunity for upward mobility.

Any additional information (if needed): N/A

Name of organization: Central Plains Center for Services

Student population served, including but not limited to demographic information, etc.:

Throughout this reporting period, Central Plains Coaching Model has prioritized and supported the educational and career outcomes of the young people we serve. These young people have risk factors such as time in the foster care system, are young parents, and/or are housing unstable. Our one-on-one work with them has resulted in many young people preparing for and enrolling in postsecondary programs—with most being the first in their families to do so. Education is the stable foundation upon which they can build a successful future. Education is as unique as the individuals we coach, and each deserves the opportunity to define their educational path, regardless of their educational history, experiences, and abilities. We believe our longstanding history of providing postsecondary coaching services aligns well with the goals of this grant. Young people served through this grant to date represent the following demographics: 100% of the young people are vulnerable/at-risk young people of low income and/or are under-represented; 52% Caucasian and 48% being ethnically diverse; 34% being age 14-18, 42% being age 19-22, and 23% age 23-25.

Our efforts are community based; therefore, we bring educational coaching to the young people we serve therefore eliminating many barriers to participation. These young people come from diverse backgrounds and have had difficult life experiences. Their shared needs include poverty, lack of access to education and educational opportunities, few economic growth opportunities, limited social connections, and unstable housing. Our coaching is perfectly suited to a time when a young person's future is yet to be determined. We work with roughly 2,000 young people a year to ensure their successful transition to adulthood and beyond. 100% of young people served are within the age range for college preparation and enrollment.

Describe work completed to-date, including but not limited to timeline, activities, etc.:

Central Plains' *Coaching Model* is a collaborative, growth-focused, and results-orientated process in which the coach acts as both a catalyst and facilitator of the individualized growth of all participants. Our *Coaching Model* results in community-based prevention in which youth and young adults have the opportunity to work with a trained coach who can empower them to overcome challenges and systemic barriers, embrace opportunities, create a vision for their future, and pursue and thrive in education. Coaching is instrumental because it pairs an experienced, professional coach with a young person so that together, youth can achieve educational, economic, and social well-being. This approach is based on the development of a trusted and respectful relationship between the young person and their coach, which in turn, increases the youth's likelihood of establishing similar relationships with others throughout their life and leads them to a successful transition to adulthood and stable future. Foundationally, our *Coaching Model* ensures services are equitable to underserved, socially disadvantaged, and ethnically diverse groups. Central Plains is committed to providing culturally and linguistically appropriate services and ensures all staff participate in cultural competency/diversity training. Practicing in culturally sensitive ways is of the highest importance. Central Plains ensures the cultural competence of our staff through methods outlined by the National Association of Social Workers (NASW) *Code of Ethics.*

Central Plains has provided education and career coaching to all participants who have identified this as a goal. Roughly 28% of the 2,000 participants have an education or career related goal. Coaches use their training in the Back on Track (BOT) model to ensure young people have education preparation, bridging, and first year supports. BOT guides our coaching work by supporting coaches in inquiring about youths' individual interests, assessing their strengths, and developing an educational plan. Youth receive coaching support to navigate the often-complicated process of completing high school, exploring, and accessing various post-secondary options, and assisting with the steps to post-secondary enrollment. Coaching supports them in their time of transition and provides on-going support.

During this reporting period, coaches have provided support to students for FAFSA preparation, connecting students to on-campus supports, researching programs of study, assisting with highly competitive scholarship programs, and developing a personal support system.

Describe upcoming work, including but not limited to timeline, activities, expected reach, etc.:
Upcoming work will include on-going in person coaching services that promote education, post-secondary, and careers. Additionally, upcoming work will include FAFSA completion, community-based tax preparation assistance, arranging college visits, apply for admissions, monthly in person coaching with high school and college age participants, education and career goal setting, youth leadership opportunities, and collaboration with schools across the state and other community-based organizations to ensure youth have a clear and supported path toward post-secondary.

Describe how the organization will evaluate the effectiveness of the grant received:
Central Plains will ensure that ALL 2000 young people we serve receive educational coaching if they so desire. We will ensure they have the personal and financial supports to attend college and thrive in college. We will track the number of young people who attend college and persist onto their next term. We will utilize our web-based client driven system to effectively evaluate the effectiveness of the grant. Finally, we will survey young people twice a year on their strengths and their needs across all life domains to ensure young people are meeting benchmarks and achieving their goals.

Any additional information (if needed): N/A

Name of organization: College Possible

Student population served, including but not limited to demographic information, etc.:

College Possible coaches recently wrapped up recruitment of high school seniors for available positions within the program. They continue to recruit high school juniors with an anticipated end date of December. As of November 12th, the following students were enrolled in the College Possible program:

High School	Senior Class (2025 Grad Year)	Junior Class (2026 Grad Year)
Bellevue East	22	0
Benson	16	3
Millard South	32	5
Omaha North	20	1
Omaha Northwest	20	9
Omaha South	20	99
Omaha Westview	N/A (first year at school)	12
Papillion La Vista	11	2
Ralston	22	12
Total	163	53 (goal 240)

College Possible is currently serving 1,161 Omaha originating students on the college campuses listed below.
724 students are attending universities/colleges in Nebraska
67 students attend universities/colleges outside of Nebraska
370 students are designated unenrolled, but continue to receive outreach from the College Success Team

Nebraska Universities/Colleges		Out of State Universities/Colleges	
Bellevue University	9	Arizona Christian University	1
Clarkson College	8	Arizona State University Immersion Campus	1
College of Saint Mary	8	Barry University	1
Concordia University – NE	1	Bellmont Abbey College	1
Creighton University	9	Black Hills State University	1
Doane University	2	Coe College	1
Hastings College	4	College of DuPage	1
Metropolitan Community College	98	College of Marin	1
Midland University	3	Colorado College	1
NE Methodist College Nursing	15	Columbia College Chicago	2
Nebraska Wesleyan University	12	Cornell University	1
Southeast Community College Area	3	Cuesta College	1
University of NE Kearney	5	Des Moines Community College	1
University of NE Omaha	433	Ellsworth Community College	1
University of NE Lincoln	97	Everglades University	1
UNMC	5	Full Sail University	1
Wayne State College	12	Georgetown University	1
		Grand Canyon University	1
		Harvard University	1
		Howard University	1

		Illinois College	1
		Iowa State University	2
		Iowa Western College	10
		Langston University	1
		Lindenwood University	1
		Long Beach City College	1
		Louisiana State University	1
		Massachusetts Institute of Technology	1
		Moberly Community College	1
		Northwest Missouri State University	2
		Post University	1
		Princeton University	2
		Rockhurst University	1
		Rocky Mountain College of Art and Design	1
		Smith College	1
		Southern New Hampshire University	1
		Southwestern Assemblies of God University	1
		Southwestern Community College	1
		Tennessee State University	1
		Texas Southern University	1
		The University of Tampa	1
		University of Iowa	1
		University of Kansas	1
		University of North Carolina Chapel Hill	1
		University of North Dakota	1
		University of Notre Dame	1
		University of Oregon	1
		University of Phoenix – Arizona	1
		University of South Dakota	1
		University of Toledo	1
		University of Virginia – Main Campus	1
		University of Westminster	1
		Washington University – St Louis	1
		Wesleyan University	1

Describe work completed to-date, including but not limited to timeline, activities, etc.:

August – Both the College Access and College Success Teams participated in Welcome Weeks – an intensive three-week onboarding/training designed to prepare coaches to deliver curriculum and support students on their student journey to include applying to college, enrolling in college, persistence through college and degree attainment.

From August 12, 2024 through August 30, 2024, all AmeriCorps service members who were selected to serve as a College Possible coach were required to participate in a three-week intensive onboarding known as Welcome Weeks. Over the course of these three weeks coaches learned about College Possible's mission, vision, and values; the Higher Education Landscape and how College Possible helps

students navigate barriers to college graduation; the student journey from junior year to degree attainment; College Possible's coaching model and its intended impact on student outcomes; data privacy and social change in data; defining match and fit and how this can lead to student success when the right college is selected based upon students' strengths and goals; supporting students in crisis and mandated reporting that clearly defines what a coach is trained to do and when they must direct students to qualified resources for support; the importance of family engagement as students are not necessarily the sole decision maker when considering a college pathway; how to lead effective coaching conversations and how this impacts group sessions as well as one to one coaching sessions; as well as additional trainings that affect their coaching experience including available tools/resources, support from their supervisors and the requirement of continued learning sessions throughout their ten-month term of service.

College Access Program (High School)
September
Starting in September, College Possible coaches began recruitment efforts at their assigned high schools. Coaches were tasked with recruiting high school seniors for open positions within the senior cohort and recruiting 240 high school juniors. While actively recruiting students into the program, coaches also facilitated group sessions for active seniors and scheduled one to one meetings with students already active in the program. The September Curriculum included the following:

Junior Class
Coaches guided students and their parents through completing the College Possible application. As applications were processed, coaches began reaching out to newly accepted juniors to introduce themselves to the students and to provide an overview of the College Possible programming. As junior recruitment continues through the end of the year, coaches will have students create profiles on Appily or Big Future to begin researching colleges in preparation for creating their top 5 list.

Senior Class
College Possible Program
Seniors learned group norms, began to build community within their cohort, and learned the senior year program structures and activities. They reflected on summer experiences and previous goals, and revised or created new goals for their senior year.

Building a College List
Seniors reviewed the concept of "fit" and revisited their personal fit factors. They reviewed their Top Five College lists and began their final research.

College Applications
Students began to select the colleges they were interested in applying to. Coaches made sure seniors understood the requirements of each application and helped them choose a system to track deadlines and applications. Students began to explore application platforms to determine which one best fit their needs.

Financial Aid Applications
Students reviewed the key affordability concepts and the timeline for FAFSA. They learned what information and documentation they needed to collect and prepare to discuss with their families.

Workshop: College Essays
Coaches hosted an optional workshop for students to create or get feedback on their college essay draft.

Newsletters were sent to students on September 13th and 27th.

October
Junior Class
Coaches guided students and their parents through completing the College Possible application. As applications were processed, coaches began reaching out to newly accepted juniors to introduce themselves to the students and to provide an overview of the College Possible programming. As junior recruitment continues through the end of the year, coaches will have students create profiles on Appily or Big Future to begin researching colleges in preparation for creating their top 5 list.

Senior Class
Financial Aid Applications
Seniors created their FSA IDs in preparation for the FAFSA launch in December.

College Applications
Coaches helped guide and empower students to submit their first college applications focusing on applications with November deadlines.

Scholarships
College Access Coaches launched the Fund Your Future initiative which will require each student to apply to a minimum of 2 scholarships each month while enrolled in the College Possible program. Coaches will share a scholarship database created by the Access Team which links to various scholarships available to students. The database is constantly updated as new scholarship opportunities are discovered.

ACT
Coaches checked in with students who took the October 5th ACT to review student scores and determine if students would be retaking the test.

Workshop
Coaches hosted an optional workshop to assist students with completing their Dell Scholars application.

Newsletters were sent to students on October 11th and 25th.

Mission Possible Career Panels were held at three partner high schools in October. Panelists are comprised of emerging leaders in various professional fields from across the metro. Following hour long panel discussions and Q&A students were allotted time to visit with admission representatives from the University of Nebraska Omaha, Doane University, Wayne State College and College of Saint Mary. The panels were open to juniors and seniors – both College Possible and non-College Possible students.

October 8th – Ralston High School
Panelists:
Mark Batt, Sarpy County Government
Crystal Schaefer, Mutual of Omaha
Shukura Huggins, UNO
Attendance: 40

October 15 – Westview High School
Panelists:
Flora Mondi, ROSS Leaders
Zoia Morrow, Great Plains Communications
Moses Dunbar, College Possible
Attendance: 150

October 24th - Millard South High School
Panelists:
Martin Shudak, Mutual of Omaha
Grant Jenkins, Mutual of Omaha
Davielle Phillips, Holland Basham
Melissa Westbrook, MENTOR Nebraska
Attendance: 25

November

Junior Class

Coaches guided students and their parents through completing the College Possible application. As applications were processed, coaches began reaching out to newly accepted juniors to introduce themselves to the students and to provide an overview of the College Possible programming. As junior recruitment continues through the end of the year, coaches will have students create profiles on Appily or Big Future to begin researching colleges in preparation for creating their top 5 list.

Senior Class

<u>Scholarships</u>

Students learned how to repurpose college essays to minimize time and effort for their strongest essay. The Buffet Scholars Portal opened, and coaches began reaching out to students to encourage them to complete their applications as well as to determine what assistance they might need to do so.

College Academics
Students learned the importance of professionalism in post-secondary education and best practices for communicating professionally with professors, administrators, etc.

Digital Presence
Students learned the prevalence of checking an applicant's online presence and how to analyze and improve their own digital presence to strengthen their applications.

Workshop
Coaches hosted an optional workshop for students to receive help completing scholarship and college applications they are working on.

Newsletters were sent on November 8th and will be sent on November 26th.

Mission Possible Career Panels were held at three partner high schools in October. Panelists are comprised of emerging leaders in various professional fields from across the metro. Following hour long panel discussions and Q&A students were allotted time to visit with admission representatives from the University of Nebraska Omaha, Doane University, Wayne State College and College of Saint Mary. The panels were open to juniors and seniors – both College Possible and non-College Possible students.

November 7th – Bellevue East High School
Panelists:
Helen Anderson, Mutual of Omaha
Davielle Phillips, Holland Basham
Joshua Livingston, Koenig/Dunne
Attendance: 30

November 14th – Benson High School
Panelists:
Marco Ortize, Conagra Brands
Martin Shudak, Mutual of Omaha
Grant Jenkins, Mutual of Omaha
Attendance: 40

November 20th – North High School
Panelists:
Katie Kodad, Children's Nebraska
Kellee Mikuls, Ignite Nebraska
Davielle Phillips, Holland Basham
Dan Kreshna, Mutual of Omaha
Projected Attendance: 30

College Success Program (college)
The College Success Program segments students and the curriculum/support they receive based upon the following:
Enrolled in College – First Time in College (FTIC)
Enrolled in College – Core Years (CY)
Enrolled in College – Approaching Graduation
Enrolled in College – Community or Technical College (C & TC)
Enrolled in College – Community or Technical College Non-First Year
Enrolled in College – Community or Technical College Intends to Transfer
College – Not Enrolled
College – Non-Matriculating or recent stop out and wish to reenroll

College Students who are enrolled in college will receive coaching and support on the following topics throughout the year based upon their enrollment status:

Academics	**Financial Fitness**	**Building Community**	**Planning for the Future**
Time Management	Federal Financial Aid	Social-Emotional Learning	Career Planning
Study Skills	Scholarships	Connecting on Campus	Study Abroad
Academic Support Resources	Loans	Balancing Family Responsibilities	Making a Plan for Summer
Mapping College	Account Balance	Navigating Hardships	Taking Time Off
Choosing a Major	College Finances		Experiential Learning
College Academics	Financial Literacy		Skills Development
Academic Growth			Preparing for Graduation

College students who are enrolled in technical college, community college, and wish to transfer will receive coaching and support around the following topics:
Choosing a Best Fit School
Exploring Transferring
Transfer Logistics

College students who recently stopped out and wish to reenroll will receive coaching and support around the following topics;
Choosing a best fit school
Exploring re-enrolling
Re-Enrolling Logistics

September

College Students, First Time Enrolled, Bachelor Granting Institutions (FTIC)

Student meetings and/or conversations focused on connecting on campus and time management. As part of their milestones, FTIC students were encouraged to engage with campus activities and resources, confirm enrollment in the fall term and confirm arrangements to pay for the fall term.

College Students Enrolled, Core Years

Student meetings and/or conversations focused on choosing a major or exploring opportunities within their major. As part of their milestones, core year students were to confirm enrollment in the fall term and participate in a major-related co-curricular activity.

College Students, Approaching Graduation

Student meetings and/or conversations focused on mapping their remaining time in college and planning for graduation. As part of their milestones, students approaching graduation were to confirm their enrollment and payment for the fall term.

College Students at Community or Technical Colleges First Time in College (FTIC)

Student meetings and/or conversations focused on connecting on campus and time management. As part of their milestones, FTIC students were encouraged to engage with campus activities and resources, confirm enrollment in the fall term and confirm arrangements to pay for the fall term.

College Students at Community College or Technical Colleges Non-First Year

Student meetings and/or conversations focused on choosing a major. As part of their milestones, Non-First Year Students confirmed enrollment and payment of the fall term.

College Students at Community College or Technical College Intends to Transfer

Student meetings and/or conversations focused on federal financial aid, academic growth, and academic planning as a transfer student. As part of their milestones, students confirmed enrollment and payment of the fall term.

Unenrolled Students Reenrolling

Student conversations focused on using College Possible as a resource and exploring goal setting tips to assist with reenrollment.

Unenrolled Students

Student outreach focused on using College Possible as a resource.

October

College Students, First Time Enrolled, Bachelor Granting Institutions (FTIC)

Student meetings and/or conversations focused on connecting on campus and time management. As part of their milestones, FTIC students were encouraged to engage with campus activities and resources, confirm enrollment in the fall term and confirm arrangements to pay for the fall term.

College Students Enrolled, Core Years
Student meetings and/or conversations focused on choosing a major or exploring opportunities within their major. As part of their milestones, core year students were to confirm enrollment in the fall term and participate in a major-related co-curricular activity.

College Students, Approaching Graduation
Student meetings and/or conversations focused on mapping their remaining time in college and planning for graduation. As part of their milestones, students approaching graduation were to confirm their enrollment and payment for the fall term.

College Students at Community or Technical Colleges First Time in College (FTIC)
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Student meetings and/or conversations focused on choosing a major. As part of their milestones, Non-First Year Students confirmed enrollment and payment of the fall term.

College Students at Community College or Technical College Intends to Transfer
Student meetings and/or conversations focused on federal financial aid, academic growth and academic planning as a transfer student. As part of their milestones, students confirmed enrollment and payment of the fall term.

Unenrolled Students Reenrolling
Student conversations focused on using College Possible as a resource and exploring goal setting tips to assist with reenrollment.

Unenrolled Students
Student outreach focused on using College Possible as a resource.

November
College Students, First Time Enrolled, Bachelor Granting Institutions (FTIC)
Student meetings and/or conversations focused on connecting on campus and time management. As part of their milestones, FTIC students were encouraged to apply for financial aid, meet with their academic advisor, register for the spring term. Coaches also reminded students to begin preparing to complete the FAFSA.

College Students Enrolled, Core Years
Student meetings and/or conversations focused on mapping their college experience. As part of their milestones, core year students were to meet with their academic advisors, apply for financial aid, and

register for the spring semester. Coaches also reminded students to begin preparing to complete the FAFSA.

College Students, Approaching Graduation
Student meetings and/or conversations focused on mapping their remaining time in college and planning for graduation. As part of their milestones, students approaching graduation were to meet with their academic advisor and register for the spring semester (if appropriate). Students were also directed to on campus resources for graduating students.

College Students at Community or Technical Colleges First Time in College (FTIC)
Student meetings and/or conversations focused on study skills and academic support resources. As part of their milestones, FTIC students to meet with their academic advisors and register for the spring term. Students were also reminded about the importance of preparing to complete the FAFSA.

College Students at Community College or Technical Colleges Non-First Year
Student meetings and/or conversations focused on mapping their college path and academic growth. As part of their milestones, Non-First Year Students applied for financial aid and met with their academic advisor.

College Students at Community College or Technical College Intends to Transfer
Student meetings and/or conversations focused on federal financial aid, academic growth and academic planning as a transfer student. As part of their milestones, students met with their academic advisors, applied for financial aid, and registered for the spring semester.

Unenrolled Students Reenrolling
Student conversations focused on social-emotional learning and exploring educational pathways. As part of their milestones, students focused on clearing any academic or financial holds that would prevent their reenrollment.

Unenrolled Students
Student outreach focused on using College Possible as a resource.

Describe upcoming work, including but not limited to timeline, activities, expected reach, etc.:
December
Junior Class
Coaches will guide students and their parents through completing the College Possible application. As applications are processed, coaches will reach out to newly accepted juniors to introduce themselves to the students and to provide an overview of the College Possible programming. Coaches will have students create profiles on Appily or Big Future to begin researching colleges in preparation for creating their top 5 list. Student recruitment of high school juniors is scheduled to end mid-December.
Senior Class

Coaches will continue to provide assistance to high school seniors on the completion of their FAFSA during group sessions and scheduled one to one meetings. Two newsletters, as in earlier months, will be sent to seniors on December 6th and December 20th. At least one workshop will be scheduled to assist students with the completion of their FAFSA (priority) and college applications (second priority).

College Success

College Students, First Time Enrolled, Bachelor Granting Institutions (FTIC)

Student meetings and/or conversations will continue to focus on connecting on campus and time management. As part of their milestones, FTIC students will confirm financial aid applications, meet with their academic advisor, and registration for the spring term.
Coaches will provide FAFSA Support as needed by students.

College Students Enrolled, Core Years

Student meetings and/or conversations will continue to focus on mapping their college experience. As part of their milestones, core year students will meet with their academic advisors, apply for financial aid, and register for the spring semester. Coaches will provide FAFSA completion support as needed.

College Students, Approaching Graduation

Student meetings and/or conversations will focus on mapping their remaining time in college and planning for graduation. As part of their milestones, students approaching graduation will meet with their academic advisor and register for the spring semester (if appropriate).

College Students at Community or Technical Colleges First Time in College (FTIC)

Student meetings and/or conversations will focus on study skills and academic support resources. As part of their milestones, FTIC students will meet with their academic advisors and register for the spring term. Students will also receive FAFSA completion support as needed.

College Students at Community College or Technical Colleges Non-First Year

Student meetings and/or conversations will focus on mapping their college path and academic growth. As part of their milestones, Non-First Year Students will confirm they have applied for financial aid and met with their advisor.

College Students at Community College or Technical College Intends to Transfer

Student meetings and/or conversations will focus on financial aid, academic growth, and academic planning as a transfer student. As part of their milestones, students will meet with their academic advisors, apply for financial aid, and register for the spring semester.

Unenrolled Students Reenrolling

Student conversations will focus on social-emotional learning and exploring educational pathways. As part of their milestones, students will conform they have cleared any academic or financial holds that would prevent their reenrollment.

Unenrolled Students

Student outreach will focus on using College Possible as a resource.

Describe how the organization will evaluate the effectiveness of the grant received:

College Possible will measure the effectiveness of programming funded by the grant by measuring the following:

- Acceptance to College
  90% of College Possible high school seniors will earn admission to college.
- Enrollment in College
  85% of College Possible students will enroll in college
- First Year to Second Year Persistence
  80% of first-time college students will persist from year 1 to year 2
- Graduation Rate – 50% of students will graduate in 6 years

Other KPIs (Key Performance Indicators) that will be monitored throughout the year are:

- Number of College Applications Submitted – high school students will submit at least 5 college applications
- Number of Scholarships Applied to – Students will apply to at least two scholarships per month
- FAFSA Completion – 95% of students will complete the FAFSA

Any additional information (if needed):

Both College Access and Success coaches participated in Continuous Learning Classes to ensure they were ready to present curriculum and provide support to students:

September

All Team - Strategies for Mental Health Support, LMS Introduction, How to Talk About College Possible
College Access (high school) – Intro to College Essays and Editing Essays, Resources and Referrals

College Success (college) – Campus Resources and Making Effective Referrals, Supporting Unenrolled Students

October

All Team – Supporting Students with Disabilities, Career Planning Foundations Part I
College Access (high school) – Texting with Students Workshop, Goodrich Scholarship Presentation, Meeting with UNO Representatives, Differentiation, Buffet Scholarship Presentation
College Success (college) – Texting with Students Workshop, College Course Registration

November

All Team – FAFSA Completion Part I, Sustainable Service, FAFSA Completion Part II, Supporting Students Who are Undocumented, College Access (high school) – Meeting with Wayne State College Reps

College Pathway Contractor Invoice Report

This report is to be completed and submitted, along with an invoice, to receive payment. This document and any additional information shared, serves as supporting documentation for the invoice. NDE staff may reach out if there are any questions or if more information is needed.

Invoice Date: 4/15/2025 - Avenue Scholars

1. **Summarize the main activities related to this contract to-date. How are these activities connected to providing educational services to low-income and underrepresented students in high school and postsecondary education?**

   Avenue Scholars Career Coaches, the Community Resource Team (formerly referred to as Student Support Services), and the Business Outreach Team engage in four core activities with students enrolled in the program for the 2024-2025 school year. These activities are designed to deliver educational services and support proven to enhance outcomes for under-resourced and underrepresented students. Avenue Scholars' four core activities remain consistent throughout the program year. During reporting periods, we will provide detailed insights into each activity to further illustrate the impact of our work.

2. **What has been the impact of the work? (e.g., number of students served, outcomes of participation, etc.)**

   During this reporting period, 670 Scholars were served, and 616 finalized career plans were developed.

   Career Awareness and Exploration Strategies

   During this reporting period, Avenue Scholars launched its annual High School Internship Program. A total of 31 businesses were recruited to offer up to 69 internship opportunities for rising seniors, who will begin employment in June 2025. Some of these internships are limited to the summer months, while others may extend into the school year as part-time positions, contingent on mutual interest from both the employer and the Scholar.

   To support Scholars in the application process and familiarize them with available opportunities, Avenue Scholars hosted an Internship Fair on January 30. Twenty-five of the 31 participating businesses attended the event to engage with juniors and share information about the internships they are offering. A total of 223 juniors participated, and 175 Scholars submitted a combined 346 applications. As of this report, 29 job offers have been made and accepted, with additional offers expected.

   The Avenue Scholars Business Outreach Team and Career Services Team continue to collaborate with local businesses and the Greater Omaha Chamber of Commerce to align student opportunities with employer needs. This includes exploring future workforce trends, best practices in youth engagement, and strategies to attract and retain emerging talent within the Greater Omaha area.

Education and Training

At the start of the school year, 457 Scholars enrolled in for-credit junior or senior-level courses at their assigned high schools. These courses, aligned with Nebraska Department of Education standards, are designed to build essential career readiness skills. Scholars gain hands-on experience in areas such as interview techniques and crafting personal elevator pitches, helping to prepare them for future professional opportunities.

Avenue Scholars also partners with Metropolitan Community College and other training centers to provide dual enrollment and certification programs that lead to associate degrees and industry-recognized credentials. Juniors are currently finalizing internship applications and developing work readiness skills in preparation for summer employment. Seniors are completing their “Senior Year Experience” with 83 enrolled in traditional dual enrollment coursework. An additional 25 seniors are working toward Certified Nursing Assistant (CNA) certification through partnerships with Fulton Homes Education Center, Methodist College, and QLI. Scholars placed at QLI are eligible to apply for a post-graduation summer internship exclusive to Avenue Scholars participants, with potential for part-time or full-time employment in the fall.

Scholars have achieved a 76% employment rate, with 22 currently participating in internships. Additionally, 85% of Scholars are meeting expectations for work readiness skills. During this reporting period, Scholars have earned three associate degrees and 17 industry-recognized certifications.

Career Boot Camps

Avenue Scholars plans and coordinates Career Boot Camps in collaboration with industry partners to deliver relevant, skill-focused training. These boot camps offer hands-on instruction, interactive workshops, and real-world simulations tailored to high-interest, high-success Avenue Scholars career pathways—Healthcare, Skilled Trades, and Transportation. In addition to technical skills, each boot camp emphasizes soft skill development, such as communication, teamwork, and professionalism, ensuring participants are fully prepared for the workplace.

To eliminate barriers to participation, the program provides comprehensive support, including transportation, meals, and necessary materials. The boot camps follow a "learn while earning" model, offering stipends that enable students to earn income while participating in the four-week program. This approach reduces scheduling conflicts with existing employment and supports stronger student retention by making the time commitment more feasible.

During this reporting period, Avenue Scholars secured partnerships with Metropolitan Community College to deliver one Skilled Trades Boot Camp and two Transportation Boot Camps. Recognizing strong student interest in healthcare careers, Avenue Scholars also launched its inaugural Healthcare Boot Camp in partnership with Clarkson College and Nebraska Medicine. Across all three boot camps, a total of 72 seats will be available. Participants in the Skilled Trades and Transportation boot camps will complete OSHA 10 certification, while those in the Healthcare Boot Camp will earn CPR/First Aid certification.

Community Resource Team

The Community Resource Team (formerly Student Support Services) continues to offer both planned and responsive support to help Scholars build resilience and maintain a positive outlook as they pursue meaningful career pathways.

Avenue Scholars has organized a DMV Day in partnership with the Nebraska Department of Motor Vehicles, scheduled for a Saturday in April. During this event, the DMV will open exclusively for Avenue Scholars, providing access to written and driving tests for Provisional Operator's Permits and Learner's Permits, as well as State ID services. This initiative removes significant barriers for Scholars and their families, particularly those who are unable to access the limited weekday services available at just two DMV locations in Douglas and Sarpy counties.

In addition, the Community Resource Team leads programs such as Men of Standard and Flourish, which are designed to foster peer connection, broaden support networks, and inspire Scholars to envision and work toward a successful future. In March, 17 young women participated in Flourish and 8 young men took part in Men of Standard. These targeted initiatives address the unique needs of students, providing a strong foundation for both personal and professional growth.

3. **What do you want NDE to know about this work?**

Avenue Scholars is deeply grateful for the partnership and funding provided by the Nebraska Department of Education, as well as the ongoing collaboration with our school district and school-level leadership partners. This support enables us to serve a growing number of Nebraska students who are navigating both hope and need.

Thanks to this grant, Avenue Scholars has expanded its services and programming, equipping students to accelerate their personal and professional development, make informed career choices, and successfully transition into financially sustainable careers that strengthen the local workforce.

4. **Attach any meeting agendas, sample outreach/communication, data, etc., connected to this report (if applicable).**

Attached are the monthly newsletters from the first quarter. Additionally, here is a link to the WOWT coverage of the Internship Fair. https://www.wowt.com/2025/01/30/internship-fair-gives-omaha-students-chance-prepare-future-careers-high-demand-industries/

We also invite you to our YouTube Channel to hear from our Scholars - https://youtu.be/0C1o2A4dIDc?si=nOVOLSw80YIJIrKc

Avenue Scholars was featured on News Talk 1290 KOIL on April 1st and on OMAPOD on April 9th.
Issues & Answers (aired 4/1/25)
OMAPOD (aired 4/9/25)

Paving the Way: Career Prep Milestones

Lindsay Decker <communications@avescholars.org>

Pathway Newsletter

January 2025 Edition

Mock Interviews

Preparing Avenue Scholars for Career Success



Juniors at Bryan High School participate in mock interviews with business partners from the greater Omaha area.

Career readiness is at the heart of Avenue Scholars' mission, and mock interviews are a key component of preparing Scholars for success. Each year, juniors in the

program participate in this experience, which goes beyond simple role-playing. Scholars receive coaching on essential aspects of the interview process, including elements of professional attire, effective communication, and the qualities that employers seek in top candidates.

This initiative is provided with the assistance of our generous business partners and community members across the greater Omaha area. These industry experts volunteer their time to conduct mock interviews, providing Scholars with authentic interactions that mimic real-world scenarios. These one-on-one meetings allow Scholars to refine their communication skills and receive constructive feedback from professionals in their fields of interest, while also experience building their confidence. Mock interviews are another way that Avenue Scholars bridges the gap between education and industry, equipping Scholars with the tools they need to successfully navigate their future careers.

Coming Up Next

Avenue Scholars Day, Tuesday, April 15, 2025

The Avenue Scholars team is proud to gather around the proclamation from Omaha Mayor Jean Stothert, who officially declared April 15th as "Avenue Scholars Day" last year.

This year, we are honored to celebrate once again, but this time with Mayor Stothert joining us to speak and affirm the significance of this special day.

Save the date to celebrate with us—both in person and on social media on Tuesday, April 15, 2025! More details coming soon.



Donate Today

Avenue Scholars
2121 N. 117th Avenue, Suite 220
Omaha, NE 68164
avescholars.org

Avenue Scholars | 2121 N. 117th Avenue Suite 220 | Omaha, NE 68164 US

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Your Support in Action: Avenue Scholars Celebrates CTE Month

Lindsay Decker <communications@avescholars.org>

AVENUE SCHOLARS

Pathway Newsletter

February 2025 Edition

Hear From Scholars

Experiences Of Growth And Achievement



Investing In Tomorrow's Workforce

Avenue Scholars Celebrates CTE Month

Career and Technical Education (CTE) Month takes place each February to celebrate the accomplishments of CTE programs and highlight the importance of CTE for students of all ages. The Avenue Scholars CTE program includes targeted training and comprehensive career development. This programming provides experiences and skills to connect Scholars with high-demand, high-skill, high-wage employment in the greater Omaha area.

Connecting Scholars To Careers

The Avenue Scholars Internship Fair



Avenue Scholars' annual Internship Fair connected over 200 Scholars with local businesses, providing an opportunity to learn about paid internship offerings and engage in networking and career exploration.

Avenue Scholars hosted its annual Internship Fair on January 30. This event is a key component of the program's approach, highlighting the importance of internships in preparing Scholars for their future careers. Twenty-five business partners met with over 200 junior Scholars from Avenue Scholars' partner high schools, providing an opportunity to learn about their paid internship offerings and engage in networking and career exploration.

Scholars demonstrated the career readiness skills they've been working on in the classroom in the lead-up to the fair. They developed confidence in their ability to engage with potential employers through coaching and classroom exercises, like practicing their elevator pitches. As a result, Scholars arrived at the fair ready to share their career interests and aspirations with the businesses.

Perhaps the most significant aspect of the fair is the Scholars' direct access to employment opportunities in high-demand fields. By connecting students directly with local businesses, Avenue Scholars continues to bridge the gap between education and professional opportunity, empowering the next generation of Omaha's workforce.

Avenue Scholars' Internship Fair was **featured on WOWT** and in the **Omaha World Herald** showcasing how the program's partnerships with local businesses are creating impactful career opportunities for students.

Coming Up Next

Avenue Scholars Day, Tuesday, April 15



Like and follow us online to spread the word about Avenue Scholars Day on Tuesday, April 15
#AvenueScholarsDay

Donate Today

Avenue Scholars
2121 N. 117th Avenue, Suite 220
Omaha, NE 68164
avescholars.org

Elevating Scholars

Lindsay Decker <communications@avescholars.org>

Pathway Newsletter

March 2025 Edition

April 15th: More Than Just Tax Day!

Mayor Jean Stothert Declares Avenue Scholars Day

April 15, 2024 was officially titled “Avenue Scholars Day” through a Proclamation by Mayor Jean Stothert in recognition of the commitment and success of the Avenue Scholars program. This year, Mayor Stothert renewed the proclamation for Avenue Scholars Day 2025!

According to the proclamation, “The Avenue Scholars program acts as a vehicle, driving Scholars toward career success by equipping them with the skills and opportunities needed to thrive in today’s workforce—all while supporting them as they rise above challenges they may face along the way. Scholars are prepared for careers through classroom coaching, equipping them with the skills and confidence they need to engage with employers meaningfully. The program helps bridge the gap between education and industry, contributing to the growth of the metro area’s local economy by connecting future workers with high-demand fields, while also equipping students with opportunities to help them with their future careers and economic prosperity.”

We're celebrating Avenue Scholars Day on Social Media with #AvenueScholarsDay! Join in the celebration, posting your own experience and support, and look for posts from Avenue Scholars’ business partners celebrating the success of the program and its Scholars!



Avenue Scholars CEO, Lindsay Decker, center, holds the
Mayoral Proclamation of Avenue Scholars Day, surrounded by staff.

Elevator Speeches

Inspiring Scholars to Make a Lasting Impression



Avenue Scholars seniors practice their elevator speeches in class before attending job interviews.

A key component to the Avenue Scholars program is equipping Scholars with practical, transferable skills that will serve them well beyond the classroom. One specific skill that senior Scholars have been working on is the art of crafting and delivering an effective elevator speech. Scholars were introduced to these brief, persuasive pitches that can be delivered in the time it takes to ride an elevator--typically 30 seconds to a minute. For Scholars, this concise introduction serves as a tool to clearly articulate their unique qualities, experiences, and career aspirations.

College Pathway Contractor Invoice Report

This report is to be completed and submitted, along with an invoice, to receive payment. This document and any additional information shared, serves as supporting documentation for the invoice. NDE staff may reach out if there are any questions or if more information is needed.

Invoice Date: April 1, 2025 - Central Plains

1. Summarize the main activities related to this contract to-date. How are these activities connected to providing educational services to low-income and underrepresented students in high school and postsecondary education?

Central Plains provides educational coaching to youth and young adults age 14-25 all across Nebraska; and has been doing so as a part of our coaching model for over 20 years. Central Plains' coaching model is innovative and effective for all participants and is perfectly suited to a time when a young person's future is yet to be determined. Our educational coaching provides young people with the opportunity to partner with a coach to *assess* their situation; explore their *mindset* around their abilities, potential, and vision; take *action* toward their desired goals, which results in sustainable and *meaningful growth*. Educational coaching is future-focused and centers on the potential of each individual participant while respecting their identity, environment, experiences, values, and beliefs.

Central Plain's coaching model achieves the following educational outcomes:

- Clarity and Direction
- Goal Setting and Achievement
- Improved Self-Confidence and Self-Esteem
- Positive and Trusted Interaction
- Successful Transitions

Central Plains' educational coaching is unique because it is individualized, voluntary, solution-focused, and emphasizes asking young people questions rather than telling them. This helps distinguish our coaching model's approach from other "helping" professions. The foundation of our educational coaching work is regular and meaningful face-to-face contact with participants. We believe monthly in-person coaching is the best and only way to improve individual well-being and improve the educational, economic, and social outcomes of all participants. Furthermore, this allows the young person to review their progress, address challenges and barriers, and celebrate achievements.

The foundation of our educational coaching is the Back on Track evidence-based model, developed by Jobs for the Future, that puts a name and structure to the educational coaching we have been doing for years. The Back on Track (BOT) model includes three phases: preparation, bridging, and first year supports. It lays out steps and expectations for incorporating these phases into our educational coaching with young adults. This is not a separate program, instead this can serve as a guide to more clearly define our educational coaching. It outlines steps and expectations for incorporating these phases into our educational coaching with young students. Through BOT, Central Plains Coaches do the following activities:

- Inquire about youth's individual interests,
- Assess their strengths, and
- Develop goals related to postsecondary pathways

BOT guides coaches in supporting low-income and underrepresented youth through the various and oftentimes complicated processes of completing high school, exploring and accessing various postsecondary options, assisting in the comprehensive steps to enroll in postsecondary programs, and providing support and connection to support and resources when they start a postsecondary program.

Other activities related to this contract provided by Central Plains Coaches during this reporting period include:

- Providing emotional support to eligible students,
- Foster community building and supports,
- Provide FAFSA information and support,
- Provide scholarship information and support,
- Understand of IEP as it relates to post-secondary,
- College entrance and placement exams,
- Offer leadership opportunities,
- Provide incentives to improve postsecondary pathway success, and
- Connecting students to on-campus services and supports

Central Plains approach to youth service delivery and activities ensures low-income and underrepresented students receive the support and encouragement they need to reach their goals through high school and postsecondary opportunities.

2. What has been the impact of the work? (e.g., number of students served, outcomes of participation, etc.)

Student's coaching experience is tailored to each youth's individual vision for a successful transition to adulthood and independence. In order for young people to succeed in education, they must also find stability in the following independent living domains:

- Housing
- Employment and Financial Management
- Education
- Basic Needs
- Relationships/Permanency/Community Connections
- Transportation
- Advocacy and Health (Physical, mental, and wellness)

An important impact of Central Plains' coaching model that specifically relates to this grant proposal is the career and educational coaching provided to each youth we serve. We understand the importance of career and education as it relates to the young person's capacity to support him/herself and their family and achieve self-sufficiency. This spans the entire continuum of early childhood education for the children of participants through post-secondary education and career/vocational pathways for the young person themselves. The impact of education and career coaching is that coaches break down barriers that keep young people economically stagnant due to a lack of access to high-wage, high-demand careers, and affordable education and training opportunities.

Our coaching model's impact offers participants the opportunity to shift their mindset and skillset by making a life free of poverty realistic and achievable. Individuals and families without employment and career

opportunities have limited earning potential and a lower level of long-term career and financial sustainability.

Central Plains impact through the College Pathways grant has reached over 100 young people. Coaches focus their efforts on introducing the idea of post-secondary and support young people through all stages of college preparation and planning. Coaches help high school students make plans for graduation and encourage them to utilize school resources that can help them successfully complete graduation requirements. Conversations about college mean coaches often promote the completion of a student's ACT or other entrance exams like the Accuplacer to ensure that if they choose to go to college, they can successfully enroll in college. Additionally, coaches support youth in getting documentation if they have an Individualized Education Plan (IEP), which can help them gain access to accommodation support while in college. Coaches are mindful that if youth are going to be college-ready, much of that readiness starts at the high school level, meaning coaches work hard to prepare youth for college pathways when they are in high school. Furthermore, coaches assist young people in completing their FAFSA, scholarships, applying for admissions, doing campus visits/tours, connecting with an on-campus advisor and student support services, and much more. Our experience tells us that conversations about a youth's future can go a long way in motivating them in the present.

We currently coach over 1,000 young people and each has access to education and career coaching. Of these young people, 17% have educational goals related to education and college pathways. The impact is tremendous when these young people have the support and expertise to successfully plan for and transition to college. Additionally we have impacted young people through the following activities:

3. What do you want NDE to know about this work?

We believe that geography should not limit the opportunities available to young people. Therefore, it's important to have staff who understand the nuances of secondary and postsecondary processes and culture in various communities across Nebraska, especially given the differences between urban and rural communities. With the variety of postsecondary institutions, programs, and processes, having coaches spread out in different service areas positions them to effectively personalize educational services for youth. Additionally, coaches will travel to meet youth where they are located, regardless of their town, village, or city to make services more accessible and equitable.

The statewide distribution of coaches involved in this grant has allowed for seamless collaboration between coaches, ensuring consistent support for youth. For example, if a rural youth is interested in pursuing a postsecondary program in an urban setting, the rural coach can start that process. Once the youth enrolls in college in an urban area, support can be seamlessly handed over to an urban coach, providing consistent support with local expertise. This approach aims to make the transition into and through college programs consistent and thorough for all youth.

4. Attach any meeting agendas, sample outreach/communication, data, etc., connected to this report (if applicable).

The Central Plain's coaching model takes a collective impact approach to prevention. We collaborate with various partners and stakeholders across Nebraska to support young people, and we everage those partnerships to develop strategies for helping youth access and succeed in college pathways. Our statewide

presence allows us to use existing community partnerships to provide support and strategies that can help us achieve educational pathways for youth. Additionally, Nebraska utilizes a Central Navigation and Common Referral Form system, which serves as a streamlined, one-stop-shop approach for youth and families needing services to connect with resources and services, such as those provided by Central Plains. This statewide collaborative and prevention system provides a simple, barrier-free approach for youth and young adults facing challenges who are interested in connecting with one of our coaches. Our coaches can then work with youth, build relationships, identify strengths, and help them set goals to transform their lives and thrive. This includes assisting youth in pursuing postsecondary educational pathways to increase career opportunities and wages and escape poverty. Whether a referral comes directly to us or from Central Navigation, once we receive it, youth are enrolled in our services within one business day, laying the groundwork for them to connect to college pathways.

College Pathway Contractor Invoice Report

This report is to be completed and submitted, along with an invoice, to receive payment. This document and any additional information shared, serves as supporting documentation for the invoice. NDE staff may reach out if there are any questions or if more information is needed.

Invoice Date: April 15, 2025 - College Possible

1. **Summarize the main activities related to this contract to-date. How are these activities connected to providing educational services to low-income and underrepresented students in high school and postsecondary education?**

College Access

Junior Programming:

Eleven (11) College Access coaches provided programming to high school juniors at each of our nine (9) partner high schools. Initial program included exploring their motivation to join College Possible and wanting to become a college graduate; exploring their values, personality, and strengths, and reflecting on aligning these with their college and career goals; general introduction to the ACT; navigating The Princeton Review® test preparation platform/portal, introduction to the process of developing Top 5 college/university lists; understanding the different components of a "strong" college application i.e. essays, résumés, letters of recommendation, etc.; applying to "high school junior" eligible scholarships; reviewing and applying for summer programs and opportunities; and continuing to draft college essays and activities résumés .

Senior Programming:

Ten out of eleven (10 out of 11) College Access coaches provided programming to high school seniors at eight out of nine (8 out of 9) partner high schools. **NOTE***: Omaha Westview High School is a new College Possible Omaha partner high school for the 2024-2025 program year and is currently recruiting high school juniors only.* College applications, FAFSA submissions/completions, and scholarships have been a major priority for College Possible high school seniors and coaches. Unlike last program year (2023-2024), students/families have faced less issues as it relates to submission/completion of the FAFSA form which hopefully, is directly reflected in end-of-year FAFSA submission/completion rates. With that being said, curriculum/programming in which our coaches provided to their high school senior students for January 2025 - March 2025 included the following: getting involved with on-campus and off-campus activities; learning what resources exist on campus and mapping them out; continuing to complete scholarship/college/FAFSA applications; exploring housing and family/friend commitments; discussing transitioning to a new environment i.e. college campus; creating a college success plan; and with guidance/assistance from coaches, analyzing financial aid offers and exploring the following: net price, student loans, and financial gaps.

Aspirational/Inspirational Happenings: *College Experience Panels* were hosted at 5 of our 9 partner high schools including Ralston High School, Omaha Westview High School, Papillion-LaVista High School, Bellevue East High School, and Millard South High School during the reporting period: January 2025 – March 2025. The purpose of these is to provide College Possible students with an overview of what to expect when they first step on a college campus and how to establish a well-defined pathway for their collegiate journey. These informational sessions prepare rising college freshmen for those first challenging weeks of acclimating to the higher education landscape while also providing strategies for building community, accessing resources, and setting themselves up for continued success.

Scholarships: College Access leadership team members (along with the support of coaches and the College Possible Advancement Team) developed for the 2024-2025 program year, its inaugural *College Possible "Fund Your Future" Scholarship Campaign and Initiative*. The campaign/initiative carries the purpose/focus on the post-secondary cost of attendance and providing resources/access to students in the form of scholarships, grants, internships, etc. (local, regional, and national).

Below are several sub-initiatives that are deemed **completed/ongoing** for the current reporting period – January 2025 – March 2025:

- *College Access Coach Benchmark*: Assisting each high school junior/senior in applying to a minimum of two (2) scholarships per month beginning September 2024 through May 2025. (ONGOING)
- *College Access Student Milestone*: Applying to a minimum of two (2) scholarships per month beginning September 2024 through May 2025. (ONGOING)
- *College Possible Omaha Financial Aid Database* – streamlined scholarship database created October 1, 2024 and access provided to coaches and students throughout 2024-2025 program year; updated weekly. (ONGOING)
- *Scholarship Readiness Checklists* – created and provided checklists to students including steps to prepare for scholarship applications i.e. do your research; gather information/prepare documents; requests letters of recommendation; complete personal statements/scholarship essays; etc. (COMPLETED/ONGOING)
- *Mo' Money Monday e-Newsletters* – disseminated 1*st* and 3*rd* Monday of every month beginning November 4, 2024 through May 19, 2025; includes scholarship tips and Top 3 scholarships that are due that month. (ONGOING)
- *"Fund Your Future" Scholarship Tracker (by school)* – created (November 2024) to track number of scholarships applied to by students by high school partner at the following high schools – Omaha Westview High School, Omaha South Magnet High School, Omaha North High School, Omaha Northwest High School Magnet, Benson High School Magnet, Bellevue East High School, Papillion-LaVista High School, Ralston High School, and Millard South High School. (ONGOING)
- *College Possible "Fund Your Future" Dollars for Scholars Day* – held Saturday, February 22, 2025 at the College Possible Omaha office – open to the public. An event (and pointed effort) to support students and their families as it relates to financial aid (FAFSA), scholarships, and lessening the financial gaps experienced by students seeking (and pursuing) a post-secondary education. (COMPLETED)
- *"Fund Your Future" High School Tour* – College Access Leadership Team members will host scholarship-specific tabling during lunch periods (or scheduled panels) at each partner high school which will include assisting students in applying for "quick" scholarships at table; providing scholarship readiness checklists; passing out snacks/College Possible SAWG/scholarship resources; etc. (ONGOING)

College Success

Coaches delivered curriculum to students based upon the following segments:
First Time in College
January Foundation Coaching Topic: Choosing a Major – College Finances
February Foundation Coaching Topic: Choosing a Major – College Finances
March Foundation Coaching Topic: Choosing a Major – College Finances

Core Years

January Foundation Coaching Topic: Skills Development – Experiential Learning
February Foundation Coaching Topics: Skills Development – Experiential Learning
March Foundation Coaching Topics: Skills Development – Experiential Learning

Approaching Graduation
January Foundation Coaching Topic: Career Planning and Loans
February Foundation Coaching Topic: Career Planning and Loans
March Foundation Coaching Topics: Career Planning and Loans

2. **What has been the impact of the work? (e.g., number of students served, outcomes of participation, etc.)**

11 AmeriCorps members serving as Access coaches provided weekly programming/curriculum to 175 high school juniors and 158 high school seniors. Access Coaches hosted one two-hour group session per week for 12 week reporting period. Juniors were required to attend at least one group session per month. Access coaches also facilitated 1:1 one-hour meetings with high school juniors for a total of 525 hours for the reporting period. In terms of guided 1:1s (one hour in length): 474 hours minimum with each high school senior attending at least one (1) guided 1:1 per month during the reporting period. NOTE: During the Spring, high school seniors do not attend group sessions, as they receive that portion of programming during the Fall.

7 AmeriCorps members serving as Success coaches provided programming/curriculum to 1,119 college students. During the reporting period Success Coaches completed 1,078 successful activities, communications, or conversations; they had an additional 784 attempted contacts; and 351 1:1 conversations.

2025-2026 FAFSA

As of March 31, 2025:

80% of College Possible high school seniors had submitted their FAFSA. 46% of these students had received their FAFSA Submission Summary.

46.5% of College Success students have submitted their FAFSA.

Scholarship Support

As of March 31, 2025 The Fund Your Future initiative has resulted in College Possible Access Students submitting more than 580 scholarship applications totaling $3 million. Of those 580 applications, $2.7 million in scholarships have been awarded.

College Applications Submitted (applied to) – *as of March 31, 2025*: Class of 2025 (high school seniors) have applied to 479 unique colleges/universities. **NOTE**: This value does not include any decision statutes i.e. accepted, declined, waitlisted, unknown, deferred, etc.

College Experience Panels – 365 students attended the panels at five of our nine high school partners. Sixteen current college students and eight university educators volunteered a total of 24 hours in support of the panels.

3. **What do you want NDE to know about this work?**

The mission, vision and purpose of College Possible is multifaceted, but it primarily centers around increasing college access and success for students from low-income backgrounds:

Increased College Enrollment: College Possible aims to significantly increase the number of students from low-income backgrounds who enroll in college.

Improved College Persistence and Graduation: Beyond just getting students into college, we focus on providing support to ensure students stay in college and persist to degree attainment.

Each student's journey is their own: Coaches are trained to adapt to each individual student's needs.

Long-Term Economic and Social Impact: By increasing college attainment, College Possible aims to contribute to long-term economic and social benefits for both the students and their communities. This includes increased earning potential, improved quality of life, and a more educated workforce.

Overall, College Possible is committed to providing the tools, strategies and support students need to achieve their college dreams and unlock their full potential.

4. **Attach any meeting agendas, sample outreach/communication, data, etc., connected to this report (if applicable).**

Please see the attached documents

Sample Email Communications

Dollars for Scholars Day Promotion

EMAIL #1 - Mock ACT RSVP Email Template

Good afternoon, Juniors!

As you know, you've been given access to your Princeton Review ACT test prep resources (be sure to let me know if you didn't receive the email!) As we gear up for the real deal that you will take at school, we want everyone to feel as prepared as possible by taking our own virtual mock ACT on **Saturday, March 1**.

Why do we do a mock ACT?

- Taking a mock ACT gives you a **baseline score** and helps you set a goal for improvement.
- Taking a mock ACT provides a chance to **practice focusing** for the 3 hours needed for the test. Focus is a muscle that improves with time.
- Taking a mock ACT helps the real deal feel more familiar - which **lessens test anxiety**.

On **Saturday, March 1st,** all Omaha College Possible 11th graders will take part in our virtual mock ACT. The test will start promptly at 10am and will end around 1pm. The test will take place virtually and will be proctored via Teams. I will be *proctoring* your test - in other words, I'll keep track of the time, watch everyone take the test and ensure everything goes smoothly.

FREQUENTLY ASKED QUESTIONS:

- WHAT TIME SHOULD I LOG INTO THE MOCK TEST?
    - Please be logged into the Teams link by 9:50am. **Please come already logged into your Princeton Review account.**
- WHERE DO I GO TO TAKE THE MOCK TEST?
    - This mock ACT is completely virtual using your Princeton Review Material- so you can stay at home and take the exam from your own device. If possible, please find a place where you can focus without interruption, and let your family and friends know that you are taking the mock exam.
- WHAT SORT OF DEVICE DO I NEED TO TAKE THE MOCK ACT?
    - A laptop or tablet is highly recommended, and internet connection will be necessary to access the exam - if you do not have access to these, let me know.

More details, such as what to expect, what to bring, and how to prepare will be sent out the week before the exam.

What we need from you right now is to RSVP using the form below. **Please fill out the following form by Friday, February 14**.

↓RSVP HERE↓

Thank you and reach out if you have any questions!

[your signature]

EMAIL #2 - Mock ACT Instructions Email Template

Hi College Possible Juniors,

This Saturday (March 1st) is our Virtual Mock ACT! This email is to pass along some additional information that you'll need to prepare, and take, the exam with us.

PREPARING FOR THE EXAM:

Don't worry about studying for Saturday's test. This is just a baseline ACT - meaning a mock test to see what your score would be if you were to take the exam today.

In every other way, prepare for the exam as if it were the real thing. This means letting family/friends know you will be unavailable, preparing your materials, getting a good night's sleep the night before, and starting your day with a good breakfast.

PREPARING MATERIALS:

For the mock test, you will need a **device that can access the internet** (a laptop or tablet is strongly preferred), a **charging cable** for that device, a **calculator**, **scratch paper** and a **pen/pencil**. Try and find a quiet place in your house where you can work on the test uninterrupted, if possible. Your phone should be placed on silent and should not be on your person, just as you would not be allowed to have it during the actual ACT.

This week, **be sure and log into your Princeton Review account** to ensure your login works correctly. If you have trouble logging in, reach out to me.

THE DAY OF THE TEST:

As mentioned above, get a good night's sleep and eat a hearty breakfast before you settle in for the test. Have your scratch paper, writing utensil, and calculator on hand - and have your device plugged in. There is only one break during the test, so be sure to use the restroom before the exam begins.

Please log into the Teams meeting 10 minutes prior to the exam start time (so around 9:50am) and be logged into your Princeton Review account. I will provide instructions on how to get the test ready to start.

Promptly at 10am, I will begin your exam. Follow my proctoring instructions closely. You should be done at roughly 1:15pm.

If you have not yet RSVPed for this exam, please do so here**.**

Below is the link you will click at 9:50am on Saturday to join the virtual mock ACT.

↓Here is the link to join the virtual exam↓

[insert link here]

If you have any questions in the leadup to our mock ACT, please reach out!

[your signature]

Sample Email to Unenrolled College Possible Student

Name,

Your journey is uniquely yours, and wherever you are right now, College Possible Omaha is here to support you:

Not sure if pursuing a degree is right for you? That's okay.

Uncertain about your next steps? Let's figure it out together.

Want to explore degree options without making a big commitment? We've got your back.

Ready to earn that degree but unsure where to begin? We're here to help.

Whatever your goals or questions, we're here to guide you. Reach out to our team anytime at OMAInfo@CollegePossible.org – connecting with us is simple and stress-free.

We can't wait to hear from you!

The College Possible Omaha Team


COLLEGE POSSIBLE OMAHA
DOLLARS FOR SCHOLARS DAY
A SCHOLARSHIP AND FAFSA WORKSHOP
WHY ATTEND?
FAFSA ASSISTANCE
WIN GIVEAWAYS
SCHOLARSHIP GUIDANCE
REFRESHMENTS PROVIDED
EXPERT ESSAY HELP
Transportation assistance is available and can be found in the RSVP form.
DETAILS
SATURDAY, FEBRUARY 22, 2025
10 A.M. TO 2 P.M.
COLLEGE POSSIBLE OMAHA
900 SOUTH 74TH PLAZA,
SUITE 200
OMAHA, NE 68114
RSVP NOW

AVENUE SCHOLARS

2121 N. 117th Avenue, Suite 220
Omaha, NE 68164
Telephone: 402.916.9777
Fax: 402.614.5977
www.avescholars.org

Friday, May 23, 2025

Dear Ms. Vargas,

I hope this note finds you well. I wanted to take a moment to personally thank you and the Nebraska Department of Education for your support of Avenue Scholars. The funding we've received has made a significant and tangible difference for our program, our team, and most importantly, the students we serve—whom we proudly refer to as *Scholars* to reflect the potential, purpose, and promise they carry.

Your support has helped us expand our reach and deepen our impact in ways that would not have been possible otherwise. From growing our high school footprint across the metro area to offering new summer boot camps and career-readiness programming, this funding has been instrumental in opening doors and creating real opportunities for our Scholars.

Given the collective impact we've made through our collaboration with the Nebraska Department of Education, we would be honored to be considered for another round of funding to continue building on this important work.

I'd love to share a few of the exciting ways this investment has helped us grow our ability to serve students, and some of the outcomes we're seeing as a result.

Thank you again for your partnership and commitment to student success.

With gratitude,

Lindsay Decker
Chief Executive Officer
Avenue Scholars

AVENUE SCHOLARS

2121 N. 117th Avenue, Suite 220
Omaha, NE 68164
Telephone: 402.916.9777
Fax: 402.614.5977
www.avescholars.org

While our upcoming annual report will provide a comprehensive overview of this year's accomplishments, we want to take a moment to highlight a few major wins and preview some exciting opportunities we've built for the year ahead.

1. **High School Program Expansion**
   Avenue Scholars is expanding its reach and will deepen its impact. In the fall of 2025, we will be expanding into four new high schools: Omaha South, Westview, Bellevue West, and Elkhorn. This brings our total to 13 high schools across seven districts. This growth, alongside new summer boot camps and expanded career-readiness programming, has been instrumental in opening doors and creating real workplace opportunities for our Scholars.
   - We anticipate serving 810 active participants by August 2025.

2. **Boot Camp Growth**
   In response to our high school expansion and the growing popularity of our summer boot camps, we significantly expanded our June programming. This year includes one Skilled Trades camp and two Transportation camps in partnership with Metropolitan Community College. We also introduced our first Healthcare Boot Camp in collaboration with Clarkson College and Nebraska Medicine. These boot camps help Scholars build both hard and soft skills, including technical knowledge, communication, teamwork, and professionalism. As a result, they enter internships and other employment opportunities more well-rounded and prepared to succeed.
   - This expansion represents a 24% increase in available seats, allowing 72 Scholars to participate in immersive career exploration and awareness experiences over four weeks, while getting paid for their participation.

3. **Degree and Certification Completion**
   In May, 50 Scholars graduated from Metropolitan Community College. We were especially proud of Scholar Aliyah Bollig, who delivered the commencement address.
   - Since August 1, 2024, 53 Scholars have completed Associate Degrees, and at least 70 additional certifications have been awarded. Avenue Scholars Career Coaches are still verifying and updating data through the end of May.

Looking ahead to the 2025–26 school year, we're excited to welcome a larger cohort of Scholars, including students from two additional school districts. This growth will allow us to host more Career Awareness events and expand our business partner recruitment across new areas of the Omaha metro.

Our Career Services Team, who specializes in postsecondary education and workforce training, is also piloting a refreshed summer program that includes four work-readiness skill workshops in July. In June, they will meet individually with each Scholar to ensure they are fully prepared to transition into college, certification programs, or employer-sponsored training with the skills needed for long-term success.

AVENUE SCHOLARS

2121 N. 117th Avenue, Suite 220
Omaha, NE 68164
Telephone: 402.916.9777
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www.avescholars.org

Finally, we've launched a new partnership with Goodwill Omaha and will pilot a CNA training class for 12 Scholars, alongside our traditional summer class with Fulton Education Center. This expansion will double the number of CNA training seats and help at least 22 Scholars earn their certifications by August 2025.

DR. BRIAN L. MAHER, COMMISSIONER
TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

PROPOSED AGENDA ITEM RATIONALE

DATE: May 5, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Lindy Foley, Office Administrator, Nebraska VR

PROPOSED AGENDA ITEM:
Authorize the Commissioner to approve a lease renewal between the Department of Administrative Services (DAS), State Building Division, and the Nebraska Department of Education, Nebraska VR, for office space at 1212 W Benjamin Ave., Norfolk, NE for the period of 1/1/25-4/30/35.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Lease Renewal

RATIONALE/BACKGROUND INFORMATION:
This is a renewal of a lease for the Nebraska VR Norfolk field office at 1212 W. Benjamin Ave., Norfolk, NE. DAS negotiated the renewal of the lease for 1/1/25-4/30/35. Nebraska VR leases 7,350 sq. ft.

PROPOSED BOARD MEETING (MONTH/YEAR): June, 2025

ESTIMATED COST:

See Rent Table on page 2.

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: *(--e.g., Federal, State) Nebraska VR: State Vocational Rehabilitation funds/Federal Vocational Rehabilitation funds*
- New or Renewal: Renewal
- If renewal, date of first approval: 7/1/15

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: N/A
- Rationale for method of procurement: N/A
- Rationale for contractor selection: N/A

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

**Updated 08.15.2023*

Term Dates	SF	Rate PSF	Annual Rent	Monthly Rent	Annual 2% Admin Fee	Monthly 2% Admin Fee	Monthly Billing
January 1, 2025 - April 30, 2025	7,350	**$10.50**	**$77,175.00**	**$6,431.25**	**$1,543.50**	**$128.63**	**$6,559.88**
May 1, 2025 - April 30, 2026							
Rent	7,350	$13.21	$97,093.50	$8,091.13	$1,941.87	$161.82	$8,252.95
TI Payment		$4.42	$32,461.44	$2,705.12	$649.23	$54.10	$2,759.22
Total:		**$17.63**	**$129,554.94**	**$10,796.25**	**$2,591.10**	**$215.92**	**$11,012.17**
May 1, 2026 - April 30, 2027							
Rent	7,350	$13.47	$99,035.37	$8,252.95	$1,980.71	$165.06	$8,418.01
TI Payment		$4.42	$32,461.44	$2,705.12	$649.23	$54.10	$2,759.22
Total:		**$17.89**	**$131,496.81**	**$10,958.07**	**$2,629.94**	**$219.16**	**$11,177.23**
May 1, 2027 - April 30, 2028							
Rent	7,350	$13.74	$101,016.08	$8,418.01	$2,020.32	$168.36	$8,586.37
TI Payment		$4.42	$32,461.44	$2,705.12	$649.23	$54.10	$2,759.22
Total:		**$18.16**	**$133,477.52**	**$11,123.13**	**$2,669.55**	**$222.46**	**$11,345.59**
May 1, 2028 - April 30, 2029							
Rent	7,350	$14.02	$103,036.40	$8,586.37	$2,060.73	$171.73	$8,758.09
TI Payment		$4.42	$32,461.44	$2,705.12	$649.23	$54.10	$2,759.22
Total:		**$18.44**	**$135,497.84**	**$11,291.49**	**$2,709.96**	**$225.83**	**$11,517.32**
May 1, 2029 - April 30, 2030							
Rent	7,350	$14.30	$105,097.13	$8,758.09	$2,101.94	$175.16	$8,933.26
TI Payment		$4.42	$32,461.44	$2,705.12	$649.23	$54.10	$2,759.22
Total:		**$18.72**	**$137,558.57**	**$11,463.21**	**$2,751.17**	**$229.26**	**$11,692.48**
May 1, 2030 - April 30, 2031							
Rent	7,350	**$14.58**	**$107,199.07**	**$8,933.26**	**$2,143.98**	**$178.67**	**$9,111.92**
May 1, 2031 - April 30, 2032							
Rent	7,350	**$14.88**	**$109,343.05**	**$9,111.92**	**$2,186.86**	**$182.24**	**$9,294.16**
May 1, 2032 - April 30, 2033							
Rent	7,350	**$15.17**	**$111,529.91**	**$9,294.16**	**$2,230.60**	**$185.88**	**$9,480.04**
May 1, 2033 - April 30, 2034							
Rent	7,350	**$15.48**	**$113,760.51**	**$9,480.04**	**$2,275.21**	**$189.60**	**$9,669.64**
May 1, 2034 - April 30, 2035							
Rent	7,350	**$15.79**	**$116,035.72**	**$9,669.64**	**$2,320.71**	**$193.39**	**$9,863.04**

State Board of Education Work Session and Business Meeting.

Thursday-Friday April 3-4, 2025

Nebraska Department of Education, State Board Room, 500 S 84th Street, Lincoln, NE 68508

Link to Agenda and Attachments

Link to Video of Meeting April 4, 2025

Publicized notice of the business meeting was given by posting notice on the Department's website and emailed to news media requesting notification, which gave the date, time, and location of the meeting.

STATE BOARD WORK SESSION, Thursday, April 3, 2025, 10:30 a.m.

1. CALL TO ORDER

President Tegtmeier called the meeting to order at 10:31 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Deborah Neary	Elizabeth Tegtmeier	Kristin Christensen
Lisa Schonhoff	Liz Renner	Maggie Douglas
Sherry Jones		

Commissioner Maher was also in attendance.

Absent: Kirk Penner

President Tegtmeier led the Pledge of Allegiance.

1.2. President Tegtmeier announced the placement of the Open Meetings Act.

2. BUSINESS

2.1. Information on Statewide Accountability System

NDE Representative, Derek Ippensen, presented to the State Board Members on the Statewide Accountability System.

3. ADJOURNMENT

President Tegtmeier adjourned the meeting at 11:15 a.m.

The State Board of Education will reconvene Friday, April 4, 2025, at 9:00 a.m. at Nebraska Department of Education, State Board Room, 500 S 84th Street, Lincoln, NE 68508.

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STATE BOARD OF EDUCATION MEETING, Friday, April 4, 2025, 9:00 a.m.

1. **CALL TO ORDER –** President Elizabeth Tegtmeier called the meeting to order at 9:00 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Deborah Neary	Elizabeth Tegtmeier	Kirk Penner
Kristin Christensen	Lisa Schonhoff	Liz Renner (arrived at 9:02 a.m.)
Maggie Douglas	Sherry Jones	

Commissioner Maher was also in attendance.

1.2. President Tegtmeier led the Pledge of Allegiance.

1.3. President Tegtmeier announced the placement of the Open Meetings Act.

2. SPECIAL PRESENTATIONS

2.1. Special Presentation and Resolution to Proclaim April 2025 as the Month of the Military Child and April 23, 2025, as "Purple Up! For Military Kids Day"

NDE Representative, Derek Ippensen, introduced Nebraska School Liaisons Tina Luderman and Jenni Miller, who assist families when they arrive at Offutt Air Force Base that have military connections.

Motion by Lisa Schonhoff, second by Liz Renner to Proclaim April 2025 as the Month of the Military Child and April 23, 2025, as "Purple Up! For Military Kids Day" and to adopt the resolution.

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

2.2. Resolution Declaring April 30, 2025, "Apprenticeship Day"

NDE Representative, Lane Carr, provided information on the Nebraska teacher apprentices and the purpose of this resolution.

Motion by Kristin Christensen, second by Liz Renner to adopt the Resolution Declaring April 30 "Apprenticeship Day"

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes

DRAFT

Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

3. COMMISSIONER'S REPORT

3.1. Agenda Overview and Consent Agenda Process

3.1.A. Commissioner Maher's recommendation and items to be removed from consent agenda

Agenda Item 6.4.B. was requested to be removed from the Consent Agenda.

Commissioner Maher delivered the Commissioner's report.

3.2. Nebraska Teacher of the Year Quarterly Report

NDE Representative, David Jespersen, introduced Lindsey Wilson, 2025 Nebraska Teacher of the Year, Bennington Middle School, Bennington, Nebraska. Lindsey provided an update on the activities she has been involved with as Teacher of the Year.

4. PRESIDENT'S REPORT

President Tegtmeier did not have a report.

5. PUBLIC COMMENT PERIOD

5.1. Public Comment

Julia Catton spoke in support of changes to Rule 24 for theater and speech education.

Dr. LeDonna Griffin spoke on reading.

Leo Louis II spoke on student discipline in the education system.

Mary Beth Heavrin spoke on the ACFR Audit, the behavioral model policy, and the live stream Board Meetings on YouTube.

5.2. Written Public Comment

There was one Written Public Comment submitted.

President Tegtmeier called for a break at 10:00 a.m. The meeting resumed at 10:15 a.m.

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6. CONSENT AGENDA

Motion by Deborah Neary, second by Kristin Christensen to approve the Consent Agenda without agenda item 6.4.B.

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

7. STANDING COMMITTEE REPORTS

7.1. **Executive Committee** – Elizabeth Tegtmeier, Chair, reported on the meeting of the Committee.

7.1.A. Discussion Item: Review 2025 Proposed State Legislation

There was no further discussion on this item.

7.2. **Budget and Finance Committee** – Kristin Christensen, Chair, reported on the meeting of the Committee.

7.2.A. Monthly Board Travel Expense Report

There was no further discussion on this item.

7.2.B. Action Item: School Emergency Response Mapping Grant

Motion by Kristin Christensen, second by Kirk Penner to approve the funding recommendations for the school emergency response mapping grant.

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

7.2.C. Action Item: Contract for Repair and Maintenance Expenses at the Nebraska Center for the Education of Children Who are Blind or Visually Impaired (NCECBVI)

DRAFT

Motion by Kristin Christensen, second by Kirk Penner to authorize the Commissioner to contract for repair and maintenance expenses at the Nebraska Center for the Education of Children Who are Blind or Visually Impaired (NCECBVI).

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

7.2.D. Action Item: Contracts and grants to Carry out the Nebraska Statewide Educational Programs and Support Services for Children who are Deaf or Hard of Hearing

Motion by Liz Renner, second by Kristin Christensen to authorize the Commissioner to contract and carry out grant activity for the Nebraska Statewide Educational Programs and Support Services for Children who are Deaf or Hard of Hearing.

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

7.2.E. Action Item: Contract for the Child, Program, and Family Outcomes Measurement System

Motion by Kirk Penner, second by Kristin Christensen to authorize the Commissioner to contract for the Child, Program, and Family Outcomes Measurement System.

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

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7.2.F. Action Item: University of Nebraska – Lincoln Words Project Funding

Motion by Maggie Douglas, second by Kristin Christensen to authorize the Commissioner to fund the UNL Words Project with IDEA funds.

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

7.2.G. Action Item: 2024 Annual Comprehensive Financial Report (ACFR) Audit

NDE Representative, Bryce Wilson, explained the misappropriation noted by the auditors.

Motion by Maggie Douglas, second by Kristin Christensen to accept the 2024 Annual Comprehensive Financial Report (ACFR) Audit.

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

7.2.H. Discussion Item: Discuss Nebraska Improvement Grant

There was no further discussion on this item.

7.3. **Planning and Evaluation Committee Report** – Lisa Schonhoff, Chair, reported on the meeting of the Committee.

7.3.A. Action Item: Nebraska Council on Teacher Education (NCTE) Organizational Policies

Motion by Lisa Schonhoff, second by Kirk Penner to approve the revised NCTE Organizational Policies, to take effect July 1, 2025.

Board Members discussed the changes made, filling seats with non-NSEA appointments and asked NDE Representative about the difficulty of filling the two NDE State Board appointed positions.

Deborah Neary	No
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	No

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Lisa Schonhoff	Yes
Liz Renner	No
Maggie Douglas	No
Sherry Jones	Yes

The motion was lost.

7.3.B. Action Item: Plans of Correction for Rule 10, 14, and 18 School Systems and Interim Program Schools

Motion by Deborah Neary, second by Lisa Schonhoff to approve Plans of Correction for Rule 10, 14, and 18 School Systems and Interim Program Schools.

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

7.3.C. Action Item: Approve Nonpublic Schools for 2025-2026

Motion by Sherry Jones, second by Kirk Penner to approve Nonpublic Schools for 2025-2026.

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

7.3.D. Action Item: Approve Interim-Program Schools for 2025-2026

Motion by Kirk Penner, second by Liz Renner to approve Interim-Program Schools for 2025-2026.

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

DRAFT

7.3.E. Action Item: Pilot Process for Cooperating Teacher Qualifications in the Area of World Language

Motion by Kristin Christensen, second by Liz Renner to approve the Pilot Process for Cooperating Teacher Qualifications in the Area of World Language.

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

7.3.F. Action Item: Model Behavior Intervention Policy

Motion by Liz Renner, second by Kristin Christensen to approve the NDE Model Behavior Intervention Policy.

NDE Representative, Zainab Rida, provided an explanation of what a buddy is per the policy and the process.

Deborah Neary	Yes
Elizabeth Tegtmeier	Yes
Kirk Penner	Yes
Kristin Christensen	Yes
Lisa Schonhoff	Yes
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	Yes

The motion passed.

7.3.G. Discussion Item: Rule 11 Teacher Waiver Request from Lincoln Public Schools

7.3.H. Discussion Item: Rule 11 Teacher Waiver Request from Fullerton Public Schools

Board Members discussed agenda items 7.3.G. and 7.3.H. and asked that the Rules and Regulations committee discuss Rule 11 for revisions to the shortage of certified teachers in the birth to three-year-old area. President Tegtmeier, per previous Committee notes, provided that an initial draft is proposed to be brought late spring.

7.3.I. Discussion Item: Accreditation of Public and Non-Public Rule10 School Systems for 2025-2026.

There was no further discussion on this item.

7.3.J. Discussion Item: Accreditation of Nebraska Educational Service Units for 2025-2026.

There was no further discussion on this item.

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7.3.K. Discussion Item: Priority School Designation Process

There was no further discussion on this item.

7.3.L. Discussion Item: Isanti Elementary School Priority School Status

Board Members discussed the data received.

7.4. **Rules and Regulations Committee** – Maggie Douglas, Chair reported on the meeting of the Committee.

7.4.A. Report on Rules

The report on rules is linked through Sparq in Board Agenda item 7.4.A.

8. ADDITIONAL BUSINESS

6.4.B. Continuation Grant for Child Development Associate (CDA) Credential Navigator

Motion by Deborah Neary, second by Kristin Christensen to approve the Continuation Grant for CDA Credential Navigator.

NDE Representative, Melody Hobson, provided the process for a Child Development Associate (CDA) prior to the Credential Navigator and that the funds were part of the Respect grant, funded by the Buffett Early Childhood Institute.

Deborah Neary	Yes
Elizabeth Tegtmeier	No
Kirk Penner	No
Kristin Christensen	Yes
Lisa Schonhoff	No
Liz Renner	Yes
Maggie Douglas	Yes
Sherry Jones	No

The motion is lost.

9. INFORMATION ITEMS AND REPORTS

Information items and reports are linked through Sparq under Board Agenda item 9.

10. GOOD OF THE ORDER

President Tegtmeier spoke that this is the season of the Career and Technical Organizations State Conventions. Future Farmers of America (FFA) members are in Lincoln this week.

Board Member Jones added that Skills USA is in Grand Island next week.

11. ADJOURNMENT

President Tegtmeier adjourned the meeting at 11:15 a.m.

The next meetings of the State Board of Education are scheduled for June 5 and 6, 2025, in Lincoln, Nebraska.

DRAFT

DR. BRIAN L. MAHER, COMMISSIONER
TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

PROPOSED AGENDA ITEM RATIONALE

DATE: May 27, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Troy L. Hawk
Legal Counsel

PROPOSED AGENDA ITEM: Adjust Boundaries for Education Service Units No. 6 and 18

AGENDA ITEM TYPE: Other

RATIONALE/BACKGROUND INFORMATION:

- The boundaries for Educational Service Unit Numbers 6 and 18 currently do not align with the boundaries of their member school districts of said educational service units in Lancaster County for the reason that the City of Lincoln annexed territory that was within the boundaries of Lancaster County School District No. 145 (Waverly School District 145), Lancaster County School District No. 148 (Malcolm Public School District 148) and Lancaster County School District No. 160 (Norris Public School District)
- Pursuant to Neb. Rev. Stat. Sections 79-408 and 79-475 said territories became part of Lancaster County School District No. 1 (Lincoln Public Schools).
- Pursuant to Neb. Rev. Stat. Section 79-1205, the Board is required to adjust the boundaries of educational service units which do not align with the boundaries of member school districts as such school district boundaries exist on August 1, 2025.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $0

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

IN THE MATTER OF:	)	**ORDER**
	)	Case No. 25-24
Adjustment of the Boundaries of Educational Service Unit Numbers 6 and 18	)	

On June 6, 2025, the State Board of Education (Board) met at 500 S. 84th Street, Lincoln, Nebraska. Pursuant to Neb. Rev. Stat. Section 79-1205, the Board is required to adjust the boundaries of educational service units which do not align with the boundaries of member school districts as such school district boundaries exist on August 1, 2025.

The Board finds that the boundaries for Educational Service Unit Numbers 6 and 18 currently do not align with the boundaries of their member school districts of said educational service units in Lancaster County for the reason that the City of Lincoln annexed territory that was within the boundaries of Lancaster County School District No. 145 (Waverly School District 145), Lancaster County School District No. 148 (Malcolm Public School District 148) and Lancaster County School District No. 160 (Norris Public School District), and pursuant to Neb. Rev. Stat. Sections 79-408 and 79-475 said territories became part of Lancaster County School District No. 1 (Lincoln Public Schools).

Therefore, the Board adjusts the boundaries of Educational Service Unit Number 18 to align with the school district boundaries of Lancaster County School District No. 1 (Lincoln Public Schools), and adjusts the boundaries of Educational Service Unit Number 6 to align with the school district boundaries of Lancaster County School District No. 145 (Waverly School District 145), Lancaster County School District No. 148 (Malcolm Public School District 148), and Lancaster County School District No. 160 (Norris Public School District) as such school district boundaries

exist on August 1, 2025.

The County Clerk, Treasurer, and Assessor of Lancaster County are directed to implement the necessary changes in the educational service unit maps and tax records as required pursuant to this order and applicable law, with an effective date of August 1, 2025. A copy of this order shall also be provided to the appropriate educational service unit officials and to the Election Division in the office of the Secretary of State.

Dated this _____ day of June 2025.

_____
Elizabeth Tegtmeier, President
State Board of Education

Lincoln Educational Service Unit No. 18

P.O. Box 82889 • Lincoln, NE 68501 • (402) 436-1636 • Fax (402) 458-3285

#01 FILED D.H.

MAY 16 2025

NEBRASKA DEPARTMENT
OF EDUCATION

25-24

May 15, 2025

State Board of Education
Lincoln, NE

State Board:

Pursuant to Section 79-1205, Educational Service Unit 18 is requesting that its boundaries be adjusted so that the boundaries match those of Lancaster County School District 001.

Please contact Kim Schmidt at 402-436-1708 if you need any additional information.

Sincerely,

Takako W. Olson

Dr. Takako Olson
ESU 18 Administrator

City of Lincoln Annexation & Affected LPS Boundaries

Assigned LPS Schools
- Maxey Elementary School
- Lux Middle School
- East High School

LPS School Board District
- District 6

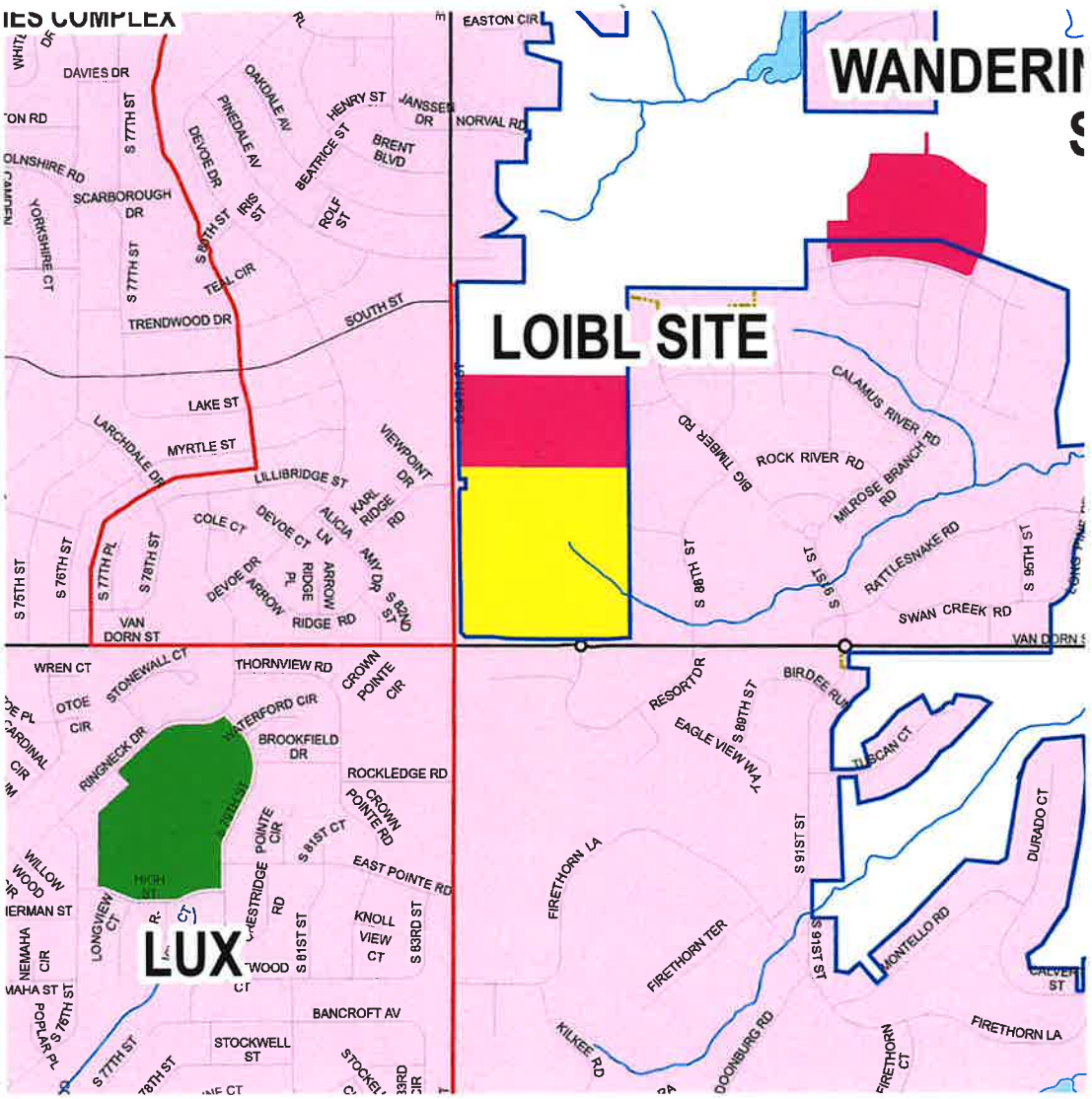
City of Lincoln Information

Annexation Number:	24001
Ordinance Number:	21693
Name:	S 84th St & Van Dorn St
Effective:	December 30, 2024
Size:	37.43 Acres

Previous School District
#145 - Waverly

- Area of Annexation
- LPS District Boundary
- Lincoln City Limits
- Elementary Attendance Area
- High School Attendance Area
- Middle School Attendance Area





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City of Lincoln Annexation & Affected LPS Boundaries

Assigned LPS Schools

Maxey Elementary School
Lux Middle School
East High School

LPS School Board District

District 6

City of Lincoln Information

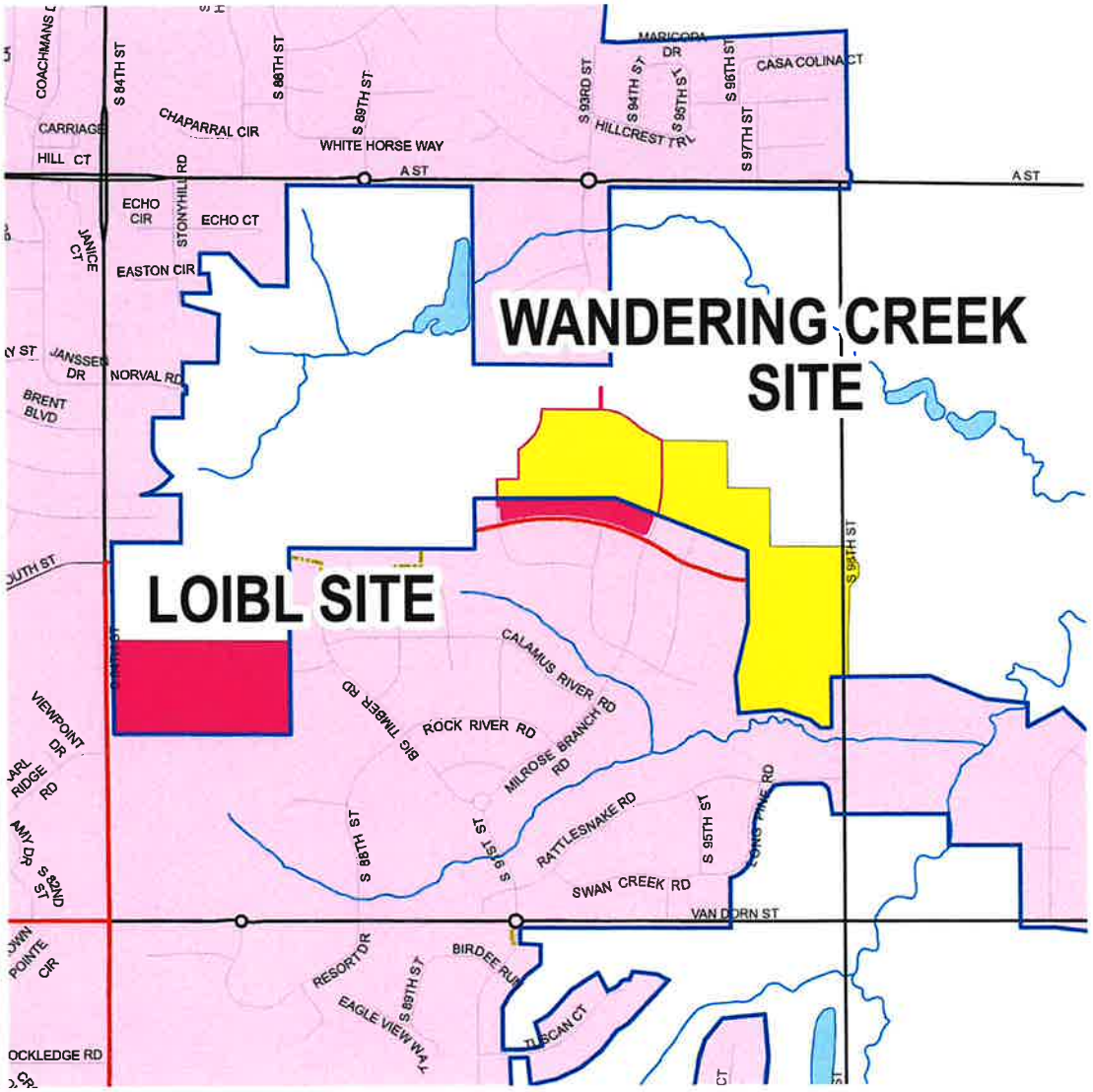
Annexation Number:	24010
Ordinance Number:	21700
Name:	Wandering Creek PUD
Effective:	March 11, 2025
Size:	44.71 Acres

Previous School District

#145 - Waverly

Area of Annexation
LPS District Boundary
Lincoln City Limits
Elementary Attendance Area
High School Attendance Area
Middle School Attendance Area





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City of Lincoln Annexation & Affected LPS Boundaries

Assigned LPS Schools

Maxey Elementary School
Lux Middle School
East High School

LPS School Board District

Sub-district 6

City of Lincoln Information

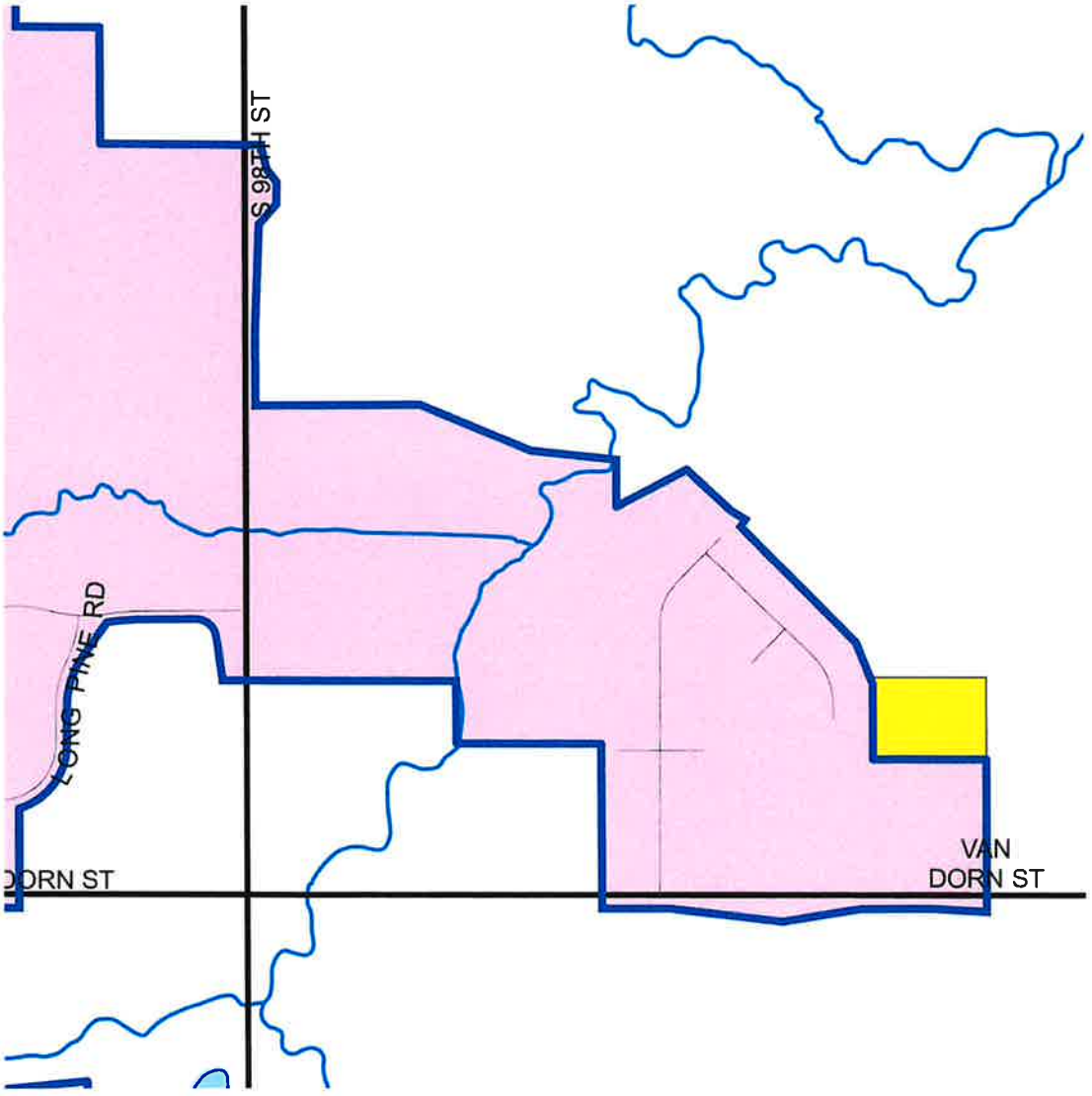
Annexation Number:	25002
Ordinance Number:	21716
Name:	Fire Ridge
Effective:	April 22, 2025
Size:	2.82 Acres

Previous School District

#145 - Waverly

Area of Annexation
LPS District Boundary
Lincoln City Limits
Elementary Attendance Area
High School Attendance Area
Middle School Attendance Area





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City of Lincoln Annexation & Affected LPS Boundaries

Assigned LPS Schools

Norwood Park Elementary School
Dawes Middle School
Northeast High School

LPS School Board District

District 1

City of Lincoln Information

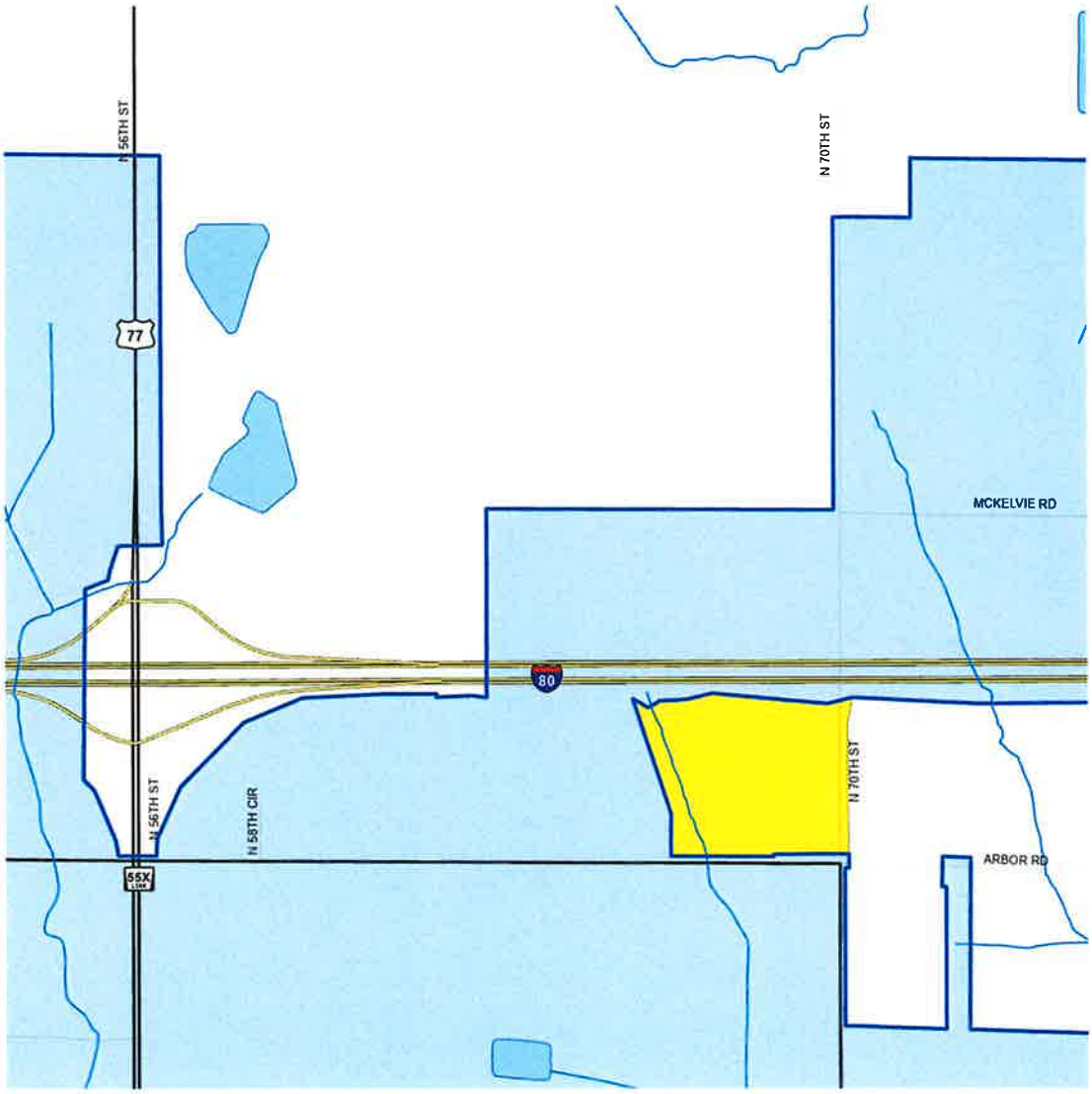
Annexation Number:	23008
Ordinance Number:	21605
Name:	Arbor Road North
Effective:	June 4, 2024
Size:	37.9 Acres

Previous School District

#145 - Waverly

Area of Annexation
LPS District Boundary
Lincoln City Limits
Middle School Attendance Area





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City of Lincoln Annexation & Affected LPS Boundaries

Assigned LPS Schools

Robinson Elementary School
Culler Middle School
East High School

LPS School Board District

District 6

City of Lincoln Information

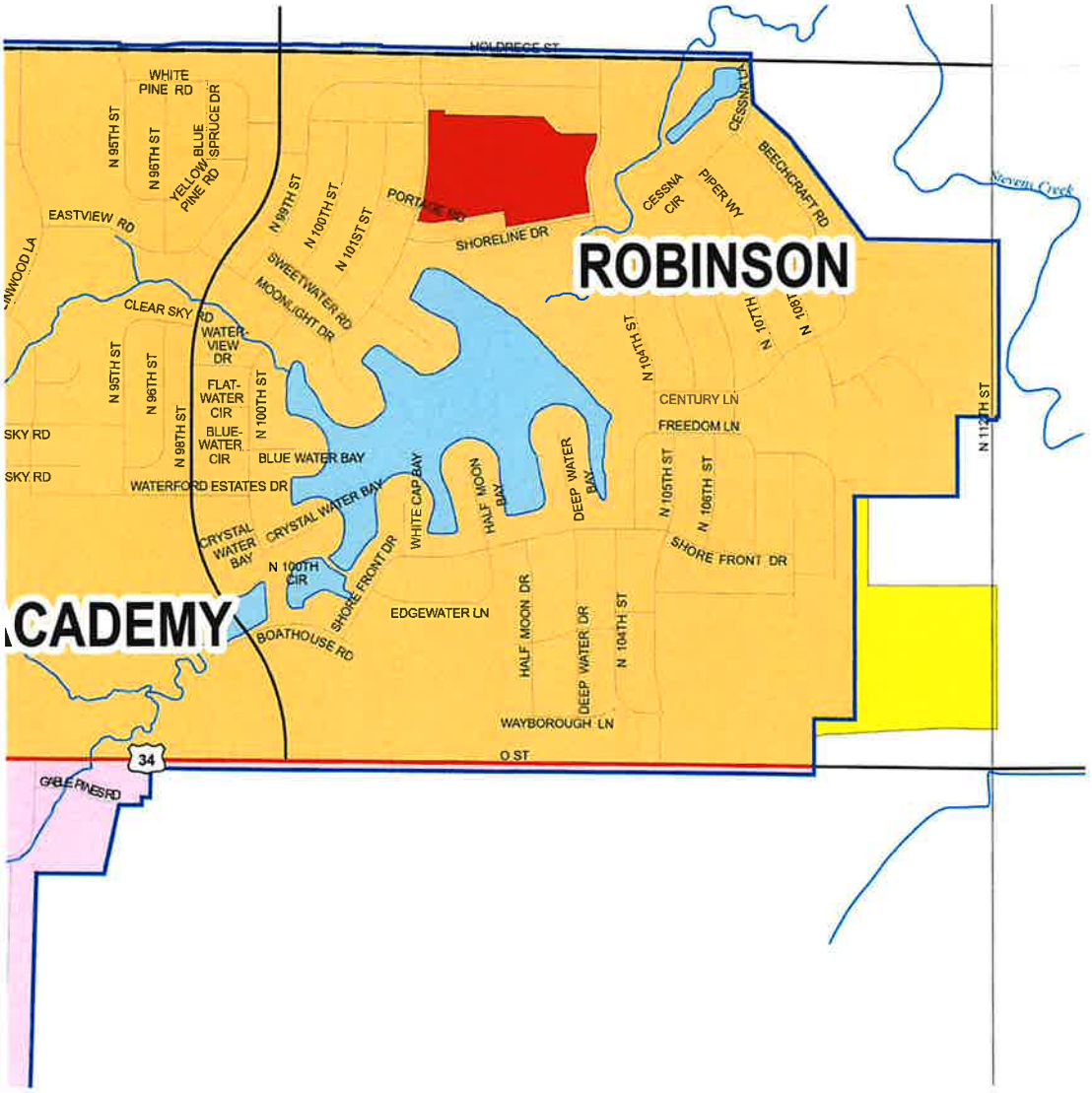
Annexation Number:	24003
Ordinance Number:	21674
Name:	East Dominion Estates
Effective:	December 3, 2024
Size:	28.83 Acres

Previous School District

#145 - Waverly

Area of Annexation
LPS District Boundary
Lincoln City Limits
Elementary Attendance Area
High School Attendance Area
Middle School Attendance Area





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City of Lincoln Annexation & Affected LPS Boundaries

Assigned LPS Schools

Norwood Park Elementary School
Dawes Middle School
Northeast High School

LPS School Board District

District 1

City of Lincoln Information

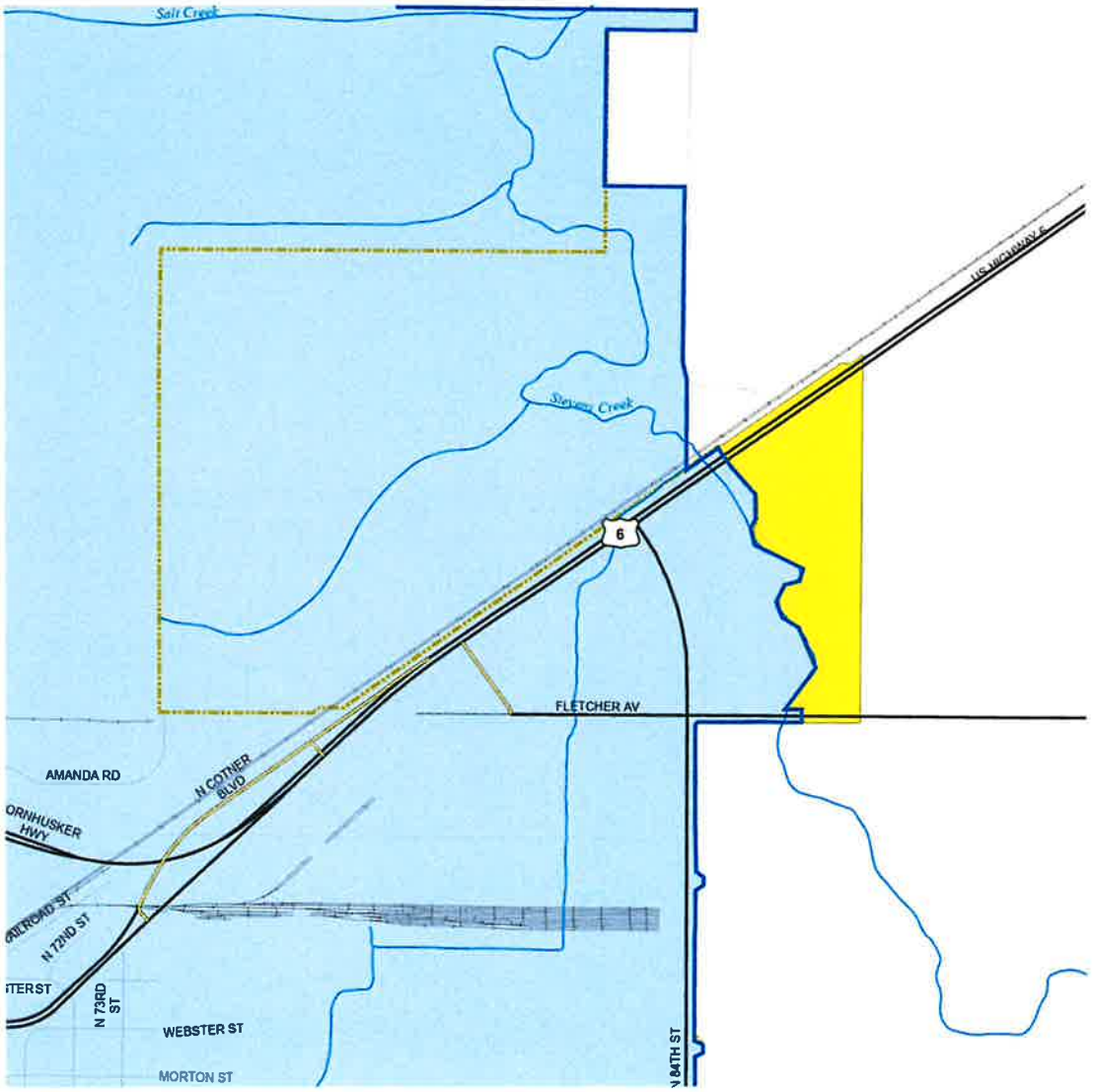
Annexation Number:	24004
Ordinance Number:	21672
Name:	N 84th St & Highway 6
Effective:	November 19, 2024
Size:	38.24 Acres

Previous School District

#145 - Waverly

- Area of Annexation
- LPS District Boundary
- Lincoln City Limits
- Elementary Attendance Area
- High School Attendance Area
- Middle School Attendance Area





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City of Lincoln Annexation & Affected LPS Boundaries

Assigned LPS Schools

Kooser Elementary School
Schoo Middle School
North Star High School

LPS School Board District

District 4

City of Lincoln Information

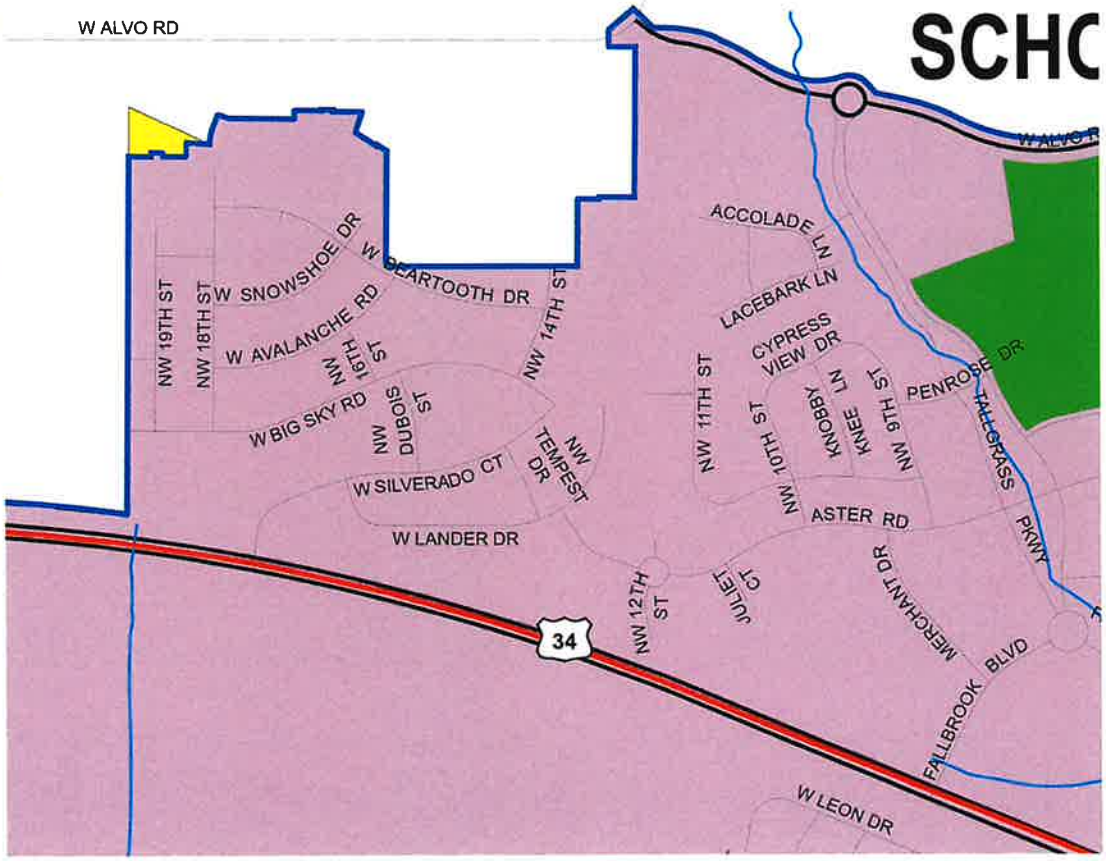
Annexation Number:	24006
Ordinance Number:	21640
Name:	Highland View
Effective:	August 6, 2024
Size:	1.30 Acres

Previous School District

#148 - Malcom

Area of Annexation
LPS District Boundary
Lincoln City Limits
Elementary Attendance Area
High School Attendance Area
Middle School Attendance Area





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City of Lincoln Annexation & Affected LPS Boundaries

Assigned LPS Schools
Humann Elementary School
Moore Middle School
Standing Bear High School

LPS School Board District
District 5

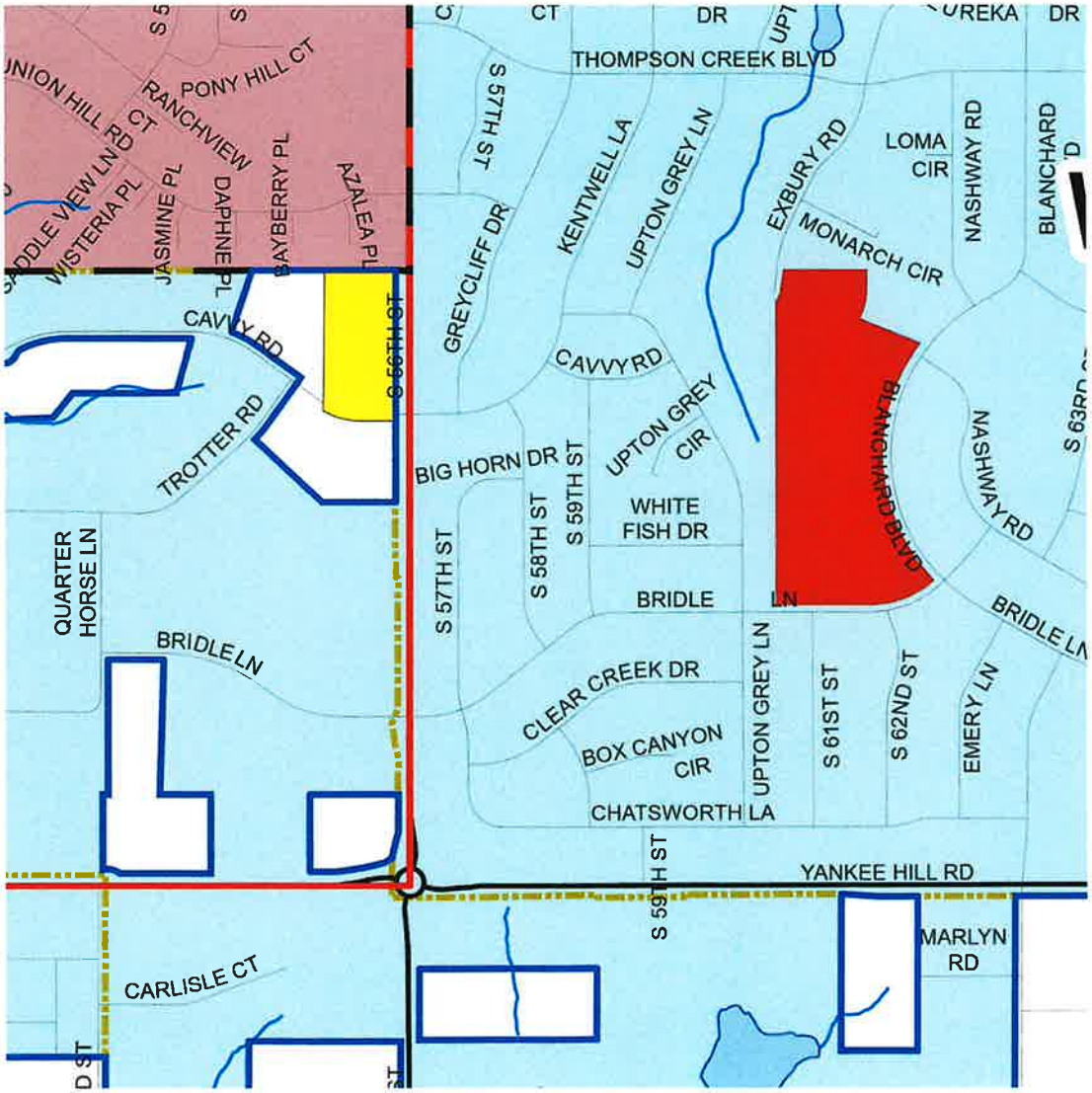
City of Lincoln Information

Annexation Number:	24008
Ordinance Number:	21665
Name:	S. 56th St. & Cavvy Rd.
Effective:	October 15, 2024
Size:	4.58 Acres

Previous School District
#160 - Norris

- Area of Annexation
- LPS District Boundary
- Lincoln City Limits
- Elementary Attendance Area
- High School Attendance Area
- Middle School Attendance Area





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City of Lincoln Annexation & Affected LPS Boundaries

Assigned LPS Schools

Wysong Elementary School
Moore Middle School
Standing Bear High School

LPS School Board District

District 6

City of Lincoln Information

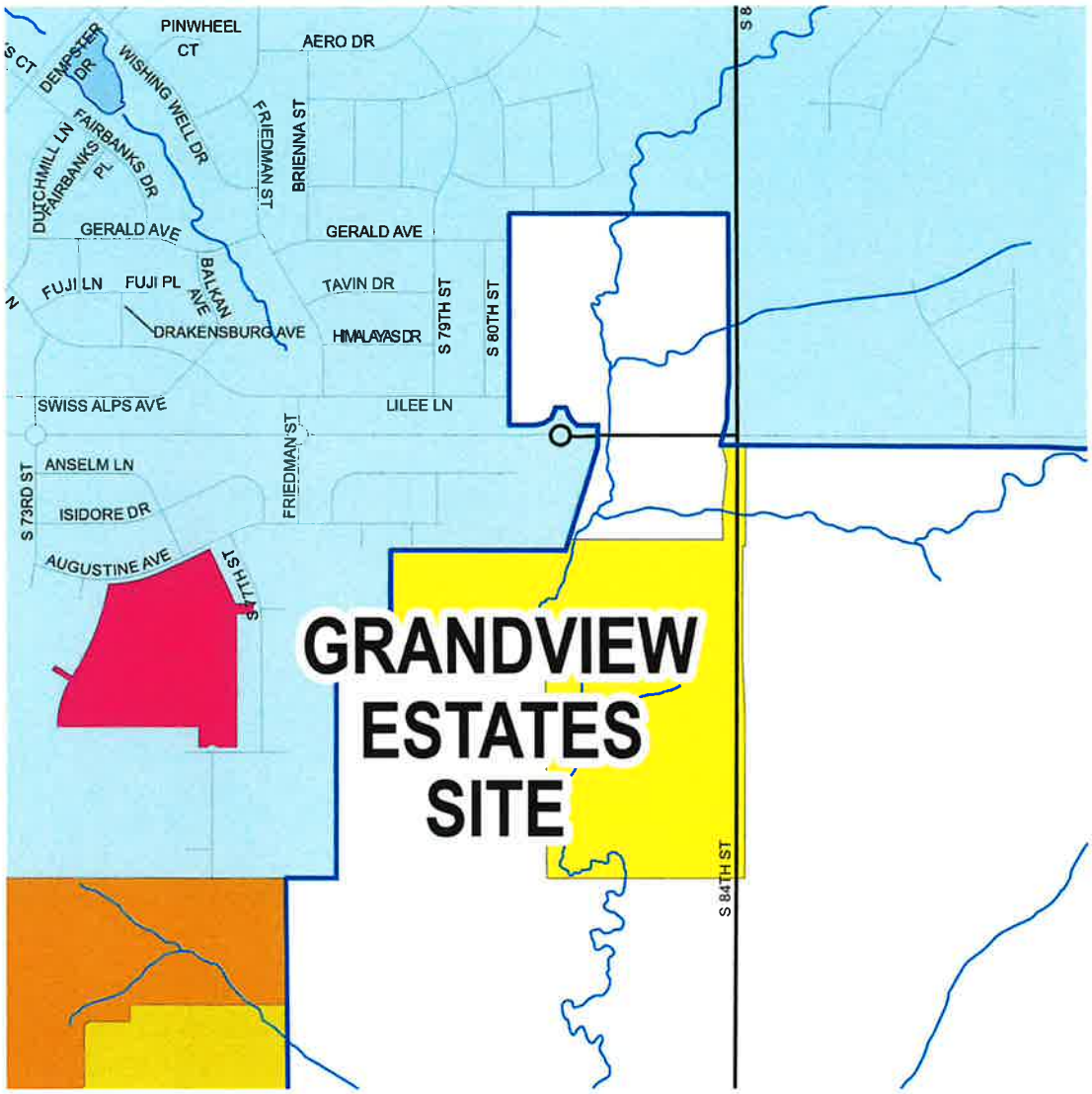
Annexation Number:	25001
Ordinance Number:	21705
Name:	S. 84th St. & Rokeby Rd.
Effective:	April 1, 2025
Size:	66.68 Acres

Previous School District

#160 - Norris

Area of Annexation
LPS District Boundary
Lincoln City Limits
Elementary Attendance Area
High School Attendance Area
Middle School Attendance Area





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79-1205. Annual adjustment to boundaries; State Board of Education; duties.

On or before August 1 of each year, the State Board of Education shall adjust the boundaries of any educational service unit the boundaries of which do not align with the boundaries of the member school districts on August 1 of such year. Such boundary adjustments shall align the boundaries of the educational service unit with the boundaries of the member school districts as the boundaries of the member school districts existed on August 1 of such year. Such boundary adjustments shall be referred to the appropriate county and educational service unit officials, and such officials shall implement the adjustments and make the necessary changes in the educational service unit maps and tax records.

Source: Laws 2007, LB603, § 10; Laws 2015, LB525, § 25.

DR. BRIAN L. MAHER, COMMISSIONER
TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

PROPOSED AGENDA ITEM RATIONALE

DATE: May 19, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Tibor Moldovan
Office Administrator, Office of Technology Services

PROPOSED AGENDA ITEM: Grant spending authority to the Commissioner of Education for annual replacement of technology and renewal of software licenses.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Program – Technology Services, Action Item

RATIONALE/BACKGROUND INFORMATION:
Every year, the department requests that the board grants Commissioner spending authority for routine agency IT operating expenses, as required by the State Board Agency Management Policies for Contracts, Grants, and Purchases. These routine operating expenses are only intended to serve the staff of the Nebraska Department of Education, including VR and ATP, but not DDS.

The routine operating expenses are categorized into different types:

- Equipment purchases:
  - Servers and videoconference systems
  - Staff equipment - laptops, displays, docks
- Software/License renewals:
  - A number of software licenses (such as Microsoft Office, AdobeSign, Kronos timekeeping, print management, etc.)
  - Other shared resources: Wordpress Web Hosting, new user onboarding, IT remote support and mobile device management.
- OCIO charges:
  - Network connection and security charges
  - Technology fees
  - Datacenter server hosting
  - Storage space
  - Exchange (email/calendar) services
- Shared Service, Infrastructure and Compute environments:
  - Printers

- Azure

Purchases are made through state contracts and in accordance with State Procurement policies. The department uses various state negotiated contracts primarily from HP, Apple, Dell, CDWG, Insight, BH Photo, and other vendors. In rare cases where a license is not available through one of the software resellers, the department coordinates with OCIO (Nebraska Office of the Chief Information Officer) to see if existing solutions are available where we can join with OCIO or other agencies for better pricing. For instance - PrinterLogic, IBM DataStage, VMWare Horizons, and ESRI.

When selecting vendors, the department considers a number of factors such as price, support, reliability, and security. We also evaluate the ability to support the service or equipment, such as whether we have enough IT staff to support the software or if department staff needs training and who will provide the training.

Software licenses are typically renewed annually. Servers and videoconference systems are usually replaced on a 10-year replacement schedule or sooner in case of failure, while staff laptops are replaced on a 5-year schedule.

To ensure that purchases are necessary and aligned with the overall IT strategy and goals of the department, we follow Administrative Memorandums and State's procurement guidelines. Purchases are reviewed and approved by multiple levels of staff, both at NDE and OCIO/State Procurement.

Costs are controlled by auditing resources used. Azure costs are reviewed monthly, and services are deactivated where not needed. The count for software licenses is audited monthly, and unneeded accounts are removed. Equipment that is past its prime is reused where possible, such as re-purposing usable but old staff laptops into checkout laptops, or using older displays in hoteling areas.

The department takes advantage of educational pricing first, then state government offers, where possible. We partner with ESUCC purchase cooperative to realize additional savings. Year over year budgets are compared, and any increases are discussed with the fiscal team. As much as possible, competitive bids are requested from multiple software resellers or hardware vendors.

Equipment is tracked using our internal asset tracking system, and at the end of its life, it is disposed of through the State's auction process. Any storage device or a device with non-removable storage is sanitized or physically destroyed before being auctioned off.

To ensure that resources are used effectively, efficiently, and in accordance with acceptable use policies, all new staff are trained on acceptable use policy. Periodic reminders are sent through internal communication tools reminding staff that the department and state provided equipment and resources are to be used for official business use only.

The department's request is only for spending authority. The authorization to expend resources is dependent on the availability of funds. Funding sources include Federal, General, Cash, Indirect Cost, or Legislature Appropriated. Most of the shared resources are sourced per FTE, and percentages of Federal/General/Cash and Indirect costs are generated based on the program funding sources.

PROPOSED BOARD MEETING (MONTH/YEAR): May 2025

ESTIMATED COST: Up to $2,000,000.00

FOR CONTRACTS AND GRANTS:

- Mix of Federal, Cash, Indirect, or Legislature Appropriated.
- Software licenses are typically sourced from the revolving fund, or billed directly to an office, whereas equipment replacements are based on the program funding percentages. (Approximately 58% General, 33% Federal, 5% Indirect, 4% Cash)

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: NA
- Rationale for method of procurement: NA
- Rationale for contractor selection: NA

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: NA

**Updated 08.15.2023*

Item	Yearly Costs		
Technology Services:			
Print Management (Printer Logic)	$3,500.00		
Idera DM (SQL Diagnositc Manager)	$6,038.00		
TNT ELM	$3,064.35		
SolarWinds Annual Renewal	$4,000.00		
Backup License (Commvault Through Eagle Tech.)	$11,059.00		
Backup for SQL DBs	$12,500.00		
OCIO SSL Wildcard certificate renewal (star_education.ne.go	$1,296.00		
Cerberus FTP Server	$999.00		
TeamViewer	$7,120.00		
KnowBe4 (Phishing)	$5,000.00		
		Subtotal:	$54,576.35
Microsoft Renewal			
RDS	$358.40		
Visio	$605.50		
SQL Server Ent. Core (Doubled for Always On)	$19,746.72		
SQL Server Std. Core	$643.66		
M365A3	$21,720.00		
M365 Security	$13,750.00		
Other MS Software (Visio, VStudio, PowerBi, Project)	$11,000.00		
		Subtotal	$67,824.28
Communications:			
Monsido/Acquia	$3,500.00		
Gravity Forms	$260.00		
TribeCalendar plugin (Calendar on InsideNDE)	$289.00		
MiniOrange InsideNDE SSO Plugin (MO 349, WPAuth 500)	$849.00		
Elastic Search (Elastic Press)	$960.00		
WPEngine	$13,248.00		
OasisWorkflow	$250.00		
Events Espresso	$839.00		
Events Calendar	$387.00		
ShoFlo	$3,555.00		
Boxcast Streaming	$3,000.00		
Crowdpurr (leaderboards, trivia)	$1,494.00		
Eventcombo	$12,599.00		
Extensions Pass?	$249.00		
		Subtotal:	$41,479.00
HR:			

FlippingBook	$630.00		
Bamboo	$6,000.00		
Tango	$200.00		
		Subtotal:	$6,830.00

DRE:

TFS	$840.00		
Sendgrid (Mass Mailer)	$960.00		
		Subtotal:	$1,800.00

Other:

Maptician	$3,000.00		
AdobeCC+AdobeDC	$1,500.00		
AdobeSign	$27,052.00		
~~Sched~~			
Zoom Accounts, Zoom Conferences and Zoom CRC	$10,430.00		
Google Apps Licenses	$20,446.00		
Google Forms Publisher	$200.00		
Internet2 (Eduroam Membership)Needs to be added. Has not	$436.00		
Smore (This is new, needs to be added, was not on the Augu	$1,360.00		
		Subtotal:	$64,424.00

OCIO

RACK HOSTING FEE - CABINET	$18,000.00		
RACK HOSTING FEE OMA DEVICE U	$540.00		
SAN STORAGE FEES (GMS)	$5,160.00		
OCIO VPN-SPECIAL EDUCATION JC 131001	$312.00		
OCIO TECHNOLOGY FEES JC 131001	$152,304.00		
OCIO FILE SERVICES JC 131001	$57,600.00		
Zoom Video Conferencing	$2,706.00		
OCIO EMAIL CHARGES - EXCHANGE SERVICES	$59,160.00		
ONBASE FALL-THROUGH CHARGES JC 138901	$30.00		
OCIO VIRTUAL MACHINE FEES FOR NDE WIDE ACTIVITIES	$13,632.00		
SOFTWARE MAINTENANCE - ACCOUNT 01, MISC (IBM-DS, SP	$51,660.00		
OCIO Support (Site Support, Network Support)	$1,800.00		
OCIO - KRONOS CHARGES JC 131801 - KRONOS TIME ENTRY	$10,000.00		

OCIO SSL Cert for FTP Site		$427.00		
OCIO Network Nebraska		$2,640.00		
OCIO SFTP transfers to E1		$360.00		
OCIO 500S84th Internet		$17,364.00		
OCIO 500S84th Public Internet		$3,600.00		
OCIO Express Route		$6,000.00		
			Subtotal:	$403,295.00
	TOTAL EXPENSES	$640,228.63	Subtotals:	$640,228.63

NDE Network Fees		
OCIO Network Bills	$	376,331.00
OCIO Phone BIlls	$	26,964.00
Software	$	236,933.63
NDE Network Fees Total:	$	640,228.63
Other Items to include for board approval:		
Survey Tool	$	60,000.00
EScholar		
Azure related	$	420,000.00
Hardware Purchases	$	75,000.00
Microsoft imagine academy (includes GMetrix)	$	330,000.00
VR	$	150,000.00
ATP	$	30,000.00
Consent Agenda Total:	$	1,705,228.63

DR. BRIAN L. MAHER, COMMISSIONER
TEL 402.471.2295
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PROPOSED AGENDA ITEM RATIONALE

DATE: May 20, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Bryce Wilson, Administrator, Office of Financial & Administrative Services

PROPOSED AGENDA ITEM: Approve school districts' requests for exclusions to the budget limitation in accordance with the provisions of the Tax Equity & Educational Opportunities Support Act.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Other

RATIONALE/BACKGROUND INFORMATION:

1. **Early Childhood Education Grants**

Proposed Board Action: Approve the amount for the 2025/26 Early Childhood Education Grants Expenditure Exclusion for the district shown on the attachment.

Rationale/Background information: Section 79-1028.01(2)(c) provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for the amount received by the district for 2025/26 Early Childhood Education Grants if 2025/26 is the first year early childhood membership is included in the district's formula students. Department Staff have reviewed the request listed on the attachment and recommend approval. If approved, the school district may access additional budget authority. This request is applicable to the 2025/26 school district budget.

2. **Native American Impact Aid**

Proposed Board Action: Approve the exclusion amount for Native American Impact Aid Exclusion for the district shown on the attachment.

Rationale/Background information: Section 79-1028.01(1)(n) provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for Federal Impact Aid received by the district. Districts that have land within its boundaries that is federal property classified as Indian lands under and have children in attendance who reside on Indian lands in accordance with 20 U.S.C. 7703(7) and have received funds in accordance with 20 U.S.C. 7703(a)(1)(c) are eligible for this exclusion. Department Staff have reviewed the request listed on the attachment and recommend approval. If approved, the school district may access additional budget authority

3. **Retirement Contribution Increase**

Proposed Board Action: Approve the exclusion amount for a Retirement Contribution Increase for the district shown on the attachment.

Rationale/Background information: Section 79-1028.01(1)(e)&(f) provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for a retirement contribution increase. Department Staff have reviewed the request listed on the attachment and recommend approval. If approved, the school district may access additional budget authority. This request is applicable to the 2024/25 school district budget.

4. **Short-Term Borrowings**

Proposed Board Action: Approve the Short-Term Borrowing listed on the attachment as a Special Grant Fund.

Rationale/Background Information: Section 79-1028.01(1)(m) provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for amounts received for Short-Term Borrowings as a special grant fund for budget limitation purposes. The Short-Term Borrowing listed on the attachment has been reviewed by Department Staff and appears to qualify as a special grant fund per State Statute Section 79-1003(38). If approved, the school district may access additional budget authority. This request is applicable to the 2025/26 school district budget.

5. **Special Supplementary Grant**

Proposed Board Action: Approve the grant listed on the attachment as a Special Supplementary Grant.

Rationale/Background Information: Section 79-1028.01(1)(m) provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for amounts received for Special Supplementary Grants from Corporations, Foundations, or Other Private Interests as special grant funds for budget limitations purposes. The individual grant listed on the attachment has been reviewed by Department Staff and appears to qualify as a special supplementary grant per State Statute Section 79-1003(38). If approved, the school district may access additional budget authority. This request is applicable to the 2025/26 school district budget.

6. **Voluntary Termination Agreements**

Proposed Board Action: Approve the exclusion amount for Voluntary Termination Agreements for the district shown on the attachment.

Rationale/Background information: Section 79-1028.01(1) (g), (i), (j), (k), provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for expenditures for voluntary termination agreements. Department Staff have reviewed the request listed on the attachment and recommend approval. If approved, the school district may access additional budget authority. This request is applicable to the 2024/25 school district budget.

per State Statute Section 79-1003(38). If approved, the school district may access additional budget authority. This request is applicable to the 2024/25 school district budget.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: None

FOR CONTRACTS AND GRANTS: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: N/A

FOR GRANT SUBAWARDS: N/A

Requests Relative to the Budgeting Provisions of the Tax Equity & Educational Opportunities Support Act For the 2025/26 School Year June 6, 2025

Recommendation 1
Early Childhood Education Grants [Section 79-1028.01(2)(c)]

County-District Number	School District Name	Amount to be Approved
10-0007	Kearney Public Schools	$133,250
20-0030	Wisner-Pilger Public Schools	$133,250
27-0594	Logan View Public Schools	$158,234
32-0095	Eustis-Farnam Public Schools	$50,082
48-0008	Fairbury Public Schools	$102,500
79-0016	Gering Public Schools	$133,250
79-0032	Scottsbluff Public Schools	$266,500

Recommendation 2
Native American Impact Aid [Section 79-1028.01(1)(n)]

County-District Number	School District Name	Amount to be Approved	School Year
87-0016	UMÓⁿHOⁿ Nation Public Schools	$11,200.00	2025-26

Recommendation 3
Retirement Contribution Increase [Section 79-1028.01(1)(e)&(f)]

County-District Number	School District Name	Amount to be Approved
11-0020	Lyons-Decatur Northeast Schools	$75,394
13-0032	Louisville Public Schools	$219,807
13-0097	Elmwood-Murdock Public Schools	$108,802
24-0020	Gothenburg Public Schools	$255,235
27-0062	Scribner-Snyder Comm Schools	$65,162
28-0054	Ralston Public Schools	$713,097
28-0059	Bennington Public Schools	$789,763
28-0059	Bennington Public Schools	$789,763
54-0501	Niobrara Public Schools	$74,888
69-0044	Holdrege Public Schools	$265,522
72-0015	Cross Count Community Schools	$99,359
76-0002	Crete Public Schools	$473,750
78-0072	Mead Public Schools	$72,007
87-0016	UMÓⁿHOⁿ Nation Public Schools	$326,028

Recommendation 4
Short-Term Borrowings [Section 79-1003(38)]

County-District Number	School District Name	Amount to be Approved
92-0045	Wheeler Central Public Schools	$800,000

Recommendation 5
Special Supplementary Grant [Section 79-1003(38)]

County-District Number	School District Name	Amount to be Approved	Source
28-0054	Ralston Public Schools	$100,000	Ralston School Foundation
		$85,000	Learning Community Elementary Center Programming Grant
		$225,000	Learning Community District Initiatives 2.0 Grant
		$135,000	Buffet Early Childhood Grant
		$118,438	Comprehensive School Improvement (CSI) Grant
		$259,000	Nebraska Comprehensive Literacy State Development Program

Recommendation 6
Voluntary Termination Agreements [Section 79-1028.01(1)(g), (i), (j), (k)]

County-District Number	School District Name	Amount to be Approved
28-0054	Ralston Public Schools	$271,752
76-0002	Crete Public Schools	$51,618

INVOICE

Council of Chief State School Officers

INVOICE #: **INV-00085**
DATE: **04**/17/2025
DUE DATE: 07/01/2025

1 Massachusetts Ave NW, Ste 800
Washington, DC 20001-1406
Phone: 202-336-7000
accounting@ccsso.org

TOTAL AMOUNT: $57,925.00
TOTAL DUE: $57,925.00

BILL TO: **Nebraska Department of Education**
Brian Maher
500 S. 84th Street, 2nd Floor
Lincoln, NE 68510-2611

DESCRIPTION / MEMO	AMOUNT
Core Membership Dues FY26 - July 1, 2025 – June 30, 2026 - NE	$57,925.00
TOTAL AMOUNT:	**$57,925.00**

TOTAL DUE: $57,925.00

AMOUNT ENCLOSED: _____

Invoice #: INV-00085

BILL TO: **Nebraska Department of Education**
Brian Maher
500 S. 84th Street, 2nd Floor
Lincoln, NE 68510-2611

REMIT TO: **Council of Chief State School Officers**
PO Box 786261
Philadelphia, PA 19178-6261

CCSSO
Council of Chief State School Officers®

Membership in the Council of Chief State School Officers



LEADING



CONNECTING



INFLUENCING

WHAT CCSSO MEMBERSHIP DUES COVER

The Council of Chief State School Officers (CCSSO) is proud to support you in your leadership to provide a high-quality education to every child today while building the education system of tomorrow. We are grateful for your investment in us and, in return, you can expect support from the team at CCSSO, who deeply understand the context in which you work.

Annual membership dues contribute to CCSSO being able to represent chief state school officers and their state education agencies. The CCSSO Board of Directors sets the membership dues for the organization, and the membership levels align to the dues band each state falls within. The Council's general membership dues bands are set based on each state and territory's K-12 spending. Membership invoices are sent to chiefs each May and cover membership for the upcoming fiscal year of July 1-June 30.

Membership to CCSSO grants the state education agency access to a wide range of CCSSO services throughout the year, including advocacy support, communications support, professional learning and cross-state networking opportunities. Support and services are outlined below.

Chief Expenses Covered for Invitation-Only Membership Meetings: One of your best resources is your colleagues from across the country who know what it's like to lead an education system. We convene chiefs, their deputies and senior leaders from partner organizations three times a year to share best practices and learn from one another and experts in the field.

- Chief state school officers' expenses are covered for each member meeting. CCSSO covers the full cost of travel, including airfare, lodging, registration costs and per diem expenses for chief state school officers to each of the three annual member meetings (Legislative Conference, Summer Leadership Convening and Annual Policy Forum).
- The registration fee for one senior deputy per state or territory is covered by annual membership dues. Additional team members will be asked to pay a registration fee. The registration fee covers meals and refreshments provided by CCSSO, the materials for the meeting and additional costs associated with convening at a hotel, such as audio/visual and meeting space.
- Often there are additional meetings throughout the year that chiefs are invited to attend on specific topics and priorities and one-time meetings called to address emerging issues as a membership. CCSSO will cover these expenses for chiefs.

WHAT CCSSO MEMBERSHIP DUES COVER (CONT.)

State and Territory Support on Federal Advocacy: CCSSO proudly represents state education agency leaders across the country as a nonpartisan membership association. Advocacy positions are informed through conversations with chief state school officers and chiefs' designated federal liaisons throughout the year, including at member meetings, during one-to-one conversations with our senior staff and during our regular calls with all chiefs and CCSSO's Federal Liaisons Network. Council positions are also reviewed by the Council's Board of Directors. The Board of Directors is the organization's governing body, comprising nine current chief state school officers appointed by their peers.

Professional Learning for State Education Agency Leaders: We build communities to facilitate peer-to-peer learning for staff in the state education agency. Senior leaders in the organization can join a role-alike network aligned with their role in the organization to convene with others who truly understand what the role entails. Networks meet regularly throughout the year, both virtually and in person. Networks include:

- Chiefs-Only Sessions
- New Chiefs Cohort
- Deputies Network
- Federal Liaison Network
- Communication Directors Network

Additionally, your staff have the option to enroll in CCSSO's Collaboratives and join more than 475 colleagues from states and territories who participate in premier professional learning on 17 different policy or role-alike areas. Please note: CCSSO's Collaboratives have a separate enrollment fee.

Access to CCSSO and National Experts: When questions arise, you're wrestling with a challenge or you want to know how other states and territories might be approaching an issue, you can call CCSSO. Staff at CCSSO are standing by to respond to your queries and can share information, provide expert advice and connect you with your colleagues or experts from CCSSO and around the country.

Just-in-Time National Updates: CCSSO is the go-to source of information for state education leaders on key federal and national education issues that impact your daily work. We help you keep your finger on the pulse through timely updates such as our *Weekly Wrap* and *Chiefline* newsletters, federal policy updates, publications that share promising practices and frequent webinars that provide meaningful technical assistance.

State- and Territory-Focused Policy Resources: We regularly create tools and implementation resources that help states further their policy and implementation goals, as well as case studies that help bring research to life by showcasing our members in action.

National Teacher of the Year Program: CCSSO runs the National Teacher of the Year Program, the most prestigious teacher recognition program in the country. States and territories name a State Teacher of the Year and submit an application to CCSSO for that individual to be named the National Teacher of the Year. On behalf of our members, CCSSO provides a year of professional learning and support for all State Teachers of the Year and the state coordinators who support them.

EDUCATION COMMISSION OF THE STATES

Dr. Brian Maher
Commissioner of Education
Nebraska Department of Education
P.O. Box 94987
Lincoln, Nebraska 68509-4987

cc: Hon. Jim Pillen
Dr. Mike Baumgartner

INVOICE # 2026 NE

DATE: 05/05/2025

Annual State Dues
For Nebraska
Interstate Compact for Education

Dues for Fiscal Year 2026:	07/01/25 - 06/30/26	$ 60,500.00

Due and payable by July 15, 2025

Please return a copy of the invoice with payment to:
Education Commission of the States, Attention: Accounting Department - Dues
Invoice # 2026 NE
Education Commission of the States
P.O. Box 33674
Northglenn, CO 80233-0674

State Statutory Reference: NEB. REV. STAT. §§ 79-1501 to 79-1504

Fed. I.D. No. 31-0722194

Please direct inquiries on billing, *including electronic payments*, to: Deven Scott, 303-299-3622.

EDUCATION COMMISSION OF THE STATES
Your education policy team.

ecs.org | 303.299.3600

OFFICERS 2023-25

CHAIR
Laura Kelly
Governor
State of Kansas

VICE CHAIR
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Senator
North Dakota

TREASURER
Charlene Russell-Tucker
Commissioner of Education
Connecticut

PRESIDENT
José Muñoz

RECEIVED
MAY 12 2025
BY:

May 5, 2025

Dr. Brian Maher
Commissioner of Education
Nebraska Department of Education
P.O. Box 94987
Lincoln, Nebraska 68509-4987

Dear Commissioner Maher,

Last year, Education Commission of the States and policymakers across the country collectively worked to advance education for all students, as states faced both new and familiar challenges. Whether your state was looking at strategies to combat chronic absenteeism or how to revamp literacy policies to ensure students are on track, Education Commission of the States was proud to be your partner in 2024.

You will find enclosed Nebraska's 2024 State Support Report, which details the myriad of ways that Education Commission of the States supported your work over the last calendar year. We hope it demonstrates how your membership to Education Commission of the States provides the state with invaluable resources to meet your policy goals. Education Commission of the States has worked diligently to grow and diversify our offerings to states, all while making our operations more efficient. As a result, we have been able to keep our annual state dues consistent for nearly two decades.

Also enclosed is Nebraska's annual state dues invoice. With your support through state dues, Education Commission of the States is able to provide a comprehensive suite of services to the policymakers and education leaders in your state, including:

- **Research**: We review the latest academic research and summarize it into concise, reader-friendly findings and policy implications for key education issues. We also maintain databases and resources that allow policymakers to quickly research policies in other states.

- **Report:** We take issues we hear from states and regularly issue useful policy analyses, trends reports and comparisons of state policies — enacted or pending — on a wide variety of education topics. These reports provide concise, factual overviews of specific state education policies and offer considerations for state leaders.

- **Counsel:** We provide unbiased advice on policy plans, review and consult on proposed legislation, provide expert knowledge for state education work groups and testify at hearings as third-party experts. We also remain responsive to specific requests for information, by providing written responses to your policy questions within 72 hours.

- **Convene:** We bring education leaders together both within states and across states. Through our annual national convenings, regional meetings and

issue-specific or role-specific meetings, we create opportunities for policymakers to interact, learn and collaborate.

While providing these services, Education Commission of the States remains committed to being a nonpartisan, unbiased resource. We do not advocate for specific policies; rather, we provide examples and learnings from other states so that you can make the best decision for your students, families and communities.

The most effective policy occurs when all state education leaders are involved. That is why we are the only national education policy organization to work with the full range of education leaders. We work with governors, legislators, chief state school officers, state board members, higher education officials, business leaders and teachers, all of whom have a voice in making education policy better for students. Challenges such as funding or accountability do not affect just one level of education; they cross the full spectrum of education policy. Because of this, we cover all education issues from early learning through postsecondary and the workforce and are uniquely positioned to help state policymakers craft the best education policy for your students.

These unique qualities make Education Commission of the States a trusted and valued education policy partner to all 50 states, Washington, D.C. and three territories.

As we continue into 2025 and beyond, we are excited to further improve and innovate the ways we support your work. We appreciate your prompt payment so we can continue to provide quality and timely services to your state.

Sincerely,

Laura Kelly

The Honorable Laura Kelly
ECS Chair, 2023 - 2025



The Honorable Mark Gordon
ECS Chair-Elect, 2025 - 2027

cc: Hon. Jim Pillen
Dr. Mike Baumgartner

EDUCATION COMMISSION OF THE STATES
Your education policy team.

State Support

Nebraska

January 1, 2024 – March 31, 2025

Serving as partners to state policymakers, Education Commission of the States provides nonpartisan information, personalized support and opportunities for collaboration. We believe that informed policymakers create better education policy. As the essential, indispensable member of your state education policy team, we:

- **Remain nonpartisan and unbiased.**
- **Serve all education leaders,** including governors, legislators, chief state school officers, state board members, higher education officials, business leaders and teachers.
- **Cover the full education spectrum** from early learning through postsecondary and the workforce.

Education Commission of the States receives most of our funding from the states and territories we serve. With funding from state dues, Education Commission of the States works to research, report, counsel and convene. This state support summary outlines the direct services provided to Nebraska by Education Commission of the States.

Current Education Commission of the States Commissioners

Each state appoints Commissioners who help guide our work and their own state's education agendas. Commissioners receive priority access to our services and provide strategic information to our staff regarding key state education policy issues. Travel support for our annual convenings is provided to all appointed commissioners with funding from state dues. One Commissioner in each state is appointed to serve as the Steering Committee member to provide leadership among their state's Commissioners.

Nebraska Statute Authorizing the Compact for Education: *N.**R.S. Secs. 79-1501 to 79-1504***

Nebraska Appointed Commissioners (bold denotes **Steering Committee member**):

- **Mike Baumgartner**, Executive Director, Nebraska Coordinating Commission for Postsecondary Education
- Jim Pillen, Governor, State of Nebraska
  - Governor's Proxy: Grant Latimer, Policy Advisor, State of Nebraska
- Jana Hughes, State Senator, Nebraska State Unicameral Legislature
- Margo Juarez, State Senator, Nebraska State Unicameral Legislature
- Don Lonowski, State Senator, Nebraska State Unicameral Legislature

ECS Services and Supports

Counsel

Education Commission of the States provides personalized state support, including unbiased advice on policy plans, consultation and testimony on proposed policy legislation and presentations as third-party experts.

Research

Many states face similar education challenges. By sharing research about what has worked and what has not, states can learn from each other. Education Commission of the States compiles information on the full spectrum of education policies so state policymakers can make informed decisions.

Reports

Education Commission of the States believes in the power of learning from experience. Our reports highlight state policy examples so policymakers in all states gain the insight needed to create effective education policy.

Convenings

Education Commission of the States brings education leaders together within states and across states. Through our annual, national convenings, regional meetings and issue-specific or role-specific meetings, we create opportunities for policymakers to interact, learn and collaborate.

- Brian Maher, Commissioner, Nebraska Department of Education
- John Spatz, Executive Director, Nebraska Association of School Boards

(as of March 31, 2025)

Counsel

In 2024-25, Nebraska ECS Commissioners and other key state education leaders received the following support and national features:

- **Written Testimony** provided to the Senate Education Committee on cell phone use policies in schools.
- **Policy Consultation** provided to state- and institution-level leaders on developmental education reform policy and practice through virtual learning sessions hosted by ECS' Strong Start to Finish initiative.
- In partnership with the Learning Policy Institute, **technical assistance** provided to state education policymakers at LPI's Transforming School Systems Through Whole Child State Strategies convening.
- **Virtual Presentation** provided to Executive Directors of State Boards of Education at a National Council of State Board of Education Executives convening.
- **Hosted** governors' education policy advisors for in-person policy discussions, networking and professional development, in conjunction with ECS' National Forum on Education Policy.
- **Hosted** state legislative education staff for in-person policy discussions, networking and professional development through the 2024 LESN Summer Seminar and National Forum on Education Policy.
- **State Policy Feature** for Nebraska's work on literacy in the session "Ensuring Literacy Advances Reach Every Student" at the 2024 National Forum on Education Policy.
- **State Information Requests:** Answered eight requests for information on the following topics: attendance, health, higher education textbooks, principals, school funding, school/district structure/operations, special education and technology.

Research

In 2024, Education Commission of the States monitored, compiled and shared the following research that features state education policies in Nebraska:

- 50-State Comparisons: In 2024, we released seven 50-State Comparisons covering the full spectrum of education policy issues, including School Accountability Systems and K-12 Funding as well as Private School Choice and Statewide Longitudinal Data Systems.
- State Education Policy Tracking: In 2024, we tracked, summarized and entered 10 enacted and/or vetoed Nebraska bills in our State Education Policy Tracking resource.
- Governors' State of the State Addresses: This was our 20th year tracking education-related proposals from governors' annual State of the State addresses, including Governor Pillen. We provide ongoing, up-to-date analysis in an online resource, and later, we compile top trends and other findings in a report.

Reports Highlighting State

In 2024, Education Commission of the States sent personalized, state-specific correspondence with ECS Commissioners and state leaders, featuring new reports, toolkits, opportunities for technical assistance and state-to-state collaboration.

Our reports contain examples of innovative state approaches for others to learn from and we're pleased that Nebraska was highlighted in a number of reports and blogs, including A Policymaker's Guide to State Summative Assessment Systems and 2024 Elections and the Future of State-Level Education.

To view all Education Commission of the States resources mentioning Nebraska, click here.

Convenings

In 2024, Education Commission of the States welcomed attendees from Nebraska at eight convenings listed below. Education Commission of the States provides travel support for appointed Commissioners and speakers to attend our in-person convenings.

- 2024 National Forum on Education Policy
  - Mike Baumgartner, Executive Director, Nebraska Coordinating Commission for Postsecondary Education
  - Lane Carr, Policy and Strategic Initiatives Administrator, Nebraska Department of Education
  - Colby Coash, Associate Executive Director, Nebraska Association of School Boards
  - Allyson DenBeste, Chief Academic Officer, Nebraska Department of Education
  - Shavonna Holman, Board of Director, Nebraska Association of School Boards, Nebraska Association of School Boards
  - Matt Howe, Legislative Aide, Nebraska State Unicameral Legislature
  - Sherry Jones, State Board of Education Member, Nebraska Department of Education
  - Kathleen Kauth, State Senator, Nebraska State Unicameral Legislature
  - Grant Latimer, Policy Advisor, State of Nebraska
  - Brian Maher, Commissioner of Education, Nebraska Department of Education
  - John Spatz, Executive Director, Nebraska Association of School Boards
  - Elizabeth Tegtmeier, State Board of Education President, Nebraska Department of Education
  - Lynne Walz, State Senator, Nebraska State Unicameral Legislature
- Partnering for Success: Education Trends in Governors' State of the State Addresses
  - Bill Biven, Fiscal Analyst, Nebraska Legislative Fiscal Office
  - Catherine Huddleston-Casas, Associate Director of Workforce Planning and Development, Buffett Early Childhood Institute, University of Nebraska
  - Brad Wilkins, Vice President, Nebraska Association of School Boards
- Partnering for Success: Expanding Education Access for Justice-Impacted Individuals
  - Mike Baumgartner, Executive Director, Nebraska Coordinating Commission for Postsecondary Education
  - Katie Bieber, Communications Director, Nebraska Statewide Workforce & Educational Reporting System
  - Bill Biven, Fiscal Analyst, Nebraska Legislative Fiscal Office
  - Amy Doty, Prison Education Program Director, Southeast Community College
  - Kathleen L. Fimple, Academic Programs Officer, Nebraska Coordinating Commission for Postsecondary Education
  - Grant Latimer, Policy Advisor, State of Nebraska

    - Brad Wilkins, Vice President, Nebraska Association of School Boards
- 2024 Winter Commissioners Meeting
    - Mike Baumgartner, Executive Director, Nebraska Coordinating Commission for Postsecondary Education
    - John Spatz, Executive Director, Nebraska Association of School Boards
- AEP National Town Hall for Local Arts Education Supervisors (January 2024)
    - Joshua Brown, Art Ed. Programs Coordinator, Nebraska Arts Council
    - Lorinda Rice, Lincoln Public Schools
- AEP Partnership Meetings
    - Cody Talarico, Fine Arts Education Specialist, Nebraska Department of Education
- Arts Education Partnership National Town Hall for Local Arts Education Supervisors (October 2024)
    - Joshua Brown, Art Ed. Programs Coordinator, Nebraska Arts Council
- Arts Education Partnership 2024 Annual Convening
    - Cody Talarico, Fine Arts Education Specialist, Nebraska Department of Education

Additional Information

For more details about our comprehensive supports and services to the states, please refer to our most recent annual report: 2023 Education Commission of the States Annual Report.

NASBE
National Association of State Boards of Education

INVOICE

National Association of State Boards of Education
123 North Pitt St. #350
Alexandria, VA 22314

INVOICE #: **INV-00512**
DATE: **05**/20/2025
DUE DATE: 06/20/2025

TOTAL AMOUNT: $24,630.00
TOTAL DUE: $24,630.00

BILL TO: **Nebraska Department of Education**
P.O. Box 94987
Lincoln, NE 68509

DESCRIPTION / MEMO	AMOUNT
2026 NASBE Membership Dues	$24,500.00
2026 NCOSEA Membership Dues	$130.00
TOTAL AMOUNT:	**$24,630.00**

National Association of State Boards of Education
123 North Pitt St. #350
Alexandria, VA 22314

Customer ID - Name: C-00031 - Nebraska Department of Education
Invoice #: INV-00512

TOTAL DUE: $24,630.00

AMOUNT ENCLOSED:

NASBE has a relationship with John Marshall Bank. The account information is below:

[redacted]

Questions regarding this invoice can be directed to acctnas@nasbe.org; or by calling 703-684-4000.

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 23, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Amy Rhone, Administrator – The Office of Special Education

PROPOSED AGENDA ITEM: Consent: Project PARA Funding

AGENDA ITEM TYPE (contract/grant/rule/program/other): Grant

RATIONALE/BACKGROUND INFORMATION: Project Para provides a locally controlled, web-based para educator training package to Nebraska school districts that meet the requirements of NDE Rule 11, Every Student Succeeds Act (ESSA), and Individuals with Disabilities Improvement Act (IDEA). Since 2004, UNL's para educator study program has assisted school districts in providing easily accessible training adapted for the particular needs of a school and/or paraeducator and augments introductory training provided by districts. The project director at UNL has retired and UNL would like to be a part of this project on a consulting basis only, leaving NDE Office of Special Education with the opportunity to continue this project through the Educational Service Unit Coordinating Council.

The project will continue to fund the maintenance of the management systems and on-line training materials that were previously housed on a web platform through UNL with the transition completion, to a web platform housed with ESUCC. It will also provide funding to monitor the on-line training system and collection of project evaluation information. Security and reliability of the training systems will still be monitored and updated as necessary, including updating of hardware, software, and procedures.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $65,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal IDEA – Part B, 611 and 619 Funding

- New or Renewal: Renewal

- If renewal, date of first approval: February 2024

FOR GRANT SUBAWARDS:
Describe the grantee selection process: As the Office of Special Education must make federal application(s) each year under Part B (611 and 619) and Part C, the use of IDEA Federal Funding must align to meeting the IDEA federal regulations as they are set forth within the respective applications.

The NDE, Office of Special Education, annually, conducts opportunities to apply for discretionary grant funds to conduct activities for the improvement of services to infants, toddlers, students with disabilities and their families. Annual alignment in priorities established by the federal Office of Special Education Programs (OSEP), as well as a alignment of priorities within our NDE, Office of Special Education, allows for the selection of project to receive sub-recipient grants, contracts, and/or memorandums of understanding (MOU) for each funding period. Notice of funding opportunities are annually published and proposals are evaluated to ensure funds are awarded to projects that are able to meet the federal and state priorities.

The Office of Special Education, Part B Discretionary Grant funds requested within this proposal meet the Federal subgranting requirements contained within 2 CFR §200.331 to use the funds to carry out a portion of the public award and for a public purpose specified in the authorizing statute of IDEA Part B:

- To support and direct services, including technical assistance, personnel preparation, and professional development and training (20 U.S.C. 1411 (e)(2)(C)(i)
- To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities (20 U.S.C. 1411 (e)(2)(C)(vii))

Through this sub-award, NDE ensures appropriate and quality learning opportunities should exist for all children. The ESU-CC, Project PARA project, as part of the OSE subaward process, has undergone an evaluation of sub-award/grant obligations, annually to ensure that the grantee selected is carrying out the responsibilities set forth within the state plan and sub-award/grant. The project has successfully carried out similar duties on previous sub-awards/grants.

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 27, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Amy Rhone, Administrator – The Office of Special Education

PROPOSED AGENDA ITEM: Action: The University of Nebraska – Lincoln WORDS project funding.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Grant

RATIONALE/BACKGROUND INFORMATION:

In April, the board approved the WORDS project funding that was initially approved to be funded through the ESSERs Plan funding. As a result of the ESSER liquidation period ending March 28, 2025, the Office of Special Education was able to continue to fund the Nebraska WORDS project using IDEA funding from the 2024-25 IDEA Part B – 611 Grant through August 31, 2025.

It is the intent of the Office of Special Education to fund the September 1, 2025 through August 31, 2026 WORDs Project through the 2025-26 IDEA Part B – 611 and 619 grant awards.

WORDS addresses the needs of school districts in Nebraska through the Nebraska Reading Improvement Act, which was passed into law during the 2018 legislative session. The Dyslexia Act was passed at this same time. Both laws take a comprehensive approach to improve the early literacy skills of Nebraska's K-3 students, including those who exhibit characteristics of dyslexia. WORDS promotes an integrated system connecting all educators, along with all components of teaching and learning, into a high quality, standards-based instruction and intervention system. This happens through professional development and training that begins by establishing a strong core of literacy for all students which provides the foundation of prevention within the entire system.

The Nebraska WORDs Project was previously funded through IDEA. This is an appropriate use of IDEA funds and there are funds available. This request is to approve the expenditure of IDEA funding to continue the WORDS project.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $365,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal IDEA – Part B, 611 and 619 Funding
- New or Renewal: Renewal
- If renewal, date of first approval: January 2020

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 29, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Allyson DenBeste, Academic Officer
Dorann Avey, Digital Learning Director

PROPOSED AGENDA ITEM: Approval for the NDE to receive e-rate funds from the Nebraska Office of Chief Information Officer (OCIO) for FY 2026 and FY 2027.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Other

RATIONALE/BACKGROUND INFORMATION:
It is recommended that the Board approve the receipt of e-rate funding which is administered by the Office of Chief Information Officer (OCIO).

Background
E-rate is a federal program designed to help schools and libraries access affordable telecommunications and internet services. The agreement between the OCIO and NDE, based on State Statutes 86-5,100 and 79-1337, supports Nebraska public schools by enabling them to join a consortium for Requests for Proposals (RFPs) and Internet Access contracts. Schools benefit by saving time, money and gain benefits such as Zoom licensing and 24-7 network monitoring. All public schools, except one, and many non-public schools are part of this consortium. The Nebraska (OCIO) agrees to pay the NDE $50,667.56 for e-rate support to Network Nebraska for the fiscal years 2026 and 2027.

PROPOSED BOARD MEETING (MONTH/YEAR):
June 2025

ESTIMATED COST: N/A

FOR CONTRACTS AND GRANTS:
- Indicate the Funding Source: N/A
- New or Renewal: Renewal: N/A
- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:
- Indicate the method of procurement: N/A

- Rationale for method of procurement: N/A
- Rationale for contractor selection: N/A

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

**Updated 08.15.2023*

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STATE BOARD OF EDUCATION
EXECUTIVE COMMITTEE REPORT

Date: June 6, 2024

The Executive Committee reports on its June 5, 2025, meeting. Members present were chair Elizabeth Tegtmeier, vice chair Deb Neary, Sherry Jones, and Liz Renner.

The committee had two action items. First, the committee reviewed proposed revisions to Title 93, Nebraska Administrative Code, Chapters 1-16, Nebraska Department of Education Personnel Rules and received a brief report from NDE staff. The committee recommends the Board approve the proposed revisions to Title 93. Second, the committee reviewed the proposed addendum to the employment agreement between the Commissioner and the State Board of Education. The committee recommends the Board adopt the proposed employment agreement between the Commissioner and the State Board of Education.

The committee had one discussion item. The committee reviewed the status of education related bills and a summary of NDE's position, at the direction of the Executive Committee, during the recent legislative session. Two bills were enacted that the NDE was a proponent, LB 140 - school policy regarding electronic communication devices, and LB 296 – NDE education records system and registrars to award credit for courses for students under the juvenile court. The Commissioner previously reported on LB 303.

The committee reviewed information items. The committee received an update on the status of the strategic planning process including the completion of the citizen and student focus groups, summation of multiple SWOT analyses, and next steps. Then, the committee received notice for the appointment of a member to the state committee for the reorganization of school districts. Finally, the committee discussed the process and next steps for the review of Board bylaw and policy revisions.

This concludes the Executive Committee report.

Elizabeth Tegtmeier, Chair

*Submit a printed copy to the Committee Chair and email to the Recording Secretary.

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Ami Huff, General Counsel

PROPOSED AGENDA ITEM: Action Item: Proposed revisions to Title 93, Nebraska Administrative Code, Chapters 1-16, *Nebraska Department of Education Personnel Rules* (EX.022025.002)

RATIONALE/BACKGROUND INFORMATION: The NDE Personnel Rules are being updated to align with corollary changes made to the collective bargaining agreement between the Nebraska Association of Public Employees (NAPE) and NDE for fiscal years 2025-26 and 2026-27.

Aside from the changes clarifying terms, and aligning with the NAPE collective bargaining agreement, substantive changes are to the following Chapters:

Chapter 9: Leave and Holidays

- 13 – Added the ability to donate up to 16 hours of sick leave for catastrophic leave.
- 14 – Added the ability to donate up to 16 hours of sick leave for Parental Leave Donations.
- 17 – Added paid maternity leave of 6 weeks for mothers who give birth and are eligible for Family and Medical Leave.

Chapter 14: Grievance Procedure

- 06 – Added language to have the grievance form provided by Human Resources or its designee, if applicable.
- 06.01 – Step One – Added the completed grievance form will be submitted to the Human Resources Administrator. Added language that the Department designee will arrive at a response to a Step One grievance. Removed 006.01A which was specific to disciplinary demotion and disciplinary suspension. Removed 006.01B which was specific to administrative probation.
- 06.02 - Step Two – Added the Department Designee as the person to receive an appeal to the decision at Step One. Added the Department Designee may not be the same person as in Step One.

Appendix A: Grievance Form

- Removed the form from the Rule.

A public hearing was held via Zoom regarding the draft revisions on May 15, 2025. The concepts were explained in the introduction, and there was no additional testimony. The report of the hearing officer is attached, and a video of the hearing may be viewed at: https://www.education.ne.gov/legal/rule-hearings/.

Additional attached information includes an executive summary, fiscal statement, drafts of the revised Title 93 in both legislative format and as a clean copy, and the collective bargaining agreement.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: The anticipated increased cost to the Department of Education includes expenses for holding a public hearing and printing the rule ($650).

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: N/A
- New or Renewal: N/A
- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: N/A
- Rationale for method of procurement: N/A
- Rationale for contractor selection: N/A

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

TITLE 93 - Nebraska Department of Education Personnel Rules

CHAPTER 1 - COVERAGE

001 Collective Bargaining Agreements. Employees subject to the Nebraska Association of Public Employees, Local 61 of the American Federation of State, County, and Municipal Employees (NAPE/AFSCME) Bargaining Agreement (Agreement) with the Nebraska Department of Education (Department) are not covered by these rules to the extent that wages, hours, and other terms and conditions of employment are provided for by the Agreement, or where the Agreement specifically provides these rules apply.

002 Department Rules and Policies; Conflicts. These rules will not be construed as limiting, in any way, the power and authority of the Commissioner to make policies governing the conduct of Department employees and the performance of Department functions, provided such Department policies are consistent with, and limited by, the provisions of these rules and any collective bargaining agreements. Provisions of this Title and the provisions of any current collective bargaining agreement supersede all Department policies.

003 Availability. Each employee has the right to examine these rules, which are publicly available on the website of the Department.

TITLE 93 - NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES

CHAPTER 2 - MANAGEMENT AUTHORITY

001 The Department retains all of its inherent rights, functions, and responsibilities with the right to determine and make decisions, except where those rights may be modified, restricted, or limited by these rules. The Department retains the right to determine the manner in which the operations of the Department are to be conducted except where those rights may be modified, restricted, or limited by these rules.

002 Management rights include, but are not limited to, the right to:

002.01 Implement and maintain a job classification system and classify employees pursuant to Chapter 6 of this Title;

002.02 Hire, promote, demote, transfer, assign, train, or retain employees in positions within the Department;

002.03 Establish and maintain Department missions, goals, and objectives, and reasonable work rules and workplace expectations, the contents of which are not inconsistent with this Title;

002.04 Suspend, demote, dismiss from employment, or take other appropriate disciplinary action against employees for just cause;

002.05 Schedule work and promote its accomplishments through managing, directing, and assigning duties and work schedules to employees;

002.06 Determine services to be rendered, operations to be performed, technology to be utilized, or matters to be budgeted;

002.07 Determine the overall methods, processes, means, or personnel by which operations are to be conducted;

002.08 Determine the type and number of employees to be employed, and to lay-off employees in the event of lack of work or funds or under conditions where the continuation of such work would be inefficient or nonproductive;

002.09 Determine, in accordance with the Constitutional and statutory mandates, mission, and goals of the Department, the personnel, methods, and means necessary to efficiently fulfill that mission,

including, but not limited to, implementing a budget, contracting for the transfer of any goods or services, and altering, curtailing, or discontinuing any goods or services;

002.10 Dismiss an employee from employment in the event the employee is unable to perform the essential functions of the position due to physical or mental impairments even with reasonable accommodations;

002.11 Determine what charitable or social activities may be supported or sponsored by the Department; and

002.12 Take all reasonable and necessary steps to comply with the federal Americans with Disabilities Act (ADA) and the Nebraska Fair Employment Practice Act.

TITLE 93 - NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES

CHAPTER 3 - DEFINITIONS

001 Applicability. The definitions contained in the following Chapters of this Title are used throughout this Title except where the context would require another definition. All other words have their normal accepted meaning.

002 Absence Without Approved Leave means the unauthorized absence of an employee from work or the workstation during normal duty hours.

003 Appointment means the act of the Department filling a position.

004 Assigned Activities as it relates to determinations of staff travel requests includes any activity which is a normal or anticipated part of the sequence of completion of responsibilities of job tasks assigned to the employee, or assignments or approved activities which provide a non-repetitive opportunity for the employee to maintain a level of currency, expertise and leadership in the fields in which the employee has assigned job responsibilities commensurate with management expectations of the employee's capacity to serve the needs of the Department and the State in those fields.

005 Board means the State Board of Education.

006 Classification means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill; and such other characteristics that the same title and the same minimum qualifications may be applied to each position in the group, and so that the same pay grade may be assigned.

007 Commissioner means the Commissioner of Education.

008 Company Service Date means the first day the employee starts work for the Department. The service date may be revised due to an absence per Chapter 4, Section 003, of this Title.

009 Continuous Service Date means a state service date that may have been revised due to employee absence per Chapter 4, Section 003, of this Title, or prior state service, and from which an employee's vacation and sick leave is computed.

010 Contract Employee means an individual with whom the Department has entered into a contract under the Department's policies regarding contracting, which creates an employer-employee relationship.

011 Demotion means moving an employee from one job classification to another at a lower pay grade. Demotions may be non-disciplinary as described in Chapter 6, Section 004, of this Title, or disciplinary as described in Chapter 13, Section 004.02, of this Title.

012 Department means the State Department of Education, which is comprised of the Board and the Commissioner.

013 Deputy Commissioner means, unless otherwise indicated, an individual appointed to that position under Neb. Rev. Stat. § 79-318(3). Except in instances where the Deputy Commissioner is taking action as the immediate supervisor of an employee under this Title, whenever this Title provides that any Deputy Commissioner has the authority to act, the Commissioner likewise has the authority to do the same.

014 Discharge or Dismissal means the disciplinary termination of employment pursuant to Chapter 12 of this Title.

015 Employee means any person who works for the Department and receives payment through the state payroll system, but does not include temporary or contract employees. This definition is subject to the limitations of Chapter 4, Section 002, of this Title.

016 Fixed-Term Employee means an employee in a fixed-term position.

017 Fixed-Term Position means a position which, due to the funding source, has a predetermined duration of employment which is designated at the time of hire subject to the continuation and availability of funding. Fixed-term positions may be worked on a full-time or part-time schedule and are subject to all of the terms of this Title except the provisions of Chapter 12 of this Title.

018 Full-Time Schedule means a forty- (40) hour workweek schedule.

019 Grievance is ~~means throughout this Title as~~ defined in Chapter 14 of this Title.

020 Human Resources Office means the office within the Department that is responsible for personnel administration in the Department.

021 Job Family means groups of job classifications related by shared work.

022 Job Series means two (2) or more job classifications, similar as to duties and training required but differing primarily in difficulty, responsibility, knowledge and skills, and supervision exercised or received.

023 Job Specifications means the official written description of a classification of work, which summarizes information such as the purpose of the job, distinguishing characteristics, and examples of duties, minimum qualifications, supervisory and fiscal authority, and physical requirements.

024 Lateral Transfer means changing an employee from one position to another position in the same pay grade. ~~In the case of VR positions, it means maintaining the same job classification but transferring to a different VR office.~~

025 Lay Off means the involuntary termination (reduction in force) of an employee or employees because of a lack of work or lack of funds or under conditions in which the continuation of such work would be inefficient or non-productive.

026 Leave Without Pay means leave or time off from work for the employee's personal reasons granted by the ~~appointing authority~~Office Administrator for which period the employee receives no pay.

027 Minimum Qualifications means the least amount of training and experience and other qualifications required to perform adequately in a specific position or series of positions.

028 Office Administrator means, unless otherwise indicated, an individual designated by the Commissioner to oversee a subdivision of the Department. In the event there is no Office Administrator in an individual's chain of command, the pertinent Deputy Commissioner or designee will act on matters otherwise handled by an Office Administrator.

029 Original Probationary Period means a period of time during which an employee is required to demonstrate fitness for a particular position as a part of the selection process for regular appointment.

030 Paid Work Status means time paid for work or any paid leave.

031 Part-time Schedule means less than a forty- (40) hour workweek schedule.

032 Pay Grade means a specified range of salary or wage, the starting and intermediate rates within such range, and the maximum rate of such range.

033 Personnel Files means the files retained by the Human Resources Office of the Department, which is personally identifiable with an individual employee or former employee.

034 Position means a group of specific duties, tasks, and responsibilities to be performed by one (1) employee. A position may be part-time or full-time; temporary, fixed-term, or regular; and occupied or vacant.

035 Professional Growth as it relates to determinations on staff travel requests includes approved travel related to activities which are ancillary to the assigned field of responsibility, which will provide opportunities for leadership and expertise in the field(s) of the employee's assigned responsibility which are in excess of management expectations, or which serve a professional interest of the employee which is outside the area(s) of assigned responsibility.

036 Promotion means changing an employee from one job classification to another at a higher pay grade.

~~037 Reduction in Force means the same as layoff.~~

~~038~~037 Regular Employee means an employee in a regular full-time or part-time position who has completed the required probationary period or who has acquired permanent status in accordance with this Title.

~~039~~038 Resignation means the voluntary termination of employment by an employee.

~~040~~039 Retirement means the transfer of an eligible employee from active to retired status.

~~041~~040 Schedule Deviation means an adjustment of work hours or length of the workday.

~~042~~041 Secondary Probation means an employee on probation under Chapter 5, Section 003, of this Title.

~~043~~042 Suspension means an ordered absence for disciplinary, investigatory, or other purposes.

~~044~~043 Temporary Employee means an employee hired through an agency or via contract for a limited period of time to perform requested job duties on

either a full-time or part-time schedule.

~~045~~044 Transfer of Employee means the movement of an employee from one (1) position to another position within the Department. A transfer action does not require termination of the employee.

~~046~~045 Treatment means the provision of medical, dental or psychological services or procedures performed (including surgery) on the employee or immediate family member by treating professionals or their staff. Treatment for purposes of sick leave does not include participating in activities that are, as determined by the Department, primarily considered recreational activities and engaged in frequently by persons who are not ill or suffering from a medical, dental or psychological condition or disability, even when such activity is beneficial to the employee's physical or mental health (i.e., trips to a destination to relax or relieve stress, running in marathons, etc.).

~~047~~046 Tuition means the cost per credit hour of instruction at an accredited postsecondary institution.

~~048~~047 Work Rules means those practices, policies, and procedures established and adopted by the Department concerning the employee's terms and conditions of employment.

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CHAPTER 4 - EMPLOYEE SELECTION

001 Hiring Process. The Board, upon the recommendation of the Commissioner, has the final hiring authority for all newly created professional positions, including any Deputy Commissioner. Selection of other staff will be at the discretion of the Commissioner who will have the final hiring authority.

002 Employment Categories.

002.01 Full-Time. Full-time employees are required to work, as a minimum, forty (40) hours per week on a permanent, ongoing basis.

002.02 Part-Time. Part-time regular employees are required to work fewer hours than full-time employees on a permanent, ongoing basis. Work schedules may fluctuate by week, month, or season. Part-time employees earn benefits on a prorated basis. To be eligible for insurance benefits, employees must be hired to work at least half-time (20 hours per week).

002.03 Temporary Employee. Temporary employees are those employees hired through a temporary agency or via contract for a limited period of time to perform requested job duties on either a full-time or part-time schedule. Temporary employees may be separated, at any time, without notice or grievance rights. Temporary employees do not receive benefits except as provided by Neb. Rev. Stat. § 84-1601 et seq. ~~A temporary position may be a full-time or part-time position.~~ Employment in a temporary position will not count toward a Department service date or original probationary period.

002.04 Fixed-Term. A fixed-term employee is an employee hired in a fixed-term position. A fixed-term position is a position which, due to the funding source, has a predetermined duration of employment which is designated at the time of hire subject to the continuation and availability of funding. Fixed-term positions may be worked on a full-time or part-time schedule and are subject to all the provisions of these Personnel Rules except the provisions of Chapter 12, Sections 003 through 009, of this Title.

002.05 Contract Employee. Contract employee means an individual with whom the Department has entered into a contract under the

Department's policies regarding contracting, which creates an employer-employee relationship. Terms of the employment are governed by the contract. Contract employees do not receive benefits except as provided by Neb. Rev. Stat. § 84-1601 et seq. Contract employees do not have grievance rights. Employment as a contract employee will not count toward a Department service date or original probationary period.

003 Service Date. The continuous service date must be adjusted to reflect suspensions without pay, or periods of unpaid leave which exceed fourteen (14) calendar days (except military leave). Promotion, demotion, and transfer of employees will not change the employee's service date.

Employees who left State service for other than disciplinary reasons and return after July 1, 2001, following a break in services of less than five (5) years, are given credit for previous State service by having their service date reinstated minus the amount of time absent.

004 Equal Opportunity Employment and Nondiscrimination. The Department prohibits the following employment practices, which are unlawful under Neb. Rev. Stat. §§ 48-1001 and 48-1104:

004.01 To fail or refuse to hire, to discharge or to harass any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's age, race, color, religion, sex, disability, marital status, national origin, or genetic information (as prohibited by the federal Genetic Information Non-discrimination Act [GINA] and Neb. Rev. Stat. § 48-236); or

004.02 To limit, advertise, solicit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect such individual's status as an employee, because of such individual's age, race, color, religion, sex, disability, marital status, or national origin; or

004.03 To refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to terms, conditions, or privileges of employment, otherwise lawful, because of such individual's age, when the reasonable demands of the position do not require such an age distinction; or

004.04 To willfully utilize in the hiring or recruitment of individuals for employment otherwise lawful, any employment agency, placement

service, training school or center, labor organization, or any other source which so discriminates against such individuals because of their age.

005 ADA Compliance. It is the policy and practice of the Department to comply with the federal Americans with Disabilities Act (ADA) and to ensure equal opportunity in employment for all qualified persons with disabilities. The Department is committed to ensuring that there is no discrimination in any terms, conditions, or privileges of employment. Reasonable accommodation is available to all employees and applicants. Requests for reasonable accommodations must be forwarded to the Human Resources Office.

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CHAPTER 5 - PROBATIONARY PERIODS

001 Period of Time. Each employee serves an appropriate original probationary period based on the job classification occupied. The probationary period for new or revised classifications created after the effective date of this Title will be determined by the Department per the provisions of Chapter 2, Section 002.01, and Chapter 6, Section 001.

001.01 Six-Month Probationary Periods. Employees occupying the following jobs (including various levels within the job family), or successor job titles, serve ~~a~~an original probationary period of six (6) months:

Administrative Associate
~~IT Infrastructure Support Technician~~
~~IT Help Desk Specialist~~
Office Associate
Office Associate Executive
Paralegal
Program Associate
~~VR Associate~~

001.02 Twelve-Month Probationary Periods. Employees occupying the following jobs (including various levels within the job family), or successor job titles, serve ~~a~~an original probationary period of twelve months:

Administrative Specialist
Administrator
Deputy Commissioner
~~Disability Adjudicator~~
~~Disability Determination Services Hearing Officer~~
Education Specialist
General Counsel
IT Administrator
~~IT Applications Developer~~
~~IT Data/Database Analyst~~
~~IT Infrastructure Support Analyst~~
IT Help Desk Specialist
IT Manager
IT Supervisor

Legal Counsel
Officer
Program Specialist
Project Manager
Psychometrician
~~Statistical Research Specialist~~
~~VR Service Specialist~~
~~VR Rehabilitation Specialist~~
VR Office Director
VR Program Director
~~Web Developer~~

001.03 Extensions. Employees with original probationary periods of six (6) months may be extended by up to six (6) months not to exceed a total of twelve (12) months upon written notification to the affected employee, which includes reasons for such extension. Employees with original probationary periods of twelve (12) months may be extended by up to six (6) months not to exceed a total of eighteen (18) months upon written notification to the affected employee, which includes reasons for such extension. Secondary probation periods may not be extended.

002 Change of Position During Probationary Period. Employees who move to another position during their original probationary period are required to serve a complete new probationary period in the new position and will not be credited with probationary service completed in the previous position. However, employees who move to positions that are under the same Office Administrator, and are of the same pay grade, will be credited with all probationary service in the previous position.

003 Secondary Probationary Periods. Employees who have previously completed an original probationary period in their current position, and accept a new position, or who are demoted as the result of a disciplinary demotion, will be placed on a secondary probation for a period of time as set forth in Sections 001 and 002 of this Chapter to determine his/her ability to perform the job. The supervisor and appropriate Office Administrator may request approval from the Human Resource Office to waive or end the secondary probationary period early. If the employee is, in the opinion of the Department, not performing satisfactorily in the new position during the secondary probationary period, the employee may be reverted to the employee's previous position and pay rate (secondary probation following promotions only) or may be placed in a vacant position of a similar classification with the same pay rate as the employee received prior to the new position. If no such vacancy is available, the Department may place the employee in a vacant position in a lower classification according to the

provisions in Chapter 6, Section 004, of this Title, or may terminate the employee in the manner described in Chapter 5 of this Title. Notice of such change in position must be provided to the employee within the secondary probation period and the change effective within thirty (30) calendar days of the end of the secondary probation period. The Department is not required to utilize the disciplinary process to revert an employee back to the employee's former position or a vacant position in the same geographical area (thirty [30] miles from the current work site) equivalent to the former position's pay grade. Any of the Department action described above are grievable only if and to the extent that the employee is alleging that (i) such action was based upon unlawful discrimination by reason of sex, race, color, age, national origin, marital status, religion, disability, or genetic information; or (ii) their previous position was vacant and available or a vacant position of similar job level was available but they were not placed in such a position. The Department will document efforts to provide the promoted employee with performance improvement counseling when utilizing this provision.

003.01 During the secondary probationary period for the new position, probationary performance appraisals may be conducted according to the schedule as set forth in Section 006 of this Chapter.

004 Employees on a part-time schedule may have their probationary period extended according to the provisions in this Chapter in order for the supervisor to have additional opportunities to observe the employee. Probationary periods may also be extended to allow for adequate observation opportunities in cases where employees have been absent for significant periods of time.

005 Termination of Employment. Employees serving an original probationary period may, upon the recommendation of the immediate supervisor, and with the approval of the appropriate Office Administrator, be terminated without cause or recourse under the rules of Title 93 at any time during the probationary period.

005.01 If at any time during the original probationary period it is determined that the services of the employee have not been acceptable, or if the employee does not successfully pass applicable background screens, the appropriate Office Administrator and supervisor will notify the employee in writing of the date services are to be terminated. There is no recourse for such terminations under this Title.

006 Appraisal Schedule. Written performance appraisals will be prepared

at prescribed intervals during the original probationary period and annually thereafter as described in Section 006.03 of this Chapter. The absence of any required appraisals does not prohibit nor delay the ending of a successful probationary period and the establishment of a regular appointment. If a performance appraisal was not completed during the previous twelve (12) months, an employee's performance will be considered as meeting expectations for salary purposes ~~until such time as a performance appraisal is~~ completed. Employees will be provided with ~~either~~ electronic access to ~~, or a paper or electronic copy of,~~ the completed performance appraisal. Supervisors will hold performance planning sessions, communicate performance expectations, and provide performance feedback outside of the formal appraisal conferences.

006.01 Six-Month Probationary Period. For employees with a six-month probationary period the following schedule of appraisals will be maintained:

006.01A Prior to the end of the 6th month of employment; and

006.01B Additional appraisals may be scheduled at the discretion of the employee□s supervisor.

006.02 Twelve-Month Probationary Period. For employees with a twelve-month probationary period, the following schedule of appraisals will be maintained:

006.02A Prior to the end of the 12th month of employment; and

006.02B Additional appraisals may be scheduled at the discretion of the employee□s supervisor.

006.03 Annual Appraisals. Annual appraisals will be conducted on an annual basis covering the previous calendar year. Additional appraisals may be scheduled at the discretion of the employee□s supervisor.

007 End of Probation. If the supervisor determined that the services of an employee have been acceptable, the employee will move from probationary to regular employee status. An employee will move to regular employee status on the day following the day ending the probationary period, unless notice of extension has been given to the employee in writing prior to such time. In the event of an extension of the original probationary period, an employee will move to regular employee status on the day following the day ending the extension of the original probationary period.

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CHAPTER 6 - JOB CLASSIFICATION PLAN

001 General. The Human Resources Office will maintain a master set of all job specifications used by the Department, which will be available on the Department's intranet website.

002 Job Classification Review. Regular employees or their supervisors may request a review of the employee's job classification at any time providing the position has not been reviewed within the previous twelve (12) months. The employee's supervisor(s) may request of Human Resources a waiver of the twelve (12) month interval requirement. An employee may make the request to the Human Resources Office through their immediate supervisor or a supervisor may make the request directly to the Human Resources Office. Following such request by an employee or supervisor, the Human Resources Office will review the placement of such employee. Such review by the Human Resources Office will include the review of a Position Description Questionnaire completed by the employee and reviewed by the employee's supervisor(s) and the appropriate Office Administrator. The Position Description Questionnaire will be provided to the employee by the Human Resources Office within five (5) workdays of such request.

002.01 Form Completion. The employee or supervisor will have fifteen (15) workdays to complete the Position Description Questionnaire, including supervisor's and Office Administrator's review, and return it to the Human Resources Office.

002.02 Human Resources. The Human Resources Office will have twenty (20) workdays from the receipt of the completed Position Description Questionnaire to complete the review of the job reclassification request and make a decision. A copy of Human Resources' decision will be forwarded to the supervisor(s), the Office Administrator and the employee. If Human Resources' decision is to retain the employee's classification or reclassify the employee to a higher job specification, the decision is final. If the decision of the Human Resources Office is to reclassify to a lower job specification, the supervisor(s), the Office Administrator, and the employee will then have an opportunity to provide comments and/or documentation to the Deputy Commissioner to appeal Human Resources' decision within ten (10) workdays.

002.03 Deputy Commissioner. The Deputy Commissioner will have fifteen (15) workdays after receiving the appeal to make a final decision. The Deputy Commissioner will communicate the final decision to the Human Resources Office, supervisor(s), the appropriate Office Administrator, and the employee within five (5) workdays of the decision.

If the decision of the Human Resources Office is to classify the employee to a higher job specification, and a pay adjustment is warranted, the pay adjustment will be effective the next pay period.

002.03A The time requirements in this Chapter may be extended by written agreement between the employee and the Human Resources Office in cases where additional time is needed in order to conduct the review process. Retroactive pay adjustments may be made under Section 02.03 of this Chapter.

003 Reclassifications. In situations where the employee's job duties have changed significantly, the employee may be reclassified to a new job classification at a higher pay grade as a result of the job classification review process.

003.01 An employee who is reclassified to another job classification at a higher pay grade will be placed in the new job classification on the same numbered step that they were placed in their previous job classification.

003.01A The appropriate Office Administrator may request approval from the Deputy Commissioner to award a salary increase greater than would be provided by Section 003.01 of this Chapter. The Deputy Commissioner's decision will be final.

003.01B The appropriate Office Administrator may request approval from the Deputy Commissioner to award a salary increase less than would be provided by Section 003.01 of this Chapter if the employee has already received an increase for the same duties which resulted in the reclassification.

003.01C An employee's job classification modified by Human Resources outside of the Job Classification Review Process is not subject to the salary increases in Section 003 of this Chapter.

004 Demotions. An employee may receive a disciplinary demotion per Chapter 13, Section 004.02, of this Title or be demoted due to

unsatisfactory performance during a secondary probation period per Chapter 5, Section 003. In cases in which the employee accepts a demotion to avoid being laid off, voluntarily requests a demotion, or is reclassified to a lower pay grade, a non-disciplinary demotion may result. The employee will have the right to elect demotion as an alternative to a layoff. The right to elect will be granted to employees in accordance with provisions of Chapter 12 of this Title.

004.01 In all cases involving demotion, the employee must meet the requirements of the position to which he/she is demoted, and except as provided in layoff procedure, no employees in a lower level position will be laid off by reason of a demotion action involving another employee.

004.02 An employee who is demoted, either voluntarily or involuntarily, from a higher pay grade to a lower pay grade, will be placed in the new job classification on the same numbered step that they were placed in their previous job classification.

004.02A The appropriate Office Administrator may recommend to the Deputy Commissioner a salary decrease less than would be provided by this Section. The Deputy Commissioner's decision will be final.

005 Salary for Vacant Position. Employees who apply for and are selected as the successful applicant to fill a vacant job opening that was posted, will be subject to the same salary range that was identified on the posting for all applicants. Employees are not entitled to retain their current salary level if they accept the offer to fill the vacancy. The salary provisions contained in Section 003 and Section 004 of this Chapter do not apply to such a situation.

005.01 The Commissioner or the Deputy Commissioner may authorize a higher salary than was identified in the posting in cases where it is determined that the current Department employee selected possesses superior or unique experience or qualifications that will provide added benefit to the Department in the job.

006 Loss in Pay. No employee will, as a result of Department action, suffer a loss of pay through a promotion or transfer to a position of the same job classification or through an involuntary, non-disciplinary transfer to a different job classification in the same pay grade. This provision will not apply in layoff situations.

007 Service Date. Promotions, transfers, or demotions will not change an

employee's Department or State service date.

008 Pay During Temporary Transfer. When an employee performs the duties of a position in a higher pay grade than the job classification pay grade currently held by the employee, the employee will receive a temporary pay increase to the minimum salary of the higher pay grade or an increase in accordance with Section 003.01 of this Chapter, whichever is higher, but in no case will the employee receive a pay reduction. Such temporary pay increase will apply only when the employee has been requested to perform the duties of someone at a higher pay grade, and when the period of time in which the employee is performing the duties exceeds ten (10) workdays.

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CHAPTER 7 - SALARY ADMINISTRATION

001 Pay Plan. Employees are placed in an assigned position and pay grade of a job classification and pay plan approved by the Commissioner. The pay plan may provide scheduled salary increases, including, but not limited to, annual salary adjustment increases.

001.01 Horizontal Movement. The Deputy Commissioner may distribute salary increases to employees who meet established criteria as necessary to address internal/external inequities and recognize noteworthy performance. The salary increases will be included in the employee's regular rate of pay and base salary.

001.02 Merit Stipends. Upon receiving a recommendation from the appropriate Office Administrator, the Deputy Commissioner may distribute merit stipends to recognize employees, with at least two (2) years of service with the Department, who have demonstrated exemplary performance or who have completed temporary assignments that required time, skill, and effort beyond the normal scope of the employee's position. The stipend will be a one-time payment, above and beyond the regular rate of pay. The stipend will not become part of the employee's base salary.

002 An employee who, on the effective date of a scheduled pay increase, is under suspension with pay, suspension without pay, or administrative probation, will not be provided the pay increase until the employee satisfactorily completes the disciplinary action except that no employee will be paid less than the hiring rate of pay established for the employee's pay grade in effect on the effective date of the last pay increase.

003 If a suspension is for investigative purposes and the employee is subsequently determined not to be subject to disciplinary action, the employee will be entitled to the appropriate pay rate increases retroactive to the date the pay rate increases would have been granted had not the suspension been in effect.

004 Release of Payroll/Expense Warrants. Payroll and expense warrants will be released to employees named on the warrant or to the person designated by the employee in writing. In case of employee illness or injury, warrants may be released to immediate relatives who do not have a note of authorization but have proof of identification. Immediate relatives are:

spouse; children including step, adopted, and foster children; parents; and, parents of the spouse.

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CHAPTER 8 - OVERTIME

001 Exempt and Nonexempt Defined.

001.01 Exempt employees means employees who, by virtue of their primary duties and responsibilities, are professional, executive and/or administrative under the provisions of the federal Fair Labor Standards Act (FLSA) and are thereby exempt from overtime compensation payment and/or time off in lieu of such payment.

001.02 Nonexempt employees means employees who are eligible to receive compensatory payment or time off for overtime.

002 FLSA Status Determination. The Human Resources Office determines the federal Fair Labor Standards Act (exempt or nonexempt) status of each existing, new, or restructured position.

003 Overtime Approval. For all employees other than those in the Disability Determination Services (DDS), no overtime will be worked by nonexempt employees without the prior approval in writing by the immediate supervisor and the appropriate Office Administrator. No overtime is to be worked by a nonexempt DDS employee unless authorized by the Social Security Administration and approved by the DDS Office Administrator.

004 Overtime Compensation Options for Nonexempt Employees. Nonexempt employees, who accumulate more than forty (40) hours of compensable work time in a work week, will be eligible for overtime compensation. Paid vacation, sick, or bereavement leave will not be counted as work hours for overtime purposes. The method of compensation will be at the discretion of the appropriate Office Administrator and the immediate supervisor. The two (2) options for such compensation are:

004.01 Payment of a sum equivalent to one and one-half (1-1/2) times the hourly rate of pay for time actually worked in excess of forty (40) hours. Payment for overtime hours will be calculated at the hourly rate that was in effect for overtime at the time excess hours were actually worked.

004.01A The hourly rate of pay will be computed by dividing the annual rate of pay by the number of hours the employee is normally

responsible for per year. Such payment will be made at the end of the pay period in which it was earned, if administratively feasible, or at the end of the following pay period.

004.02 Compensatory time off when taken in lieu of pay will be calculated at time and one-half (1-1/2) unless the employee has actually worked less than forty (40) hours during the workweek. If the employee has actually worked less than forty (40) hours during the workweek, compensatory time off will be calculated at straight time. ~~Paid vacation, sick, or bereavement leave will not be counted as work hours for overtime purposes.~~

004.02A Compensatory time off will be used in the subsequent sixty (60) calendar day period following the date the hours were worked, unless such period is extended, in writing, by the Department (within limits established in Section 004.02B of this Chapter).

004.02B Employees who worked overtime hours ~~between July 3, 2023, and June 30, 2024,~~ will either be provided time off or will be paid in the same manner as in the NAPE AFSCME Bargaining Agreement. ~~by July 28, 2024, or be paid out in biweekly pay period 16 at the pay rate in effect at the time the compensatory time was earned. Employees who worked overtime hours between July 14, 2024, and June 29, 2025, will either be provided time off by July 27, 2025, or be paid out in biweekly pay period 16 at the pay rate in effect at the time the compensatory time was earned.~~

005 Exempt Employees.

005.01 Schedule Deviation. Exempt employees who, in fulfilling their job responsibilities (which may include travel time) extend their accountable work hours beyond the expected eight (8) hour workday or approved work schedule, may deviate from their usual work hours upon advance approval and agreement between the employee and immediate supervisor as to the number of hours of deviation and when the schedule deviation will take place. Schedule deviation is defined as an adjustment of work hours or length of the workday.

005.02 Hours worked on a holiday by an exempt employee will be compensated at straight time.

006 Nonexempt Employees Overtime Calculation.

006.01 Overtime will include all compensable work time in excess of forty (40) hours either at time and one-half (1-1/2) or at straight time.

006.02 Holidays will be considered as work hours for overtime purposes. Hours worked by an overtime-eligible employee on a holiday will be compensated at one and one-half (1-1/2) times the employee's normal hourly rate of pay. All hours worked on a holiday in excess of the employee's normally scheduled workday will be compensated at two (2) times the employee's normal hourly rate of pay.

006.03 Paid leave (e.g., sick, vacation, bereavement) will not be considered as work hours for overtime purposes.

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CHAPTER 9 - LEAVE AND HOLIDAYS

001 The following provisions apply to paid and unpaid leave:

001.01 Unauthorized Leave. An absence by an employee which does not meet the requirements specified in this Chapter and is not authorized by the employee's supervisor will be considered as unauthorized leave. Unauthorized leave may be grounds for corrective or disciplinary action under the provisions of Chapter 13 of this Title.

001.02 Authorized Leave. An absence by an employee which meets the requirements specified in this Chapter and that is authorized by the employee's supervisor will be considered as authorized leave.

002 Continuous/Company Service Date Adjustments. Employees returning to work on or after July 1, 2001, after a break in service of less than five (5) calendar years, will have their accumulated unpaid sick leave balance reinstated. The employee's service date(s) will be adjusted for the period of absence. The employee's vacation and sick leave earning rate will also be adjusted, and the new rate of earning will be based on the adjusted service date(s). Employees returning to work after a break in service of more than five (5) calendar years will start with a zero (0) sick and vacation leave balance, will be considered to be new employees for service date purposes, and will earn vacation and sick leave at the beginning earning rate of a newly hired employee.

~~Employees may apply available, accumulated paid leave on their monthly timesheet in order to prevent service date adjustment(s). The leave time taken will be no less than one (1) workday for purposes of this Section. One (1) workday will be eight (8) hours for a full-time employee or the corresponding percentage of full-time equivalent (FTE) for part-time employees.~~

The employee's service date will be adjusted when an unpaid absence exceeds fourteen (14) consecutive calendar days, except when an employee is still eligible for workers' compensation payments. The adjustment will correspond to the number of days the employee is on unpaid leave. See also Chapter 4, Section 003, of this Title.

003 Holidays. The following holidays, and others when declared by law or proclaimed by the Governor or President of the United States as provided in

subsection (3) of Neb. Rev. Stat. § 84-1001, will be compensated holidays for full-time and part-time employees and are scheduled on the dates indicated. When a holiday falls on Saturday, it will be observed on the preceding Friday. When a holiday falls on Sunday, it will be observed on the following Monday.

DAY	DATE
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Arbor Day	Last Friday in April
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day/Indigenous Peoples' Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday following Thanksgiving
Christmas Day	December 25

003.01 Full-Time Employees. Compensation for a holiday is based on an eight (8) hour workday for full-time employees.

003.02 Part-Time Employees. Part-time employees will receive paid time off for holidays on a prorated basis according to the time they work each pay period.

003.03 Temporary and Contract Employees. Temporary and contract employees are not eligible for holiday leave, and if required to work on a holiday or observed holiday, are paid for the time worked at their normal rate of pay.

003.04 Eligibility for Holiday Pay. Pursuant to Neb. Rev. Stat. § 84-1001 in order to receive pay for such holiday an employee, whether part-time or full-time, must be in paid work status on both the workday

immediately preceding and immediately following the holiday unless excused by his or her supervisor.

003.05 Working on Holidays. An employee may be directed to work on a holiday or may request advance approval from the immediate supervisor to voluntarily work on a holiday. Any work on a day that is defined as a paid holiday by Neb. Rev. Stat. § 84-1001 will be compensated for by granting the employee compensatory time off or by paying the employee. Nonexempt employees will be compensated per Chapter 8, Section 006.02, of this Title. Exempt employees will be compensated at straight time and allowed to take the holiday within sixty (60) calendar days of the observed holiday. The method of compensation for the holiday worked will be at the discretion of the Department. If compensatory time off is granted, the employee will determine when such time will be taken, subject to Chapter 8, Section 004.02A, of this Title.

004 Vacation Leave. All employees, excluding temporary and contract employees, earn paid vacation leave. Hours accrue on a biweekly basis but are not available to the employee prior to the start of the following pay period, except as provided by Section 004.03 of this Chapter. Full-time employees earn vacation leave according to the following schedule:

Years of Service	Hours Per Year	Days Per Year
1st year through 5th year	96	12
6th year	120	15
7th year	128	16
8th year	136	17
9th year	144	18
10th year	152	19
11th year	160	20
12th year	168	21
13th year	176	22
14th year	184	23
15th year	192	24

16th year and following years	200	25

004.01 Using Vacation Leave. Vacation leave must be requested in advance by the employee. Vacation leave may be used when approved by the employee's supervisor. Denial of vacation leave requests must not be arbitrary and the taking of vacation leave by employees may not be unreasonably deferred. Vacation leave will be taken and reported in increments of not less than one tenth (1/10) of an hour.

004.02 Vacation leave will not accrue to any employee on leave of absence without pay, leave without pay, suspension without pay, layoff, or during time off of work that is compensated under workers' compensation, except as provided in Section 012.06C of this Chapter.

004.03 Advancing Vacation Leave. The appropriate Office Administrator may ~~at his/her discretion~~ advance vacation leave to employees with six (6) months of service with the Department in an amount not to exceed that which the employee would earn in the ~~succeeding three (3) month period.~~following six biweekly pay periods. For employees with more than five (5) continuous years of service and no record of leave abuse, request for vacation leave advancement ~~of thirty (30) hours or less~~ will not unreasonably be denied. Employees will reimburse the Department for all used unearned vacation leave upon termination either by a deduction in their final check or by separate payment. Employees may not request more than one advancement in a three (3) month period. If at the end of the advancement period the employee has not earned back the advanced vacation leave used, another request for advancement of vacation cannot be approved until the employee has earned back the advanced vacation leave used. Written notice of advancement must be provided to the Human Resources Office.

004.04 Balancing of Vacation Leave During Employment. Up to two hundred and eighty (280) hours of an employee's vacation leave may be carried over from one (1) calendar year to the next. Accumulated vacation time in excess of two hundred and eighty (280) hours will be forfeited as of December 31 of each calendar year. In the event an unforeseen work-related emergency prevents an employee from taking planned vacation leave before December 31 and causes that vacation leave to be lost, additional carryover vacation leave may be requested of and approved in advance of the calendar-year-end by the Deputy Commissioner. In such cases, the hours above two hundred and eighty

(280) that are carried over must be used within the next six (6) months.

004.05 Balancing of Vacation Leave Upon Separation. Employees who leave state government employment for any reason will be paid for any unused accumulated vacation leave earned, calculated at the hourly rate in effect at the time of termination. However, vacation leave, both as to earned unused hours and as to years of service for accumulation purposes, may be transferred when employees transfer between another Nebraska State agency, Nebraska State university or college, and the Department without a break in service, upon mutual agreement of the employers.

004.05A A retiree returning to State service will begin earning vacation leave at the beginning rate of a newly hired employee. A retiree means an employee who is qualified to receive retirement allowance under the state or the school retirement system.

004.06 Leave Without Pay. All earned accrued vacation leave, which does not include advanced vacation leave, will be used by an employee before being granted leave without pay. Employees may request leave without pay in writing from the appropriate Office Administrator; however, granting leave without pay is discouraged and should not be done on a regular basis. Written notice of leave without pay must be provided to the Human Resources Office.

004.07 Holidays falling within a period of vacation leave will not be counted as work hours for purposes of overtime.

005 Sick Leave. All employees, excluding temporary and contract employees, as defined by Chapter 4 of this Title, earn paid sick leave. Hours accrue on a biweekly basis but are not available to the employee prior to the start of the following pay period except as provided by Section 005.08 of this Chapter. No sick leave is earned by an employee on leave-without-pay status.

Full-time employees accumulate sick leave according to the following schedule:

Years of Service	Hours Per Year	~~Hours Per Month (Average)~~	Days Per Year
1st through 5th year	96	~~8.00~~	12

6th through 15th year	112	~~9.34~~	14
16th and following years	144	~~12.00~~	18

005.01 Conditions for Using Sick Leave. Sick leave may be used only under the following conditions:

005.01A Employee. When an employee is unable to perform his/her duties because of:

005.01A1 Illness,

005.01A2 Absence due to psychological treatment or counseling (see definition of treatment in Chapter 3 of this Title),

005.01A3 Disability,

005.01A4 Injury,

005.01A5 Employee's presence at work jeopardizes the health of others by exposing them to a contagious disease,

005.01A6 Pregnancy complications, post-natal recovery, or miscarriage,

005.01A7 Absence due to treatment for alcoholism or drug addiction, if medically diagnosed by a licensed physician and the employee is receiving assistance or has agreed to an approved course of treatment,

005.01A8 Medical, surgical, dental, audiological, or optical examination or treatment, or

005.01A9 Emergency medical treatment.

005.01B Employee's immediate family member(s). When the illness, disability, injury, surgery, medical examination, procedure, or treatment of an immediate family member requires the employee's presence. The seriousness of the illness, disability, injury, or surgery will be considered by the immediate supervisor when determining the number of days of sick leave to be granted.

The immediate family means: spouse; children, including step, adopted and foster children; daughter/son-in-law; parents; and parents of the spouse. At the discretion of the appropriate Office Administrator, sick leave benefits may be extended for the care of other individuals with a similar personal relationship (e.g., acted as a mother, father, etc.) to the employee as that of an immediate family member.

005.01C After the birth of a baby, the employee who is not the biological mother or primary care giver of the baby may use up to five (5) days of sick leave. If more than five (5) days of sick leave is necessary and required, for medical reasons, to care for the new baby or the mother, a note from the medical provider will be required to establish the medical necessity.

005.01D After the birth of a baby, an employee, other than a parent, who is an immediate family member, may use sick leave if his or her presence is necessary and required, for medical reasons, to care for the mother (if the mother meets the definition of immediate family). A note from the medical provider will be required to establish the medical necessity.

005.01E Under this Section, employees may use sick leave to attend meetings with school personnel for an immediate family member with a disability.

005.02 Sick leave may be used in conjunction with approved leave under the federal Family Medical Leave Act, subject to the requirements in Section 006 of this Chapter and applicable subsections.

005.03 Sick leave will not be used as vacation leave.

005.04 Sick leave will be taken and reported in increments of not less than one tenth (1/10th) of an hour. Holidays falling within a period of sick leave will not be counted as hours worked for overtime purposes.

005.05 Sick leave will not accrue to any employee on leave of absence ~~without pay,~~ or leave without pay, including Family and Medical Leave, suspension without pay, layoff, or during time off of work that is compensated under workers compensation, except as provided in Section 012.06C of this Chapter.

005.06 Probationary employees will be entitled to sick leave at the

same rate as regular employees. Sick leave may be granted during the probationary period up to the number of accrued hours available to the employee. When a probationary employee takes sick leave in excess of accrued hours available, the provisions of Section 005.08 of this Chapter will apply.

005.07 Requesting Sick Leave. Sick leave will be requested by the employee in writing and in advance whenever possible, for anticipated health reasons such as medical treatment, physical examinations, and meetings with school personnel described in Section 005.01E of this Chapter. In cases of sickness, injury, emergencies, or any other absence not approved in advance, the employee will advise appropriate Department personnel of the circumstances as soon as possible. An employee may be required to submit substantiating evidence and/or documentation when the reason for the leave request was for medical or dental treatment, a meeting with school personnel described in Section 005.01E of this Chapter, or when the immediate supervisor suspects sick leave abuse. Substantiating evidence may also be required if the sick leave absence exceeds five (5) consecutive workdays.

005.07A If an employee has been absent on sick leave exceeding five (5) consecutive workdays, the employee may be required to produce written verification from a medical provider to document fitness to return to work, including notice of any necessary work restrictions.

005.07B Independent of an employee's use of sick leave and exceeding the five (5) consecutive workday requirement noted above, if an immediate supervisor has reason to believe that an employee's presence at work poses a significant health or safety risk, the employee may be required to produce medical verification regarding fitness for work.

005.08 Advancing Sick Leave. Sick leave may, at the discretion of the immediate supervisor and appropriate Office Administrator, be advanced to employees with six (6) months of service with the Department, in an amount not to exceed that which the employee would earn in the following six biweekly pay periods. ~~three (3) month period.~~ Employees will reimburse the Department for all used, unearned sick leave upon termination, either from a deduction in their final check or by separate payment on a schedule agreed to by the Department. Employees may not request more than one advancement in a three (3) month period. If at the end of the advancement period the

employee has not earned back the advanced sick leave used, another request for advancement cannot be approved until the employee has earned back the advanced sick leave used. Written notice of advancement must be provided to the Human Resources Office.

005.09 Should an employee require medical treatment while on vacation, vacation leave may be changed to sick leave under the following circumstances:

005.09A For the period of time medical treatment was required and for reasonable periods of bed-rest thereafter that were required and that occurred within the otherwise normally scheduled work hours of the employee;

005.09B Upon submission of a physician's statement substantiating treatment and probable duration of illness; and

005.09C Upon approval of the immediate supervisor and appropriate Office Administrator.

005.10 Balancing Sick Leave During Employment. There will be no maximum limit on sick leave balances carried from year to year.

005.11 Transfer of Sick Leave. Sick leave, both as to earned unused hours and as to years of service for accumulation purposes, may be transferred when the employee transfers between another Nebraska State agency, Nebraska State university or college and the Department without a break in service by mutual agreement between employers.

005.12 Balancing Sick Leave Upon Separation. Upon separation of employment all sick leave will be forfeited. However, all accumulated unused sick leave may be transferred when the employee transfers between another Nebraska State agency, Nebraska state university or college and the Department without a break in service, by mutual agreement between employers. In the event of the death of an employee, the employee's beneficiary will be paid one-fourth (1/4) of the accumulated unused sick leave computed at the rate of pay earned by the employee at the time of death and will not exceed four hundred and eighty (480) hours. Upon separation of employment, if the employee is at least fifty-five (55) years of age, the employee will be paid one-fourth (1/4) of the accumulated unused sick leave paid at the hourly rate in effect upon separation. An employee may only receive this payout once, no matter how many times they are re-employed with the State of Nebraska. Payment for one-fourth (1/4) of the accumulated

unused sick leave balance in the case of separation or death will not exceed four hundred and eighty (480) hours.

005.12A Employees who are at least fifty-five (55) years of age, who are laid off, will have the option to defer the payment of one-quarter (1/4) of their sick leave account for up to twelve (12) months. Should the laid off employee return to Department employment within twelve (12) months, the employee's sick leave balance and service dates will be reinstated (minus time in a non-pay status). Should the laid off employee not obtain further Department employment at the end of the twelve (12) month period, the Department will pay the employee one-quarter (1/4) of their sick leave account, not to exceed four hundred and eighty (480) hours.

005.13 If an absence extends beyond the sick leave accrued to the credit of the employee, except in cases of workers' compensation, such employee will be required to utilize (1) accumulated unused compensatory time off if the employee is a nonexempt employee as defined in Chapter 8, Section 001.02, of this Title and (2) accrued vacation leave, in that order. For purposes of this subsection, accrued sick and vacation leave does not include advanced sick and vacation leave. After all accrued sick leave, compensatory time off, and vacation leave have been exhausted, the employee, upon written request, may be granted leave without pay (outside FML in Section 006 of this Chapter) at the discretion of the appropriate Office Administrator. However, granting such leave without pay is discouraged and should not be done on a regular basis. Written notice regarding the leave without pay must be provided to the Human Resources Office.

006 Family and Medical Leave (FML). Family and Medical Leave (FML) is unpaid time off from work and is subject to the provisions of 29 CFR 825. An employee must have at least twelve (12) total months of State service and have worked at least 1250 hours in the previous twelve (12) month period to be eligible for FML. Employees may request that accrued paid leave (e.g., vacation, sick) and compensatory time, if the employee is subject to Chapter 8, Section 004, of this Title, be applied along with the unpaid FML entitlement. In this case, any paid leave will run concurrently with the FML entitlement.

Employees who are absent and receiving workers' compensation benefits, or using any paid leave exceeding 40 hours for full-time employees or exceeding the number of hours proportionate to the percentage of FTE for part-time employees taken for any of the reasons listed in Section 006.03 of

this Chapter will have such leave credited against the twelve (12) week FML entitlement beginning with the first date of absence. Unpaid FML not charged to sick or vacation is subject to service date adjustments under Section 014 of this Chapter.

If FML exceeds forty (40) hours during a twelve-month period starting with the date FML is first used for full-time employees, or exceeds the number of hours proportionate to the percentage of FTE for part-time employees, sick leave must be used concurrently if the reason for the FML is also a reason sick leave may be used under Section 005. If the reason for FML is not also a reason sick leave may be used, or if and when accumulated sick leave is exhausted, such employee will be required to utilize (1) accumulated unused compensatory time off if the employee is subject to Chapter 8, Section 004, of this Title and (2) accrued vacation leave, in that order until exhausted; however, vacation leave may be reserved in an amount up to forty (40) hours for full-time employees, or proportionate to the percentage of FTE for part-time employees unless Catastrophic Leave is requested per Section 013 of this Chapter.

006.01 Notice of Intent to Use Family and Medical Leave. An employee must provide a minimum of thirty (30) calendar days notice to the Department before he/she may use Family and Medical Leave. Where thirty (30) calendar days notice is not foreseeable, notice must be given as early as possible. If certification of a serious health condition is required, FMLA forms must be obtained from the Human Resources Office.

006.02 Family and Medical Leave Duration. Total unpaid leave time taken for Family and Medical Leave is limited to twelve (12) weeks within a twelve (12) month period, starting with the date the Family and Medical Leave is first credited against the twelve (12) week entitlement pursuant to Section 006 of this Chapter. Employees may use accrued sick leave beyond the twelve (12) week Family and Medical Leave limitation for appropriate sick leave reasons as defined in Section 005.01 of this Chapter, with proper certification from a health care provider. Family and Medical Leave cannot be carried forward beyond the twelve (12) month period and banked for future use.

Incremental Use. With the approval of the Department, Family and Medical Leave may be taken in increments with proper medical certification. Federal law allows employees not eligible for overtime (e.g., exempt employees) to make incremental use of unpaid Family and Medical Leave without affecting their □salaried□status.

006.03 Conditions for Using Family and Medical Leave. An employee may use Family and Medical Leave for the following reasons:

006.03A Birth of a child of the employee and care for that newborn child;

006.03B Placement of a child with the employee for adoption or foster care;

006.03C In order to care for the employee's spouse, child, or parent, if such spouse, child, or parent has a serious health condition.

006.03C1 Spouse means a husband or wife as defined or recognized under law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized. Child may include a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen (18) years of age or is eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability. Care for mother-in-law or father- in-law is not included. However, parent may include individuals other than natural or adoptive parents who served in a long-term parental role for the employee.

006.03D A serious health condition that makes the employee unable to perform the functions of the employee's job.

006.04 Definition of Serious Health Condition. Serious health condition means illness, injury, impairment, or physical or mental conditions that involve:

006.04A In-patient care in a hospital, hospice, or residential medical care facility including any period of incapacity or any subsequent treatment in connection with such in-patient care; or

006.04B Continuing treatment by a health care provider as provided for in 29 C.F.R. §825.115.

006.04C Examples of serious health conditions include: heart attack, heart by-pass or valve operations, most cancers, back conditions requiring extensive therapy or surgery, strokes, severe respiratory conditions, spinal conditions, severe arthritis, severe

nervous disorders, mental illness, need for prenatal care, severe morning sickness, childbirth, and recovery from childbirth. This does not include voluntary or cosmetic treatments, unless inpatient hospitalization is required.

006.05 Certification of Serious Health Conditions. Except as provided in Section 006.08, when requesting Family and Medical Leave for a serious health condition, an employee must provide certification from a health care provider, which includes:

006.05A The date on which the serious health condition commenced;

006.05B The probable duration of the condition;

006.05C The appropriate medical facts within the knowledge of the health care provider regarding the condition;

006.05D A statement that the employee is needed to care for the child, spouse, or parent, and an estimate of the amount of time that such employee is needed to care for the child, spouse, or parent; or a statement that the employee is unable to perform the functions of the job; and

006.05E In the case of certification for intermittent leave, or leave on a reduced leave schedule, a statement of the medical necessity for the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule; or a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the child, parent, or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule. In the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment should be included.

006.06 Medical Second Opinions. The Department may require a second opinion, (the Department's choice of health care provider), and must pay for the cost of the second opinion. If the second opinion differs from the first, a third opinion may be sought, from a mutually agreed upon health care provider, again, at the Department's expense. The results of the third opinion are final.

006.07 Multiple Health Conditions. In the event the employee is requesting leave due to more than one serious health condition, the certification must specifically address each individual condition. Separate forms will be submitted as appropriate. Regardless of whether a single or multiple health condition(s) is/are involved, the limits in Section 006 of this Chapter apply.

006.08 When paid leave will be used for an absence, which may qualify as Family/Medical Leave, medical certification may be requested at the Department's discretion.

006.09 Health Insurance While on Family and Medical Leave. Employer health insurance contributions will continue during an employee's unpaid Family and Medical Leave absence, provided the employee makes his/her required contribution. Employer contributions will be based as if the employee had continued to work his/her normal schedule.

006.10 Workers' Compensation and Family and Medical Leave. If an employee requests Family and Medical Leave due to an injury or illness qualifying for workers' compensation, the Department will contact the Division of Administrative Services - Risk Management, for coordination of workers' compensation and Family and Medical Leave benefits.

007 Family Military Leave. Family Military Leave is available to employees in accordance with the terms and conditions of the Nebraska Family Military Leave Act, Neb. Rev. Stat. §§ 55-501 through 55-507, and the amendments to the federal Family Medical Leave Act made by the National Defense Authorization Act (NDAA) of 2008 (29 U.S.C. § 2612 et seq.).

007.01 Requesting employees will provide the Department with certification from the proper military authority to verify eligibility for the leave taken under the Nebraska Family Military Leave Act.

007.02 Requesting employees will provide the Department with certification by the covered service member's health care provider for leave requested to care for that service member under the provisions of the federal National Defense Authorization Act amendments to the Family Medical Leave Act.

007.03 Requesting employees will provide the Department with such certification as may be provided for through regulations issued by the United States Secretary of Labor for leave requested for a "qualifying exigency" arising out of the fact that an employee's spouse, son,

daughter or parent is on active duty, or has been notified of impending call for active duty, in the Armed Forces in support of a contingency operation under the provisions of the federal National Defense Authorization Act amendments to the Family Medical Leave Act.

008 Bereavement Leave. Up to forty (40) hours paid bereavement leave may be granted to employees for a death in the immediate family. For a death not in the immediate family, up to eight (8) hours leave with pay may be granted. For purposes of this Section, immediate family means spouse, parents, grandparents, siblings, children, stepchildren, foster children, children-in-law, nieces/nephews, aunts/uncles, grandchildren, brother-in-law, sister-in-law, ~~spouse of any of these,~~ or someone who bears a similar relationship to the spouse of the employee. Step-persons bearing these relationships are included. At the discretion of the appropriate Office Administrator, bereavement leave benefits may be extended for other individuals with a similar personal relationship (e.g., acted as a mother, father, etc.) to the employee as that of an immediate family member. The hours of bereavement leave that may be granted to part-time employees will be proportionate to the percentage of FTE that they work. Bereavement leave will not be charged to sick leave or vacation leave.

008.01 Bereavement leave will be available for a period of thirty (30) calendar days after the death, or first notice of the death, of an immediate family member, and for a period of fifteen (15) calendar days after the death or first notice of the death of persons not immediate family members. Exceptions due to extenuating circumstances may be approved by the appropriate Office Administrator.

008.02 No employee will be unreasonably denied the granting or advancement of up to an additional eighty (80) hours of vacation leave (prorated for less than full-time employees) when such additional time is available and necessary to settle personal matters related to a death in the immediate family. The granting of leave under this Chapter will not prohibit or interfere with the granting of leave under any other Chapter or provision of this Title.

009 Administrative Leave. Administrative leave, with pay, may be granted by the Commissioner or the Deputy Commissioner due to natural disasters, public health emergencies, inclement weather, or other local work-related emergencies.

009.01 When State offices, located in a building not owned or operated by the State, are closed by other than State officials due to inclement weather or other local work-related emergencies, employees have the

following options, subject to advance approval by their immediate supervisor:

009.01A Report to work at a pre-arranged alternate worksite;

009.01B Telecommute from home if practicable due to the nature of the work, as determined by the appropriate Office Administrator.

009.01C Use accrued vacation leave, earned compensatory time, or leave without pay as a last resort.

009.01D Make up the missed work time within the work week.

009.01E Absent the ability to exercise any of the above options, employees may be placed on ready to work status. This means they are ready and available to be called back to a work location at any time. Employees in a ready to work status will be compensated and will perform any state work possible during this status. Ready-to-work status is intended for office closures that are due to clearly unanticipated occurrences such as flooding, fire, or other building damage. It is not intended for when the circumstances that resulted in the office closure were reasonably predictable in advance by the Department and the employee, such as a snowstorm predicted in advance. In such cases, the employee and his or her supervisor or other designee are to communicate and make arrangements in advance in regard to possible alternate work locations.

009.02 If State offices remain open during inclement weather or other work-related emergencies, employees are expected to make a reasonable effort to report for work or make alternative arrangements for work with their supervisor. Employees who fail to report for work will be charged compensatory time, vacation leave, or leave without pay. The appropriate Office Administrator, or the immediate supervisor, if authorized by the appropriate Office Administrator, may grant permission to both exempt and nonexempt employees to make up missed hours during the same week rather than requiring them to use compensatory time, vacation leave or leave without pay.

009.03 Nonexempt and exempt employees who report for and remain at work in periods during which administrative leave was authorized will be granted compensatory time off, to be used at a later date.

010 Military Leave. Employees will be eligible for Military Leave in accordance with applicable federal and state laws. This leave is limited to

one hundred and twenty (120) hours a year, with no accumulation of unused leave carried over to the following calendar year. Such military leave may be taken in hourly increments.

011 Civil Leave. The employee will provide the Department with documentation to verify eligibility for civil leave. Civil leave does not include leave for military duty in connection with national defense, national disaster, or civil disturbances. Employees (including temporary) will be eligible for paid civil leave under the following conditions:

011.01 Jury Duty. When an employee is called to serve as a juror, civil leave without loss of pay will be granted during the time when the employee's physical presence is required by the court. Employees will return to work when the employee's physical presence is not required by the court.

011.02 Election Board Duty. When an employee serves as a juror, clerk, election inspector, or judge of an election board or a counting board, civil leave without loss of pay will be granted during the time when the employee's physical presence is required by the court or the election or counting board. The employee will also retain all fees paid them for their civil service.

011.03 Voting Time. An employee who is a registered voter and does not have two (2) consecutive hours in the period between the time of the opening and closing of the polls during which he or she is not required to be present at work for the Department is entitled on election day to be absent from employment for such a period of time as will, in addition the employee's nonworking time, total two (2) consecutive hours between the time of the opening and closing of the polls. If the employee applies for such leave of absence prior to or on election day, paid civil leave of two (2) hours will be granted. The Department may specify the hours during which the employee may be absent. The two (2) hours authorized for voting does not apply to those employees who choose to vote by the use of an absentee ballot or who by reason of their employment must vote by use of an absentee ballot.

011.04 Court/Hearing Appearances. While serving as a witness under a work-related subpoena or voluntarily at the request of the Department, the employee will be excused from work with pay during the time that the employee's presence is required by the court or administrative body which issued the subpoena, or as required to testify when requested by the Department. At all other times during the employee's regular workday, the employee who is subject to a work-related subpoena will

be on the job and working. Any witness fee received under such subpoena will be remitted to the funding source from which the employee's salary is paid.

Employees attending court or an administrative hearing as a plaintiff, defendant, or witness on non-work-related matters, will use vacation leave or earned compensatory time, if available. If the employee does not have vacation leave or compensatory time available, the appropriate Office Administrator may grant leave without pay. In the event the employee is subpoenaed for non-work-related matters and does not have vacation leave or compensatory time, the appropriate Office Administrator will grant leave without pay. Any witness fees paid to the employee for such court appearances may be retained by the employee.

012 Miscellaneous Leave. Employees will be eligible for the following types of leave:

012.01 Interviews. Interviews with employees for positions within the Department will be performed during work hours. Time spent for interviews, and travel to attend such interviews which occur during the employee's regular workday will be compensable.

012.02 Leave of Absence. Employees with at least three (3) years of Department service are eligible for a leave of absence without pay. A leave of absence of twelve (12) months or less for professional advancement, special training, or other good and sufficient reasons may be granted by the Commissioner. A leave of absence of more than twelve (12) months is subject to approval by the Board, which will review the request and the recommendation of the Commissioner of Education. Such leave of absence will be requested in writing to the Commissioner through the appropriate Office Administrator.

012.02A At the expiration of an approved leave of absence, employees will return to a position of a similar job classification or pay grade as the position the employee held prior to leave, if available and the employee is otherwise qualified. If no such position is available, the employee will be considered "laid off" under the provisions of Chapter 12 of this Title. In the alternative, an employee may also accept demotion in accordance with Chapter 6, Section 004, of this Title, if available. Failure on the part of an employee to return to work on the agreed upon date, except when satisfactory reasons are submitted to and approved by the Commissioner prior to the agreed upon return date, may be cause

for dismissal.

012.02B Vacation and sick leave will not accrue while on leave of absence without pay. However, vacation and sick leave earned but not used prior to leave of absence will be carried forward upon employee's return to duty.

If the State or Federal program from which the employee was paid prior to the leave is terminated during the leave, the Department may choose to pay the employee on leave for his/her unused vacation leave balance.

012.03 Leave to Donate Blood. With the advance approval of their immediate supervisor, employees may be allowed paid time away from the job to donate blood in State-sponsored drives held in state offices, or to donate blood at the request of blood banks or centers facing a blood supply emergency. The amount of leave time granted will be at the discretion of the immediate supervisor. Donating blood under circumstances unrelated to state-sponsored drives or supply emergencies will require employees to obtain advance approval to use vacation leave or to adjust their work hours to complete a full workday.

012.04 Employee Assistance Program. Employees attending Employee Assistance Program (EAP) sessions at the Department's direction will do so at the Department's expense and may attend during work time. If an employee wishes to voluntarily attend EAP sessions in order to address personal issues that are affecting work performance, supervisors may authorize the employee to do so during work time without being charged sick or vacation leave. Employees attending EAP sessions on their own initiative will do so at their own expense and will use approved sick or vacation leave, compensatory time, or leave without pay.

012.05 Retirement Seminars. Leave with pay will be provided to eligible employees who attend seminars presented by the Nebraska Public Employees Retirement System, pursuant to Nebraska Revised Statute 84-15511(4). ~~to attend up to two (2) planning seminars and two (2) pre-retirement planning programs presented by the Nebraska Public Employees Retirement Systems.~~

012.06 Injury Leave. Employees who are subject to the provisions of the Nebraska Workers' Compensation Act are entitled to the benefits of that law due to injury or occupational disease arising out of and in the course of their employment.

012.06A Injury or occupational disease arising out of and in the course of employment will be reported to the Human Resources Office as soon as possible. See Chapter 15, Section 008, of this Title for additional information on workers compensation.

012.06B Employees entitled to be paid workers compensation have the option of being granted injury leave with full pay for the first five (5) workdays they are unable to work due to injury or due to treatments for such injury, including the day of injury (if inability to work began on that day). At the expiration of injury leave, provisions of the Nebraska Workers Compensation Act will apply. Injury leave will not be charged to vacation or sick leave.

012.06C Employees who are receiving workers compensation for injury or occupational disease occurring out of and in the course of employment, will have the option of electing to use accumulated unused sick and/or vacation leave and accumulated unused compensatory time (if applicable) to supplement workers compensation up to but not exceeding the regular rate of pay. Employees electing this option will be charged sick or vacation leave or compensatory time and earn sick and vacation leave in proportion to the percentage of gross wages paid by the Department. The Department s share of the health insurance premium will be paid during an absence under workers compensation after all accrued leave and compensatory time have been depleted. Employees on workers compensation will be treated as part-time employees for purposes of leave earnings and will earn prorated sick and vacation leave based on the number of hours worked and/or accrued leave time hours used to supplement the workers compensation payment. If employees do not have, or choose not to use, accrued leave time to supplement the workers compensation payment they will earn leave time only on the number of hours worked, if any.

012.06D Holidays occurring during a pay period during which workers compensation benefits are received will be paid at a rate proportionate to the number of hours worked and/or accrued leave time hours used during the pay period.

012.07 Disaster Relief Leave. Employees who provide proof of their disaster relief volunteer certification with the American Red Cross may, with appropriate supervisory authorization, be granted paid civil leave, not to exceed fifteen (15) workdays in each calendar year, to participate in specialized disaster relief services in Nebraska for the American Red

Cross, upon the request of the American Red Cross.

012.08 Adoption. The primary caregiver of a newly adopted child will, upon a request that is within thirty (30) calendar days of such adoption, receive up to six (6) weeks of leave, which is the generally accepted medical standard leave period for new mothers by natural birth. The leave will be taken first as sick leave, and if and when sick leave is exhausted, then as vacation leave or compensatory time, if available. FMLA leave is also available in accordance with provisions of Section 006 of this Chapter.

An employee is not eligible for adoption leave if the child being adopted is a special needs child over eighteen (18) years of age, a child who is over eight (8) years of age and is not a special needs child, a stepchild being adopted by his or her stepparent, a foster child being adopted by his or her foster parent, or a child who was originally under a voluntary placement for purposes other than adoption without assistance from an attorney, physician, or other individual or agency which later results in a petition for the adoption of the child by the person with whom the voluntary placement was made.

012.09 Attendance at Legislative Hearings. Employees may be allowed to utilize vacation leave or compensatory time off (or modified work schedule for those employees who do not earn compensatory time) for the purpose of attending legislative hearings of their own choosing. Upon notification to the employee's supervisor of the purpose of such request for time off, said request may not be unreasonably denied. Such employee's supervisor will be given as much prior notice as possible under the circumstances as to when such leave is proposed.

013 Catastrophic Illness Donation. The provisions of this Section are non-grievable. Employees may contribute up to 16 hours of accrued sick leave and accrued vacation leave, per request, to benefit another employee in the Department who is personally experiencing a catastrophic illness. The recipient must initiate a request by completing and signing a donation request form provided by the Department. Leave will be donated in no less than four (4) hour increments. The contributing employee must complete and sign a donation authorization form provided by the Department and identify the number of hours of ~~vacation~~ leave being donated ~~and the recipient~~. Leave ~~Vacation leave~~ donated to, and used by, another employee pursuant to this provision cannot be returned to the credit of the donor's sick or vacation leave account. Catastrophic Leave will be available only to employees who have exhausted their own paid leave through bona fide serious illness or accident.

013.01 Recipient Eligibility. In order to receive a leave donation employees must:

013.01A Be experiencing a serious illness or injury that requires a prolonged absence of at least thirty (30) consecutive calendar days during the past six (6) months;

013.01B Produce satisfactory medical verification of the requirements of Section 013.01A of this Chapter;

013.01C Have one (1) year of service to the Department;

013.01D Have exhausted all earned paid leave time including compensatory time, sick leave, and vacation leave through bona fide serious illness or accident; and

013.01E Not have offered anything of value in exchange for the donation.

013.02 Donor Eligibility. In order to make a leave donation, employees must:

013.02A Not have solicited nor accepted anything of value in exchange for the donation; or

013.02B Have remaining to his/her credit at least forty (40) hours of accrued sick or vacation leave after the donation has been made.

013.03 Donation Value Conversion. Leave donated will be converted to a dollar value and then converted to hours based on the recipient's hourly rate. No more than 800 converted hours of donated leave may be received by an employee during a twelve (12) month period.

013.04 Donation Period. Donations cannot be retroactively applied to the thirty (30) consecutive calendar day qualifying period required in Section 013.01A of this Chapter.

014 Parental ~~Maternity~~ Leave Donation (PMLD) Program. An employee may participate in the PMLD program with the approval of the Human Resources Office.

014.01 Eligibility of Recipient. Employees must submit a written request on the form provided by the Human Resources Office and:

014.01A Be the expectant parent ~~mother~~ of a newborn baby or be

the adoptive parent ~~mother~~;

~~014.01B Have a Department-approved FML request;~~

014.01B~~C~~ Have exhausted all earned sick leave for eligible sick leave reasons; and

014.01C~~D~~ Have not offered anything of value in exchange for the donation.

014.02 Contributing Parental ~~Maternity~~ Leave Donations. Employees may contribute up to 16 hours of accrued sick leave, accrued vacation leave and ~~or~~ earned compensatory time, per request, to benefit another employee in the Department who requests P~~M~~LD. Leave ~~Vacation leave and earned compensatory time~~ will be donated in no less than four (4) hour increments. The contributing employee must identify the specific amount of time donated ~~and the name of the recipient of the donated time~~ on the appropriate forms for that purpose. ~~Vacation leave and compensatory time donated and transferred to another employee pursuant to this provision will be irrevocably credited to the recipient's MLD account.~~

014.02A Sick leave, ~~V~~vacation leave and compensatory time transferred will be converted to a dollar value and then converted to hours based on the recipient's hourly rate. ~~No more than an equivalent of 480 hours of MLD may be received by an employee during the approved FML period.~~ The Department will transfer donated leave to the recipient's P~~M~~LD account from the donor's accruals in chronological order based on the date the form was received and on an as needed basis. No more than 480 hours of Paid Maternity Leave, accrued sick leave, PLD and vacation leave may be used.

014.03 Eligibility of the Donor. Before donating ~~vacation~~ leave, ~~or earned compensatory time~~ employees will meet the following criteria:

014.03A Only increments of four (4) hours may be donated;

014.03B Have not solicited nor accepted anything of value in exchange for the donation; and

014.03C Have remaining to his/her credit at least 40 hours of accrued sick leave or ~~of~~ accrued vacation leave (earned compensatory time can be donated completely, leaving a zero

balance).

015 Service Date Adjustments. The employee's service date will be adjusted when an unpaid absence exceeds fourteen (14) consecutive calendar days except when an employee is still eligible for workers' compensation payments. The adjustment will correspond to the number of days the employee is on unpaid leave.

016 Leave accrual. All types of leave are granted in proportional amounts for part-time employees and those who work less than a full year.

017 Paid Maternity Leave. Mothers who give birth and qualify for Family and Medical Leave will receive 240 hours (6 weeks) of paid maternity leave. Parental Leave Donations (PLD) per Section 14 may also be requested.

018 Mentorship Leave. Up to one hour per week of paid leave may be granted to employees upon request for participation in the State of Nebraska Youth Mentoring Program. All provisions of Mentorship Leave are to be in accordance with the State of Nebraska Youth Mentoring Program. Mentorship Leave is not considered as work time for the purposes of calculating overtime.

TITLE 93 □NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES

CHAPTER 10 □PERFORMANCE APPRAISALS

001 Conducting Appraisals. Employees will be appraised on their job performance at regular intervals per Chapter 5, Section 006.03, of this Title.

002 Special Performance Appraisal. A special performance appraisal may be submitted whenever the supervisor desires to record instances of performance worthy of recognition, either favorable or unfavorable. Reasons for submission of a special performance appraisal will be explained in the comments section of the appraisal.

003 Rebuttal. The employee may, within seven (7) calendar days of the appraisal conference, make written comments within the employee signature area or submit a separate written statement to the Human Resources Office that will become a permanent part of the personnel file. No additional written observation will be made on the appraisal after the appraisal conference has been held without notification to the employee.

004 Grievance. Employees may not grieve the subjective content of a performance appraisal under the provisions of Chapter 14 of this Title. They may, however, grieve the validity of the appraisal as provided below:

004.01 A grievance may be filed if the evaluated employee can establish discrimination by reason of sex, race, color, age, national origin, marital status, religion, disability, or genetic information (as prohibited by the federal Genetic Information Non-discrimination Act [GINA] and Neb. Rev. Stat. § 48-236); the evaluator provided false information on the appraisal instrument; or the evaluator was not in a direct supervisory or management position covering the daily work of the employee being evaluated. A supervisor□s subjective assessment of a matter of performance is not false information for purposes of this subsection.

TITLE 93 □NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES

CHAPTER 11 □PERSONNEL FILE INFORMATION

001 Home Address. All employees are required to provide a current physical home address to the Human Resources Office.

002 Content. Personnel records include all information stored in any form by the Human Resources Office, which is personally identifiable with an individual employee. The Department agrees to maintain one official Department personnel file per individual for the provisions of this Chapter. The one official Department personnel file will be maintained electronically by the Human Resources Office. Copies of materials from the official personnel file on an employee may be maintained at the work site of the particular employee.

002.01 Public Information. Public information contained in personnel records will consist only of the full name of the employee; the employee□s job title and date(s) of employment; a statement as to whether the individual is or was an employee of the Department; the employee□s work location and work phone number; and the gross salary of the employee. Public personnel information will be provided to any party requesting it. Additionally, pursuant to subdivision (18) of Neb. Rev. Stat. § 84-712.05, all □job application materials,□as defined in that subdivision, that are submitted by persons who are hired and become employees of the Department, are public records and are required to be provided upon proper request under the state public records laws.

002.02 Confidential Information. Confidential information contained in personnel records will include all information that is not considered public information. Confidential information will be released only to the employee; the Board; any Department administrator or supervisor in the line of authority to the employee; staff from the Human Resources Office or the Legal Services Office; any governmental law enforcement, or investigative agency or representative upon presentation of proper identification to the Human Resources Office; a subpoena or court order; anyone who presents a document signed by the employee granting access to confidential information, or as reasonably needed for the Department to defend itself in any legal or administrative proceeding brought against the Department or any of its officials or employees in their professional capacities, or as reasonably needed by the Department to prosecute legal or administrative actions brought by the Department.

003 Inspection and Copies. An employee of the Department will be allowed to inspect and/or obtain a copy of their own personnel file maintained by Human Resources at any time during work hours. Upon an employee's specific request to the Human Resources Office, the Human Resources Office will, within ten (10) workdays, provide electronic access or copies of the specific documents.

004 Cost. The cost of any copies of the files will be assumed by the Department unless said copies are of material which had been previously provided to the employee, in which case the cost of such copies will be assessed to the employee at the rate per copy charged for public records per the Department's administrative policies regarding public access to records and reproduction costs.

005 Notice. Employees will be notified by the Department in writing within ten (10) workdays of any information being placed in their personnel file by persons other than the employee which information bears upon the character of the employee or the employee's job performance. The Department will be required to reproduce the information for the employee in accordance with Section 003 of this Chapter.

006 Release of Information. All third party inquiries requesting information regarding the employment record of an employee will be directed to the Human Resources Office. Upon receipt of a completed release of information form, the Human Resources Office will provide the requested information. When the employee does not specify on the release form the information to be disclosed, Human Resources will disclose to the authorized third party the information described in Neb. Rev. Stat. § 48-201. When a request for other than public information is received, and a completed release form is not on file to allow release of the requested information, the Human Resources Office will forward an Authorization for Release of Employment Records form to the employee or the requestor. If no written authorization is received, the Human Resources Office will release only public information. The release form will be retained in the employee's personnel file. Documented employment information from a current or former employee's personnel file will be shared with other state agency human resources staff or hiring supervisors, upon request, when the current or former employee has applied for a position in another department/division/agency on the basis of the release on the state job application.

007 Medical Records. Employee records of medical examination and other miscellaneous medical records will be maintained electronically by Human Resources separate from personnel file documents. Access to medical

records will be provided only to personnel who require them to carry out an assigned responsibility.

008 Post-employment. This Chapter does not cover the inclusion of information in any employee's personnel file following termination of the employee. Former employees will have reasonable rights of access to their Department personnel file, subject to the provisions in this Title.

TITLE 93 □NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES

CHAPTER 12 □LAYOFF, RECALL AND RESIGNATION

001 Effective. A resignation is effective when accepted in writing or orally by a supervisor or any member of the Human Resources Office or the Legal Services Office.

001.01 Absent extenuating circumstances, an employee will be considered as abandoning his/her job if absent from their designated work site more than two (2) consecutive workdays without giving notice. Abandonment is considered a voluntary resignation.

002 Payment for Vacation Leave. Vacation leave not used prior to the last day of employment will be paid to the employee in one lump sum~~, to be mailed~~ to the employee after termination except as provided in Chapter 9, Section 004.05, of this Title.

003 Determining Authority. The Commissioner, after providing written notification to the Board, may separate any employee without prejudice after thirty (30) calendar days written notice, because of reduction in funds or in workload. The Commissioner has discretion to determine whether the layoff will be geographical, organizational, program, by classification, or any combination thereof.

004 Layoff General Rules. When a layoff of employees occurs, the following applies:

004.01 Layoffs will be identified by the budget and program areas within a specific locality. The Department will identify the job classification(s) for layoff to provide the most efficient and productive operation of the Department. Within the identified job classification(s), the order of layoff will be based on seniority (based on the Department service date or Department company service date as opposed to any adjusted service date that is calculated due to prior State service at another State Agency).

005 Transfer Rights □Vacant Positions. Employees who have received written notice of layoff will have the right to exercise transfer rights under this Section. If there is a vacant position in the Department for which the employee satisfies the qualification requirements as determined by the Department, the employee may elect to transfer to such vacant position.

005.01 Within eight (8) calendar days of a laid off employee being provided such notice, the employee must notify the Department in writing of any intentions to transfer in accordance with this Section.

005.02 If more than one laid off employee elects to transfer into a vacant position, the selection will be made based on seniority.

005.03 In determining the priority of transfers identified in this Section, transfers to vacant positions in the same geographical area (i.e., within sixty [60] miles) will be given priority over transfers to positions in a different geographical area.

005.04 An employee who transfers to another position in the same job classification will be transferred so as to effectuate no loss in pay.

006 Recall and Re-employment. This Section specifies how laid off employees will be either recalled or given re-employment opportunities for vacancies created following a layoff.

006.01 Recall to Previously Eliminated Position. Following a layoff, when a previously eliminated position is restored, the employee occupying the position at the time of reduction in force will have recall priority subject to Sections 006.02A through 006.02C of this Chapter. The recall salary will be based on the salary rate in effect at the time of layoff.

006.02 Recall to Vacancy in the Same Job Series. Following a layoff, when a vacancy is created in the same job series, employees who satisfy the required qualifications as determined by the Department will be recalled in reverse order of a layoff or transfer in lieu of layoff as follows:

006.02A At the time the vacancy occurs, the Department will notify the first five (5) qualified employees in line for recall of the vacancy.

006.02B Such employee(s) will then have ten (10) workdays following date of notification to accept or refuse the recall by providing written notice to the Department. The recall vacancy will be offered to the employee with the most seniority who provides written acceptance within ten (10) workdays.

006.02C Failure to Respond. Employees who fail to respond by either accepting or refusing the recall vacancy on two (2) successive notifications will forfeit further recall rights.

006.03 Re-employment Opportunities. In the event a vacancy occurs as provided in Section 006.02 of this Chapter and there are no persons laid off or transferred in lieu of layoff who held a position in the job series at the time layoff began, the Department will notify all laid off employees of the vacancy and the qualifications required to hold the position. Such employees will then have ten (10) calendar days following receipt of such notice to apply for said position. The Department has the right to hire the most qualified applicant.

006.04 The pay rate of an employee who occupies a position of a lower job classification as a result of recall from layoff or re-employment will be set in accordance with Chapter 6, Section 004, of this Title.

006.05 Financial Assistance for Relocating. In cases in which employees have received state financial assistance, per Chapter 15, Section 016, of this Title, in geographically relocating to avoid layoff, there will be no requirement for such assistance if recalled to their previous position.

007 Time Period for Recall and Re-employment. During the twelve (12) month period following layoff or transfer in lieu of layoff of the employee, no new employees will be hired to fill vacant positions until all employees on layoff or transfer in lieu of layoff who desire to return to work and who are qualified for the vacant position(s) have had the opportunity to be recalled or re-employed per Section 006 of this Chapter. It will be the responsibility of the employee who was laid off or transferred in lieu of layoff to be available for recall or re-employment during such time, and such employee will be responsible for providing the Department with a current address. It will be the responsibility of the employee who was laid off or transferred in lieu of layoff to update and/or supplement the written documentation in their personnel file regarding their employment qualifications so as to allow the Department to evaluate their eligibility for recall or re-employment under Section 006 of this Chapter.

007.01 During the twelve (12) month period, employees may waive their rights to receive recall and re-employment notice rights contained in this Chapter by providing a written statement to the Human Resources Office.

008 Accumulated Leave Payoff. Employees who are laid off will be paid at the time of layoff for all accumulated and unused vacation leave, sick leave if eligible under Chapter 9, Section 005.12A, of this Title, compensatory time, and overtime. Statutory provisions for the retention of vacation and sick leave will not be modified by this Chapter.

009 Notification. "Notification," as used in this Chapter, means Certified Mail to the employee's last known address, or personal delivery, or deposit at last known residence. Notifications issued to an individual employed at the Department may be made by e-mail or personal delivery to the employee's office. In the event of personal delivery, a receipt acknowledging delivery will be signed by the laid off employee.

TITLE 93 □NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES

CHAPTER 13 □CORRECTIVE AND DISCIPLINARY ACTIONS

001 Grounds. Grounds for corrective, disciplinary action, and/or dismissal include, but are not limited to:

001.01 Violation of, or failure to comply with, the State Constitution; any statute; an executive order; published rules and regulations of the Department; Department policies or procedures including work rules; this Chapter; or administrative memoranda.

001.02 Failure or refusal to comply with a lawful directive or to accept a reasonable or proper assignment from an authorized supervisor.

001.03 Inefficiency, incompetence, or negligence in the performance of duties.

001.04 Careless, negligent, improper, or unsafe use of state property, equipment, or funds; or conversion of state property. This includes transmitting threatening, obscene, or harassing material through the State□s communication systems.

001.05 Use of bribery or undue influence to gain or attempt to gain promotion, leave, favorable assignment, or other individual benefit or advantage.

001.06 Falsification, fraud, or willful omission of information when applying for a position, applying for or renewing required credentials, performing the duties of a position, responding to work-related questions or inquiries of any supervisor, or completing records or reports relevant for the Department.

001.07 Unauthorized or improper use of any type of leave, repeated tardiness, repeated failure to comply with scheduled work hours, including meal or rest periods, or absence without approved leave.

001.08 Failure to maintain satisfactory working relationships with the public, other Department employees, supervisors or managers, or with persons placed under the direct care and responsibility of the employee.

001.09 Failure to obtain and maintain a current license or certificate

required by law or Department standards as a condition of employment.

001.10 Violation of any provision of the Department's Code of Ethics under the provisions of Chapter 16 of this Title.

001.11 Conduct while on- or off-duty, which brings discredit to the Department, the State, or which impairs an employee's services and/or the Department's performance or function, including criminal charges arising from such conduct.

001.12 Unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace or reporting for duty under the influence of alcohol and/or unlawful drugs, or when prior consumption of same is plainly detected.

001.13 Insubordinate acts of language which seriously hamper the Department's ability to control, manage, or function.

001.14 Acts or conduct (on or off the job) which adversely affects the employee's performance and/or the successful completion of the Department's performance or function.

001.15 Unlawful workplace discrimination (harassment) based in whole or in part, on race, color, sex, sexual orientation, religion, age, disability, genetic information (as prohibited by the federal Genetic Information Non-discrimination Act [GINA] and Neb. Rev. Stat. § 48-236), or national origin, which manifests itself in the form of unwelcome comments, jokes, printed material, and/or unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

001.16 Display of sexually explicit or obscene materials and/or the utterance of offensive comments in the workplace that are derogatory toward a group or individual based upon race, sex, sexual orientation, color, religion, disability, age, or national origin.

001.17 Possession of any type of firearm during the course of performing their job. The prohibition includes transporting firearms into any work site or in a state vehicle.

002 Suspension With Pay. A suspension with pay is an ordered absence from duty while on full pay status for a prescribed period of time. A suspension with pay may be ordered only upon approval of the Deputy Commissioner or the Commissioner. This action allows for: an immediate

response to a suspected but not fully substantiated offense; a period in which an investigation can be thoroughly pursued as expediently as possible; or for other reasons at the discretion of the Deputy Commissioner or the Commissioner. Suspensions with pay are not grievable.

002.01 The ordered suspension with pay will be in writing, signed by the Deputy Commissioner or the Commissioner, and will become part of the employee's official personnel file. If the employee is absent when a suspension with pay is ordered, the Deputy Commissioner or the Commissioner will direct written notice to the employee either by Certified Mail with instructions to Deliver to Addressee Only, Return Receipt Requested, by personal delivery, or deposit to the employee's last known address, or via email to the employee's personal email address with agreement of the employee.

002.02 If a suspension with pay is ordered to allow for an investigation of a suspected offense, and if the offense is not substantiated, then the ordered suspension will be removed from the employee's personnel file.

002.03 In the absence of the Deputy Commissioner or the Commissioner, the appropriate Office Administrator may order an employee's suspension with pay for up to ten (10) calendar days. Upon the Deputy Commissioner's or the Commissioner's return, the Deputy Commissioner or the Commissioner will affirm or modify the suspension with pay within five (5) calendar days.

003 Corrective Action.

003.01 Oral Counseling. This is an informal level of corrective action. It is a warning given by an immediate supervisor in conference with an employee in which the matter that caused the corrective action to be taken is discussed and the employee is advised what action is expected of him/her to correct the problem. A written record of the oral counseling may be prepared if a copy is provided to the employee; however, no record of it will be placed in the employee's personnel file.

003.02 Written Warning. When, in the opinion of the supervisor, oral counseling is not an adequate measure to correct the deficiency, a written warning, which will be considered a corrective action, may be imposed. The written warning must be fully documented and must include an oral conference between the supervisor and the employee at the time the written warning is presented or as otherwise agreed to by both parties. The written narrative will be consistent with the oral conference. The written warning will be dated, explain the reason for

the warning, and explain the action expected of the employee to correct the cause or problem. Both the supervisor and the employee will sign the written warning, and the employee will be given a copy of the completed and signed warning. The employee's signature thereon does not imply agreement with the contents of the written warning, but documents only that he/she has seen it and the oral conference described above has been held. The written warning will be considered effective on the date that it is issued to and received by the employee.

003.02A Written warnings will be issued on official forms the Department may designate for this purpose.

003.02B The employee has the opportunity to attach written rebuttal, clarification, or objection to the written warning within five (5) workdays of receipt by the employee.

003.02C The written warning will become inactive ninety (90) calendar days after having been issued to the employee unless the originating supervisor will renew it by additional written commentary on the original form explaining the renewal.

003.02C1 When the written warning is renewed, the employee will again have the opportunity to offer written commentary in response to the renewal and will be provided with a copy of the annotated (renewed) form.

003.02C2 A written warning may be renewed no more than one (1) time.

003.02C3 All record of the written warning will be removed from the employee□s personnel file ninety (90) calendar days after it will become inactive. It may only be retained by the Department in a separate file for warnings and may be referenced by the Department or employee in the event of litigation, personnel action, (including subsequent disciplinary or corrective action), audit, or other administrative proceeding or complaint, if relevant.

004 Forms of Discipline. Four (4) forms of disciplinary action are available for supervisory use by the Department. The seriousness and/or nature of the situation will determine the form of discipline to be used. These are:

004.01 Suspension Without Pay. A suspension without pay is an ordered suspension from duty for a prescribed period of time for which

no pay, vacation, sick, or holiday leave is granted, nor is vacation, sick, or holiday leave accrued. A suspension without pay may be ordered only upon written approval of the Deputy Commissioner.

004.01A The length of the suspension will be determined by the Deputy Commissioner in view of the seriousness of the violation and/or continued violation after the employee has been duly warned.

004.01B An ordered suspension without pay will be in writing, signed by the Deputy Commissioner, and will become part of the employee's official personnel file. If the employee is absent when a suspension without pay is ordered, the Deputy Commissioner will direct written notice to that employee by one of the following methods: Certified Mail with instructions to Deliver to Addressee Only, Return Receipt Requested; personal delivery or deposit to the employee's last known address; or by email to the employee's personal email address with agreement of the employee.

004.02 Disciplinary Demotion. The movement of an employee from the present position to one of lesser responsibility and/or authority and to a lower salary, may be ordered only upon the written approval of the Deputy Commissioner, a copy of which is provided to the employee.

004.02A A request for disciplinary demotion will be in writing with full documentation, signed by the supervisor and the appropriate Office Administrator. The disciplinary demotion will be signed by the Deputy Commissioner and will become a part of the employee's official personnel file. An employee who is the subject of a disciplinary demotion will also be placed on secondary probation as described in Chapter 5, Section 003, of this Title.

004.03 Administrative Probation. An administrative probation is a period of time, not more than six (6) calendar months, imposed by the appropriate Office Administrator, for disciplinary reasons during which the employee must rectify the performance or behavior which led to the imposition of the disciplinary action. The notice of administrative probation will be in writing, dated, and will inform the employee of the reason for the probation, the action required for improvement, and state that failure to improve may result in further action. The employee will acknowledge receipt of the probation notice by signing the document. The employee's signature on the notice of administrative probation does not imply agreement with the notice of administrative probation.

004.03A Employees placed in an administrative probationary status will not be promoted or granted pay increases during the administrative probationary period.

004.03B Employees granted vacation, sick, holiday, bereavement, civil, administrative, or military leave while on administrative probation may have their probation extended by the number of days absent on leave.

004.03C The administrative probation may be extended by the Deputy Commissioner for a period not to exceed a cumulative total of one (1) calendar year unless extended in accordance with the provisions of Section 004.03B of this Chapter. Reasons for such extension will be made known to the employee in writing.

004.03D The termination of a regular employee on administrative probation does not preclude the filing of a grievance by the employee.

004.03E An employee may be placed on administrative probation, upon return to work, following a suspension.

004.03F An employee may be removed from administrative probation at any time.

004.04 Dismissal. An employee may be dismissed from employment with the Department for failure to respond to previous corrective or disciplinary actions or when circumstances render any preceding steps unnecessary or inappropriate.

004.04A The Office Administrator and the employee's immediate supervisor, if other than the Office Administrator, will recommend dismissal to the Commissioner in writing, and the decision to dismiss or take another action will be made by the Commissioner.

004.04B The Commissioner will inform the employee in writing of a time at which the employee may present any additional facts, material, or evidence regarding his/her dismissal to the Commissioner. Failure by the employee to appear before the Commissioner acts as a waiver by the employee to the aforementioned meeting prior to action by the Board.

004.04C The employee may be represented by a third party in the meeting with the Commissioner, but the time, date, and/or place of

said meeting will not be postponed or rescheduled because the representative of the employee is unable to attend unless both the Commissioner and the employee mutually agree to another time, date, and/or place.

004.04D Within five (5) workdays following the scheduled date of the meeting with the Commissioner, the Commissioner will provide the employee a copy of his/her decision and the action which the Commissioner has decided to impose. This written decision may be hand-delivered, sent by Certified Mail, sent by regular U.S. Mail to the employee, or provided via email to the employee's personal email address with prior agreement of the employee. The five (5) workday period may be extended upon agreement between the Commissioner and the employee. For the purposes of this subsection, the date the written decision is "provided" to the employee is (a) two (2) business days after it was deposited in the regular U.S. Mail; or (b) the date of personal or certified delivery or the date it was e-mailed.

004.04D1 The employee may obtain a hearing before the Board or, at the Board's option, its designated hearing officer, by delivering a written request to the Commissioner within ten (10) workdays of receipt of the Commissioner's letter of notice; and

004.04D2 The date, time, and place of the hearing will be communicated in writing to the employee.

004.04D3 When a hearing is held, the employee may be present and be heard, be represented by counsel, examine documentary evidence presented, cross-examine witnesses, offer documentary evidence, and present witnesses. Hearings are conducted in accordance with Title 92, Nebraska Administrative Code, Chapter 61.

004.04D3a The Hearing Officer's findings of fact and recommendation to the Board and the Board's order in a contested case are public records.

004.04E If the Commissioner's decision is to dismiss the employee, the Commissioner may elect to take whatever action he/she chooses which affects the employee until the dismissal becomes final, including placing the employee on suspension without pay. Such action will be in writing and be included with the written

decision provide under Section 004.04D of this Chapter.

004.04F If no timely written request of a hearing is received by the Commissioner, the dismissal decision becomes final and will appear in the Commissioner's Report for the next regularly scheduled Board meeting.

004.04G When the Department determines that immediate disciplinary action is required for an employee not officed in Lincoln, the Commissioner or a Deputy Commissioner may designate an individual to sign and deliver the notice of disciplinary action to the employee for the Commissioner or a Deputy Commissioner. The disciplinary action will be effective immediately upon the receipt of such notice by the employee. The Commissioner or a Deputy Commissioner will subsequently sign and forward a copy of such notice to the disciplined employee.

TITLE 93 □NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES

CHAPTER 14 □GRIEVANCE PROCEDURE

001 Eligibility. All regular employees have grievance rights. Applicants, temporary employees, contract employees, and employees on original probation have no grievance rights within this Chapter. An employee who has successfully completed an original probation period will retain grievance rights during subsequent probation periods per Chapter 5, Section 003, of this Title.

002 Definition. A grievance is defined as a contention of misapplication or violation of any of the following: Department policies, rules or regulations including these Personnel Rules, written administrative policies, other written operating procedures, laws, or written instructions pertaining to employees.

002.01 Effective Dates of Management Actions. Filing of a grievance does not delay the effective date of any management action. In the event a suspension without pay or demotion is not supported through the grievance procedures, the employee will be returned to his or her position as though said suspension without pay or demotion had not taken place.

003 Non-Grievable Matters. The following issues, when done in compliance with established law, rule, or Department policy, are examples of non-grievable matters. The list below is not to be considered all-inclusive:

003.01 Performance appraisals;
003.02 Department appointments, including promotions to positions;
003.03 Involuntary transfers not requiring the employee to relocate;
003.04 Leave of absence decisions;
003.05 Payment of moving expenditures;
003.06 Merit increase allocations;
003.07 Position classification, including, but not limited to, reclassification per Chapter 6 of this Title;
003.08 Investigatory suspensions with pay;
003.09 Pay adjustments pursuant to Chapter 7 of this Title;
003.10 Federal Fair Labor Standards Act (FLSA) status determinations;
003.11 Placement on suspension without pay or other action of the Commissioner following a decision recommending an employee□s dismissal to the Board as described in Chapter 13, Section 004.04, of this Title;

003.12 Regardless of compliance with laws, rules, regulations, or Department policies, an employee may not grieve actions or inactions that were alleged to have been done to or concern another employee;
003.13 Parental~~Maternity~~ Leave Donation Program participation; and
003.14 Corrective Action.

004 An employee may grieve layoffs (and/or transfer, recall and re-employment rights) only on the grounds of unlawful discrimination or failure to follow the provisions of the Personnel Rules in regard to the layoff.

005 Disciplinary Dismissals. Employees may contest disciplinary dismissals according to the provisions in Chapter 13, Section 004.04, of this Title.

006 Grievance Procedure. The employee may be accompanied at any step of the grievance procedure by a representative of the employee's selection. The Department may also be accompanied by a representative at any step. A NDE Personnel Rules Grievance Form ~~grievance form~~ will be provided by the Office of Human Resources,~~the Department~~ or designee if applicable, upon request. ~~and made available to each and every employee upon request. This form is reproduced in Appendix A of this Title.~~No employee will be denied the right to a grievance hearing by reason of the employee's failure to properly fill out or fully complete the grievance form. However, a signed grievance form must be utilized in order to file a grievance. The Grievance Procedure will be as follows:

006.01 Step One. Within fifteen (15) workdays of the employee's knowledge of the event or condition which caused the grievance, the grievant will present the completed grievance form to the Human Resources Administrator. ~~Office Administrator~~. If an employee is placed on suspension with pay, the workdays within that period are not counted against the fifteen (15) workday time frame. Within fifteen (15) workdays after receiving the completed grievance form, the supervisor, Office Administrator, or designee if applicable, and grievant will meet to discuss the grievance and attempt to resolve the matter, and the Department designee ~~Office Administrator~~ will arrive at a response and communicate the same to the grievant in writing.

~~006.01A In cases of disciplinary demotion or disciplinary suspension without pay the grievant will proceed as specified in Step Three of this procedure by filing an appeal to the Board without having to convene the meeting described in Section 006.01 of this Chapter. The appeal to the Board referred to in Step Three below must be filed with the Commissioner, in writing on the~~

~~appropriate form, within fifteen (15) workdays of the grievant's receipt of the Deputy Commissioner's suspension order or disciplinary demotion approval.~~

~~006.01B In cases of administrative probation, the grievant will submit the grievance to the Deputy Commissioner in writing on the appropriate form within fifteen (15) workdays of the date of the receipt of the notice described in Chapter 13, Section 004.03, of this Title without having to convene the meeting described in Step One. The Deputy Commissioner will give a written answer within fifteen (15) workdays of receipt of the grievance. If a resolution to the grievance is not reached, the employee may proceed as specified in Step Three of this procedure within fifteen (15) workdays of the receipt of the Deputy Commissioner's answer.~~

006.02 Step Two. When the written answer in the preceding step is not satisfactory to the grievant, the grievant may, within fifteen (15) workdays of the receipt of the Department designee's ~~Office Administrator's~~ written answer, appeal the decision to the ~~Deputy~~ Commissioner, or Department designee, in writing. The ~~Deputy~~ Commissioner, or Department designee, will give a written response to the grievant within fifteen (15) workdays thereafter. ~~The Deputy Commissioner may hold a~~ A meeting with the grievant may be held in order to better understand the facts and circumstances before rendering a decision. Any Department designee under this subsection may not be the same person as the Department designee under subsection 06.01 for the same grievance.

006.03 Step Three. If a resolution to the grievance is not reached, the grievant may, within fifteen (15) workdays after receipt of the Commissioner or Department designee's ~~Deputy Commissioner's~~ decision, appeal the grievance to the Board. The appeal at this level will be directed to the Commissioner as Secretary of the Board. This appeal will include the filing of the grievance form as described in Section 006.01 of this Chapter.

006.03A Within ninety (90) calendar days after receiving the appeal, the Commissioner will place the matter on the agenda of a meeting of the Board for a determination on if the Board or a hearing officer will conduct the hearing in accordance with Section 006.03B of this Chapter.

006.03B The Board may elect to conduct the hearing or may designate that a hearing officer, not an employee of the

Department, conduct a hearing and recommend a decision to the Board. The employee will be notified of the Board's determination of who will conduct the hearing and the time and place of the hearing. In cases in which the Board elects to have a hearing officer conduct the hearing, the hearing officer will cause a complete record to be made of all evidence offered at the time of the hearing. The hearing officer will prepare written findings of fact and recommend a decision to the Board. The hearing officer will deliver these findings of fact and recommendation to the Board together with a complete transcript of all evidence offered at the time of the hearing. Hearings will be conducted in accordance with Title 92, Nebraska Administrative Code, Chapter 61. The hearing will take place within ninety (90) calendar days of the Board meeting at which the matter appeared on the agenda under Section 006.03A of this Chapter.

006.03C Both parties in a hearing pursuant to Step Three may present witnesses, and these witnesses will be subject to cross examination. If the witness is an employee of the Department, he/she will be paid for those hours outside his/her normal hours of work.

006.03D The Board may affirm, modify, or reverse the decision of the Deputy Commissioner. The Board will notify, in writing, the aggrieved employee of the Board's decision within a reasonable time period.

007 Arbitration. At the time said appeal is filed pursuant to Step Three, the employee and/or representative and the Commissioner may mutually agree to submit the dispute to voluntary binding arbitration. Otherwise, the dispute will be submitted to the Board in accordance with this Chapter.

007.01 If both parties choose to submit the appeal to voluntary binding arbitration, they will sign a waiver within ten (10) workdays indicating they acknowledge that the decision of the arbitrator is final, except as provided in the Uniform Arbitration Act, and cannot be appealed.

007.02 The arbitrator's scope of review will be to determine whether or not term(s) of these Personnel Rules has/have been violated, and whether the Department's action was taken in good faith and for cause. Arbitration hearings will be informal and the rules of evidence will not apply. The parties may be represented by attorneys in arbitration hearings. In cases involving discipline, the Department will present its case first, and in all other cases the employee will present his/her case

first. The decision of the arbitrator will be final and may not be appealed. The arbitrator will decide the grievance in question based upon the issues presented in the written grievance filed pursuant to the grievance procedure. The arbitrator may interpret relevant provisions of the Personnel Rules and apply them to the particular case presented to him/her, but the arbitrator will have no authority to add to, subtract from, or in any way modify the terms of the Personnel Rules. The fee and expenses of an arbitrator will be borne equally by all parties. Arbitrators will be selected from lists developed and mutually agreed upon by the parties. If the parties cannot agree upon an arbitrator, a method of alternate striking of names will be employed.

007.03 The Commissioner or the Deputy Commissioner will have the authority to set time limitations for: the length of time within which an arbitrator must be chosen; the amount of time the parties will have to present their case (each party will receive the same amount of time); the time within which a case must be heard after an arbitrator is appointed; the length of time that will be allowed for the parties to submit post-hearing briefs; and the period of time after a hearing within which the arbitrator must enter his/her decision. Post-hearing briefs will not be allowed in any case unless the parties and the arbitrator are all in agreement as to the need for such briefs.

007.04 The decision of the arbitrator will be made in writing within sixty (60) calendar days of the hearing and will include findings of fact and conclusions of law. The findings of fact will consist of a concise statement of the conclusions upon each contested issue of fact. Parties to the proceeding and the Human Resources Office will receive a copy of the decision by first class U.S. mail. The arbitrator's decision will become public record upon submittal to the parties. If the arbitrator does not render a decision within ninety (90) calendar days from the date the arbitration hearing was held, a penalty of fifty dollars ($50) per day will be imposed and deducted from the arbitrator's fee for each day over ninety (90) calendar days the decision is late, until the decision is received. This penalty may only be waived upon mutual agreement of the parties.

007.05 Both parties must provide the other party and the arbitrator with a listing of all exhibits to be introduced at the hearing, a copy of each exhibit, and a listing of individuals that the party plans to call as witness(es) in the arbitration/hearing, at least five (5) calendar days prior to the hearing. Such requests and/or notice will be addressed to the party from which the discovery is sought. Only discovery requests which are relevant or would lead to relevant evidence for the grievance

will be granted; however, in no case will discovery be granted which seeks evidence which is recognized as privileged by the Courts of this State. Discovery requests must be provided within ten (10) workdays of the receipt of the request, unless objections are entered. Objections to discovery will be made to the arbitrator, and the arbitrator will consider the matter and issue a decision.

008 Number of Days. The number of days indicated in each step of the procedure will be the maximum. Failure of the grievant to proceed to the next step within the maximum time limit will be considered as termination of the grievance. Failure of the Department in any step to render a decision to the aggrieved employee(s) within the maximum time limits will automatically allow the aggrieved employee(s) to proceed to the next step.

"Days" will mean regularly scheduled workdays when the Nebraska Department of Education Office Building offices are open, excluding, however, such regularly scheduled workdays during which employees involved in the procedure are absent from the work site on approved leave or travel status. For all employees who are permanently located at work sites other than 500 South 84th Street, Lincoln, Nebraska, days as defined above will be counted from the date of receipt. The day in which an item is received is not counted as a day for the receiving party.

Any time period established herein may be extended upon the written consent of the employee and the Deputy Commissioner.

009 Grievance Statement. The original Employee Grievance Statement will remain unchanged throughout the grievance procedure. Copies of the grievance statement and response at each step will be filed with the Human Resources Office by the grievant.

TITLE 93 □NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES

CHAPTER 15 □MISCELLANEOUS

001 Working Schedule. A schedule of working hours, which reflect individual job requirements, will be determined by the appropriate Office Administrator and the immediate supervisor. All employees will use the electronic calendar provided by the Department that will be accessible with full details to the immediate supervisor, indirect supervisor of the employee, and to others as directed by anyone in the employee□s chain of command. All employees will establish their schedule of work hours approved by their supervisor and record that schedule of work hours in their electronic calendar. All employees are accountable for a forty (40) hour workweek unless employed less than full-time for which work hours for a workweek are equivalent to the percentage of their employment for each week. All employees will record in advance on their electronic calendar all meetings, travel, and leave time. Emergencies or unforeseen medical needs are exceptions to advance recording so long as an employee immediately provides a written explanation to their supervisor no later than when first returning to work and promptly records the leave on their electronic calendar.

001.01 Change in Work Schedule. Supervisors will provide ten (10) workdays written notice to the affected employees prior to making changes in their permanent work schedules. The supervisor may temporarily change an employee□s work schedule for cause without the ten (10) workday notification.

001.02 Lunch. Each day, employees will have an unpaid lunch break of at least thirty (30) minutes and no more than sixty (60) minutes unless they are scheduled to work six (6) hours or less that day. If an employee is working six (6) hours or less and would like to forgo the lunch break, the supervisor can approve the request. Scheduling the time of the lunch break is subject to the approval of the immediate supervisor. Schedule requests will not be unreasonably denied by the supervisor. Employees may not take a lunch break for a shorter period of time than one-half (1/2) hour. A lunch break may not be saved for use in shortening the workday.

001.03 Breaks. A rest break of fifteen (15) minutes may be taken during each four (4) hours an employee is on the job. Break time may not be saved for use in shortening the workday or in extending the lunch break. Rest breaks are considered work time.

001.04 Overtime. Nothing contained in this Chapter will be construed as limiting the Department's right to require overtime work by employees, subject to the provisions of Chapter 8 of this Title.

001.05 Job Sharing. Job sharing may be allowed by mutual agreement of the Deputy Commissioner, the appropriate Office Administrator, and the immediate supervisor. The Department will attempt to maintain job sharing arrangements in effect as of the effective date of this Chapter for as long as is practical and both involved employees remain employed in their current positions.

002 Drug-Free Workplace. The unlawful manufacture, distribution, possession, or use of any illicit drugs or of alcohol is prohibited in the workplace. Employees who violate the standards of conduct are subject to referral for prosecution.

002.01 Employees, who are convicted of a criminal-drug-statute violation occurring in the workplace, will be subject to disciplinary action up to and including termination; or will be required to satisfactorily participate in an approved drug/alcohol abuse or drug/alcohol rehabilitation program approved for such purposes by a federal, state, or local health law enforcement or other appropriate agency.

002.02 Temporary employees or contractors who are convicted of a criminal-drug-statute violation occurring in the workplace will be subject to termination of employment/contract; or will be required to participate satisfactorily in an approved drug/alcohol abuse or drug/alcohol rehabilitation program.

002.03 Conviction for any criminal-drug-statute violation occurring in the workplace must be reported by the employee or contractor to the Human Resources Office no later than five (5) calendar days after the conviction.

003 Discrimination. Unlawful workplace discrimination (harassment), based in whole or in part on sex, race, color, religion, marital status, national origin, age, disability, protected activity (such as an employee's opposition to discrimination or participation in complaint proceedings), or genetic information (as prohibited by the federal Genetic Information Non-discrimination Act [GINA] and Neb. Rev. Stat. § 48-236); constitutes unlawful workplace discrimination (harassment). Employees who commit unlawful workplace discrimination (harassment) while performing duties for the Department may be subject to disciplinary action, up to and including dismissal from employment. Employees who make complaints or assist in

investigations of unlawful workplace discrimination (harassment) will be protected against retaliation. Reports of alleged unlawful discrimination will be made to a staff member of the Human Resources Office, or any NDE Office Administrator. Employees covered by the Agreement may utilize grievance procedures contained in the Agreement, and employees not covered by the Agreement may utilize the grievance procedures contained in Chapter 14 of this Title.

003.01 Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

003.01A Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

003.01B Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

003.01C Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

003.01D Sexual harassment does not include personal compliments welcomed by the recipient or social interaction, or relationships freely entered into by employees or prospective employees.

003.01E Behavior Constituting Sexual Harassment. In determining whether alleged conduct constitutes sexual harassment, the Department will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual behavior and the context in which the behavior occurred. The determination of the legality of a particular action will be made from the facts on a case-by-case basis. Sexual harassment will not be permitted during the workday, nor will acts of sexual harassment be condoned outside the work environment if such are construed to encroach on the normal working relationship.

004 Political Activities. Unless specifically restricted by federal or state law, employees may participate in political activities except during office hours or when otherwise engaged in the performance of their official duties. Employees may not, however, participate in political activity using their status as a state employee to influence others.

005 Nepotism and Supervision of Family Members. Employees will not engage in nepotism. Nepotism means the act of hiring, promoting, or advancing a family member in state government or recommending the hiring, promotion, or advancement of a family member in state government. This includes within the Department and with other State Agencies. "Family Member" means an individual who is the spouse, child, parent, brother, sister, grandchild, or grandparent, by blood, marriage, or adoption, of an official or employee of the Department. Employees will not be assigned to positions in which they directly supervise, evaluate, or review the appraisal of a family member or to positions in which they are directly supervised, evaluated, or reviewed by a family member.

006 Employee Education Opportunities

006.01 Postsecondary Coursework During Work Time. Employees may request approval to use work time to take up to seven (7) credit hours each calendar year from postsecondary institutions that award credit on the semester schedule or up to nine (9) credit hours each calendar year from postsecondary institutions that award credit on the quarter schedule. However, no more than four (4) credit hours may be taken in any one (1) semester, or no more than four and one-half (4.5) credit hours in any one (1) quarter, during work time without loss of pay. All summer sessions combined will be considered equivalent to one (1) semester period. If a class crosses calendar years, eligibility to take a course will be determined based on the start date of the class. Approval under this section is intended to allow employees to use work time to attend courses that have a regular meeting schedule as opposed to self-paced, online courses or credits for activities such as thesis or doctoral work. Depending on the distance and location, travel time may also be considered regular work time. Prior approval of course work and/or related travel time during work hours must be obtained from the immediate supervisor, Office Administrator, and the Deputy Commissioner. Management may limit the amount of work release time granted. Requests and subsequent documentation must be submitted on a form provided by the Department. Requests will be directed through the employee's immediate supervisor to the Human Resources Office. Any additional credit hours may be scheduled outside the normal workday. Approval under this Section will not be unreasonably denied; however, approval is discretionary and may be made on bases such as, but not limited to, fiscal considerations, workload, and documented evidence of employee performance concerns in the prior two-year period. For purposes of this Chapter, the term "postsecondary institution" means an institution of higher learning accredited by an

accrediting body that is recognized by the United States Secretary of Education and is authorized to grant associate, baccalaureate, or postbaccalaureate degrees.

006.02 Reimbursement for Postsecondary Coursework Expenses. As an alternative to the above, employees may be eligible to receive not more than seven (7) credit hours each calendar year of tuition reimbursement for courses from postsecondary institutions that award credit on the semester schedule or not more than nine (9) credit hours each calendar year of tuition reimbursement for courses from postsecondary institutions that award credit on the quarter schedule for job-related courses. If a class crosses calendar years, eligibility to take a course will be determined based on the start date of the class. Job relatedness will be determined by the Deputy Commissioner, whose decision will be final. Reimbursement may be for any portion of the tuition cost, required course fees, and books, with the employee being notified of the amount of reimbursement prior to the beginning of the course.

Reimbursement for course-related expenses will be prorated based on the number of credit hours reimbursed. Approval for reimbursement will not be unreasonably denied; however, approval is discretionary and may be made on bases such as, but not limited to, fiscal considerations, workload, and documented evidence of employee performance concerns in the prior two-year period. Eligibility for reimbursement requires:

006.02A A course grade of "C" or better for undergraduate courses,

006.02B A "pass" for pass/fail courses, or

006.02C A course grade of "B" or better for graduate courses; and

006.02D Proof of payment or a deferred payment agreement with the postsecondary institution and/or federal student aid loan servicing entity.

006.02E Requests for reimbursement and substantiating documentation must be made in writing prior to the beginning of the course on a form provided by the Department. Requests will be directed through the employee's immediate supervisor to the Human Resources Office. Employees who receive tuition reimbursement will be required to reimburse the Department if they voluntarily leave their employment with the Department within one

(1) year of the course completion date. The Department requires written documentation to verify enrollment including course dates and times, course completion and the grade earned.

006.03 Employees Directed to take Postsecondary Coursework. If an employee is directed by the Department to take a job-related course at a postsecondary institution, the Department will pay for all costs of said course including tuition, books, other required instructional materials, mandatory fees, and associated travel costs. Job relatedness will be determined by the Deputy Commissioner whose decision will be final. The employee so directed will be considered to be working for the Department during classroom time, and any travel incurred to attend such courses will be treated as travel for the Department. The Department will require written documentation to verify the employee's enrollment, course completion, and the grade earned.

006.03A Employees may use Department computers, Internet access, printers, and office supplies for online courses and related homework if the employee has been directed to take a job-related course for professional development per Section 006.02 of this Chapter, or if an employee elects and receives supervisory approval to take an online course available through the State's Employee Development Center Learning. If employees voluntarily take an online postsecondary or other educational or vocational course, the Department's computers, Internet access, printers, and office supplies may not be used.

006.04 Online Coursework. Online postsecondary coursework may be taken, and reimbursement for any portion of the tuition cost, required course fees, and books may be allowed, if the course is job-related and prior approval to take the course is granted by the immediate supervisor, Office Administrator, and the Deputy Commissioner. Online courses may not be taken on work time unless dedicated online sessions with the instructor, or related to the class, are required as specified by a course catalog and only occur during the employee's regular work time. Employees may use Department computers, Internet access, printers, and office supplies for online courses and related homework if the employee has been directed to take a job-related course for professional development per Section 006.03 of this Chapter, or if an employee elects and receives supervisory approval to take an online course available through the State's learning management system. If employees voluntarily take an online postsecondary or other educational or vocational course, the Department's computers, Internet access, printers, and office supplies

may not be used.

006.05 Conference or Meeting Participation. In addition to the assigned activities of each employee, the appropriate Office Administrator will maintain and carry out a policy of approving a reasonable request of each employee to participate in meetings, conferences, or in-service activities related to the employee's job. Determination of reasonable requests and job relatedness will rest with the appropriate Office Administrator. Upon approval of such a request, the employee may attend such meeting, conference, or in-service activity without loss of pay and at the expense of the Department. Additionally, an employee may be permitted to participate in at least one (1) meeting, conference, or in-service activity per year relating to the employee's job consisting of a total of not more than five (5) workdays at the expense of said employee without loss of pay.

006.06 All decisions made by management pursuant to the application of this Chapter are final.

007 Solicitation Policy. Soliciting employees during work hours is not authorized.

007.01 Vendors offering non-work-related products for sale to employees are not authorized to contact employees during the employee's duty hours or to sell, promote, or distribute information on state property.

007.02 Employees who sell products for a secondary income may only contact other employees during non-duty hours.

007.03 Employees located at all other work sites may, upon the approval of the local administrator, post information on products for sale, and non-duty contact times in locations provided for that purpose.

008 Workers Compensation. All injuries, no matter how slight, occurring in the course of employment, are to be reported immediately to the supervisor and the Human Resources Office. An Employee Report of Alleged Occupational Injury Form (available from the Human Resources Office) must be completed and forwarded to the Human Resources Office by the employee as soon as possible. In the event the employee is incapable of completing and signing the report, the employee's immediate supervisor will complete the report to the best of his/her knowledge. The Employee Report of Alleged Occupational Injury will be completed and signed by the employee at the earliest possible date.

009 Usage of State Telephone/Telecommunications Resources. Employees should exercise professional judgment in their use of business phones. ~~The State telephone network is provided for official State business only. Long distance personal calls are not authorized and must be charged to one's resident telephone or personal credit card. Such calls may also be placed from a toll phone.~~

010 Nonexempt Employee Travel Time. Required travel time for nonexempt employees will be considered work time per the requirements as set forth in the federal Fair Labor Standards Act (29 CFR Part 785).

010.01 Under this federal regulation, the Department does not consider time spent in overnight travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile to be "work time."

011 Personal Vehicles. When reasonably requested by the Department, or when requested by the employee and approved by the Department, employees may use their own automobile for work-related travel at a rate of reimbursement per the Department's policies regarding employee expense reimbursement.

012 Lodging and Meal Reimbursement. The Department will reimburse lodging and meal expenses per the Department's policies regarding employee expense reimbursement.

013 Lodging Arrangements. Single occupancy lodging will be made available to any employee traveling on Department business unless the employee: waives the option, prefers multiple accommodation lodging, or lodging availability in the town precludes single occupancy.

014 Transportation. Employees including full-time, part-time, contract, temporary, and fixed-term, as defined in Chapter 4 of this Title, may be authorized to use a State vehicle on official State business. State vehicles are not to be used for personal use.

014.01 Valid Driver's License Requirement. All persons who operate State or personal vehicles while on Department business are required to have a valid driver's license and to successfully complete a defensive driving course as offered by the State. Should persons who drive on Department business have their driver's license revoked or suspended for any reason, the employee must report such revocation or suspension to their immediate supervisor.

014.02 Supervisor Responsibility. It will be the responsibility of the Office Administrator to ascertain that each person who drives on Department business possess a current valid driver's license and has satisfactorily completed a Defensive Driving Course, as prescribed. This responsibility may be delegated to the section head or person in a division who has the responsibility to authorize/permit use of a vehicle on Department business.

015 Employment Outside of Working Hours. Employees may engage in employment outside of working hours in a private business interest. Such employment outside of Department work or in a private business interest will not interfere with the efficient performance of duties or conflict with the interests of the Department of Education or with State statutes. The Department may require disclosure of outside employment.

016 Moving Expense Reimbursement. Employees who are involuntarily relocated to another geographical location for the benefit of the Department, and newly hired employees, excluding temporary employees, may be reimbursed for certain ordinary, necessary, and reasonable moving expenses subject to the requirements of the Department of Administrative Services Accounting Manual and the prior written approval of the Commissioner. Reimbursement must be submitted to the Department's Accounting Section within sixty (60) calendar days of the final day on which the expenses were incurred in accordance with Neb. Rev. Stat. § 81-1174 and Department procedures.

017 Severability. If any section or portion of the Chapters in this Title, or the applicability thereof, to any person or circumstance is held to be invalid by a court, the remainder of these Chapters will not be affected thereby.

018 Recognition Programs. The Commissioner may implement an Employee Recognition Program, which may include items such as Employee-of-the-Year/Manager-of-the-Year meals; framed certificates; clocks; bookends; platters; desk accessories; pens; ~~letter openers; gift certificates;~~ food and refreshments; trophies; shirts; plaques, pins, and/or monetary recognition.

019 Business Attire. All employees are expected to dress in attire that is appropriate for conducting his or her work responsibilities. Office Administrators and supervisors may identify specific attire requirements depending on the nature of the employee's work.

020 Retiree Health Insurance. In addition to the provisions outlined in Neb. Rev. Stat. §§ 84-1601 through 84-1615, employees who are eligible for

retirement and do retire, will be afforded the opportunity to continue health insurance coverage in the group plan until they become Medicare eligible. The employee will be responsible for the entire cost of the premium for the plan chosen, which includes the normal employee contribution and the normal State contribution.

021 Insurance Coverage Consistency with Master Contract. The Department agrees to provide employees with the same health, dental and vision insurance plans at the same cost sharing ratio as the Department will provide to its employees who are subject to the Agreement. In the event such insurance programs grant to the employee various options, the Department's obligation will apply only to the mandatory portion to be paid by the Department under the program. The Department further agrees to provide all employees all other insurance plans that are made available in the Master Contract at the same cost.

022 Reporting of Waste, Fraud, or Violations of Law. Employees who are aware of fraud, fiscal waste, or violations of law will report such information to the Commissioner, any Deputy Commissioner, or staff in the Human Resources Office. Employees may also give such information to the Office of Auditor of Public Accounts.

TITLE 93 □NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES

CHAPTER 16 □CODE OF ETHICS

001 General. Employees will comply with the Code of Ethics as provided in this Chapter.

002 Nebraska Political Accountability and Disclosure Act. Employees will comply with the Nebraska Political Accountability and Disclosure Act, which provides that:

002.01 No person will offer or give to the following persons anything of value, including a gift, loan, contribution, reward, or promise of future employment, based on an agreement that the vote, official action, or judgment of any public official, public employee, or candidate would be influenced thereby:

002.01A A public official, public employee, or candidate;

002.01B A member of the immediate family of an individual listed in Section 002.01A of this Chapter; or

002.01C A business with which an individual listed under Sections 002.01A or 002.01B of this Chapter is associated.

002.02 No person listed in Section 002.01A of this Chapter will solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment, based on an agreement that the vote, official action, or judgment of the public official, public employee, or candidate would be influenced thereby.

002.03 An employee will not use or authorize the use of his or her public office or any confidential information received through the holding of a public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.

002.04 An employee will not use or authorize the use of personnel, resources, property, or funds under that person□s official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law.

003 Impairing Independent Judgment. Employees are additionally prohibited from accepting other employment or entering into contractual arrangements which will impair independence of judgment in the exercise of official duties.

004 Securing Unwarranted Privileges. Employees are additionally prohibited from using or attempting to use their position in the Department to secure unwarranted privileges or exemptions for themselves or others.

005 Conflict of Interest. Employees are additionally prohibited from engaging in any transaction as representatives or agents of the Department with any entity in which direct or indirect financial interests might reasonably tend to conflict with the proper discharge of official duties.

006 Personal Investments. Employees are additionally prohibited from making personal investments in enterprises which might be directly involved in decisions to be made by them as employees of the Department.

007 Selling Goods or Services. Employees are additionally prohibited from selling goods or services to any persons, firms, corporations, public or government entities, or associations which are licensed or whose rates are fixed by the Department, or from having any substantial interest in persons, firms, corporations, or associations which sell goods or services to other persons, firms, corporations, or associations which are licensed by the Department.

008 Partnerships. Employees are additionally prohibited from accepting, or agreeing to accept, or being in partnership with any persons who accept or agree to accept any employment, fees, gifts, or services for taking any action on behalf of the other persons regarding licensing or regulatory matters before the Board.

009 Business Transactions. Employees are additionally prohibited from entering into any private business transactions with any persons or entities that have matters pending, or to be pending, upon which such employees are, or will be, called upon to render decisions or pass judgments in an official capacity as representatives of the Department. If any such employees are already engaged in the business transactions at the time the matters arise, they will be disqualified from rendering any decisions or passing any judgments upon the same.

010 Vested Interest in Contracts. Employees are additionally prohibited from influencing the making of any contracts, or courses of action leading to the making of contracts, between the Department and persons, firms,

corporations, or associations in which they may have a direct or indirect vested interest.

011 Gifts or Loans. Employees are additionally prohibited from accepting any gifts of value or loans from any person doing business with the Department. Gifts or favors are to be courteously refused or returned if they are the kind that might influence the conduct of employees.

012 Employee Consulting, Presentations and Speeches. Periodically, employees are asked to consult or to make presentations or speeches in their area of expertise. When such a request is received, the employee involved will discuss the request with the appropriate Office Administrator through their immediate supervisor. If it is determined that providing the consultation or making the presentation or speech will relate to the service, leadership, or regulatory functions of the Department, then any expenses incurred should be reimbursed from the program's budget.

013 Honorariums. If an honorarium is received for consulting or making a presentation or speech while on Department time and/or on a (work-related) subject area for which the employee has responsibility in the Department, the honorarium will be submitted to Central Accounting for deposit against the employee's line of coding. In this instance, the Department will be responsible for employee expenses.

014 Private Consulting. The following restrictions apply to employees providing private consultation services on personal time:

014.01 Employees may not provide outside consulting services for compensation (monetary or non-monetary) to any entity coming under the supervision or regulation of the Department.

014.02 Employees may not provide outside consulting services for compensation (monetary or non-monetary) to any agency within the state for which the service is available from the Department without charge.

014.03 All consulting activities will require the use of personal vacation time with prior approval of the immediate supervisor and appropriate Office Administrator. Approval of the use of vacation time will be based on the extent to which regular duties are not compromised. Approved consulting may not be done in conjunction with any Department related activity and/or travel.

014.04 Employees may not solicit or invite consultative service opportunities for private or personal gain during the discharge of duties as a

State employee.

014.05 Employees may not use State resources or products for private consulting even if the cost of such are paid to the State from outside sources.

015 Teaching. College or university teaching is allowed whenever the following conditions are met:

015.01 The employee has received approval of their immediate supervisor and the appropriate Office Administrator;

015.02 Such teaching, preparation, and other activities associated with the teaching duties, will take place totally outside the regular duty hours of the employee, unless vacation leave is used;

015.03 No Department equipment or resources are used for the teaching activities;

015.04 The employee has received advance approval of vacation time for such teaching including duty hours spent in travel, preparation, and other activities associated with the teaching duties. Whenever vacation time is used, the outside teaching responsibilities must not interfere or limit the performance of the duties and responsibilities required by the Department; and

015.05 There is a written agreement between the institution of higher education and the employee outlining the terms and conditions of their teaching and such agreement has been approved by the immediate Department supervisor and is on file in that supervisor's office and in the Human Resources Office.

015.06 Teaching assignments may be approved or assigned as part of the employee's regular duties. Additional compensation may not be accepted when teaching duties are part of the employee's regular workday.

016 Professional Organization Participation. Employees may be granted time during work hours to participate in the activities of professional organizations which, in the estimation of the appropriate Office Administrator, are considered to be job-related. The appropriate Office Administrator will determine whether or not travel expenses will be reimbursed.

NEBRASKA DEPARTMENT OF EDUCATION
NDE PERSONNEL RULES GRIEVANCE FORM

All employees occupying a regular position have grievance rights. The purpose of this process is to reduce potential areas of conflict and to secure, at the lowest possible administrative level, equitable and timely resolutions to problems that may arise. Agrievance is defined as a contention of misapplication or violation of any of the following: Department policies, rules or regulations including Title 93, NDE Personnel Rules, written administrative policies, other written operating procedures, laws, or written instructions pertaining to employees.

Name of Employee (Grievant)

Home Address | City, State & Zip | Home Phone

Classification | Work Location | Work Phone

Immediate Supervisor/Work Phone | Office Administrator/Work Phone

INSTRUCTIONS: Employees must follow all of the steps described in the NDE Personnel Rules, Chapter 14. "Days" means regularly scheduled workdays when the Nebraska Department of Education Office Building offices, are open, excluding, however, such regularly scheduled workdays during which employee involved in the procedure are absent from the work site on approved leave or travel status. For all employees who are permanently located at work sites other than 500 S. 84th Street, Lincoln, Nebraska, days as defined above will be counted from the date of receipt. The day in which an item is received is not counted as a day for the receiving party.

STEP 1: The grievant has fifteen (15) days from his or her knowledge of the event or condition causing the grievance to present the completed grievance form to the Office Administrator. Within fifteen (15) workdays after receiving the completed grievance form, the supervisor, Office Administrator, or designee if applicable, and grievant will meet to discuss the grievance and attempt to resolve the matter, and the Office Administrator will arrive at a response and communicate the same to the grievant in writing.

Office Administrator's Signature | Date Received | Date Answered

STEP 2: When the Office Administrator's response is not satisfactory to the grievant, the grievant may, within fifteen (15) workdays of receipt of the Office Administrators response, appeal the decision to the Deputy Commissioner in writing by submitting this completed form and attachments to the Deputy Commissioner. The Deputy Commissioner will give a written answer to the grievant within fifteen (15) workdays thereafter. The Deputy Commissioner may hold a meeting with the grievant to better understand the facts and circumstances before rendering a decision.

Deputy Commissioner's Signature | Date Received | Date Answered

STEP 3: If a resolution to the grievance is not reached, the employee may, within fifteen (15) workdays after receipt of the Deputy Commissioner's decision, appeal the grievance to the Board.

Date Received: _____ Date of Decision: _____

Date Filed: _____ Grievance Number: _____

Date Filed: _____ **Grievance Number:** _____

STATEMENT OF GRIEVANCE

A. **Identify** the management action that you believe involved a misinterpretation or misapplication of Department policies, rules or regulations including Title 93, NDE Personnel Rules, written administrative policies, other written operating procedures, laws, or written instructions pertaining to employees.

B. **Describe** the event or condition that caused the grievance.

C. **Describe** the relief you are requesting.

Employee/Grievant Signature (required) Date

Revised 2023

FISCAL IMPACT
STATEMENT

Agency:	Nebraska Department of Education
Prepared by:	Ami Huff
Date Prepared:	February 27, 2025
Phone:	402-219-3541
Title:	93
Chapters:	1-16
Name:	Nebraska Department of Education Personnel Rules
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: The anticipated increased cost to the Department of Education will include expenses for holding a public hearing and printing the rule ($650).

Political Subdivision: No fiscal impact.

Regulated Public: No fiscal impact.

AGREEMENT BETWEEN

THE STATE OF NEBRASKA

DEPARTMENT OF EDUCATION

AND

THE NEBRASKA ASSOCIATION OF

PUBLIC EMPLOYEES/AFSCME, LOCAL 61

JULY 1, 2025 – JUNE 30, 2027

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ARTICLE 1

PREAMBLE

1.1 Effective Dates. This Agreement will become effective and will remain in effect from July 1, 2025, when signed by all parties and remain in effect until the thirtieth (30th) day of June 2027.

1.2 Party Cooperation. Pursuant to the provision of Chapters 48 and 81, Reissue Revised Statutes of Nebraska (R.R.S.), 1943, this Agreement is made and entered into by and between the State of Nebraska Department of Education, hereafter referred to as the "Agency" and the Nebraska Association of Public Employees, Local 61 of the American Federation of State, County, and Municipal Employees, hereafter referred to as "NAPE/AFSCME." It is hereby agreed by the parties signatory hereto that it has been and will continue to be in their mutual interest to promote and encourage areas of understanding and cooperation in labor management relations; to promote procedures and methods to promptly and fairly adjust differences, misunderstandings, and disparities; to promote reasonable and fair working conditions and to encourage an environment of good will and harmony between Agency and employees for the benefit of all. It is the intent of the parties to comply with the provisions of Chapters 48 and 81, R.R.S. adopted by the Nebraska Legislature, and through a system of employee-employer cooperation, to foster and improve the efficient administration of State service, to provide for the well-being of employees and maintain high standards of performance on behalf of the public; and, entering upon this responsibility, the parties wish to declare their intention to cooperate fully in what must be the joint objectives of both bodies in providing for the employees the best working conditions possible consistent with the provision of the best possible service for the people of the State of Nebraska.

1.3 Sole Bargaining Representative. The Agency recognizes NAPE/AFSCME as the sole and exclusive bargaining representative in accordance with the Nebraska State Statutes for the purpose of establishing salaries, wages, hours, and other conditions of employment as defined by law, for all regular employees of the Agency, including those on probation, and those occupying fixed-term positions in job classification titles listed in Appendix A of this Agreement.

1.4 Union Representation. NAPE/AFSCME agrees to represent employees in the bargaining unit to the degree required by law.

1.5 Address for Union Notification. When this Agreement requires the Agency to give notice or make any other specified contact with NAPE/AFSCME, such notice of contact will be with the primary business office of NAPE/AFSCME.

1.6 Excluded from Agreement Coverage. Temporary employees, contract employees, and all other employees in the job classification titles not identified in Appendix A of this Agreement are excluded from the terms and conditions of this Agreement.

1.7 Management Rights. The parties hereto are cognizant of certain terms and conditions of employment which exist in and are within the management rights authority of the Agency and affect employees in the bargaining unit, but which may not be addressed in writing either by way of this Agreement or by way of work rules or policies and regulations.

1.8 Voluntary Participation. Employees will have the right to join and participate in, or to refrain from joining and participating in NAPE/AFSCME or other union or association. There will be no inference, restraint, or coercion by the Agency or by NAPE/AFSCME against any employee because of membership or non-membership in NAPE/AFSCME or in any other union or association.

1.9 Non-Discrimination. The provisions of this Agreement will be applied to all employees in the bargaining unit without discrimination because of age, sex, sexual orientation, marital status, race, religion, color, national origin, political affiliation, genetic information, or disability. Each of the parties hereto recognize their individual responsibilities under this Article and agree to fulfill those responsibilities. All reference to employees in this Agreement designate both sexes; and wherever the male gender is used, it will be construed to include male and female employees.

1.10 Workplace Environment. The Agency will take all reasonable measures to provide a workplace free of sexual harassment, inappropriate physical conduct, and objectively threatening behavior. Employees will promptly report alleged instances of these matters to their immediate supervisor, or, if alleged to have been done by the supervisor, to the next level of supervision.

1.11 Prohibited Activity. Neither the Agency nor NAPE/AFSCME will willfully hinder, delay, limit, or suspend the continuity of any government service by lockout, strike, or other means; or coerce, instigate, induce, conspire with, intimidate or encourage any person to participate in any lockout, strike, or other activity which would hinder, delay, limit, or suspend the continuity or efficiency of any governmental service; or aid or assist any such lockout, strike, or other such activity by giving direction or guidance in the conduct of any such activity or provide the funds for the conduct or directions thereof.

1.12 Application of Personnel Rules. In the case of inconsistency, between any rule contained in Title 93, Nebraska Administrative Code, Chapters 1-16, (93 NAC 1-16) or work rules of the Agency and this Agreement, this Agreement will prevail. Chapters 15 and 16 of the Personnel Rules apply to all employees covered by this Agreement. During the term of this Agreement, no changes will be made to Title 93, Nebraska Administrative Code, Chapters 1-16 (93 NAC 1-16) or work rules of the Agency which would conflict with the terms of this Agreement without concurrence of NAPE/AFSCME; however, those provisions of the personnel rules or work rules of the Agency which involve management rights as described in Article 2 of this Agreement may be amended at any time during the Agreement upon notice to NAPE/AFSCME and Agency employees.

1.13 State Laws and Regulations. Any item not specifically covered by the terms of this Agreement as set forth herein will be governed by the statutes and regulations of the State of Nebraska applicable thereto; to this extent, both are made a part hereof and incorporated herein as though fully set forth herein.

1.14 Changes in the Law. In the event that the Legislature will, during the term of this Agreement, specifically mandate benefits for employees covered by this Agreement which are greater than and which conflict with, or are in addition to those benefits provided for by this Agreement, this Agreement will be modified by such changes in the law and employees will be entitled to such benefits from and after the effective date of the law and during its term. Benefits which are currently made a part of this Agreement by statutory references only and then become discretionary will not, during the term of this Agreement, be reduced or otherwise modified.

1.15 State Regulatory Changes. During the term of this Agreement, should an administrative agency other than the Department of Education change in any way a rule or regulation dealing with the subject matter of this Agreement, the Agency will notify NAPE/AFSCME and the parties will meet and negotiate regarding such change.

1.16 Savings Clause. If any provision of the Agreement is subsequently declared by the Nebraska Legislature or proper judicial authority to be unlawful, unenforceable, or not in accordance with applicable statutes, all other provisions of this Agreement will remain in full force and effect for the duration of this Agreement.

Should any Article, Section, or portion thereof of this Agreement be held unlawful and unenforceable by any court of competent jurisdiction, or caused to be unlawful and unenforceable by an act of the Nebraska Legislature, such decision of the court or act of the Nebraska Legislature will apply only to the specified Article, Section or portion thereof specified in the decision or affected by the act; upon the issuance of such a decision or passage of such act, the parties agree to negotiate a substitute for the invalidated Article, Section, or portion thereof. Should any judicial or legislative action determine that, or cause similar language to that contained in this Agreement to be unlawful or unenforceable, the parties agree to negotiate regarding any affected Article, Section, or portion thereof contained in this Agreement.

1.17 Final and Complete Agreement. The parties acknowledge that during the negotiations which resulted in this Agreement, each had the right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. Therefore, the Agency and NAPE/AFSCME, for the duration of this Agreement, each voluntarily and unqualifiedly waives the right, and each agrees that the other will not be obligated to bargain collectively with respect to any subject or matter referred to or covered in this Agreement. This Agreement may only be amended during its terms by the Parties' mutual agreement in writing.

1.18 Successor Agreement. The parties may agree to meet at any time prior to the beginning of negotiations to discuss parameters of ensuing negotiations and/or to exchange proposals.

ARTICLE 2

MANAGEMENT RIGHTS

2.1 Agreement. The Agency retains all of its inherent rights, functions, and responsibilities with the right to determine and make decisions, except where those rights may be modified, restricted, or limited by this Agreement. The Agency retains the right to determine the manner in which the operations of the Agency are to be conducted except where those rights may be modified, restricted, or limited by this Agreement. Nothing in this Article is to be construed to extend management rights to areas in which such management rights do not inherently exist.

2.2 Examples of Management Rights. It is recognized that these management rights will be exercised consistent with the provisions of this Agreement and will include, but not be limited to, the following:

2.2A To implement and maintain a job classification system and classify employees pursuant to Article 10. To hire, promote, demote, transfer, assign, train or retain employees in positions within the Agency.

2.2B To maintain order and efficiency by:

2.2B1 Establishing and maintaining Agency mission, goals, and objectives, and reasonable work rules and workplace expectations, the contents of which are not inconsistent with this Agreement.

2.2B2 Suspending, demoting, discharging or taking other appropriate disciplinary action against employees for just cause.

2.2B3 Scheduling work and promoting its accomplishment through managing, directing, and assigning duties and work schedules to employees.

2.2C To determine what charitable and/or social activities may be supported or sponsored.

2.2D To determine the type and number of employees to be employed and, consistent with other provisions of this Agreement, to lay off employees in the event of lack of work or funds or under conditions where the continuation of such work would be inefficient or nonproductive.

2.2E To dismiss an employee from employment in the event the employee is unable to perform the essential functions of the position due to physical or mental impairments even with reasonable accommodations.

2.2F To determine, in accordance with the Constitutional and statutory mandates and goals assigned to the Agency, the personnel, methods, and means necessary to efficiently fulfill the Agency mission, goals, and objectives, including but not limited to, implementing a budget; contracting for the transfer of any goods or services; or altering, curtailing or discontinuing any goods or services. However, the provisions of this Section will not be used for the purpose of undermining NAPE/AFSCME or discriminating against any members of the Bargaining Unit.

2.2G To take all reasonable and necessary steps to comply with the Americans with Disabilities Act (ADA) and/or the Nebraska Fair Employment Practices Act.

2.3 Negotiations. Nothing in this Article will be construed to limit or interfere with, or to extend, the scope of permissible negotiations.

ARTICLE 3

NAPE/AFSCME

NAPE EMPLOYEE REPRESENTATIVE ACTIVITIES

3.1 Acceptable NAPE/AFSCME Representative Activities. The Agency agrees that during work hours, on the Agency's premises, official representatives of NAPE/AFSCME (persons employed by NAPE/AFSCME), provided they first notify the appropriate representative of the Agency, will be allowed with no unreasonable interference to:

3.1A Post NAPE/AFSCME notices as limited by this Article on bulletin board space provided by the Agency.

3.1B Attend grievance meetings.

3.1C Consult with the Agency or employees of the Agency concerning the enforcement of any provisions of this Agreement.

3.2 NAPE/AFSCME Representative Names. NAPE/AFSCME will provide the Agency a list containing the names of NAPE/AFSCME's authorized representatives for the purpose of this Article within fifteen (15) calendar days after the effective date of this Agreement. NAPE/AFSCME will notify the Agency of change to this list a minimum of seven (7) calendar days prior to the effective date of change.

3.3 File Cabinet. NAPE/AFSCME will be permitted to maintain one NAPE/AFSCME provided file cabinet at each major work site (Nebraska Department of Education Office Building in Lincoln and other NDE offices) for use by NAPE/AFSCME representatives, unless the location of such cabinet is not practicable.

3.4 NAPE/AFSCME Stewards. Agency employees selected by NAPE/AFSCME to act as stewards will be known as "NAPE/AFSCME Stewards." NAPE/AFSCME will provide the Agency, on a yearly basis, a current list of the NAPE/AFSCME Stewards and will update the list as changes occur.

3.4A The NAPE/AFSCME Steward will be an Agency employee who is employed to perform full-time work for the Agency and will be responsible for such full-time work on his/her part except at the time of performing authorized duties as a NAPE/AFSCME Steward. The performance of duties as a NAPE/AFSCME Steward will not relieve the employee of the responsibility to properly accomplish his/her duties as an employee of the Agency.

3.4B The NAPE/AFSCME Steward will function on behalf of the employees within the certified collective bargaining unit in the NAPE/AFSCME Steward's assigned area.

3.5 Employee Representative Distribution. Employees designated as NAPE/AFSCME Stewards will be reasonably distributed throughout the Agency to allow proper support for employees. However, no two (2) NAPE/AFSCME Stewards may actively process the same grievance or any other matter at the same time.

3.6 Employee Representative Hours. A NAPE/AFSCME Steward, upon notification to his/her immediate supervisor or other designated supervisor, will be permitted without unnecessary delay to devote up to a maximum of twelve (12) hours per month to conduct the following activities listed in Sections 3.6A through 3.6C. The twelve (12) hours per month is neither transferable nor cumulative, and will be limited to the NAPE/AFSCME Steward's normal schedule. NAPE/AFSCME Stewards who are working under this Section will be paid their regular hourly rate for such time.

3.6A Investigate any grievance or problem or dispute in his/her jurisdictional area so that the same can be properly presented in accordance with the grievance procedure.

3.6A1 Employees may discuss alleged or actual grievances with NAPE/AFSCME Stewards or NAPE/AFSCME staff for reasonable amounts of time during their regular work shift without loss of pay provided immediate supervisor approval is

granted. Such approval will not be unreasonably withheld. If the immediate supervisor's approval is withheld, a stay of the time period for filing the grievance will go into effect until the employee is released to meet with the NAPE/AFSCME Stewards or NAPE/AFSCME staff.

3.6B Represent employee members of the bargaining unit in his/her meetings with management or other Agency representatives when such meetings are necessary to address grievances or disputes.

3.6B1 All meetings or hearings relative to grievances will be scheduled from 8 a.m. to 5 p.m., Monday through Friday, excluding those days offices are not open. However, should such hearing or meeting extend past 5 p.m., it will not be considered to have violated said Agreement. Time spent in grievance meetings, hearings, or associated activities, which occur outside the NAPE/AFSCME Steward's normal work hours, will not be considered compensable time.

3.6C Confer, after informing the Agency, with staff members or officers of NAPE/AFSCME and employees on Agency premises, at reasonable times and places in advance of the above designated meetings, under the limits and conditions noted earlier.

3.7 Steward Notice to Supervisors. No NAPE/AFSCME Steward will leave his/her regularly assigned work area to conduct activities under Section 3.6 without first notifying and receiving approval from his/her supervisor, or in the absence of his/her supervisor, the person in charge. Such approval will not be reasonably withheld. Upon returning to work, the supervisor will again be notified.

The NAPE/AFSCME Steward and/or any other NAPE/AFSCME representative or agent, when entering any Agency areas or an office site to conduct NAPE/AFSCME business authorized by other provisions of this Agreement, will notify the supervisor of that area or site of his/her presence and of the nature of the issue.

3.8 Cause for Corrective Action or Discipline. Violation of the Agreement concerning the responsibility of NAPE/AFSCME Stewards by an employee may be cause for application of corrective action or discipline.

INFORMATION DISTRIBUTION

3.9 NAPE/AFSCME Orientation. The Agency agrees to notify NAPE/AFSCME of all newly hired employees within seven (7) calendar days of the employee beginning his/her duties, and include a NAPE/AFSCME orientation notice in the package of material provided to new employees, such notice to be supplied voluntarily by NAPE/AFSCME. Upon a request from NAPE/AFSCME, the Agency will provide an opportunity for a NAPE/AFSCME representative to meet with new employees for up to twenty (20) minutes during the orientation session. Attendance by new employees at such meetings will be voluntary.

3.10 Information Distribution and Solicitation. The Agency agrees that during the involved employee's nonworking time on the Agency's premises outside of employee office areas, employees or members of NAPE/AFSCME, provided they first notify the appropriate representative of the Agency, will be allowed to distribute NAPE/AFSCME literature and solicit NAPE/AFSCME membership. The term "employees" in the above sentence refers to the employee who is soliciting as well as the employee whose membership is being solicited.

3.11 Prohibition. NAPE/AFSCME agrees that its official representatives or members will not solicit membership in NAPE/AFSCME or otherwise carry on NAPE/AFSCME business or activities in a manner which prevents full attention of all employees to their respective jobs.

3.12 Bulletin Board Space. The Agency agrees to reserve adequate space on bulletin boards for use by NAPE/AFSCME provided the Agency will not be obligated to install any additional bulletin boards.

3.13 Bulletin Board Notices. Material to be placed on the bulletin boards will be limited to notices of NAPE/AFSCME's recreational, educational, and social affairs; notices of NAPE/AFSCME meetings, elections, appointments and results of NAPE/AFSCME elections; notices of NAPE/AFSCME meetings and any other notice from NAPE/AFSCME that would be of interest to the unit members. Such notice will indicate both posting and removal date. NAPE/AFSCME will be responsible for the posting and removal of NAPE/AFSCME notices. A copy of such material will be provided to the Human Resources Office of the Agency prior to or at such time as it is posted. All material posted by NAPE/AFSCME on Agency bulletin boards will be on NAPE/AFSCME stationery or otherwise authenticated by NAPE/AFSCME.

3.14 Information for Publication. NAPE/AFSCME will be allowed to submit articles and notices to the Agency for dissemination via the Agency's internal communication with employees. Publication will be totally at the discretion of the Agency.

INFORMATION TO BE PROVIDED TO NAPE/AFSCME

3.15 Agency Representative Names. The Agency will, upon request, provide to NAPE/AFSCME a current list containing the names of the Agency's designated representatives who are to receive notice as required by this Article within fifteen (15) calendar days after the effective date of this Agreement. The Agency will notify NAPE/AFSCME of change to the list a minimum of seven (7) calendar days prior to the effective date of change.

3.16 Annual Employee List. At the beginning of each fiscal year, the Agency will, upon request, provide to NAPE/AFSCME electronically a list of all bargaining unit employees. This list will contain the employee's name, home address, job classification title, job classification code, annual salary, date employed and work location. NAPE/AFSCME agrees to be responsible for the cost of this annual report. This list will be held confidential by NAPE/AFSCME.

3.17 Monthly Employee List. The Agency will, through the State Employee Relations Office, provide to NAPE/AFSCME an electronic list of names, home addresses, job classification title and job classification code of all employees in the bargaining unit on or before the 1st of each month. This list will be held confidential by NAPE/AFSCME.

3.18 Confidentiality. NAPE/AFSCME will keep the information provided in Sections 3.16 or 3.17 above confidential and will not use the information for any purpose other than record keeping and other official NAPE/AFSCME business. For purposes of this Article, solicitation of employees for membership in NAPE/AFSCME will be considered a part of official NAPE/AFSCME business.

LABOR/MANAGEMENT COMMITTEE

3.19 Establishment. The parties agree to the establishment of Labor/Management Committees.

3.20 Committee Membership. The Committees may be established on a regional, facility, and/or statewide basis with mutual agreement of the parties. The maximum number of employees participating with pay on behalf of NAPE/AFSCME will be three (3), with selection at the discretion of NAPE/AFSCME. If a greater number of participating employees is approved by the Deputy Commissioner, selection of additional representatives will also be at the discretion of NAPE/AFSCME. Labor/Management Committee meetings may only be called with the mutual consent of the Agency and NAPE/AFSCME.

ARTICLE 4

PERSONNEL FILE INFORMATION

4.1 Home Address. All employees are required to maintain a current physical home address with the Human Resources Office.

4.2 Content. Personnel records will include all information stored in any form by the Human Resources Office of the Agency, which is personally identifiable with an individual employee. The Agency agrees to maintain one official Agency personnel file per individual for the provisions of this Agreement. The one official Agency personnel file will be maintained electronically by the Agency's Human Resources Office. It is understood and agreed that copies of materials from the official personnel file on an employee may be maintained at the work site of the particular employee.

4.2A Public Information. Public information contained in personnel records will consist only of the full name of the employee; the employee's job title and date(s) of employment; a statement as to whether the individual is or was an employee of the Agency; the employee's work location and work phone number; and, the gross salary of the employee. Public personnel information will be provided to any party requesting it. Additionally, all "job application materials," as defined in Section 84-712.05(15) R.R.S., are required to be provided by the Agency upon proper request by any interested person under the state public records laws.

4.2B Confidential Information. Confidential information contained in personnel records will include all information that is not considered public information. Confidential information will be released only to the employee; the Board; any Agency administrator or supervisor in the line of authority to the employee; staff from the Human Resources Office or the Legal Services Office; any governmental law enforcement or investigative agency or representative upon presentation of proper identification to the Human Resources Office; a subpoena or court order; anyone who presents a document signed by the employee granting access to confidential information or as reasonably needed for the Agency to defend itself in any legal or administrative proceeding brought against the Agency or any of its officials or employees in their professional capacities, or as reasonably needed by the Agency to prosecute legal or administrative actions brought by the Agency.

4.3 Inspection and Copies. An employee of the Agency will be allowed to inspect and/or obtain a copy of their own personnel file maintained by the Human Resources Office at any time during work hours. Upon an employee's specific request to the Human Resources Office the Agency will, within ten (10) workdays, provide electronic access or copies of the specific documents requested.

4.4 Cost. The cost of any copies of the files will be assumed by the Agency unless said copies are of material which had been previously provided to the employee, in which case the cost of such copies will be assessed to the employee at the rate per copy charged for public records per the Agency's administrative policies regarding Public Access to Records and Reproduction Costs.

4.5 Notice. Employees will be notified by the Agency in writing within ten (10) workdays of any information being placed in their personnel file by persons other than the employee which information bears upon the character of the employee or the employee's job performance. The Agency will be required to reproduce the information for the employee in accordance with Section 4.4.

4.6 Release of Information. All third-party inquiries requesting information regarding the employment record of an employee will be directed to the Human Resources Office. Upon receipt of a completed release of information form, the Human Resources Office will provide the requested information. When the employee does not specify on the release form the information to be disclosed, the Human Resources Office will disclose to the authorized third party the information described in Section 48-201 R.R.S. When a request for other than public information is received, and a completed release form is not on file to allow release of the requested information, the Human

Resources Office will forward an Authorization for Release of Employment Records form to the employee or the requestor. If no written authorization is received, the Human Resources Office will release only public information. The release form will be retained in the employee's personnel file. Documented employment information from a current or former employee's personnel file will be shared with other state agency human resources staff or hiring supervisors, upon request, when the current or former employee has applied for a position in another department/division/agency on the basis of the release on the state job application.

4.7 Medical Records. Employee records of medical examination and other miscellaneous medical records will be maintained electronically by the Human Resources Office separate from personnel file documents. Access to medical records will be provided only to personnel who require them to carry out an assigned responsibility.

4.8 Post-employment. This Agreement does not cover the inclusion of information in any employee's personnel file following termination of the employee. Such being the case, NAPE/AFSCME takes no responsibility or liability for the manner or method by which the personnel files are utilized by management after termination. Former employees will have reasonable rights of access to their Agency personnel file, subject to the provisions in the NDE Personnel Rules (Title 93, Nebraska Administrative Code, Chapters 1-16).

ARTICLE 5

PERFORMANCE APPRAISALS

5.1 General. Performance management is a process by which an employer involves its employees, either individually or in groups, in effective accomplishment of agency mission and goals. This process includes: planning work and setting expectations, continually monitoring performance, developing the capacity to perform, regularly evaluating performance and rewarding good performance.

5.2 Performance Standards/Expectations. The agency shall establish performance standards and expectations for their employees and shall communicate such to each employee prior, or as soon as practical, to the outset of any evaluation period (annual or probationary). These performance standards and expectations will only be revised after reviewing with the employee. Any revisions shall be dated and shall not be applied retroactively. Performance standards and expectations shall be fully consistent with an employee's assigned duties and responsibilities as described in his/her job description.

5.2A Supervisors will hold performance planning sessions, communicate performance expectations, and provide performance feedback outside of the formal appraisal conferences. Performance feedback, whether favorable or unfavorable, will be communicated to the employee early, often and appropriately.

5.3 Appraisal Schedule. Written performance appraisals will be prepared at prescribed intervals during the probationary period and annually thereafter as described in Section 5.1C. The absence of any required appraisals does not prohibit nor delay the ending of a successful probationary period and the establishment of a regular appointment. If a performance appraisal was not completed during the previous twelve (12) months, an employee's performance will be considered as meeting expectations for salary purposes. Employees will be provided electronic access to a copy of the completed performance appraisal. A copy of each performance evaluation shall be included in the employee's personnel file or kept electronically in the official system of record.

5.3A Six-Month Probationary Period. For employees with a six-month probationary period the following schedule of appraisals will be maintained:

5.1A1 Prior to the end of the 6th month of employment.

5.1A2 Additional appraisals may be scheduled at the discretion of the employee's supervisor.

5.3B Twelve-Month Probationary Period. For employees with a twelve-month probationary period, the following schedule of appraisals will be maintained:

5.1B1 Prior to the end of the 12th month of employment.

5.1B2 Additional appraisals may be scheduled at the discretion of the employee's supervisor.

5.3C Annual Appraisals. Annual appraisals will be conducted after original probation covering the previous calendar year and shall be completed no later than April 1, barring extenuating circumstances.

5.4 Discrimination. An employee may grieve the performance appraisal following procedures prescribed in Article 17 only if:

5.2A The employee alleges discrimination by reason of sex, race, color, age, national origin, marital status, religion, or disability; or,

5.2B The individual completing the appraisal:

5.2B1 Is not the immediate supervisor or next level supervisor or management position covering the daily work of the employee rated; or

5.2B2 Provided false information on the appraisal instrument. A supervisor's subjective assessment of a matter of performance is not false information for purposes of this subsection.

5.5 Special Appraisals. A special performance appraisal may be submitted whenever the supervisor desires to record instances of performance worthy of recognition either favorable or unfavorable. Reasons for submission of this type of appraisal will be explained in the comments section of the appraisal.

5.6 Rebuttal. The employee may, within seven (7) calendar days of the appraisal conference, make written comments within the employee signature area or submit a separate written statement to the Human Resources Office that will become a permanent part of the personnel file. No additional written observation will be made on the appraisal after the appraisal conference has been held without notification to the employee.

5.7 Appeal. If a regular employee receives an overall unsatisfactory ("Does Not Meet" or "Somewhat Meets") performance evaluation, and does not agree with the performance evaluation, the employee may request a conference with the Agency's Office of Human Resources, or its designated representative, to review the performance evaluation. After this conference, the Agency's Office of Human Resources, or its designated representative, may change the most recent performance evaluation determination to "Meets".

ARTICLE 6

PROBATIONARY PERIODS

6.1 Purpose. Every person in a position covered by the bargaining unit will be required to serve a probationary period, which will be of sufficient length to enable the employee's supervisor to observe the employee. Employees may have their probationary period extended according to the provisions in this Article.

6.2 Period of Time. Each employee will serve an appropriate original probationary period based on the job classification occupied. The original probationary period for new or revised classifications created after the effective date of this Agreement will be determined by the Agency per the provisions of Sections 2.2A and 10.1.

6.2A Six-Month Probationary Periods. Employees occupying the following jobs (including various levels within the job family), or successor job titles, will serve a probationary period of six (6) months:

Administrative Associate
IT Infrastructure Support Technician
IT Help Desk Specialist
Office Associate
Office Associate Executive
Program Associate
VR Associate

6.2B Twelve-Month Probationary Periods. Employees occupying the following jobs (including various levels within the job family), or successor job titles, will serve a probationary period of twelve months:

Administrative Specialist
DDS Examiner
DDS Examiner Specialist Advanced
Education Specialist
IT Applications Developer
IT Data/Database Analyst
IT Infrastructure Support Analyst
IT Help Desk Specialist Senior
Program Specialist
Project Manager
Statistical Research Specialist
VR Service Specialist
VR Rehabilitation Specialist
Web Developer

6.2C Extensions. Employees may have their original probationary periods extended for cumulative absences of at least 40 hours during a six-month original probationary period or at least 80 hours during a twelve-month original probationary period. Employees with original probationary periods of six (6) months may be extended by up to six (6) months not to exceed a total of twelve (12) months upon written notification to the affected employee, which includes reasons for such extension. Employees with original probationary periods of twelve (12) months may be extended by up to six (6) months not to exceed a total of eighteen (18) months upon written notification to the affected employee, which includes reasons for such extension.

6.3 Discrimination Prohibition. An employee serving an original probationary period may be terminated without recourse under this Agreement, including terminations for not successfully passing the applicable background screens. This provision does not allow for terminations due to unlawful discrimination (race/ethnicity, color, sex, religion, age, disability, genetic information or national origin), nor does it limit any legal remedies such an employee may have outside of this Agreement.

6.4 End of Probation. If the supervisor determined that the services of an employee have been acceptable, the employee will move from probationary to regular employee status. An employee will move to regular employee status on the day following the day ending the probationary period, unless notice of extension has been given prior to such time. In the event of an extension of the probationary period, an employee will move to regular employee status on the day following the day ending the extension of the probationary period.

6.5 Termination of Employment. If at any time during the original probationary period it is determined that the services of the employee have not been acceptable, or the employee does not successfully pass applicable background screens, the Office Administrator and supervisor will notify the employee in writing of the date services are to be terminated. There is no recourse for such terminations under this Agreement.

6.6 Change of Position During Probationary Period. Employees who move to another position during their original probationary period are required to serve a complete new probationary period in the new position and will not be credited with probationary service completed in the previous position. However, employees who move to positions that are under the same Office Administrator, and are of the same pay grade, will be credited with all probationary service in the previous position.

6.7 Promotional/Lateral Probation. An employee who accepts a new position as described in Section 11.1B may be placed on promotional/lateral probation for a period of up to six (6) months to determine his/her ability to perform the job (this is not another original probationary period). A supervisor may extend the promotional/lateral probation of such an employee for cumulative absences of at least 40 hours during this probationary period. If the employee is not performing adequately in the new position during the probationary period, the employee shall, if the position is still available, be reverted to the employee's previous position and pay rate or apply for any open position for which he/she is qualified to hold. The Agency shall not be required to utilize the disciplinary process to revert an employee back to the employee's former position or a vacant position assigned to a classification having a minimum rate of pay equivalent to the former position. The Agency will document efforts to provide the promoted employee with performance improvement counseling when utilizing this provision. The supervisor and Office Administrator may request approval from the Human Resources Office to waive or end the promotional/lateral probationary period early.

6.7A During the promotional/lateral probationary period for the new position, probationary performance appraisals may be conducted according to the schedule as set forth in Article 5.

ARTICLE 7

SCHEDULED WORKWEEK AND HOURS

7.1 Work Schedule. The Agency will establish for each employee a normal workweek schedule of seven (7) consecutive days, Monday through Sunday. Regular pay and overtime pay will be calculated based on the workweek.

7.2 Workdays and Hours. Except as otherwise authorized by the Office Administrator and the immediate supervisor, each full-time employee will be scheduled to work at least eight (8) hours per workday and forty (40) hours per workweek. For purposes of calculating and reporting leave, a workday will be considered to be eight (8) hours for a full-time employee or the corresponding percentage of FTE for part-time employees.

7.2A Regular Work Hours. Work hours will fall between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday; however, exceptions outside those hours may be allowed if approved by both the Office Administrator and the immediate supervisor. Permission will not be unreasonably denied. Job-related travel may cause exceptions to these work hours.

7.2B Consistency. Employees will work the same period each workday, unless otherwise agreed upon with their supervisor in advance.

7.2C Lunch. Each day, employees will have an unpaid lunch break of at least thirty (30) minutes and no more than sixty (60) minutes unless they are: (1) scheduled to work six (6) hours or less that day; or (2) required to attend a working lunch that is considered compensable time. If an employee is working six (6) hours or less and would like to forgo the lunch break, the supervisor can approve the request. Scheduling the time of the lunch break is subject to the approval of the immediate supervisor. Schedule requests will not be unreasonably denied by the supervisor. Employees may not take a lunch break for a shorter period of time than one-half (1/2) hour. A lunch break may not be saved for use in shortening the workday.

7.2D Breaks. All employees' work schedules will provide for a paid fifteen (15) minute break during each four (4) hours an employee is on the job. The rest periods will be scheduled at the middle of each such four (4) hour period whenever this is feasible. In the event that pressing work requirements exist, rest breaks will be provided as soon as practicable following the normal schedule during the same workday. Employees will not receive additional compensation or compensatory time off in lieu of rest periods. Break time may not be saved for use in shortening the workday or in extending the lunch break.

7.2E Management Rights. The Agency may establish schedules of employee's work hours in order to insure proper staffing between the hours of 8 a.m. and 5 p.m. The Agency retains the right to specify work hours for specific employees or groups of employees due to ongoing work requirements or in emergency situations.

7.2E1 The Agency will provide ten (10) workdays' written notice to the affected employees prior to making changes in their permanent work schedules. The Agency may temporarily change an employee's work schedule to respond to an unforeseen situation without the ten (10) workdays' notice. An unforeseen situation is one not knowable or controllable by the Agency reasonably in advance of the temporary schedule change.

7.3 Overtime. Nothing contained in this Article will be construed as limiting the Agency's right to require overtime work by employees, subject to the provisions of Article 8.

7.4 Job Sharing. Job sharing may be allowed by mutual agreement of the Deputy Commissioner, the Office Administrator and the immediate supervisor. The Agency will attempt to maintain job sharing arrangements in effect as of the effective date of this Agreement for as long as is practical and both involved employees remain employed in their current positions.

ARTICLE 8

OVERTIME

8.1 FLSA Status Determination. The Human Resources Office will determine the Fair Labor Standards Act (exempt or nonexempt) status of each existing, new, or restructured position.

8.2 Nonexempt. All employees working in positions classified as "nonexempt" from overtime requirements under the FLSA, Title 29, United States Code, Chapter 8, who are required to work in excess of forty (40) hours in any workweek will be paid at the rate of one and one-half (1½) times the employee's current hourly rate or granted compensatory time off at the rate of one and one-half (1½) times each one tenth (1/10) hour worked in excess of forty (40) in any workweek. This Section will in no way limit any rights or powers of the employees as provided by law.

8.2A Whether payment for overtime work is in the form of cash or compensatory time off will be at the discretion of the Office Administrator and the immediate supervisor. Payment for overtime hours will be calculated at the hourly rate that was in effect for overtime at the time excess hours were actually worked.

8.2B Compensatory time off when taken in lieu of pay, cannot be used until the pay period after it is earned. Employees who worked overtime hours between June 30, 2025 and June 28, 2026, will either be provided time off or be paid out in biweekly 16 payroll at the pay rate in effect at the time the compensatory time was earned. Employees who worked overtime hours between June 29, 2026 and June 27, 2027, will either be provided time off by or be paid out in biweekly 16 payroll at the pay rate in effect at the time the compensatory time was earned.

8.2C Upon termination, employees covered by Section 8.2 will be compensated for accumulated unused compensatory time off at the rate provided for by the FLSA.

8.2D For all employees other than those in the Disability Determination Services (DDS), no overtime is to be worked by an employee covered by Section 8.2 without the prior approval in writing by the immediate supervisor and the Office Administrator. No overtime is to be worked by a DDS employee covered by Section 8.2 unless authorized by the Social Security Administration and approved by the DDS administrator.

8.2E Holidays will be considered as work hours for overtime purposes. Hours worked by an overtime-eligible employee on a holiday will be compensated at one and one-half (1½) times the employee's normal hourly rate of pay. All hours worked on a holiday in excess of employee's normally scheduled workday will be compensated at two (2) times the employee's normal hourly rate of pay.

8.2F Paid leave (e.g., sick, vacation, bereavement) will not be considered as work hours for overtime purposes.

8.3 Exempt. Employees not eligible for one and one-half (1½) times compensation for overtime, who, in fulfilling their job responsibilities (which may include travel time) extend their accountable work hours beyond the expected eight (8) hour workday or approved work schedule, may deviate from their usual work hours upon advance approval and agreement between the employee and immediate supervisor as to the number of hours of deviation and when the deviation from their usual work hours will take place.

ARTICLE 9

TRAVEL

9.1 Nonexempt Employee Travel Time. Required travel for nonexempt employees will be considered work time per the requirements as set forth in the Fair Labor Standards Act (29 CFR §785).

9.1A Under this federal regulation, the Agency does not consider time spent in overnight travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus or automobile to be “work time.”

9.2 Defensive Driving. The Agency will allow the use of state-owned vehicles for business use to employees who have successfully completed a Defensive Driving course approved by the State and who currently hold a valid driver’s license.

9.3 Personal Vehicles. When reasonably requested by the Agency, or when requested by the employee and approved by the Agency, employees may use their own automobile for work-related travel at a rate of reimbursement per the Agency’s policies regarding employee expense reimbursement.

9.4 Lodging and Meal Reimbursement. The Agency will reimburse lodging and meal expenses per the Agency’s policies regarding employee expense reimbursement.

9.5 Lodging Arrangements. Single occupancy lodging will be made available to any employee traveling on Agency business unless the employee(s): waives the option, prefers multiple accommodation lodging, or lodging availability in the town precludes single occupancy.

ARTICLE 10

JOB CLASSIFICATION PLAN

10.1 Job Classification Specifications. The Human Resources Office will maintain a master set of all approved job specifications used by the Agency, which will be available on the Agency's intranet website.

10.2 Notice Regarding New Job Classification or Series. In the event that any new job classifications or series are developed or revised, by way of content or title during the term of this Agreement, the Agency will notify NAPE/AFSCME as to whether such job classification or series is considered to be included or excluded from the bargaining unit. If NAPE/AFSCME disagrees with the determination, the parties will meet to discuss and resolve the issue. If the parties are unable to resolve the issue, the matter will be settled by the Commission of Industrial Relations.

10.2A If a specific position's designation relative to inclusion in the bargaining unit changes, NAPE/AFSCME will be notified in writing.

10.3 Process for Job Classification Review. Regular employees may request a review of their job classification at any time providing the position has not been reviewed within the previous twelve (12) months. The employee's supervisor may request a review of the classification of an employee's position at any time providing the position has not been reviewed within the previous twelve (12) months. The employee's supervisor(s) may request of the Human Resources Office a waiver of the twelve (12) month interval requirement.

10.3A Following such request by an employee, which will be made through but not impeded by the supervisor(s), or following such request by an employee's supervisor(s), the Human Resources Office will review the placement of such employee. Such review by the Human Resources Office will include the review of a Position Description Questionnaire completed by the employee and reviewed by the employee's supervisor(s) and the Office Administrator. The Position Description Questionnaire will be provided to the employee and supervisor by the Human Resources Office within five (5) workdays of such request.

10.3B The employee or supervisor will have fifteen (15) workdays to complete the Position Description Questionnaire, including the supervisor's and Office Administrator's review, and return it to the Human Resources Office. The Human Resources Office will have twenty (20) workdays from the receipt of the completed Position Description Questionnaire to complete the review of the job reclassification request and make a decision.

10.3C A copy of the Human Resources Office decision will be forwarded to the supervisor(s), the Office Administrator and the employee. If the decision of the Human Resources Office is to retain the employee's classification or reclassify the employee to a higher job specification, the decision is final. If the decision of the Human Resources Office is to reclassify the employee to a lower job specification, the supervisor(s), the Office Administrator, and the employee will then have an opportunity to provide comments and/or documentation to the Deputy Commissioner to appeal the decision of the Human Resources' Office within ten (10) workdays.

10.3D The Deputy Commissioner will have fifteen (15) workdays after receiving the appeal to make a final decision. The Deputy Commissioner will communicate the final decision to the Human Resources Office, supervisor(s), the Office Administrator, and the employee within five (5) workdays of the decision.

10.3E If the decision of the Human Resources Office to reclassify the employee to a higher job specification is made, and a pay adjustment is warranted, the pay adjustment will be effective the next pay period.

10.4 Time Requirements. The time requirements in this Article may be extended by written agreement between the employee and the Human Resources Office in cases where additional time is needed in order to conduct the review process. Retroactive pay adjustments under Section 10.3E may be made.

ARTICLE 11

VACANCIES, RECLASSIFICATIONS AND DEMOTIONS

11.1 Vacancies. Whenever a position opening occurs in any existing job classification within the NAPE/AFSCME bargaining unit, or as a result of the development or establishment of a new job classification within the bargaining unit, a notice of such opening will be communicated to employees and posted on appropriate websites. Upon posting, the position will be subject to application by qualified employees of the Agency for a period of not less than ten (10) calendar days. The Agency will foster the filling of such vacancies by qualified employees of the bargaining unit, provided, however, nothing herein will preclude the Agency from accepting applications from, or hiring the most qualified persons whether or not they are such employees. The determination of qualifications will be made by the Agency.

11.1A For purposes of Section 11.1, a job will not be considered to have been open, or a position to have been vacant, if a qualified employee of the Agency is placed in the position, when such placement is the result of any of the following situations:

11.1A1 The employee so placed has (i) assisted the employee who previously occupied the position for a period of at least three (3) calendar months, and has been in training for that particular position during such period, and is by virtue of such previous assignment uniquely suited for such position; or (ii) been or was satisfactorily performing the majority of the essential duties of the position while in his/her current position, as determined by the Agency, for a period of at least three (3) months.

11.1A2 The employee so placed has been contracted by the Agency (e.g., third party or employee-employer contractor, temporary employee) and has been satisfactorily performing the majority of the duties of the position, for a period of at least three (3) months.

11.1A3 The employee so placed has had such action taken as a result of disciplinary action, or the placement is accomplished to prevent the necessity of such action.

11.1A4 The placement of said employee is for the purpose of protecting, or otherwise related to, the health of the employee. In such instances, the action must be voluntary. This includes, but is not limited to, placement of employees for the purpose of reasonable accommodation under the Americans with Disabilities Act (ADA) or the Nebraska Fair Employment Practices Act.

11.1A5 The placement is the result of Agency organizational changes, which did not result in the establishment of new positions.

11.1A6 Nothing herein will be construed as preventing the Agency, in emergency situations, from filling a position on a temporary basis without posting the position. Such temporary assignment will not exist for a longer period than the emergency situation.

11.1A7 The position is filled by an employee displaced by other personnel action (i.e., layoff, non-disciplinary demotion).

11.1A8 Voluntary transfers that maintain the employee's same job classification and pay grade.

11.1A9 The vacant position is filled as the result of a grievance or litigation settlement, reversion to a previous position or placement in a vacant position per Section 6.7, court order, Board order, or order of a governmental agency with proper jurisdiction and authority.

11.1B Employees who apply for and are selected as the successful applicant to fill a vacant position opening that was posted pursuant to Section 11.1, except as provided below, will be subject to the same salary range that was identified on the posting for all applicants. Employees are not entitled to retain their current salary level if they accept the offer to fill the vacancy. The salary provisions contained in Sections 11.2C and 11.3B do not apply to such a situation.

11.1B1 The Commissioner or Deputy Commissioner may authorize a higher salary than was identified in the posting in cases where it is determined that the current NDE employee selected possesses superior or unique experience or qualifications that will provide added benefit to NDE in the job.

11.2 Reclassifications. In situations where the employee's job duties have changed significantly, the employee may be reclassified to a new job classification at a higher pay grade as a result of the job classification review process identified in Article 10, or as provided in Article 11, Sections 11.2A and 11.2B, as long as minimum qualifications are met.

11.2A Within the Disability Determination Job Classification Series, employees will not be required to go through the Job Classification Review Process described in Article 10 to be reclassified from Disability Examiner to Disability Examiner Specialist. Within the Vocational Rehabilitation Job Classification Series, employees will not be required to go through the Job Classification Review Process described in Article 10 in order to be reclassified from VR Service Specialist to VR Rehabilitation Specialist.

11.2B The Agency will provide NAPE/AFSCME advance notice of a job reclassification of an employee subject to this Agreement to a job classification not subject to this Agreement without the use of the Job Classification Review process described in Article 10. NAPE/AFSCME will have five (5) workdays to respond to the notice.

11.2C Reclassification Rates. An employee who is reclassified to another job classification at a higher pay grade will be placed in the new job classification on the same numbered step that they were placed in their previous job classification.

11.2C1 The Office Administrator may request approval from the Deputy Commissioner to award a salary increase greater than that which would be provided for above. The Deputy Commissioner's decision will be final.

11.2C2 The Office Administrator may request approval from the Deputy Commissioner to award a salary increase less than would be provided in Section 11.2C if the employee has already received a salary increase for the same duties, which resulted in the reclassification.

11.2C3 An employee's job classification modified by the Human Resources Office outside of the Job Classification Review Process in Article 10 is not subject to the salary increases in Section 11.2C.

11.3 Demotions. An employee may receive a disciplinary demotion per Section 18.8 or be demoted due to unsatisfactory performance during a promotional/lateral probation period per Section 6.7. In cases in which the employee accepts a demotion to avoid being laid off, voluntarily requests a demotion, or, is reclassified to a lower pay grade pursuant to the review process in Article 10, a non-disciplinary demotion may result. The employee will have the right to elect demotion as the alternative to a layoff. The right to elect will be granted to employees in accordance with the provisions of Article 16.

11.3A In all cases involving demotion, the employee must meet the requirements of the position to which he/she is demoted, and except as provided in layoff procedure, no employees in a lower-level position will be laid off by reason of a demotion action involving another employee.

11.3B Demotion Rates. An employee who is reclassified to another job classification at a lower pay grade will be placed in the new job classification on the same numbered step that they were placed in their previous job classification.

11.3B1 The Office Administrator may recommend to the Deputy Commissioner a pay reduction less than that which would be provided for above. The Deputy Commissioner's decision will be final.

11.4 Service Dates. Promotion, demotion and transfer of employees will not change the employees' service date.

11.5 Loss in Pay. No employee will, as a result of Agency action, suffer a loss in pay through a promotion or transfer to a position of the same job classification or through a transfer to a different job classification in the same pay grade. This provision will not apply in layoff situations.

11.6 Moving Expense Reimbursement. Employees who are involuntarily relocated to another geographical location for the benefit of the Agency, and newly hired employees excluding temporary employees, may be reimbursed for certain ordinary, necessary and reasonable moving expenses subject to the requirements of the Department of Administrative Services Accounting Manual and the prior written approval of the Commissioner. For the purposes of this section, the exercise of any bumping option will be considered as a voluntary transfer. Reimbursement must be submitted to the Agency's Accounting Section within sixty (60) calendar days of the final day on which the expenses were incurred in accordance with 81-1174 R.R.S. and Agency procedures.

ARTICLE 12

EMPLOYEE EDUCATION OPPORTUNITIES

12.1 Postsecondary Coursework During Work Time. Employees may request approval to use work time to take up to seven (7) credit hours each calendar year from postsecondary institutions that award credit on the semester schedule or nine (9) credit hours each calendar year from postsecondary institutions that award credit on the quarter schedule. However, no more than four (4) credit hours may be taken in any one (1) semester, or no more than four and one-half (4.5) credit hours in any one (1) quarter, during work time without loss of pay. All summer sessions combined are considered equivalent to a one-semester period. If a class crosses calendar years, eligibility to take a course will be determined based on the start date of the class. Approval under this section is intended to allow employees to use work time to attend courses that have a regular meeting schedule as opposed to self-paced, online courses or credits for activities such as thesis or doctoral work. Depending on the distance and location, travel time may also be considered regular work time. Prior approval for coursework and related travel on work time must be obtained from the immediate supervisor, Office Administrator, and Deputy Commissioner. Management may limit the amount of work release time granted. Requests and subsequent documentation must be submitted on a form provided by the Agency. Requests will be directed through the employee's immediate supervisor to the Human Resources Office. Any additional credit hours may be scheduled outside the normal workday. Approval under this Article will not be unreasonably denied; however, approval is discretionary and may be made on bases such as, but not limited to, fiscal considerations, workload, and documented evidence of employee performance concerns in the prior two-year period. For purposes of this Article, the term "postsecondary institution" means an institution of higher learning accredited by an accrediting body that is recognized by the United States Secretary of Education and is authorized to grant associate, baccalaureate or post-baccalaureate degrees.

12.2 Reimbursement When Employee Elects to Take Postsecondary Coursework. As an alternative to Section 12.1, employees may be eligible to receive not more than seven (7) credit hours each calendar year of tuition reimbursement for coursework at postsecondary institutions that award credit on the semester schedule or nine (9) credit hours each calendar year of tuition reimbursement for coursework at postsecondary institutions that award credit on the quarter schedule for job-related courses. If a class crosses calendar years, eligibility to take a course will be determined based on the start date of the class. Job-relatedness will be determined by the Deputy Commissioner, whose decision will be final. Reimbursement may be for any portion of the tuition cost, required course fees, and books, with the employee being notified of the amount of reimbursement, prior to the beginning of the course. Reimbursement for course-related expenses will be prorated based on the number of credit hours reimbursed. Approval for reimbursement will not be unreasonably denied; however, approval is discretionary and may be made on bases such as, but not limited to, fiscal considerations, workload, and documented evidence of employee performance concerns in the prior two-year period. Eligibility for reimbursement requires a course grade of "C" or better for undergraduate courses, or a "pass" for pass/fail courses, or a course grade of "B" or better for graduate courses, and proof of payment or a deferred payment agreement with the postsecondary institution and/or federal student aid loan servicing entity. Requests for reimbursement and substantiating documentation must be submitted in writing prior to the beginning of the course on a form provided by the Agency. Requests will be directed through the employee's immediate supervisor to the Human Resources Office. Employees who receive tuition reimbursement will be required to reimburse the Agency if they voluntarily leave their employment with the Agency within one year of the course completion date.

12.3 Employee Directed to Take Postsecondary Coursework. If an employee is directed by the Agency to take a job-related course at a postsecondary institution, the Agency will pay for all costs of said course including tuition, books, other required instructional materials, mandatory fees, and associated travel costs. Job-relatedness will be determined by the Deputy Commissioner, whose decision will be final. The employee so directed will be considered to be working for the Agency during classroom time and any travel incurred to attend such courses will be treated as travel for the Agency. The employee so directed will be considered to be on work time while participating in said course. The Agency will require written documentation to verify the employee's enrollment, course completion and the grade earned.

12.4 Online Coursework. Online postsecondary coursework may be taken, and reimbursement for any portion of the tuition cost, required course fees and books may be allowed, if the course is job-related and prior approval to take the course is granted by the immediate supervisor, Office Administrator and Deputy Commissioner. Online courses may not be taken on work time unless dedicated online sessions with the instructor, or related to the class, are required as specified by a course catalog and only occur during the employee's regular work time. Employees may use Agency computers, Internet access, printers, and office supplies for online courses and related homework if the employee has been directed to take a job-related course for professional development per Section 12.3, or if an employee elects and receives supervisory approval to take an online course available through the State's learning management system. If employees voluntarily take an online postsecondary or other educational or vocational course, the Agency's computers, Internet access, printers, and office supplies may not be used.

12.5 Conference or Meeting Participation. In addition to the assigned activities of each employee, the Office Administrator may approve reasonable requests from employees to participate in meetings, conferences or in-service activities related to the employee's job. Determination of reasonable requests and job-relatedness will rest with the Office Administrator. Upon approval of such a request, the employee may attend such meeting, conference, or in-service activity without loss of pay and at the expense of the Agency. Additionally, an employee may be permitted to participate in at least one (1) meeting, conference, or in-service activity per year relating to the employee's job consisting of a total of not more than five (5) workdays at the expense of said staff member without loss of pay.

12.6 Decisions made by management pursuant to the provisions of this entire Article may be grieved by the employee by proceeding directly to Step 3 of the grievance procedure as described in Section 17.10C of Article 17. The decision of the Deputy Commissioner pursuant to that Section will be final and is not subject to further grievance or appeal.

ARTICLE 13

SALARY

13.1 New Job Classification Systems or Salary Structures. The parties recognize that classification of jobs and assignment of job classifications to pay grades are not negotiable items under this Agreement. However, prior to implementation of any new salary structure or job classification system, the Agency will meet with NAPE/AFSCME to discuss and negotiate those factors relating to conversion to the new job classification system or salary structure which affect employees that are negotiable. Such negotiations will not be construed a reopening of negotiations for this Agreement, but will be intended to reach a separate agreement between NAPE/AFSCME and the Agency.

13.2 Pay Plan Requirements.

13.2A Within three (3) months of the end of the fiscal year, the Agency, through DAS, will transmit to NAPE/AFSCME information containing the wage and salary budget and expenditures for the previous fiscal year.

13.2B Pay increases for promotions and pay decreases for demotions are addressed in Article 11.

13.3 Pay Plan. The pay plan is based on a structure that contains multiple pay grades. The range for each pay grade begins with the minimum salary and ends with a maximum salary.

13.3A The pay structure for this Agreement is contained in Appendix B & C.

13.4 Pay Structure. Adopt a twenty-paygrade structure (attached in Appendix B & C) with each paygrade having twenty (20) steps in intervals of two percent (2%). Effective June 30, 2025 the pay structure will increase by 1.25%. Effective June 29, 2026 the pay structure will increase by 1.25%.

13.5 Salary Increases. Effective June 30, 2025, the salary for each employee will increase upward with the pay structure adjustment of 1.25% and regular employees who have completed original probation by June 23, 2025, and received a meets or better cumulative review rating on their 2024 annual, transfer\promotional review or end of original probation performance review, will advance one step, two percent (2%). Regular Employees who are at or above the highest step (20) in their respective pay grade, and have received a meets or better cumulative review rating, will be eligible for a two percent (2%) increase each year and will not be considered maxed out.

Effective June 29, 2026, the salary for each employee will increase upward with the pay structure adjustment of 1.25% and regular employees who have completed original probation by June 22, 2026, and have received a meets or better cumulative review rating on their 2025 annual, transfer\promotional or end of original probationary review, will advance one step, two percent (2%). Regular Employees who are at or above the highest step (20) in their respective pay grade, and have received a meets or better cumulative review rating, will be eligible for a two percent (2%) increase each year and will not be considered maxed out.

If performance reviews are not completed on time, regular employees will be considered to meet expectations.

13.5A Employees on administrative probation, disciplinary suspension without pay, or suspension with pay as of June 30, 2025, or June 29, 2026, will remain at their current salary until satisfactory completion of all of the requirements of their employment condition.

13.5B If a suspension is for investigative purposes and the employee is subsequently determined not to be subject to disciplinary action, the actions described in Section 13.5 will be effective retroactive to the date any pay increases would have been granted had the suspension not been in effect.

13.5C In the event that the Master Contract negotiations result in annual salary increases that differ from those provided for in Section 13.5, the parties agree to meet and discuss salary issues notwithstanding the provisions of Article 1, Section 1.16.

13.5D In no case will employees receive salaries that are less than the minimum of their pay grade.

13.5E Multilingual Pay. Employees in positions designated by the Agency as multilingual will receive $1.75 per hour differential pay after they are placed on their step each year. The Agency retains the authority to determine what positions are designated as multilingual, including removing the designation at its discretion. The Agency may also implement proficiency standards or other requirements that employees must meet in the designated positions. The agency shall not require employees that are not in a position designated as multilingual to perform multilingual duties.

13.7 Merit Stipends. Upon receiving a recommendation from the Office Administrator, the Deputy Commissioner may distribute merit stipends to recognize employees, with at least two (2) years of service with NDE, who have demonstrated exemplary performance or who have completed temporary assignments that required time, skill and effort beyond the normal scope of the employee's position. The stipend will be a one-time payment, above and beyond the regular rate of pay. The stipend will not become part of the employee's base salary. NAPE/AFSCME will be provided written notice of such stipends identifying the employee, the amount and justification for the payment.

13.8 Recruitment and Retention. The Parties agree to negotiate over the implementation of a compensation model designed to enhance the Agency's ability to recruit and retain quality employees by way of additional compensation for performance-based progression within the employee's job classification series.

13.9 Temporary Pay Increase for Performing Higher Job Classification Duties. When any employee performs, in whole or part, the duties of a position in a higher pay grade than the job classification pay grade currently held by the employee, the employee will receive a temporary pay increase to the minimum salary of the higher pay grade or an increase in accordance with Section 11.2C, whichever is higher, but in no case will the employee receive a pay reduction. Such temporary pay increase will apply only when the employee has been requested by the Agency to perform the duties of someone at a higher pay grade, and when the period of time in which the employee is performing the duties exceeds ten (10) workdays. Any such pay increase will begin on the eleventh (11^{th}) workday, will be retroactive to the date of the temporary transfer, and will end when the employee reverts to his/her previous job classification. If the employee devotes less than 1.0 FTE to the higher pay grade duties, the work will be time certified at the differential rates. A temporary pay increase for performing the duties of a higher job classification may not exceed one (1) year, without written approval of the Deputy Commissioner.

PAYCHECKS

13.10 Timing. The Agency will attempt to ensure that all employees have their pay deposited in their designated accounts on the same day, as applicable. Salary payments may be made outside of regular payroll timelines and procedures due to special circumstances.

13.11 Release to Immediate Relatives. Payroll and expense warrants will be released to employees named on the warrant or to the person designated by the employee in writing. In case of employee illness or injury, warrants may be released to immediate relatives who do not have a note of authorization but have proof of identification. Immediate relatives will be considered as: spouse; children including step, adopted, and foster children; parents; and parents of the spouse.

13.12 Lost Warrants. In the event a payroll warrant is lost, the provisions of Section 77-2215 R.R.S. and applicable Department of Administrative Services (DAS) Payroll procedures will be complied within the preparation of another payroll warrant.

13.13 Overpayments. If an employee receives a paycheck that is determined to have been overpaid in error, the amount of the overpayment will be recouped by the Agency by either a deduction from pay beginning with the next regular paycheck following the determination on a schedule mutually agreed upon in writing, or by separate payment from the employee, at the employee's election, but with repayment beginning within 30 days of notification by the Agency to the employee and on a repayment schedule mutually agreed upon in writing.

13.14 Wage Deductions

13.14A Whenever an Office Administrator elects to provide State/NDE property or equipment of value to an employee for use outside of the NDE workplace, including the employee's residence, the employee will be required to sign a form provided by the Agency which requires (i) the employee use and maintain the same in a reasonably safe manner; and that (ii) if the equipment is damaged or lost while under the employee's care due to the employee's negligent failure to comply with this requirement, the employee authorizes the Agency to deduct the actual reasonable cost or repair of replacement from the employee's paycheck(s) on a schedule mutually agreed by the employee and the Agency.

13.14B Whenever an Office Administrator elects to advance sick leave to an employee under Article 15, Section 15.2G2, or vacation leave to an employee under Article 15, Section 15.5C, the employee will be required to sign a form provided by the Agency, which requires the employee to authorize the Agency to deduct from the employee's paycheck(s) the monetary equivalent of all advanced sick and/or vacation days taken but not earned by the employee's longevity in employment upon the date of any voluntary separation from employment or by separate payment. If upon such voluntary separation from employment the amount of wages due the employee is less than the monetary equivalent of the advanced sick and/or vacation days taken but not earned, the employee will be provided an agreement for payment of such amounts to the Agency on a schedule mutually agreed by the employee and the Agency.

NAPE/AFSCME DUES DEDUCTIONS

13.15 NAPE/AFSCME Charges and Services. The parties acknowledge and agree that the Agency does not require NAPE/AFSCME to make any charges for membership or service by NAPE/AFSCME and if such dues or charges are made by NAPE/AFSCME, it will be considered to be beyond the scope of this Agreement and the amount of such charge, if any, will be a matter between NAPE/AFSCME and particular individual outside the terms of this Agreement. Nothing contained in this Article will require the Agency to arbitrate disputes between NAPE/AFSCME and an employee concerning dues.

13.15A NAPE/AFSCME agrees to notify the Agency of any change in its dues.

13.16 Payroll Deductions Free of Charge. The parties agree to the provision of payroll deduction for membership in a labor organization free of charge.

13.17 Written Authorization. Upon receipt of a lawfully executed written authorization from a bargaining unit employee, the Agency agrees to deduct NAPE/AFSCME dues of such employee from the employee’s pay no later than the succeeding biweekly pay period after receipt of the payroll deduction authorization. The remittance of such deduction, to the official designated by NAPE/AFSCME in writing to receive such deductions, will be no later than two succeeding biweekly pay periods after receipt of the payroll deduction authorization. The Agency agrees to accept payroll deduction cards previously obtained by NAPE/AFSCME on behalf of its employees and delivered to the Agency as complying with the provision of this Article. This Section will in no way be construed as limiting the right of employees regarding other payroll deduction programs under State statute or Department of Administrative Services (DAS) regulations.

13.18 Form. The authorization for payroll deduction may be provided by NAPE/AFSCME in the following form. Any change in the form will be brought to the attention of the Deputy Commissioner prior to implementation.

NAPE/AFSCME Membership Form
NEBRASKA ASSOCIATION OF PUBLIC EMPLOYEES (NAPE)
LOCAL 61 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) AUTHORIZATION FOR PAYROLL DEDUCTIONS
(Per Section 48-224 R.R.S. 1967)

TO _____
Name of Employing Agency Work Location & City

_____
Social Security Number (last 4 digits only) NIS Employee Number (if known)

BY _____
(PRINT) First Name Last Name Middle Name

_____
Address (Work) Division Address Book Number (ABN)

Effective (Today's Date) _____, I hereby request and authorize you to deduct from my earnings an amount sufficient to provide for the regular payment of the current rate of monthly association fees established by NAPE/AFSCME. The amount shall be certified by NAPE/AFSCME; any change in such amount shall require a membership vote and shall be certified. The amount deducted shall be paid to the Treasurer of NAPE/AFSCME. This authorization may be terminated by written notice to NAPE/AFSCME during June's open withdrawal period and at no other time during the year.

_____
Employee's Signature

13.19 Discontinuation of Dues Deductions. Upon receipt of a list of employees for whom dues deductions are to stop, certified to the Agency in writing by an authorized representative of NAPE/AFSCME, the Agency will discontinue the automatic payroll dues deduction from such employees.

13.19A Additions to the list received at least seven (7) calendar days before the next payroll posting will be processed in that payroll. Lists received less than seven (7) calendar days before the next payroll posting will be processed in the next available payroll.

13.19B NAPE/AFSCME will indemnify the Agency and hold it harmless against any and all claims, demands, suits or other forms of liability that may arise out of, or by reason of, any action taken by the Agency for the purpose of complying with the provisions of this Article.

13.20 Withdrawing Membership. Employees may withdraw membership from NAPE/AFSCME only during the month of June each year by notifying NAPE/AFSCME in writing of their withdrawal. NAPE/AFSCME will place the names of those withdrawing on the list of employees as described in Section 13.19 above.

ARTICLE 14

INSURANCE AND BENEFITS

14.1 Insurance Coverage Consistency with Master Contract. The Agency agrees to provide employees who are .5 FTE or greater with the same health, dental and vision insurance plans at the same cost-sharing ratio as the State will provide other NAPE/AFSCME represented bargaining units for the 2025-2027 Agreement period as identified in the Master Contract between the State of Nebraska and NAPE/AFSCME. In the event that such insurance programs grant to the employee various options, the Agency's obligation will apply only to the mandatory portion to be paid by the Agency under the program. The Agency further agrees to provide all employees all other insurance plans that are made available in the Master Contract at the same cost.

14.2 Voluntary Coverage. Insurance benefits are not mandatory and may be disclaimed.

14.3 COBRA. Pursuant to the procedures developed in accordance with the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA), the Agency will notify State Personnel through Workday for any employee or dependent who becomes ineligible for health insurance coverage. Qualifying events may be found in the Options Benefit Guide provided by State Personnel. Employees will notify the Agency of those qualifying events.

14.4 Flexible Spending Plans. Employees may participate in the Internal Revenue Service Section 125 flexible spending plans that are made available by the State.

14.5 EAP. The Agency agrees to provide to each employee the same Employee Assistance Program (EAP) as is provided by the State to the other NAPE/AFSCME represented bargaining units, or a program determined by the Agency to be substantially similar.

14.6A Records concerning an employee's treatment for alcoholism, drug abuse or psychological conditions will be kept in a file separate from the employee's official personnel file per Article 4.

14.6B All Employee Assistance Program records will remain confidential unless their release is required by law or court order, or if their release is authorized by the employee in writing.

14.6 Retired military service members who are eligible for TRICARE and are currently employed by the State of Nebraska may elect to receive their health insurance coverage through TRICARE and forego participation in a group insurance plan offered by the State of Nebraska pursuant to section 14.1. Individuals who do so will receive a flat, monthly stipend paid by the agency.

For those with individual plans the flat, monthly stipend would be in the amount of five-hundred dollars ($500.00). For those with family plans the flat, monthly stipend would be in the amount of one-thousand dollars ($1,000.00). It is the employee's responsibility to submit supporting documentation to the agency to show eligibility for the payment under this Section.

ARTICLE 15

LEAVE AND HOLIDAYS

15.1 Leave of Absence. Employees of the Agency with at least three (3) years of service are eligible for leaves of absence without pay. Leave of twelve (12) months or less for professional advancement, special training, or other good and sufficient reasons, may be granted by the Commissioner. Leaves of more than twelve (12) months are subject to approval by the Board, which will review the request and the recommendation of the Commissioner of Education. Such leave of absence will be requested in writing to the Commissioner through the Office Administrator.

15.1A At the expiration of leave approved under Section 15.1, the employee will return to a position of a similar job classification or pay grade as the position he/she held prior to leave, if available and the employee is otherwise qualified. If no such position is available, the employee will be considered "laid off" and eligible to exercise transfer and bumping rights under the provisions of Sections 16.5 and 16.6. In the alternative, an employee may also accept demotion in accordance with Article 11, Section 11.3, if available. Failure on the part of an employee to return to work on the agreed upon date, except for satisfactory reasons submitted to and approved by the Commissioner prior to the agreed upon return date, may be cause for dismissal.

15.1B Vacation and sick leave will not accrue while on leave of absence without pay; however, vacation and sick leave earned, but not used prior to leave of absence, will be carried forward upon employee's return to duty.

If the State or Federal program from which the employee was paid prior to the leave is terminated during the leave, the Agency may choose to pay the employee on leave for his/her unused vacation leave balance.

15.2 Sick Leave. Employees will, in accordance with the provisions of this Agreement, during each year of continuous employment, accrue sick leave with full pay at a rate based on the schedule below. Hours accrue on a biweekly basis but are not available to the employee prior to the start of the following pay period except as provided by Section 15.2G2. Employees who have worked less than one (1) full calendar year will earn sick leave in an amount proportionate to time worked in the calendar year. Accrual of sick leave while off work and being compensated under workers' compensation is as described in Sections 15.2E and 15.3C. There will be no maximum limit on accumulation of sick leave except as provided for in Section 15.2I.

Years of Service	Hours Per Year	Days Per Year
First through Fifth Year	96	12
Sixth through Fifteenth Year	112	14
Sixteenth and Following Years	144	18

15.2A The following conditions are valid reasons that sick leave may be used:

15.2A1 Employee. When an employee is unable to perform his/her duties because of:

15.2A1(i) Illness,
15.2A1(ii) Absence due to psychological treatment (see definition in Section 19.48) or counseling,
15.2A1(iii) Disability,
15.2A1(iv) Injury,
15.2A1(v) Employee's presence at work jeopardizes the health of others by exposing them to a contagious disease,
15.2A1(vi) Pregnancy complications, post-natal recovery, or miscarriage,

15.2A1(vii) Absence due to treatment for alcoholism or drug addiction, if medically diagnosed by a licensed physician, and if the employee is receiving assistance or has agreed to an approved course of treatment,

15.2A1(viii) Medical, surgical, dental, audiological or optical examinations or treatment, or

152A1(ix) Emergency medical treatment.

15.2A2 Employee's immediate family member(s). When the illness, disability, injury, surgery, medical examination, procedure, or treatment of an immediate family member requires the employee's presence. The Agency may require written verification from a treating professional as to the requirement of the employee's presence and the duration of that need. For the purposes of this Section, immediate family means spouse, children, including step, adopted and foster children, daughter/son-in-law, mother, father, and mother or father of the spouse. At the discretion of the Office Administrator, sick leave benefits may be extended for the care of other individuals with a similar personal relationship (e.g., acted as a mother, father, etc.) to the employee as that of an immediate family member.

15.2A2(i) After the birth of a baby, the employee who is not the biological mother or primary caregiver of the baby may use up to five (5) days of sick leave. If more than five (5) days of sick leave is necessary and required, for medical reasons, to care for the new baby or the mother, a note from the medical provider will be required to establish the medical necessity.

15.2A2(ii) After the birth of a baby, an employee, other than a parent, who is an immediate family member, may use sick leave if his/her presence is necessary and required, for medical reasons, to care for the mother (if the mother meets the definition of immediate family). A note from the medical provider will be required to establish the medical necessity.

15.2A2(iii) Under this Section, employees may use sick leave to attend school appointments for an immediate family member with a disability.

15.2A3 Sick leave may be used in conjunction with approved leave under the Family Medical Leave Act, subject to the requirements in section 15.16 and applicable subsections.

15.2B Sick leave will be requested by the employee in writing and in advance whenever possible, for anticipated health reasons such as medical treatment, physical examinations, and meetings with school personnel described in Section 15.2A2(iii). In cases of sickness, injury, emergencies, or any other absence not approved in advance, the employee will advise appropriate Agency personnel of the circumstances as soon as possible. An employee may be required to submit substantiating evidence and/or documentation when the reason for the leave request was for medical or dental treatment, a meeting with school personnel described in Section 15.2A2(iii), or when the immediate supervisor suspects sick leave abuse. Substantiating evidence may also be required if the sick leave absence exceeds five (5) consecutive workdays.

15.2B1 If an employee has been absent on sick leave exceeding five (5) consecutive workdays, the employee may be required to produce written verification from a medical provider to document fitness to return to work, including notice of any necessary work restrictions.

15.2B2 Independent of an employee's use of sick leave and exceeding the five (5) consecutive workday requirement noted above, if an immediate supervisor has reason to believe that an employee's presence at work poses a significant health or safety risk, the employee may be required to produce medical verification regarding fitness for work.

15.2C Sick leave will not be used as vacation leave.

15.2D Sick leave will be taken and reported in increments of not less than one-tenth (1/10) of an hour. Holidays falling within a period of sick leave will not be counted as hours worked for overtime purposes.

15.2E Sick leave will not accrue to any employee on leave of absence without pay, leaves without pay, including Family and Medical Leave, suspension without pay, layoff, or during time off of work that is compensated under workers' compensation, except as provided in Section 15.3C.

15.2F Probationary employees will be entitled to sick leave at the same rate as regular employees. Sick leave may be granted during the probationary period up to the number of accrued hours available to the employee. When a probationary employee takes sick leave in excess of accrued hours available, the provisions of Section 15.2G will apply.

15.2G If an absence extends beyond the sick leave accrued to the credit of the employee:

15.2G1 Except in cases of worker's compensation, such employee will be required to utilize (1) accumulated unused compensatory time off if the employee is subject to Section 8.2 and (2) accrued vacation leave, in that order. For the purposes of this subsection, accrued sick and vacation leave does not include advanced sick and vacation leave. After all accrued sick leave, compensatory time off, and vacation leave have been exhausted, the employee, upon written request, may be granted leave without pay (outside FMLA) at the discretion of the Office Administrator. However, granting such leave without pay is discouraged and should not be done on a regular basis. Written notice regarding the leave without pay must be provided to the Human Resources Office.

15.2G2 Sick leave may, at the discretion of the immediate supervisor and Office Administrator, be advanced to employees with six (6) months of service with the Agency, in an amount not to exceed that which the employee would earn in the following six biweekly pay periods. Advanced sick leave is not considered earned sick leave until such time as the employee's longevity in employment provides for such sick leave. Employees will reimburse the Agency for all used, unearned sick leave upon termination either from a deduction in their final check or by separate payment on a schedule agreed to by the Agency. Employees may not request more than one advancement in a three (3) month period. If at the end of the advancement period the employee has not earned back the advanced sick leave used, another request for advancement cannot be approved until the employee has earned back the advanced sick leave used. Written notice of advancement must be provided to the Human Resources Office.

15.2G3 Should an employee require medical treatment while on vacation, vacation leave may be changed to sick leave under the following circumstances:

15.2G3(i) For the period of time medical treatment was required and for reasonable periods of bed-rest thereafter that were required and that occurred within the otherwise normally scheduled work hours of the employee;

15.2G3(ii) Upon submission of a physician's statement substantiating treatment and probable duration of illness; and,

15.2G3(iii) Upon approval of the immediate supervisor and Office Administrator.

15.2H Sick leave, both as to earned unused hours and as to years of service for accumulation purposes, may be transferred when the employee transfers between another Nebraska State agency, Nebraska State university or college and the Agency without a break in service by mutual agreement between employers.

15.2I Upon separation of employment, if the employee is at least fifty-five (55) years of age, the employee will be paid one-fourth (1/4) of the accumulated unused sick leave paid at the hourly rate in effect upon separation. In the event of death, the employee's beneficiary will

be paid one-fourth (1/4) of the accumulated unused sick leave computed at the rate of pay earned by the employee at the time of death. Employees may only receive this payout once no matter how many times they are re-employed with the State of Nebraska. Payment for one-fourth (1/4) of the accumulated unused sick leave balance in the case of separation or death will not exceed four hundred and eighty (480) hours.

15.2I1 Employees who are at least fifty-five (55) years of age, who are laid off, will have the option to defer the payment of one-quarter (1/4) of their sick leave account for up to twelve (12) months. Should the laid off employee return to NDE employment within twelve (12) months, the employee's sick leave balance and service date will be reinstated (minus time in a non-pay status). Should the laid off employee not obtain further NDE employment at the end of the twelve (12) month period, NDE will pay them one-quarter (1/4) of their sick leave account, not to exceed four hundred and eighty (480) hours.

15.2J Employees returning to work with the Agency on or after July 1, 2001, after a break in service of less than five (5) calendar years, will have their accumulated unpaid sick leave balance reinstated. The employee's service date will be adjusted for the period of absence. The employee's vacation leave and sick leave earning rate will also be adjusted, and the new rate of earning will be based on the adjusted service date. Employees returning to work after a break in service of more than five (5) calendar years will start with a zero (0) sick and vacation leave balance and will be considered to be new employees for service date purposes, and will earn vacation and sick leave at the beginning earning rate of a newly hired employee.

15.3 Injury Leave. Employees who are subject to the provisions of the Workers' Compensation Act are entitled to the benefits of that law due to injury or occupational disease arising out of and in the course of their employment.

15.3A Injury or occupational disease arising out of and in the course of employment will be reported to the Agency as soon as possible.

15.3B Employees entitled to be paid workers' compensation have the option of being granted injury leave with full pay for the first five (5) workdays they are unable to work due to injury or due to treatments for such injury, including the day of injury (if inability to work began on that day). Provisions of the Workers' Compensation Act will apply eight (8) calendar days after the employee is unable to work per Section 48-119 R.R.S. Injury leave may not be charged to vacation or sick leave.

15.3C An employee who is receiving workers' compensation for injury or occupational disease occurring out of and in the course of employment, has the option of electing to use accumulated unused sick and/or vacation leave and accumulated unused compensatory time (if applicable) to supplement workers' compensation up to but not exceeding the regular rate of pay. Employees electing this option will be charged sick or vacation leave or compensatory time, and earn sick and vacation leave in proportion to the percentage of gross wages paid by the Agency. The Agency's share of the health insurance premium will be paid during an absence under workers' compensation after all accrued leave and compensatory time have been depleted. Employees on workers' compensation will be treated as part-time employees for purposes of leave earnings. They will earn prorated sick and vacation leave based on the number of hours worked and/or accrued leave time hours used to supplement the workers' compensation payment. If employees do not have, or choose not to use, accrued leave time to supplement the workers' compensation payment they will earn leave time only on the number of hours worked, if any.

15.3D Holidays occurring during a pay period during which workers' compensation benefits are received will be paid at a rate proportionate to the number of hours worked and/or accrued leave time hours used during the pay period.

15.4 Adoption. The primary caregiver of a newly adopted child will, upon a request that is within thirty (30) calendar days of such adoption, receive up to six (6) weeks of leave, which is the generally accepted medical standard leave period for new mothers by natural birth. The leave will be taken

first as sick leave, and if and when sick leave is exhausted, then as vacation leave, or compensatory time, if available. FMLA leave is also available in accordance with the provisions of Section 15.16.

An employee is not eligible for adoption leave if the child being adopted is a special needs child over eighteen (18) years of age, a child who is over eight (8) years of age and is not a special needs child, a stepchild being adopted by his/her stepparent, a foster child being adopted by his/her foster parent, or a child who was originally under a voluntary placement for purposes other than adoption without assistance from an attorney, physician, or other individual or agency which later results in a petition for the adoption of the child by the person with whom the voluntary placement was made.

15.5 Vacation Leave. Employees will, in accordance with the provisions of this Agreement, during each year of continuous employment accrue vacation leave with full pay at a rate based on the schedule below. Hours accrue on a biweekly basis but are not available to the employee prior to the start of the following pay period except as provided by Section 15.5C. The following schedule establishes the accrual rate for vacation leave:

Years of Service	Hours Per Year	Days Per Year
First through Fifth Year	96	12
Sixth Year	120	15
Seventh Year	128	16
Eighth Year	136	17
Ninth Year	144	18
Tenth Year	152	19
Eleventh Year	160	20
Twelfth Year	168	21
Thirteenth Year	176	22
Fourteenth Year	184	23
Fifteenth Year	192	24
Sixteenth and Following Years	200	25

See Section 15.2J for accrual rates for employees returning to employment with the Agency after a break of less than five (5) calendar years.

15.5A Vacation leave must be requested in advance by the employee. Vacation leave may be used when approved by the employee's supervisor. Denial of vacation leave requests must not be arbitrary and the taking of vacation leave by employees may not unreasonably be deferred.

15.5A1 If the nature of the work makes it necessary to limit the number of employees on vacation at the same time, the employee with the greater seniority will be given the preference in the selection of vacation. The seniority preference herein identified will not apply where such preference would create an unusual hardship for a less senior employee who had been granted the vacation leave prior to the request of the more senior employee where the more senior employee would incur no unusual hardship.

15.5B Vacation leave will be taken and reported in increments of not less than one-tenth (1/10) of an hour.

15.5C The Office Administrator may at his/her discretion advance vacation leave to employees with six (6) months of service with the Agency in an amount not to exceed that which the employee would earn in the following six biweekly pay periods. For employees with more than five (5) continuous years of service and with no record of leave abuse, request for vacation leave advancement will not unreasonably be denied. Advanced vacation leave is not considered earned vacation leave until such time as the employee's longevity in employment provides for such vacation leave. Employees will reimburse the Agency for all used unearned vacation leave upon termination either from a deduction in their final check or by separate payment. Employees may not request more than one advancement in a twelve (12) week period. If at the end of the advancement period the employee has not earned back the advanced vacation leave used, another request for advancement of

vacation cannot be approved until the employee has earned back the advanced vacation leave used. Written notice of advancement must be provided to the Human Resources Office.

15.5D Employees may carry over a balance of two hundred and eighty (280) hours of vacation leave from one (1) calendar year to the next. In the event an unforeseen work-related emergency prohibits an employee from taking planned vacation leave before December 31 and causes them to lose that vacation leave, additional carryover vacation leave may be requested of and approved in advance of calendar-year-end by the Deputy Commissioner. In such cases, the hours above two hundred and eighty (280) hours that are carried over must be used within the next six (6) months.

15.5E Vacation leave will not accrue to any employee on leave of absence without pay, leave without pay, suspension without pay, layoff, or during time off of work that is compensated under workers' compensation, except as provided in Section 15.3C.

15.5F All earned accrued vacation leave, which does not include advanced vacation leave, will be used by an employee before granting leave without pay. Employees may request leave without pay in writing from the Office Administrator; however, granting leave without pay is discouraged and should not be done on a regular basis. Written notice of leave without pay must be provided to the Human Resources Office.

15.5G Holidays falling within a period of vacation leave will not be counted as work hours for purposes of overtime.

15.5H Vacation leave, both as to earned unused hours and as to years of service for accumulation purposes, may be transferred when employees transfer between another Nebraska State agency, Nebraska State university or college and the Agency without a break in service upon mutual agreement of the employers. Absent an agreement, the Agency will pay for the leave balance per Section 15.5I.

15.5I Upon termination of employment of any employee for any reason, except as provided in Section 15.5H, the employee will be paid in full for any accumulated unused vacation leave. Such payment will be calculated at the hourly rate in effect at the time of termination.

15.6 Bereavement Leave

15.6A For a death in the immediate family, up to forty (40) hours leave with pay may be granted. For a death not in the immediate family, up to eight (8) hours leave with pay may be granted.

15.6B The hours of bereavement leave that may be granted to part-time employees will be proportionate to the percentage of FTE that they work.

15.6C Bereavement leave may not be charged to sick leave or vacation leave.

15.6D Immediate Family: Spouse, children, step children, foster children, parents, children-in-law, nieces/nephews, aunts/uncles, grandchildren, grandparents, brothers, sisters, brother-in-law, sister-in-law, or persons bearing the same relation to the spouse. At the discretion of the Office Administrator, bereavement leave benefits may be extended for other individuals with a similar personal relationship (e.g., acted as a mother, father, etc.) to the employee as that of an immediate family member.

15.6E Bereavement leave will be available for a period of thirty (30) calendar days after the death, or first notice of the death, of an immediate family member, and for a period of fifteen (15) calendar days after the death or first notice of the death of persons not immediate family members. Exceptions due to extenuating circumstances may be approved by the Office Administrator.

15.6F No employee will be unreasonably denied the granting or advancement of up to an additional eighty (80) hours of vacation leave (prorated for less than full-time employees) when such additional time is available and necessary to settle personal matters related to

a death in the immediate family. The granting of leave under this Section will not prohibit or interfere with the granting of leave under any other section or provision of this Agreement.

15.7 Civil Leave. Time in court or at an administrative hearing as a plaintiff, defendant or witness on a non-work-related matter will be charged to vacation leave or compensatory time, if available. If the employee does not have vacation or compensatory time available, the employee may be granted leave without pay. In the event the employee is subpoenaed for non-work-related matters and does not have vacation leave or compensatory time, the Office Administrator will grant leave without pay. Any witness fee paid to the employee for such appearances may be retained by the employee. The employee will provide the Agency with documentation to verify eligibility for civil leave.

15.7A An employee will be given necessary time off without loss of pay when performing jury duty, performing emergency civilian duty in connection with national defense or national disaster, and two (2) hours for the purpose of voting as provided in subsection 15.7A1 below. Civil leave does not include leave for military duty in connection with national defense, national disaster or civil disturbances.

15.7A1 An employee who is a registered voter and does not have two (2) consecutive hours in the period between the time of the opening and closing of the polls during which he or she is not required to be present at work for the Agency is entitled on election day to be absent from employment for such a period of time as will, in addition the employee's nonworking time, total two (2) consecutive hours between the time of the opening and closing of the polls. If the employee applies for such leave of absence prior to or on election day, paid civil leave of two (2) hours will be granted. The Agency may specify the hours during which the employee may be absent. The two (2) hours authorized for voting does not apply to those employees who choose to vote by the use of an absentee ballot or who by reason of their employment must vote by use of an absentee ballot.

15.7B When an employee serves as a juror, clerk, election inspector, or judge of an election board or a counting board, civil leave without loss of pay will be granted during the time when the employee's physical presence is required by the court or the election or counting board. The employee will also retain all fees paid them for their civil service.

15.7C While serving as a witness under a work-related subpoena or voluntarily at the request of the Agency, the employee will be excused from work with pay during the time that the employee's presence is required by the court or administrative body which issued the subpoena, or as required to testify when requested by the Agency. At all other times during the employee's regular workday, the employee who is subject to a work-related subpoena will be on the job and working. Any witness fee received under such subpoena will be remitted to the funding source from which the employee's salary is paid.

15.7C1 The Agency may consider a subpoena to be work-related if it concerns testimony sought from the employee in relation to a position held with another Nebraska state agency immediately prior to employment with this Agency.

15.8 Administrative Leave. Administrative leave with pay may be granted by the Commissioner or Deputy Commissioner due to natural disasters, public health emergencies, inclement weather or local work-related emergencies.

15.8A When State offices, located in a building not owned or operated by the State, are closed by other than State officials due to inclement weather or other local work-related emergencies, employees have the following options, subject to advance approval by their immediate supervisor:

15.8A1 Report to work at a pre-arranged alternate worksite;

15.8A2 Telecommute from home if practicable due to the nature of the work, as determined by the Office Administrator;

15.8A3 Use accrued vacation leave, earned compensatory time, or leave without pay as a last resort;

15.8A4 Make up the missed work time within the workweek;

15.8A5 Absent the ability to exercise any of the above options, employees may be placed on ready to work status. This means they are ready and available to be called back to a work location at any time. Employees in ready to work status will be compensated and will perform any state work possible during this status. Ready to work status is intended for office closures that are due to clearly unanticipated occurrences such as flooding, fire or other building damage. It is not intended for when the circumstances that resulted in the office closure were reasonably predictable in advance by the Agency and the employee, such as a snowstorm predicted in advance. In such cases, the employee and his/her supervisor or other designee are to communicate and make arrangements in advance in regard to possible alternate work locations.

15.8B If State offices remain open during inclement weather or other work-related emergencies, employees are expected to make a reasonable effort to report for work or make alternative arrangements for work, such as telecommuting, with their supervisor. Employees who fail to report for work will be charged compensatory time, vacation leave, or leave without pay. The Office Administrator, or the immediate supervisor, if authorized by the Office Administrator, may grant permission to both exempt and nonexempt employees to make up missed hours during the same week rather than requiring them to use compensatory time, vacation leave or leave without pay.

15.8C Nonexempt and exempt employees who report for and remain at work in periods during which administrative leave was authorized will be granted compensatory time off, to be used at a later date.

15.9 Military Leave. Military leave will be granted in accordance with applicable federal and state laws, and is limited to one hundred and twenty (120) hours a year, with no accumulation of unused leave carried over to the following calendar year. Such military leave may be taken in hourly increments.

15.10 Interviews. Interviews with employees for positions within the Agency will be performed during work hours. Time spent for interviews and travel to attend such interviews, which occur during the employee's regular workday, will be compensable.

15.11 Disaster Relief Leave. Employees who provide proof of their disaster relief volunteer certification with the American Red Cross may, with appropriate supervisory authorization, be granted paid civil leave not to exceed fifteen (15) workdays in each calendar year to participate in specialized disaster relief services in Nebraska for the American Red Cross, upon the request of the American Red Cross.

15.12 Employee Assistance Program. Employees attending Employee Assistance Program (EAP) sessions at the Agency's direction will do so at the Agency's expense and may attend during work time. If an employee wishes to voluntarily attend EAP sessions in order to address personal issues that are affecting work performance, supervisors may authorize the employee to do so during work time without being charged sick or vacation leave. Employees attending EAP sessions on their own initiative will do so at their own expense and will use approved sick or vacation leave, compensatory time, or leave without pay.

15.13 Attendance at Legislative Hearings. Employees may be allowed to utilize vacation leave or compensatory time off (or modified work schedule for those employees who do not earn compensatory time) for the purpose of attending legislative hearings of their own choosing. Upon notification to the employee's supervisor of the purpose of such request for time off, said request

may not be unreasonably denied. Any employee of the Agency who is a registered lobbyist for NAPE/AFSCME may be permitted leave without pay during the legislative session for that time necessary to carry out the lobbying function. Such employee's supervisor will be given as much prior notice as possible under the circumstances as to when such leave is proposed. Said request may not be unreasonably denied.

15.14 Leave to Donate Blood. With the advance approval of their immediate supervisor, employees may be allowed paid time away from the job to donate blood in State-sponsored drives held in State offices, or to donate blood at the request of blood banks or centers facing a blood supply emergency. The amount of leave time granted will be at the discretion of the immediate supervisor. Donating blood under circumstances unrelated to State-sponsored drives or supply emergencies will require employees to obtain advance approval to use vacation leave or to adjust their work hours to complete a full workday.

15.15 Retirement Seminars. Leave with pay will be provided to eligible employees who attend seminars presented by the Nebraska Public Employees Retirement System, pursuant to Nebraska Revised Statute 84-1511(4).

15.16 Family and Medical Leave (FML)

15.16A Family and Medical Leave (FML) is unpaid time off from work, and is subject to the provisions of 29 CFR 825. An employee must have at least twelve (12) total months of State service and have worked at least 1,250 hours in the previous twelve (12) month period to be eligible for FML. Employees may request that accrued paid leave (e.g., vacation, sick), and compensatory time if the employee is subject to Section 8.2, be applied along with the unpaid FML entitlement. In this case, any paid leave will run concurrently with the FML entitlement.

Employees who are absent and receiving workers' compensation benefits, or using any paid leave exceeding 40 hours for full-time employees or exceeding the number of hours proportionate to the percentage of FTE for part-time employees, taken for any of the reasons listed in Section 15.16B, will have such leave credited against the twelve (12) week FML entitlement beginning with the first date of absence. Unpaid FML not charged to sick or vacation is subject to service date adjustments under Section 15.19.

If FML exceeds 40 hours during a twelve (12) month period starting with the date FML is first used for full-time employees, or exceeds the number of hours proportionate to the percentage of FTE for part-time employees, sick leave must be used concurrently if the reason for the FML is also a reason sick leave may be used under Section 15.2. If the reason for FML is not also a reason sick leave may be used, or if and when accumulated sick leave is exhausted, such employee will be required to utilize (1) accumulated unused compensatory time off if the employee is subject to Section 8.2 and (2) accrued vacation leave, in that order until exhausted; however, vacation leave may be reserved in an amount up to forty (40) for full-time employees, or proportionate to the percentage of FTE for part-time employees, unless Catastrophic Leave is requested per Section 15.18.

15.16B Conditions for Using Family and Medical Leave. Family and Medical Leave may be used for the following reasons:

15.16B1 Because of the birth of a child of the employee and in order to care for such newborn child.

15.16B2 Because of the placement of a child with the employee for adoption or foster care.

15.16B3 In order to care for the employee's spouse, child, or parent, if such spouse, child or parent has a serious health condition.

15.16B4 Because of the serious health condition that makes the employee unable to perform the functions of the employee's job.

NOTE: Spouse means a husband or wife as defined or recognized under law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized. Child may include a biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen (18) years of age or is eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability. Care for mother-in-law or father-in-law is not included. However, parent may include individuals other than natural or adoptive parents who served in a long-term parental role for the employee.

NOTE: Serious health conditions are defined as illness, injury, impairment, or physical or mental conditions that involve: (1) in-patient care in a hospital, hospice, or residential medical care facility including any period of incapacity, or any subsequent treatment in connection with such in-patient care; or, (2) continuing treatment by a health care provider as provided for in 29 C.F.R. §825.115. Examples of serious health conditions include: heart attack, heart by-pass or valve operations, most cancers, back conditions requiring extensive therapy or surgery, strokes, severe respiratory conditions, spinal conditions, severe arthritis, severe nervous disorders, mental illness, need for prenatal care, severe morning sickness, childbirth, and recovery from childbirth. This does not include voluntary or cosmetic treatments, unless inpatient hospitalization is required.

15.16C Certification of Serious Health Conditions. Except as provided in Section 15.16C7, when requesting Family and Medical Leave for serious health conditions, an employee must provide certification from a health care provider, which includes:

15.16C1 The date on which the serious health condition commenced;

15.16C2 The probable duration of the condition;

15.16C3 Any appropriate medical facts;

15.16C4 A statement that the employee is needed to care for the child, spouse, or parent and estimate of the amount of time that such employee is needed to care for the child, spouse, or parent; or, a statement that the employee is unable to perform the functions of the job;

15.16C5 If the leave is to be intermittent, or on a reduced leave schedule, a statement of the medical necessity for the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule; or, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the child, parent, or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule. In the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment should be included.

15.16C5(i) Medical Second Opinions. The Agency may require a second opinion (the Agency's choice of health care provider) and must pay for the cost of the second opinion. If the second opinion differs from the first, a third opinion may be sought (from a mutually agreed upon health care provider, again, at the Agency's expense). The results of the third opinion are final.

15.16C6 In the event the employee is requesting leave due to more than one serious health condition, the certification must specifically address each individual condition. Separate forms will be submitted as appropriate. Regardless of whether a single or multiple health condition(s) are involved, the limit in Section 15.16E applies.

15.16C7 When paid leave will be used for an absence, which may qualify as Family/Medical Leave, medical certification may be requested at the Agency's discretion.

15.16D Notice of Intent to Use Family and Medical Leave. A minimum of thirty (30) calendar days' notice to the Agency must be provided by the employee before he or she may use Family and Medical Leave. Where thirty (30) calendar days' notice is not foreseeable, notice must be given as early as possible. If certification of a serious health condition is required, FMLA forms should be obtained from the Agency's Human Resources Office.

15.16E Family and Medical Leave Duration. Unpaid Family and Medical Leave is limited to a total of twelve (12) weeks within a twelve (12) month period, starting with the date the Family and Medical Leave is first credited against the twelve (12) week entitlement pursuant to Section 15.16A.

15.16F Family and Medical Leave Not Cumulative. Family and Medical Leave cannot be carried forward beyond the twelve (12) month period and banked for future use.

15.16G Incremental Use of Family and Medical Leave. With approval of the Agency, Family and Medical Leave may be taken in increments with proper medical certification (federal law allows employees not eligible for overtime [e.g., exempt employees] to make incremental use of unpaid Family and Medical Leave without affecting their "salaried" status).

15.16H Health Insurance while on Family and Medical Leave. Employer health insurance contributions will continue during an employee's unpaid Family and Medical Leave absence, provided the employee makes his/her required contribution. Employer contributions will be based as if the employee had continued to work his/her normal schedule.

15.17 Family Military Leave. Family Military Leave is available to employees in accordance with the terms and conditions of the Nebraska Family Military Leave Act, Sections 55-501 through 55-507 R.R.S. and the amendments to the Family Medical Leave Act made by the National Defense Authorization Act (NDAA) of 2008 (29 U.S.C. §2612 et seq.).

15.17A Requesting employees will provide the Agency with certification from the proper military authority to verify eligibility for the leave taken under Sections 55-501 through 55-507 R.R.S.

15.17B Requesting employees will provide the Agency with certification by the covered service member's health care provider for leave requested to care for a service member under the provisions of the National Defense Authorization Act amendments to the Family Medical Leave Act.

15.17C Requesting employees will provide the Agency with such certification as may be provided for through regulations issued by the United States Secretary of Labor for leave requested for a "qualifying exigency" arising out of the fact that an employee's spouse, son, daughter or parent is on active duty, or has been notified of impending call for active duty, in the Armed Forces in support of a contingency operation under the provisions of the National Defense Authorization Act amendments to the Family Medical Leave Act.

15.18 Catastrophic Illness Donation. The provisions of this Section are non-grievable. Employees may contribute up to 16 hours of accrued sick leave and accrued vacation leave, per request, to benefit another employee in the Agency who is personally experiencing a catastrophic illness. The recipient must initiate a request by completing and signing a donation request form provided by the Agency. The contributing employee must complete and sign a donation authorization form provided by the Agency and identify the number of hours of sick or vacation leave being donated. Leave donated to, and used by, another employee pursuant to this provision cannot be returned to the credit of the donor's leave account. Catastrophic Leave will be available only to employees who have exhausted their own paid leave through bona fide serious illness or accident.

Leave donated will be converted to a dollar value and then converted to hours based on the recipient's hourly rate. No more than 800 converted hours of donated leave may be received by an employee during a twelve (12) month period.

15.18A Eligibility of Recipient:

15.18A1 Must be experiencing a serious illness or injury that requires a prolonged absence of at least thirty (30) consecutive calendar days during the past six (6) months;

15.18A2 Must produce satisfactory medical verification of the requirements of Section 15.18A1;

15.18A3 Must have one (1) year of service to the Agency;

15.18A4 Must have exhausted all earned paid leave time including compensatory time, sick leave, and vacation leave; and

15.18A5 Must not have offered anything of value in exchange for the donation.

15.18B Eligibility of Donor Employee:

15.18B1 Only four (4) hour increments may be donated;

15.18B2 Must not have solicited nor accepted anything of value in exchange for the donation; and

15.18B3 Must have remaining to his/her credit at least forty (40) hours of accrued sick or vacation leave after the donation has been made.

15.18C Donation Period. Donations cannot be retroactively applied to the thirty (30) consecutive calendar day qualifying period required in Section 15.18A1.

15.19 Service Date Adjustments. The employee's service date will be adjusted when an unpaid absence exceeds fourteen (14) consecutive calendar days except when an employee is still eligible for workers' compensation payments. The adjustment will correspond to the number of days the employee is on unpaid leave.

HOLIDAYS

15.20 Holiday Schedule. The following will be paid holidays:

DAY	DATE
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Arbor Day	Last Friday in April
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day/Indigenous Peoples' Day	Second Monday in October

Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
The Day After Thanksgiving	Friday following Thanksgiving
Christmas Day	December 25

Others when declared by law or proclaimed by the Governor or President of the United States as provided in Section 84-1001(3) R.R.S.

15.20A Whenever any of the above holidays fall on Saturday, the preceding Friday will be observed as the holiday; and whenever any of the above holidays fall on Sunday, the succeeding Monday will be observed as the holiday.

15.21 Eligibility for Holiday Pay. Pursuant to Section 84-1001 R.R.S., in order to receive pay for such holiday, an employee, whether part-time or full-time, must be in paid work status on both the regularly scheduled workday immediately preceding and immediately following the holiday unless excused by his/her supervisor.

15.22 Working on Holidays. An employee may be directed to work on a holiday or may request advance approval from the immediate supervisor to voluntarily work on a holiday. Any work on a day that is defined as a paid holiday by Section 84-1001 R.R.S. will be compensated for by granting the employee compensatory time off or by paying the employee. Nonexempt employees will be compensated per Section 8.2E. Exempt employees will be compensated at straight time and allowed to take the holiday within sixty (60) calendar days of the observed holiday. The method of compensation for the holiday worked will be at the discretion of the Agency. If compensatory time off is granted, the employee will determine when such time will be taken, subject to Section 8.2B.

15.23 Parental Leave Donation (PLD) Program. An employee may participate in the PLD program with the approval of the Human Resources Office.

15.23A Eligibility of Recipient. Employees must submit a written request on the form provided by the Human Resources Office and:

15.23A1 Be the expectant parent of a newborn baby or be the adoptive parent;

15.23A2 Have exhausted all earned sick leave for eligible sick leave reasons; and,

15.23A3 Have not offered anything of value in exchange for the donation.

15.23B Contributing Parental Leave Donations. Employees may contribute up to 16 hours of accrued sick leave, accrued vacation leave or earned compensatory time, per request, to benefit another employee in the Agency who requests PLD. Leave time will be donated in no less than 4-hour increments. The contributing employee must identify the specific amount of time donated on the appropriate forms for that purpose.

15.23B1 Sick leave, vacation leave and compensatory time transferred will be converted to a dollar value and then converted to hours based on the recipient's hourly rate. The Agency will transfer donated leave to the recipient's PLD account from the donor's accruals in chronological order based on the date the form was received and on an as-needed basis. No more than 480 hours of Paid Maternity Leave, accrued sick leave, PLD and vacation leave may be used.

15.23C Eligibility of the Donor. Before donating up to 16 hours of sick leave, vacation leave or earned compensatory time employees will meet the following criteria:

15.23C1 Only increments of four (4) hours may be donated;

15.23C2 Have not solicited nor accepted anything of value in exchange for the donation; and,

15.23C3 Have remaining to his/her credit at least 40 hours of accrued sick or vacation leave (earned compensatory time can be donated completely, leaving a zero balance).

15.23D Leave accrual. All types of leave are granted in proportional amounts for part-time employees and those who work less than a full year.

15.24 Paid Maternity Leave. Mothers who give birth and qualify for Family and Medical Leave will receive 240 hours (6 weeks) of paid maternity leave. Parental Leave Donations (PLD) per 15.23 may also be requested.

15.25 Mentorship Leave. Up to one hour per week of paid leave may be granted to employees upon request for participation in the State of Nebraska Youth Mentoring Program. All provisions of Mentorship Leave are to be in accordance with the State of Nebraska Youth Mentoring Program, Mentorship Leave is not considered as work time for the purposes of calculating overtime.

15.25A In order to be eligible for Mentorship Leave, employees must meet the following requirements:

15.25A1 The employee's current performance review is satisfactory and the employee is not currently on a performance improvement plan;

15.25A2 The mentoring program is on the list of approved youth mentoring programs maintained by Mentor Nebraska;

15.25A3 The employee follows agency guidelines in submitting Mentorship Leave requests;

15.25A4 The employee meets all background checks and additional requirements of the mentoring program; and

15.25A5 The employee signs the "Accident Waiver and Release of Liability" form.

15.25B Employees must provide their supervisor with proof (email, confirmation letter, etc.) that they meet all background checks and additional requirements of the mentoring program they choose or any other documentation requested by their supervisor in relation to Mentorship Leave. The agency will verify that the youth mentoring program the employee is volunteering for is on the approved mentoring list maintained by and available on the website of Mentor Nebraska.

15.25C The agency may deny a request or withdraw approval for Mentorship Leave if the employee's absence is not in the best interest of the agency, interferes with agency operations and/or services, or the employee does not meet the eligibility requirements. In addition, employees must obtain the prior approval of their supervisor related to the time and date of the week that Mentorship Leave is to be utilized.

15.25D Employees must follow the agency’s Acceptable Use Policy. Employees are allowed to review the mentoring options on the database using a state computer, however, must do it on lunch or breaks. Any additional use of state equipment must be in alignment with the agency's acceptable use policy.

15.25E All participation in volunteer mentoring activities is done on the employee's personal time and should not be considered work time. The "Accident Waiver and Release of Liability Form" must be signed prior to participating in volunteer mentoring activities.

ARTICLE 16

LAYOFF, RECALL, AND RESIGNATION

16.1 Management Rights. NAPE/AFSCME recognizes the right of the Agency to layoff, furlough or to reduce hours of employment at the Agency's sole discretion so long as such layoff takes place in accordance with procedures set forth in this Article and observes all rights of the employees protected by this Agreement. Such procedures will not apply to temporary layoff of less than thirty (30) calendar days within a twelve (12) month period.

16.1A The Agency agrees to provide to NAPE/AFSCME a copy of any request for contract proposals (RFP) which would result in the loss of one (1) or more regular position(s) in the Agency. This RFP copy is to be provided to NAPE/AFSCME at the same time it is distributed to the media and/or vendor(s).

16.2 Layoff General Rules. When a layoff of employees holding positions in Appendix A occurs the following general rules will apply:

16.2A Layoffs will be identified by the budget and program areas within a specific locality. The Agency will identify the job classification(s) for layoff to provide the most efficient and productive operation of the Agency. Within the identified job classifications, the order of layoff will be based on seniority (based on the employee's company service date with the Agency). For the purposes of bumping rights, only the employee's agency service date or agency adjusted service date is considered as opposed to any adjusted service date that is calculated due to prior state service at another state agency.

16.3 Layoff Plan. Prior to a layoff notice being issued per Section 16.4, NAPE/AFSCME and the Agency will meet to discuss and assure compliance with procedures outlined herein, protection of the rights of employees affected by such layoffs, and possible alternative means of dealing with the problem which gave rise to the layoff. The layoff plan will be provided to NAPE/AFSCME at least ten (10) workdays prior to the meeting between the Agency and NAPE/AFSCME, unless such time period is waived in writing by NAPE/AFSCME.

16.3A The layoff plan will at a minimum include the following:

16.3A1 The employees to be laid off and positions eliminated, including names, job classifications and work sites of the affected employees;

16.3A2 The reason for the layoff (i.e., reduction in work load, reduction in funding);

16.3A3 Whether the layoff is geographical, organizational (a particular office), functional (a particular job classification or program), financial, or other;

16.3A4 The effective date of the layoff; and,

16.3A5 Specific relocation alternatives available to laid off employees within the Agency.

16.4 Layoff Notice to Employees. The Agency will notify the affected employee(s) holding positions in Appendix A in writing as soon as they are formally identified for layoff, but not less than thirty (30) workdays in advance of the layoff date. Upon being identified for layoff, affected employees will have the right to schedule and take up to ten (10) workdays of leave without pay during the notice period for interviews, traveling, resume preparation, and other activities associated with securing new employment.

16.4A The Agency agrees that it will:

16.4A1 Provide electronic job vacancy information from DAS State Personnel and Nebraska state college and university offices.

16.4A2 Provide information on sources of employment seeking skills upon request.

16.5 Transfer Rights – Vacant Positions. Subsequent to providing layoff notice per Section 16.4, the Agency will provide all laid off employees occupying positions identified in Appendix A with all necessary information for the employee to determine what positions are available in order for the employee to exercise the transfer rights under this Section. If there is a vacant bargaining unit position in the Agency, for which the employee satisfies the qualification requirements as determined by the Agency, the employee may elect to transfer to such vacant position.

16.5A Within eight (8) calendar days of a laid off employee being provided such information, the employee must notify the Agency in writing of any intentions to transfer in accordance with this Section.

16.5B If more than one laid off employee elects to transfer into a vacant position, the selection will be made based on seniority.

16.5C In determining the priority of transfers identified in this Section, transfers to vacant positions in the same geographical area (i.e., within sixty [60] miles) will be given priority over transfers to positions in a different geographical area.

16.5D An employee who transfers to another position in the same job classification or pay grade will be transferred so as to effectuate no loss in pay.

16.6 Bumping Rights. Subsequent to providing the layoff notice per Section 16.4, the Agency will provide all laid off employees occupying positions identified in Appendix A with all necessary information for the employee to determine what bargaining unit positions are available in order for the employee to exercise the rights under this Section. Based on seniority, those employees may bump into the non-vacant position held by the least senior employee in the same job classification, for which that employee satisfied the qualification requirements, as determined by the Agency, if no transfer positions were available per Section 16.5. However, if the least senior employee's permanent duty station is not in the same geographical area (i.e., within sixty [60] miles) of the laid off employee's permanent duty station, the laid off employee may elect to bump into the non-vacant position held by the least senior employee in the job classification within the laid off employee's geographical area.

16.6A Within eight (8) calendar days of a laid off employee being provided such information, the employee must notify the Agency in writing of any intentions to bump in accordance with this Section.

16.6B If more than one laid off employee elects to bump into a position, the employee with the most seniority will be allowed to take the position.

16.6C An employee who is laid off because another laid off employee has bumped into his/her position under Section 16.6 will have all the rights of a laid off employee including transfer in lieu of layoff.

16.7 Emergency Layoff Provisions. In the event (i.e., Special Session of the State Legislature, permanent impoundment or reduction of funds by the federal government or similar circumstances) the Agency receives official notice of a pending funding reduction from a particular funding authority, which imposes the funding reduction in less time than is required to meet the notice requirements in Sections 16.3 and 16.4, the following emergency layoff provisions will govern the layoff.

16.7A In lieu of the provisions in Section 16.3, the Agency and NAPE/AFSCME will meet within five (5) workdays after the date the Agency mails the reduction in force notices to discuss the layoff plan and to discuss and assure compliance with the procedures outlined herein, protection of the rights of employees affected by such layoffs, and possible alternative means of dealing with the emergency that gave rise to the layoff. In addition to the requirements specified in Section 16.3A, the layoff plan will establish the date the Agency received notice of a funding reduction.

16.7B Upon being given notice for layoff under this Section, affected employees will be allowed to schedule and take up to ten (10) workdays of leave without pay during the notice period for interviews, traveling, resume preparation, and other activities associated with securing new employment.

16.7C The Agency agrees that it will:

16.7C1 Provide electronic job vacancy and placement information from DAS State Personnel and Nebraska state college and university offices.

16.7C2 Provide information on sources of employment seeking skills.

16.7D Official notice for all funding sources means the final official action which determines that the provisions of a bill will become effective. Official notice for Cash and Revolving Funds may also be notice from the external funding source that funds are or will be terminated. Official notice for federal fund sources may also be written notice by the Federal funding agency of intent not to fund a discretionary grant program.

16.8 Layoff Requirements – Limitation of Application. The requirements and procedures of Sections 16.2 through 16.7 apply only to layoffs.

16.9 Recall and Re-employment. This Section specifies how laid off employees will be either recalled or given re-employment opportunities for vacancies created following a layoff.

16.9A Recall to Previously Eliminated Position. Following a layoff, when a position previously eliminated is restored, the employee occupying the position at the time of reduction in force will have first recall priority subject to Sections 16.9B1 through 16.9B2. The recall salary will be based on the salary rate in effect at the time of layoff.

16.9B Recall to Vacancy in the Same Job Series. Following a layoff, when a vacancy is created in the same job series, employees who satisfy the required qualifications as determined by the Agency will be recalled in reverse order of a layoff or transfer in lieu of layoff as follows:

16.9B1 At the time the vacancy occurs, the Agency will notify the first five (5) qualified employees in line for recall of the vacancy.

16.9B2 Such employee(s) will then have ten (10) workdays following date of notification to accept or refuse the recall by providing written notice to the Agency. The recall vacancy will be offered to the employee with the most seniority who provides written acceptance within ten (10) workdays.

16.9C Failure to Respond. Employees who fail to respond by either accepting or refusing the recall vacancy on two (2) successive notifications will forfeit further recall rights per Sections 16.9A and 16.9B.

16.9D Re-employment Opportunities. In the event that a vacancy occurs and there are no persons laid off or transferred in lieu of layoff who held a position in the job series at the time layoff began as provided in Section 16.9B, the Agency will notify all laid off employees of the vacancy and the qualifications required to hold the position. Such employees will then have ten (10) calendar days following receipt of such notice to apply for said position. The Agency has the right to hire the most qualified applicant. The pay rate of an employee who occupies a position of a lower classification as a result of recall from layoff or re-employment will be set in accordance with Section 11.3B.

16.10 Financial Assistance for Relocating. In cases in which employees have received state financial assistance in geographically relocating to avoid layoff, there will be no requirement for such assistance if recalled to their previous position.

16.11 Waive Rights. Employees may waive their rights to receive recall and re-employment notices by providing a written statement to the Human Resources Office.

16.12 Time Period for Recall and Re-employment. During the twelve (12) month period following layoff or transfer in lieu of layoff of the employee, no new employees will be hired to fill vacant positions until all employees on layoff or transfer in lieu of layoff who desire to return to work and who are qualified for the vacant position(s) have had the opportunity to be recalled per Sections 16.9A and 16.9B or re-employed per Section 16.9D. It will be the responsibility of the employee who was laid off or transferred in lieu of layoff to be available for recall or re-employment during such time, and such employee will be responsible for providing the Agency with a current address. It will be the responsibility of the employee who was laid off or transferred in lieu of layoff to update and/or supplement the written documentation in their personnel file regarding their employment qualifications so as to allow the Agency to evaluate their eligibility for recall or re-employment under Sections 16.9A, 16.9B and 16.9D.

16.13 Accumulated Leave Payoff. Employees who are laid off will be paid at the time of layoff for all accumulated and unused vacation leave, sick leave if eligible under Section 15.2I, compensatory time, and overtime.

16.14 Agreement Coverage. In cases in which reductions in force procedures extend from one Agreement period to another, the terms of the Agreement in effect when notification of layoff is given will govern.

16.15 Notification. "Notification," as used in Article 16 will mean Certified Mail to the employee's last known address, or personal delivery or deposit at the last known residence. Notifications issued to an individual employed by the Agency may be made by e-mail or personal delivery to the employee's office. In the event of personal delivery, a receipt acknowledging delivery will be signed by the laid off employee.

16.16 Resignation. A resignation is effective when accepted in writing or orally by a supervisor or any member of the Agency's Human Resources Office or the Agency's Legal Services Office.

16.16A Absent extenuating circumstances, an employee will be considered as abandoning his/her job if absent from their designated work site more than two (2) consecutive workdays without giving notice. Abandonment is considered a voluntary resignation.

ARTICLE 17

GRIEVANCE PROCEDURE

17.1 Purpose. The purpose of this procedure is to reduce potential areas of conflict and to secure, at the lowest possible administrative level, equitable and timely resolutions to problems which may arise. Through resolution of problems affecting the welfare or working conditions of employees in the Agency, morale is improved and staff effectiveness is increased.

17.2 Definition. A grievance is defined as a contention of misapplication or violation of any of the following: Agency policies, rules or regulations not in conflict with this Agreement, articles of this Agreement, written administrative policies, other written operating procedures or laws, or written instructions pertaining to employees.

17.3 Non-Grievable Matters. The following issues, when done in compliance with established law, rule or Agency policy, are examples of non-grievable matters. The list below is not to be considered all inclusive:

17.3A Performance appraisals.

17.3B Involuntary transfers not requiring the employee to relocate.

17.3C Approval of leave of absence requests.

17.3D Suspension with pay for investigatory purposes.

17.3E Job classifications including, but not limited to, Article 10 job reclassifications.

17.3F Salary adjustments per Sections 13.5, 13.6, and 13.7.

17.3G Fair Labor Standards Act (FLSA) overtime exempt and nonexempt determinations.

17.3H Placement on suspension without pay or other action of the Commissioner following a decision adopting a recommendation of an employee's dismissal as described in Section 18.10.

17.3I Regardless of compliance with laws, rules, regulations or Agency policies, an employee may not grieve actions or inactions that were alleged to have been done to or concern another employee.

17.3J Employees may contest disciplinary dismissals according to the terms in Section 18.10B.

17.3K An employee laid off may grieve layoff (and/or transfer, bumping, recall and re-employment rights) only on the grounds of unlawful discrimination or failure to follow the terms of this Agreement.

17.3L Maternity Leave Donation Program participation.

17.3M Corrective action.

17.3N Placement on, or extension of, promotional/lateral probation.

17.4 Effective Dates of Management Actions. Filing of a grievance does not delay the effective date of any management action. In the event that a suspension without pay or demotion is not supported through the grievance procedures, the employee will be returned to his/her position as though said suspension without pay or demotion had not taken place.

17.5 Employees Without Grievance Rights. Applicants, temporary employees, contract employees, and employees on original probation have no grievance rights under this Agreement except as expressly provided elsewhere in this Agreement. An employee who has successfully completed an original probation period will retain grievance rights during promotional/lateral probationary periods per Section 6.7.

17.6 Forms. A grievance form will be provided by the Agency and made available to each and every employee upon request. Said form will be as prescribed by the Agency. Said form will specifically include the following statement:

"Since you are a member of a bargaining unit certified by the Commission of Industrial Relations for the State of Nebraska, your bargaining agent, the Nebraska Association of Public Employees/American Federation of State, County, and Municipal Employees, will be notified immediately upon your filing of this grievance. This does not prevent you, whether you are a NAPE/AFSCME member or not, from bringing matters to the attention of your supervisor or other officials, or from choosing your own representative in any grievance or legal action." Any attachments to the grievance "form" provided as a part of the written grievance response will be considered an integral part of the "form" and will be forwarded in the grievance process in the same manner as the grievance "form."

17.6A Upon the filing of a formal written grievance form by an employee, NAPE/AFSCME will be notified. NAPE/AFSCME will, if requested, be given notice of the time and the place of each grievance step through the grievance procedure. To the extent such participation does not interfere with the employee's right to select or utilize such representative or pursue such grievance, NAPE/AFSCME will be permitted to participate in the grievance on matters in which such grievance involves interpretation of this Agreement regardless of whether NAPE/AFSCME is the selected representative of the employee. NAPE/AFSCME taking a position contrary to that of the grievant will not be deemed an interference under this Section.

17.6B No employee will be denied the right to a grievance hearing by reason of the employee's failure to properly fill out or fully complete the grievance form. However, a signed grievance form must be utilized in order to file a grievance.

17.7 Number of Days. The number of days indicated in each step of the procedure will be the maximum. Failure of the grievant to proceed to the next step within the maximum time limit will be considered as termination of the grievance. Failure of the Agency in any step to render a decision to the aggrieved employee(s) within the maximum time limit will automatically allow the aggrieved person(s) to proceed to the next step.

17.7A "Days" will mean regularly scheduled workdays when the Nebraska Department of Education Office Building offices are open, excluding, however, such regularly scheduled workdays during which employees involved in the procedure are absent from the work site on approved leave or travel status. For all employees who are permanently located at work sites other than 500 South 84th Street, Lincoln, Nebraska, days as defined above will be counted from the date of receipt. The day in which an item is received is not counted as a day for the receiving party.

17.7B Any time period established herein may be extended upon the written consent of the employee and the Deputy Commissioner.

17.8 Grievance Process Waiver. Except as otherwise required by law, the parties may mutually agree, in writing, after obtaining consent from the Attorney General, to waive all further steps in the grievance procedure and proceed to institute a civil action in an appropriate court of competent jurisdiction.

17.9 Requests for Documentation and Information. Upon the filing of any grievance, following the procedures herein noted, the employee will have a right to request from his/her supervisor and the supervisor must produce copies of personnel files regarding the grievance, the supervisor's personal records regarding the grievance, and any notes regarding the grievance maintained by the employee's supervisor. These same rights will be held by the Agency to request such notes and records kept by the employee and require the employee to produce the same. At any stage following step one during the grievance of a suspension without pay or demotion, the employee and the Agency will have the right to request the other party to provide answers to questions and to produce specified documents pertaining to the grievance. Further, either party may take the deposition of any witness or the other party upon ten (10) workdays' notice to the other party. Any such request and/or notice will be addressed to the party from which the information or documents are requested with a copy supplied to the person or body responsible for making or recommending a decision at that stage of the grievance. For any information requested under this Section, only information and documents which are relevant or would lead to relevant evidence for the grievance may be required to be produced; however, in no case must information and documents be produced which are recognized by the courts of the State as privileged. Personal records and notes of an employee's supervisors are specifically identified as not being privileged information for purposes of this Article.

17.9A Answers and documents will be provided within ten (10) workdays of receipt of request. Objections to such requests will be made to the person or body responsible for making or recommending a decision at that stage of the grievance within five (5) workdays of receipt of the request. Such person or body will, after an informal hearing, confirm or deny such objections within five (5) workdays of receipt of the objection. Within five (5) workdays of receipt of the answers or documents, the requesting party will notify the answering party of any failure on the part of the answering party to respond to the request. Unless the objection is entered, the responding party will supply such answers or documents within five (5) workdays of being so notified.

17.9B The failure to respond to any discovery request, except where objections to such requests are sustained, may result in the responding party being denied the right to introduce the evidence requested. Any person desiring the Commissioner to take action concerning a failure to respond to a discovery request may request such action by applying for such relief to the Commissioner. The Commissioner's decision will be rendered at least five (5) workdays prior to the hearing to which the discovery request relates.

17.9C Copies of any documents required to be produced under Section 17.9 will be paid for by the requesting party. In the event such copies are made on state-owned copying machines, the charge established under Section 4.4 will be assessed.

17.10 Grievance Procedure. The employee may be accompanied at any step of the grievance procedure by a representative of the employee's selection. Management may also be accompanied by a representative at any step. The Grievance Procedure will be as follows:

17.10A **Step 1** – Within fifteen (15) workdays of the employee's knowledge of the event or condition which caused the grievance, the grievant will present the completed grievance form to the Office Administrator. Within fifteen (15) workdays after receiving the completed grievance form, the supervisor, Office Administrator, or designee if applicable, and grievant will meet to discuss the grievance and attempt to resolve the matter, and the Office Administrator will arrive at a response and communicate the same to the grievant, in writing.

17.10A1 In cases of disciplinary demotion or suspension without pay, the grievant will proceed as specified in Step 3 of this procedure by filing an appeal to the Board without having to convene the meeting described in Section 17.10A. The appeal to the Board referred to in Step 3 below must be filed with the Commissioner in writing on the appropriate form within fifteen (15) workdays of the grievant's

receipt of the Deputy Commissioner's suspension order or disciplinary demotion approval.

17.10A2 In cases of administrative probation, the grievant will submit the grievance to the Deputy Commissioner in writing on the appropriate form within fifteen (15) workdays of the date of the receipt of the notice described in Section 18.9A without having to convene the meeting described in Section 17.10A. The Deputy Commissioner will give a written answer within fifteen (15) workdays of receipt of the grievance. If a resolution to the grievance is not reached, the employee may proceed as specified in Step 3 of this procedure within fifteen (15) workdays of the receipt of the Deputy Commissioner's answer.

17.10B **Step 2** – When the response in the preceding step is not satisfactory to the grievant, the grievant may, within fifteen (15) workdays of receipt of the Office Administrator's response, appeal the decision to the Deputy Commissioner in writing. The Deputy Commissioner will give a written answer to the grievant within fifteen (15) workdays thereafter. The Deputy Commissioner may hold a meeting with the grievant in order to better understand the facts and circumstances before rendering a decision.

17.10C **Step 3.**

17.10C1 If a resolution to the grievance is not reached, the employee may, within fifteen (15) workdays after receipt of the Deputy Commissioner's decision, appeal the grievance to the Board. The appeal at this level will be directed to the Commissioner as Secretary of the Board. This appeal will include the filing of the grievance form as described in Sections 17.6 through 17.6B.

17.10C2 Within ninety (90) calendar days after receiving the appeal, the Commissioner will place the matter on the agenda of a meeting of the Board for a determination on if the Board or a hearing officer will conduct the hearing in accordance with Section 17.10C3. The Board may also elect to hear the case directly itself instead at a future date as described below. The hearing officer shall be mutually agreed upon by the parties. If a hearing officer cannot be mutually agreed upon, the parties will, in writing, propose a slate of at least three (3) hearing officers each and select the hearing officer by alternately striking proposals with the party that strikes first being determined by random draw or random selection.

17.10C3 The Board may elect to conduct the hearing or may designate that a hearing officer, not an employee of the Agency, conduct a hearing and recommend a decision to the Board. The employee will be notified of the Board's determination on the conduct of the hearing and the time and place of the hearing. In cases in which the Board elects to have a hearing officer conduct the hearing, the hearing officer will cause a complete record to be made of all evidence offered at the time of the hearing. The hearing officer will prepare written findings of fact and recommend a decision to the Board. The hearing officer will deliver these findings of fact and recommendation to the Board together with a complete transcript of all evidence offered at the time of the hearing. Hearings will be conducted in accordance with Title 92, Nebraska Administrative Code, Chapter 61. The hearing will take place within ninety (90) calendar days of the Board meeting at which the matter appeared on the agenda under Section 17.10C2.

17.10C4 Both parties in a hearing pursuant to Step 3 may present witnesses, and these witnesses will be subject to cross-examination. If the witness is an employee of the Agency, he/she will be paid for those hours outside his/her normal hours of work.

17.10C5 The Board may affirm, modify, or reverse the decision of the Deputy Commissioner. The Board will notify the aggrieved employee within a reasonable time period in writing of the Board's decision.

17.11 Arbitration. At the time said appeal is filed pursuant to **Step 3**, the employee and/or representative and the Commissioner may mutually agree to submit the dispute to voluntary binding arbitration. Otherwise, the dispute will be submitted to the Board.

17.11A If both parties choose to submit the appeal to voluntary binding arbitration, they will sign a waiver within ten (10) workdays indicating they acknowledge that the decision of the arbitrator is final, except as provided in the Uniform Arbitration Act, and cannot be appealed.

17.11B The arbitrator's scope of review will be to determine whether or not term(s) of this Agreement has/have been violated, and whether the Agency's action was taken in good faith and for cause. Arbitration hearings will be informal and the rules of evidence will not apply. The parties may be represented by attorneys in arbitration hearings. In cases involving discipline, the Agency will present its case first, and in all other cases the employee will present his/her case first. The decision of the arbitrator will be final and may not be appealed. The arbitrator will decide the grievance in question based upon the issues presented in the written grievance filed pursuant to the grievance procedure. The arbitrator may interpret relevant provisions of this Agreement and apply them to the particular case presented to him/her, but the arbitrator will have no authority to add to, subtract from, or in any way modify the terms of this Agreement or any agreements made supplementary hereto. The fee and expenses of an arbitrator will be borne equally by all parties. Arbitrators will be selected from lists developed and mutually agreed upon by the parties. If the parties cannot agree upon an arbitrator, a method of alternate striking of names will be employed.

17.11C The Commissioner or Deputy Commissioner will have the authority to set time limitations for: the length of time within which an arbitrator must be chosen; the amount of time the parties will have to present their case (each party will receive the same amount of time); the time within which a case must be heard after an arbitrator is appointed; the length of time that will be allowed for the parties to submit post-hearing briefs; and the period of time after a hearing within which the arbitrator must enter his/her decision. Post-hearing briefs will not be allowed in any case unless the parties and the arbitrator are all in agreement as to the need for such briefs.

17.11D The decision of the arbitrator will be made in writing within sixty (60) calendar days of the hearing and will include findings of fact and conclusions of law. The findings of fact will consist of a concise statement of the conclusions upon each contested issue of fact. Parties to the proceeding and the Human Resources Office will receive a copy of the decision by first class U.S. mail or by electronic mail, response receipt requested. The arbitrator's decision will become public record upon submittal to the parties. If the arbitrator does not render a decision within ninety (90) calendar days from the date the arbitration hearing was held, a penalty of fifty dollars ($50) per day will be imposed and deducted from the arbitrator's fee for each day over ninety (90) calendar days the decision is late, until the decision is received. This penalty may only be waived upon mutual agreement of the parties.

17.11E Both parties must provide the other party and the arbitrator with a listing of all exhibits to be introduced at the hearing, a copy of each exhibit, and a listing of individuals that the party plans to call as witness(es) in the arbitration/hearing at least five (5) calendar days prior to the hearing. Such requests and/or notice will be addressed to the party from which the discovery is sought. Only discovery requests which are relevant or would lead to relevant evidence for the grievance will be granted; however, in no case will discovery be granted which seeks evidence which is recognized as privileged by the Courts of this

State. Discovery requests must be provided within ten (10) workdays of the receipt of the request, unless objections are entered. Objections to discovery will be made to the arbitrator, and the arbitrator will consider the matter and issue a decision.

17.12 Reprisals. No reprisal of any kind, including a loss in pay, will be taken by the Board, the Commissioner, or by any employee of the Agency against any participant in the grievance procedure by reason of such participation.

17.13 Civil Rights. Nothing contained in this procedure will be construed so as to abridge, limit, or restrict the civil rights of persons.

17.14 Confidentiality. Proceedings will be kept confidential by any and all parties involved, insofar as such confidentiality is reasonable, except as provided for elsewhere in this Agreement. Unless specifically otherwise requested by a grievant in writing at the time a grievant appeals under **Step 3**, the grievant's name will appear on Board agenda items where matters concerning the grievance are before that Board.

ARTICLE 18

CORRECTIVE AND DISCIPLINARY ACTIONS

18.1 Purpose. Corrective actions are those actions which do not affect pay or status and are imposed to correct and improve an employee's job performance. Disciplinary actions are those actions which may affect pay or status and are imposed to discipline an employee for actions which are harmful to the best interests of the State, the Agency, or the employee workforce, or for failure of performance or conduct following imposition of corrective action. Unless otherwise agreed to, the employees are not entitled to representation at routine supervisory and/or corrective action conferences, meetings that are for the purposes of presenting a disciplinary action or corrective action decision or notification to the employee, or meetings that are only part of an investigation concerning another employee or other employees. Employees are entitled to, upon request, representation at (i) investigatory meetings with supervisors or management when that meeting is for the purpose of investigating potential or suspected grounds for corrective or disciplinary action under Section 18.4 regarding that employee; and (ii) when the meeting is for the purpose of the employee responding verbally to verified information under Section 18.2A. However, the Agency may require that meetings described in (i) or (ii) take place within two (2) workdays of the first request for such meetings regardless of whether or not the employee has secured or arranged for representation.

18.1A Two (2) forms of corrective action exist:

Oral counseling, and

Written warning.

18.1B Four (4) forms of disciplinary action exist:

Suspension without pay;

Administrative probation;

Disciplinary demotion; and,

Dismissal.

18.1C Corrective actions are not grievable. Disciplinary actions are grievable.

18.2 Decision Criteria. The decision to impose either corrective or disciplinary action and which type of action to impose will be based on just cause and governed by the nature, severity, and effect of the offense; the type and frequency of previous offenses; the period of time elapsed since a prior offensive act; the record and the length of service to the Agency; and consideration of extenuating circumstances. The Agency will ensure that all employees are equally treated with respect and dignity and are afforded the right of privacy when being counseled on performance issues. Disciplinary action may be imposed whether or not corrective action has preceded it, however, before a written warning is given as correction action, it generally will be preceded by oral counseling. The employee against whom any disciplinary action is brought will be notified of such action as soon as it is initiated and will be kept informed of all processes during the disciplinary action. Not more than one (1) form of disciplinary action may be in effect against an employee at any one (1) time for the same infraction, except in the case of a suspension pending a dismissal action.

18.2A The Commissioner, Deputy Commissioner, or the employee's immediate supervisor or next level supervisor, upon obtaining information that would indicate the possibility of administering any disciplinary action, or upon completion of preliminary investigation, if such is felt to be required, will within thirty (30) workdays of obtaining such information or completing such investigation, present the employee with notice of the alleged facts and afford the employee the opportunity to refute the information or present mitigating evidence. The employee may respond verbally or in writing, whichever is designated by

the Agency. The employee will respond within the timeline designated by the Agency, which will not exceed five (5) workdays. The notice will specifically identify the rules, procedures, policies, or sections of the Agreement for which disciplinary action is being considered. Failure of the employee to respond will not be construed as indicating the truth or accuracy of the allegations. If action has not been taken within two (2) calendar months of the date of such verification, barring new evidence, no action may be taken on that set of allegations or circumstances.

18.2B Based upon information and evidence presented and the individual circumstance of the case, the Commissioner, Deputy Commissioner, or supervisor will determine the appropriate action to be taken.

18.2B1 For oral counseling and written warnings, the employee's opportunity to respond is during the oral conference or as provided in Sections 18.6 and 18.6B. The Commissioner or designated representative has the authority to rescind or modify a written warning after such response if deemed appropriate.

18.3 Suspension With Pay. Suspension with pay is an ordered absence from duty while on full pay status for a prescribed period of time. A suspension with pay may be ordered only upon the approval of the Deputy Commissioner or Commissioner. This action allows for an immediate response to a suspected but not fully substantiated offense or for a period in which an investigation can be thoroughly pursued, or for other reasons at the discretion of the Deputy Commissioner or Commissioner. Suspensions with pay are not grievable.

18.3A The ordered suspension with pay will be in writing and will be signed by the Deputy Commissioner or Commissioner and will become a part of the employee's official personnel file. If a suspension with pay is ordered to allow for an investigation of a suspected offense, and if the offense is not substantiated, then the ordered suspension will be removed from the employee's personnel file.

18.3B If an employee is absent when a suspension with pay is ordered, the written notice will be directed to the employee either by Certified Mail with instructions to "Deliver to Addressee Only, Return Receipt Requested," by personal delivery or deposit to the employee's last known address, or by email to the employee's personal email address with agreement of the employee.

18.3C In the absence of the Commissioner or Deputy Commissioner, the Office Administrator may order an employee's suspension with pay for up to ten (10) calendar days. Upon the Deputy Commissioner's return, the Deputy Commissioner will affirm or modify the suspension with pay within five (5) calendar days.

18.4 Corrective or Disciplinary Action Grounds.

18.4A Violation of or failure to comply with, the State Constitution, any statute, an executive order, published rules and regulations of the Agency; policies or procedures including work rules, this Agreement; or administrative memoranda.

18.4B Failure or refusal to comply with a lawful directive or to accept a reasonable or proper assignment from an authorized supervisor.

18.4C Inefficiency, negligence in the performance of duties, or failure to meet performance expectations despite appropriate intervention.

18.4D Careless, negligent, improper, or unsafe use of state property, equipment, or funds, or conversion of state property. This includes transmitting threatening, obscene, or harassing material through the State's communication systems.

18.4E Use of bribery or undue influence to gain or attempt to gain promotion, leave, favorable assignment, or other individual benefit or advantage.

18.4F Falsification, fraud or willful omission of information when applying for a position, applying for or renewing required credentials, performing the duties of a position, responding to work-related questions or inquiries of any supervisor, or completing records or reports relevant for the Agency.

18.4G Unauthorized or improper use of any type of leave, repeated tardiness, repeated failure to comply with scheduled work hours, including meal or rest periods, or absence without approved leave.

18.4H Failure to maintain satisfactory working relationships with the public, other Agency employees, supervisors or managers, or with persons placed under direct care and responsibility of the employee.

18.4I Failure to obtain and maintain a current license required by law or Agency standards as a condition of employment.

18.4J Violation of any provision of the Agency Code of Ethics, which is located in the Personnel Rules, Title 93 of the Nebraska Administrative Code, Chapter 16.

18.4K Conduct, while on- or off-duty which brings discredit to the Agency, the State or which impairs an employee's services and/or the Agency's performance or function, including criminal charges arising from such conduct.

18.4L Unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage, in the workplace or reporting for duty under the influence of alcohol and/or unlawful drugs, or when prior consumption of same is plainly detected.

18.4M Unlawful work place discrimination (harassment) based, in whole or in part, on race, color, sex, sexual orientation, religion, age, disability, or national origin, which manifests itself in the form of unwelcome comments, jokes, printed material, and/or unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

18.4N Display of sexually explicit or obscene materials and/or the utterance of offensive comments in the workplace that are derogatory toward a group or individual based upon race, sex, sexual orientation, color, religion, disability, age, or national origin.

18.4O Possession of any type of firearm during the course of performing their job. This prohibition includes transporting firearms into any work site or onto state property or in a state vehicle.

18.5 Oral Counseling. Oral counseling is an informal level of corrective action. It is a warning given by an immediate supervisor in conference with an employee in which the matter that caused the corrective action to be taken is discussed and the employee is advised of what action is expected of him/her to correct the problem. A written record of the oral counseling may be prepared if a copy is provided to the employee; however, no record of it will be placed in the employee's personnel file.

18.6 Written Warning. When, in the opinion of the supervisor, oral counseling is not an adequate measure to correct the deficiency, a written warning, which will be considered a corrective action, may be imposed. The written warning must be fully documented and must include an oral conference between the supervisor and the employee at the time the written warning is presented or as otherwise agreed to by both parties. The written narrative will be consistent with the oral conference. The written warning will be dated, will explain the reason for the warning, and will explain the action expected of the employee to correct the cause or problem. Both the supervisor and the employee will sign the written warning, and the employee will be given a copy of the completed signed warning. The employee's signature thereon does not imply agreement with the contents of the written warning, but documents only that he/she has seen it and the oral conference described above has been held. The written warning will be considered effective on the date that it is issued to and received by the employee.

18.6A A written warning is issued on whatever official form the Agency may designate for this purpose.

18.6B The employee has the opportunity to attach written rebuttal, clarification, or objection to the written warning within five (5) workdays of receipt by the employee.

18.6C The written warning will become inactive ninety (90) calendar days after having been issued to the employee unless the originating supervisor will renew it by additional written commentary on the original form explaining the renewal.

18.6C1 When the written warning is renewed, the employee will again have the opportunity to offer written commentary in response to the renewal and will be provided with a copy of the annotated (renewed) form.

18.6C2 A written warning may be renewed no more than one (1) time.

18.6D All record of the written warning will be removed from the employee's personnel file ninety (90) calendar days after it will become inactive. It may only be retained by the Agency in a separate file of warnings and may be referenced by the Agency or employee in the event of litigation, personnel action (including subsequent disciplinary or corrective action), audit, or other administrative proceeding or complaint, if relevant.

18.7 Suspension Without Pay. An ordered absence from duty for a prescribed period of time for which no pay, vacation time, sick leave or holiday leave is granted, nor is vacation, sick or holiday leave accrued. A suspension without pay may be ordered only upon the written approval of the Deputy Commissioner.

18.7A The length of the suspension will be determined by the Deputy Commissioner in view of the seriousness of the violation and/or continued violation after the employee has been duly warned.

18.7B A suspension without pay will be in writing and will be signed by the Deputy Commissioner and will become a part of the employee's official personnel file.

18.7C If the employee is absent when a suspension without pay is ordered, the Deputy Commissioner will direct written notice to the employee by one of the following methods: Certified Mail with instructions to "Deliver to Addressee Only, Return Receipt Requested," personal delivery or deposit to the employee's last known address; or via email to the employee's personal email address with agreement of the employee.

18.8 Disciplinary Demotion. The movement of an employee from the present position to one of lesser responsibility and/or authority and at a lower salary, may be ordered only upon the written approval of the Deputy Commissioner, a copy of which is provided to the employee.

18.8A A request for disciplinary demotion will be in writing with full documentation, signed by the supervisor and the Office Administrator. The disciplinary demotion will be signed by the Deputy Commissioner and will become a part of the employee's official personnel file.

18.9 Administrative Probation. For a period of time, not more than six (6) calendar months, administrative probation is imposed for disciplinary reasons during which the employee must rectify the performance or behavior which led to the imposition of the disciplinary action.

18.9A Administrative Probation Status. Administrative probation may be imposed by the Office Administrator for a period of not more than six (6) calendar months. The notice of administrative probation will be in writing, dated, and will inform the employee of the reason for the probation, the action required for improvement, and state that failure to improve may result in further action. The employee will acknowledge receipt of the probation notice by signing the document. The employee's signature on the notice of administrative probation does not imply agreement with the notice of administrative probation.

18.9A1 Employees placed in an administrative probationary status will not be promoted or granted pay increases consistent with the provisions in Article 18.

18.9A2 Employees granted vacation, sick, holiday, bereavement, civil, administrative, or military leave while serving in this status may have their probation extended by the number of days absent on leave.

18.9A3 The administrative probation may be extended by the Deputy Commissioner for a period not to exceed a cumulative total of one (1) calendar year unless extended in accordance with the provisions of Section 18.9A2. Reasons for such extension will be made known to the employee.

18.9A4 The termination of a regular employee on administrative probation does not preclude the filing of a grievance by the employee.

18.9A5 An employee may be placed on administrative probation upon return to work following a suspension.

18.9A6 An employee may be removed from administrative probation at any time.

18.10 Dismissal. An employee may be dismissed from employment with the Agency for failure to respond to previous corrective or disciplinary actions or when circumstances render any preceding steps unnecessary or inappropriate.

18.10A The Office Administrator and the employee's immediate supervisor, if other than the Office Administrator, will recommend dismissal to the Commissioner in writing, and the decision to dismiss or take another action will be made by the Commissioner.

18.10A1 The Commissioner will inform the employee in writing of a time at which the employee may present any additional facts, material, or evidence regarding his/her dismissal to the Commissioner. Failure by the employee to appear before the Commissioner will act as a waiver by the employee to the aforementioned meeting.

18.10A2 The employee may be represented by a third party in the meeting with the Commissioner, but the time, date and/or place of said meeting will not be postponed or rescheduled because the representative of the employee is unable to attend unless both the Commissioner and the employee mutually agree to another time, date and/or place.

18.10A3 Within five (5) workdays following the scheduled date of the meeting with the Commissioner, the Commissioner will provide the employee a copy of his/her decision and the action which the Commissioner has decided to impose. This written decision may be hand-delivered, sent by Certified Mail, sent by regular U.S. Mail to the employee, or provided via email to the employee's personal email address with prior agreement of the employee. The five (5) workday period may be extended upon agreement between the Commissioner and the employee.

For purposes of this subsection, the date the written decision is "provided" to the employee is (a) two (2) business days after it was deposited in the regular U.S. Mail; or (b) the date of personal or certified delivery, or the date it was e-mailed.

18.10A4 If the Commissioner's decision is to dismiss the employee, the Commissioner may elect to take whatever action he/she chooses which effects the employee until the dismissal becomes final, including placing the employee on suspension without pay. Such action will be in writing and be included with the written decision provided under Section 18.10A3.

18.10B Within fifteen (15) workdays of the receipt of the Commissioner's written decision of dismissal, or if applicable, notice to NAPE/AFSCME, with documentation of attempted delivery of the same, the employee may request a hearing before the Board to appeal or mutually agree to appeal to binding arbitration following the procedures in Article 17.10. The request for a hearing must be in writing.

18.10B1 If the written request for hearing is not received during the time prescribed in Section 18.10B, the Commissioner's dismissal decision becomes final and will appear in the Commissioner's Report for the next regularly scheduled meeting of the Board.

18.10B2 If the employee submits a timely request for a hearing, then (a) the matter of assignment of a hearing officer or other method of hearing the case will be placed on the agenda of a meeting of the Board within the next ninety (90) calendar days; and (b) upon the expiration of the fifteen (15) workday period described in Section 18.10B, the employee will be considered "terminated-appeal pending" and will be "terminated" in the State Human Resource system of record.

18.10B3 The Board may elect to conduct the hearing or may designate that a hearing officer, not an employee of the Agency, conduct a hearing and recommend a decision to the Board. The hearing officer will be selected as described in Section 17.10C2. The employee will be notified of the Board's determination on the conduct of the hearing and the time and place of the hearing. In cases in which the Board elects to have a hearing officer conduct a hearing, the hearing officer will cause a complete record to be made of all evidence offered at the time of the hearing. The hearing officer will prepare written findings of fact and recommend a decision to the Board.

The hearing officer will deliver his/her findings of fact and recommendation to the Board together with a complete transcript of all evidence offered at the time of the hearing. The Board may accept or reject the recommendations of the hearing officer, but will not impose disciplinary action in excess of that recommended by the hearing officer unless the Board finds, on the basis of an independent review of the record, that grounds exist for imposing a harsher penalty.

18.10B4 Hearings will be conducted in accordance with Title 92, Nebraska Administrative Code, Chapter 61.

18.10B5 The Board may affirm, modify or reverse the dismissal decision of the Commissioner. The Board will notify the employee in writing of its final action within forty-five (45) calendar days of when the action was taken.

18.10C If the Board modifies or reverses the decision of the Commissioner, the employee may be entitled to back pay at the discretion of the Board.

18.10D If the appeal hearing is conducted more than fifty (50) miles from the employee's residence, the Agency may reimburse the employee for mileage at the rate established for travel by employees.

18.10E The dismissal of a probationary employee as defined in Section 6.5 will be final with the decision of the Office Administrator.

18.11 Disciplinary Action Limitations. With the exception of suspensions pending a dismissal action, employees will not be disciplined more than once for a single specific offense; however, they may be disciplined for each additional offense of the same or similar nature occurring after the original notice of the previous disciplinary action.

18.12 Grievance Rights. Employees who are disciplined will have the right to grieve the disciplinary action imposed upon them in accordance with the provisions of Article 17.

18.12A Pursuant to the Grievance Process, if it is determined that disciplinary action imposed is too harsh for the offense committed, the individual or body charged with the making of such determination may modify the disciplinary action imposed and will notify the employee of the modifications and also the employee's supervisors.

18.13 Personnel File. Reports, letters, and documents which reflect unfavorably on an employee will not be placed in his/her personnel file without the employee's knowledge per Section 4.5.

18.13A Records of disciplinary action will be maintained in the employee's personnel file for a period not to exceed three (3) calendar years from the date of the disciplinary action unless an appeal case, litigation, or other administrative proceeding or complaint has been filed. Upon the expiration of the three (3) calendar year period or final resolution of an appeal, litigation, or other administrative proceeding or complaint, whichever is longest, records of disciplinary action will be removed from the employee's personnel file. They may only be retained by the Agency in a separate file of disciplinary actions and may be referenced by the Agency or employee in the event of litigation, personnel action (including corrective or disciplinary action), audit, or other administrative proceeding or complaint, if relevant.

18.13B Employees will have the right to have placed in their personnel files their own statements of rebuttal or clarification concerning written disciplinary measures taken against the employee, as long as the employee's response is received within the prescribed time frame. The rebuttal or clarification will be affixed to the notice of discipline.

18.14 Delivery of Notices. When the Agency determined that immediate disciplinary action is required for an employee not officed in Lincoln, the Commissioner or Deputy Commissioner may designate an individual to sign and deliver the notice of disciplinary action to the employee for the Commissioner or Deputy Commissioner. The disciplinary action will be effective immediately upon such notice. The Commissioner or Deputy Commissioner will subsequently sign and forward a copy of such notice to the disciplined employee.

ARTICLE 19

DEFINITIONS

19.1 Applicability. The definitions contained in the following Sections of this Article will be used throughout this Agreement except where the context would require another definition. All other words will have their normal accepted meaning.

19.2 "Absence Without Leave" means the unauthorized absence of an employee from work or the work station during normal duty hours.

19.3 "Agreement" means the agreement entered into and executed by and between the State of Nebraska, Department of Education and the Nebraska Association of Public Employees Local 61 of the American Federation of State, County, and Municipal Employees Department of Education Bargaining Unit.

19.4 "Agency" means State of Nebraska Department of Education.

19.5 "Appointment" means the act of the Agency filling a position.

19.6 "Assigned Activity" as it relates to determinations on staff travel requests means any activity which is a normal or anticipated part of the sequence of completion of responsibilities of job tasks assigned to the employee, or assignments or approved activities which provide a non-repetitive opportunity for the employee to maintain a level of currency, expertise and leadership in the fields in which the employee has assigned job responsibilities commensurate with management expectations of the employee's capacity to serve the needs of the Agency and the state in those fields.

19.7 "Board" means the State Board of Education.

19.8 "Classification" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required; minimum requirements of training, experience or skill; and such other characteristics that the same title and the same minimum qualifications may be applied to each position in the group, and so that the same salary grade may be assigned.

19.9 "Commissioner" means the Commissioner of Education. The Deputy Commissioner may act as Commissioner in accordance with the provisions of Section 79-321, R.R.S.

19.10 "Company Service Date" means the first day the employee starts work for the Agency. The service date may be revised due to an absence per Section 15.19.

19.11 "Continuous Service" means the period of time during which an individual is in some official paid employee category, and which is interrupted by termination of employment for a period of not more than five (5) years for any single interruption. Periods of approved leave do not break service, but the time the person is not working for the State in a leave of absence without pay status does not count toward seniority. Dismissal will result in an interruption in continuous service, regardless of length of interruption of employment. Upon recall from layoff, employees will resume the same seniority status they had prior to layoff.

19.12 "Continuous Service Date" means a state service date that may have been revised due to employee absence per Section 15.19 or prior state service, and from which an employee's vacation and sick leave is computed.

19.13 "Contract Employee" means an individual with whom the Agency has entered into a contract under the NDE Administrative Policy and Procedure related to contracts, which creates an employer-employee relationship.

19.14 "Demotion" means moving an employee from one job classification to another at a lower pay grade. Demotions may be non-disciplinary as described in Article 11, Section 11.3, or disciplinary as described in Article 18, Section 18.8.

19.15 "Deputy Commissioner" means, unless otherwise indicated, an individual appointed to that position under 79-318(3) R.R.S. Except in instances where the Deputy Commissioner is taking action as the immediate supervisor of an employee under this Agreement, whenever this Agreement

provides that any Deputy Commissioner has the authority to act, the Commissioner likewise has the authority to do the same.

19.16 “Discharge or Dismissal” means the disciplinary termination of employment pursuant to Article 18.

19.17 “Employee” means any person within the employment of the Agency whose job classification title is included in Appendix A.

19.18 “Fixed-Term Employee” means an employee in a fixed-term position.

19.19 “Fixed-Term Position” means a position which, due to the funding source, has a predetermined duration of employment which is designated at the time of hire subject to the continuation and availability of funding. Fixed-term positions may be worked on a full-time or part-time schedule and are subject to all of the terms of this Agreement except for the provisions of Article 16.

19.20 “Full-time Schedule” means a forty (40) hour workweek schedule.

19.21 “Household Goods” means household furniture, including appliances, lawn mowers, bicycles, toys and personal effects such as clothing, professional equipment and books but does not include power vehicles, boats, pets or other animals.

19.22 “Human Resources Office” means the office within the Agency that is responsible for personnel administration in the Agency.

19.23 “Job Family” means groups of job classifications related by shared work.

19.24 “Job Series” means two (2) or more job classifications, similar as to duties and training required but differing primarily in difficulty, responsibility, knowledge and skills, and supervision exercised or received.

19.25 “Job Specification” means the official written description of a classification of work, which summarizes information such as the purpose of the job, distinguishing characteristics, examples of duties, minimum qualifications, supervisory and fiscal authority and physical requirements.

19.26 “Lateral Transfer” means changing an employee from one position to another position in the same pay grade. In the case of VR positions, it means maintaining the same job classification but transferring to a different VR office.

19.27 “Lay Off” means the involuntary termination (reduction in force) of an employee or employees because of a lack of work or lack of funds or under conditions in which the continuation of such work would be inefficient or non-productive.

19.28 “Leave Without Pay” means leave or time off from work for the employee’s personal reasons granted by the appointing authority for which period the employee receives no pay.

19.29 “Minimum Qualifications” means the least amount of training and experience and other qualifications required to perform adequately in a specific position or series of positions.

19.30 “Office Administrator” means, unless otherwise indicated, an individual designated by the Commissioner to oversee a subdivision of the Agency. In the event there is no Office Administrator in an individual’s chain of command, the pertinent Deputy Commissioner or designee will act on matters otherwise handled by an Office Administrator.

19.31 “Original Hire Date” means the first day the employee starts work for the State.

19.32 “Original Probationary Period” means a period of time during which an employee is required to demonstrate fitness for a particular position as a part of the selection process for regular appointment.

19.33 “Paid Work Status” means time paid for work or any paid leave.

19.34 “Part-time Schedule” means less than a forty (40) hour workweek schedule.

19.35 “Pay Grade” means a specified range of salary or wage, the starting and intermediate rates within such range, and the maximum rate of such range.

19.36 “Personnel Files” means the files retained by the Human Resources Office of the Agency which is personally identifiable with an individual employee or former employee.

19.37 “Position” means a group of specific duties, tasks and responsibilities to be performed by one (1) employee. A position may be part-time or full-time, temporary, fixed-term or regular, or occupied or vacant.

19.38 “Professional Growth” as it relates to determinations on staff travel requests includes approved travel related to activities which are ancillary to the assigned field of responsibility or which will provide opportunities for leadership and expertise in the field(s) of the employee’s assigned responsibility which are in excess of management expectations or which serve a professional interest of the employee which is outside the area(s) of assigned responsibility.

19.39 “Promotion” means changing an employee from one job classification to another job classification at a higher pay grade.

19.40 “Promotional/Lateral Probation” means an employee on probation under Section 6.7 of this Agreement.

19.41 “Reduction in Force” means the same as “lay off.”

19.42 “Regular Employee” means an employee in a regular full-time or part-time position who has completed the required original probationary period..

19.43 “Resignation” means the voluntary termination of employment by an employee.

19.44 “Retirement” means the transfer of an eligible employee from active to retired status.

19.45 “Schedule Deviation” means an adjustment of work hours or length of the workday.

19.46 “Suspension” means an ordered absence for disciplinary, investigatory or other purposes.

19.47 “Temporary Employee” means an employee hired through a temporary agency or via contract for a limited period of time to perform requested job duties on either a full-time or part-time schedule.

19.48 “Transfer of Employee” means the movement of an employee from one (1) position to another position within the Agency. A transfer action does not require termination of the employee.

19.49 “Treatment” means the provision of medical, dental or psychological services or procedures performed on the employee or immediate family member by treating professionals or their staff (including surgery). “Treatment” for purposes of sick leave does not include participating in activities that are, as determined by the Agency, primarily considered recreational activities and engaged in frequently by persons who are not ill or suffering from a medical, dental, or psychological condition or disability, even when such activity is beneficial to the employee’s physical or mental health (i.e., trips to a destination to relax or relieve stress, running in a marathon, etc.).

19.50 “Tuition” means the cost per credit hour of instruction at an accredited postsecondary institution.

19.51 “Work Rules” means those practices, policies, and procedures established and adopted by the Agency concerning the employee’s terms and conditions of employment.

IN WITNESS WHEREOF, the parties have set their hands

FOR THE NEBRASKA
DEPARTMENT OF EDUCATION

Brian L Maher
Brian L Maher (Feb 27, 2025 17:01 CST)

Brian L. Maher, Ed.D., Commissioner

02/27/2025
Date

Ami M. Huff
Ami M. Huff (Feb 27, 2025 13:48 CST)

Ami M. Huff, Chief Negotiator

02/27/2025
Date

FOR THE NEBRASKA ASSOCIATION
OF PUBLIC EMPLOYEES, LOCAL 61
OF THE AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL
EMPLOYEES

Justin Hubly, Executive Director

02/27/2025
Date

APPENDIX A

NEBRASKA ASSOCIATION OF PUBLIC EMPLOYEES

JOB CLASSIFICATIONS/EMPLOYEES INCLUDED IN THE BARGAINING UNIT

ADMINISTRATION	
Job Code	Job Classification and Pay Grade (PG)
EDB 401	Administrative Associate I – PG 1
EDB 402	Administrative Associate II – PG 2
EDB 403	Administrative Associate III – PG 3
EDB 404	Administrative Associate IV – PG 4
EDB 405	Administrative Specialist I – PG 5
EDB 406	Administrative Specialist II – PG 6
EDB 800	Central Accounting Associate – PG 4
EDB 150	Multimedia Specialist – PG 6
EDB 141	Project Manager – PG 10
DISABILITY DETERMINATION SERVICES	
Job Code	Job Classification and Pay Grade
EDB 503	DDS Examiner – PG 6
EDB 504	DDS Examiner Specialist – PG 7
EDB 900	DDS Examiner Specialist Advanced – PG 9
EDUCATION SERVICES	
Job Code	Job Classification and Pay Grade
EDB 201	Education Specialist I – PG 6
EDB 202	Education Specialist II – PG 7
EDB 203	Education Specialist III – PG 9
EDB 204	Education Specialist IV – PG 11
INFORMATION TECHNOLOGY	
Job Code	Job Classification and Pay Grade
EDB 101	IT Applications Developer – PG 8
EDB 102	IT Applications Developer Senior – PG 10
EDB 111	IT Data/Database Analyst – PG 8
EDB 112	IT Data/Database Analyst Senior – PG 10
EDB 131	Help Desk Specialist – PG 5
EDB 121	IT Infrastructure Support Technician – PG 5
EDB 122	IT Infrastructure Support Analyst – PG 7
EDB 123	IT Infrastructure Support Analyst Senior – PG 9
EDB 041	Statistical Research Specialist – PG 10
EDB 160	Web Developer – PG 9

OFFICE SERVICES	
Job Code	Job Classification and Pay Grade
EDB 701	Office Associate I – PG 1
EDB 702	Office Associate II – PG 2
EDB 703	Office Associate III – PG 3
EDB 704	Office Associate IV – PG 4
PROGRAM SERVICES	
Job Code	Job Classification and Pay Grade
EDB 301	Program Associate I – PG 1
EDB 302	Program Associate II – PG 2
EDB 303	Program Associate III – PG 3
EDB 304	Program Associate IV – PG 4
EDB 305	Program Specialist I – PG 5
EDB 306	Program Specialist II – PG 7
EDB 307	Program Specialist III – PG 9
VOCATIONAL REHABILITATION	
Job Code	Job Classification and Pay Grade
EDB 601	VR Associate – PG 2
EDB 602	VR Senior Associate – PG 3
EDB 604	VR Service Specialist – PG 5
EDB 606	VR Rehabilitation Specialist – PG 7

Appendix B: NDE Pay Structure for June 30, 2025 – June 28, 2026

Calculations based on the hourly rate with the annual (2080 hours) calculated relative to the hourly rate.

Pay Grade & Step		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18	Step 19	Step 20
1	H	15.643	15.956	16.275	16.601	16.933	17.271	17.616	17.969	18.328	18.695	19.068	19.450	19.839	20.236	20.641	21.054	21.475	21.904	22.342	22.789
	Y	32,537.70	33,188.45	33,851.84	34,529.98	35,220.74	35,924.15	36,642.29	37,375.18	38,122.81	38,885.18	39,662.30	40,456.26	41,264.96	42,090.52	42,932.92	43,792.16	44,668.26	45,561.20	46,471.00	47,401.85
2	H	17.207	17.552	17.903	18.260	18.626	18.999	19.378	19.766	20.161	20.565	20.976	21.395	21.823	22.260	22.705	23.159	23.622	24.094	24.576	25.068
	Y	35,791.47	36,507.51	37,238.29	37,981.71	38,741.98	39,516.98	40,306.73	41,113.33	41,934.67	42,774.97	43,630.00	44,501.89	45,392.72	46,300.41	47,227.05	48,170.54	49,132.98	50,116.48	51,118.94	52,142.45
3	H	18.929	19.306	19.693	20.087	20.489	20.898	21.316	21.742	22.178	22.621	23.073	23.535	24.005	24.485	24.975	25.475	25.985	26.504	27.034	27.574
	Y	39,371.67	40,157.21	40,961.70	41,780.93	42,617.02	43,467.84	44,337.62	45,224.24	46,129.82	47,052.25	47,991.53	48,951.86	49,931.15	50,929.40	51,948.70	52,986.96	54,048.38	55,128.76	56,230.20	57,354.80
4	H	20.821	21.237	21.662	22.096	22.537	22.988	23.447	23.917	24.395	24.883	25.380	25.889	26.406	26.935	27.473	28.022	28.583	29.154	29.737	30.332
	Y	43,307.78	44,173.35	45,057.87	45,959.24	46,877.45	47,814.62	48,770.75	49,747.93	50,741.96	51,757.06	52,791.10	53,848.31	54,924.48	56,023.81	57,144.20	58,285.66	59,452.38	60,640.16	61,853.22	63,091.55
5	H	22.903	23.361	23.828	24.305	24.791	25.287	25.792	26.309	26.834	27.371	27.919	28.478	29.047	29.628	30.220	30.825	31.441	32.070	32.711	33.366
	Y	47,637.72	48,591.74	49,562.60	50,554.53	51,565.41	52,597.35	53,648.24	54,722.30	55,815.32	56,931.50	58,070.84	59,233.36	60,416.93	61,625.77	62,857.78	64,115.06	65,397.62	66,705.44	68,038.54	69,401.12
6	H	25.193	25.697	26.212	26.735	27.270	27.815	28.372	28.939	29.518	30.109	30.710	31.325	31.951	32.590	33.242	33.907	34.585	35.277	35.982	36.702
	Y	52,401.49	53,450.28	54,520.13	55,608.93	56,720.90	57,856.03	59,014.33	60,193.69	61,398.32	62,626.12	63,877.09	65,155.43	66,459.04	67,787.93	69,144.19	70,525.73	71,936.75	73,375.15	74,843.03	76,340.39
7	H	27.713	28.267	28.832	29.409	29.997	30.597	31.209	31.833	32.470	33.119	33.782	34.457	35.147	35.850	36.566	37.297	38.044	38.804	39.581	40.372
	Y	57,643.33	58,795.31	59,970.46	61,170.88	62,394.46	63,641.21	64,915.34	66,212.64	67,537.31	68,887.26	70,266.69	71,671.39	73,105.58	74,567.14	76,058.19	77,578.72	79,130.84	80,712.45	82,327.75	83,974.64
8	H	30.484	31.094	31.716	32.350	32.997	33.657	34.330	35.016	35.717	36.431	37.160	37.903	38.661	39.434	40.223	41.028	41.848	42.685	43.539	44.409
	Y	63,407.45	64,675.26	65,968.34	67,288.81	68,634.54	70,005.55	71,406.04	72,833.90	74,291.26	75,775.99	77,292.31	78,838.11	80,415.50	82,022.38	83,662.96	85,337.23	87,043.09	88,784.75	90,560.11	92,371.27
9	H	33.532	34.203	34.887	35.585	36.296	37.022	37.763	38.519	39.289	40.075	40.876	41.694	42.527	43.378	44.245	45.130	46.033	46.954	47.892	48.850
	Y	69,746.51	71,142.79	72,564.34	74,017.48	75,495.89	77,005.89	78,547.48	80,118.56	81,721.22	83,355.48	85,021.33	86,722.97	88,456.21	90,225.25	92,030.09	93,870.74	95,749.29	97,663.64	99,615.91	101,608.18
10	H	36.885	37.623	38.376	39.143	39.926	40.725	41.539	42.370	43.218	44.082	44.963	45.862	46.780	47.715	48.670	49.643	50.636	51.649	52.681	53.735
	Y	76,721.58	78,256.85	79,821.61	81,417.96	83,045.90	84,707.53	86,400.76	88,129.78	89,892.50	91,691.03	93,523.25	95,393.38	97,301.41	99,247.36	101,233.31	103,257.18	105,323.17	107,429.17	109,577.29	111,769.63
11	H	40.574	41.386	42.213	43.058	43.919	44.797	45.693	46.607	47.539	48.490	49.460	50.449	51.458	52.487	53.537	54.607	55.700	56.813	57.950	59.109
	Y	84,393.74	86,082.75	87,803.35	89,559.76	91,351.96	93,177.86	95,041.67	96,943.39	98,880.91	100,858.45	102,875.99	104,933.56	107,033.24	109,172.93	111,356.86	113,582.90	115,855.27	118,171.87	120,536.91	122,946.17
12	H	44.632	45.524	46.435	47.364	48.310	49.277	50.263	51.268	52.294	53.339	54.406	55.494	56.604	57.736	58.890	60.069	61.269	62.496	63.745	65.020
	Y	92,834.59	94,689.97	96,585.37	98,516.57	100,485.68	102,496.91	104,546.05	106,637.31	108,770.69	110,944.08	113,163.80	115,427.75	117,735.93	120,090.44	122,491.28	124,942.66	127,440.38	129,990.74	132,589.55	135,241.00
13	H	49.095	50.076	51.079	52.100	53.142	54.204	55.289	56.394	57.522	58.673	59.846	61.044	62.264	63.509	64.780	66.075	67.397	68.745	70.120	71.522
	Y	102,117.83	104,158.55	106,243.49	108,368.44	110,535.52	112,744.71	115,000.24	117,299.99	119,646.07	122,040.59	124,479.34	126,970.74	129,508.47	132,098.85	134,741.88	137,435.45	140,185.89	142,988.98	145,848.92	148,765.73
14	H	54.005	55.084	56.186	57.310	58.456	59.625	60.818	62.034	63.274	64.540	65.831	67.148	68.491	69.860	71.258	72.682	74.136	75.620	77.131	78.674
	Y	112,329.83	114,574.82	116,866.15	119,203.81	121,587.80	124,020.23	126,501.10	129,030.41	131,610.26	134,242.76	136,927.91	139,667.81	142,460.37	145,309.79	148,216.07	151,179.21	154,203.43	157,288.72	160,432.97	163,642.52
15	H	59.404	60.593	61.805	63.041	64.302	65.588	66.899	68.237	69.602	70.994	72.414	73.862	75.339	76.847	78.384	79.951	81.550	83.181	84.844	86.541
	Y	123,561.13	126,033.57	128,554.45	131,125.88	133,747.85	136,422.47	139,149.74	141,933.87	144,772.76	147,668.51	150,621.12	153,632.70	156,705.35	159,841.19	163,038.10	166,298.18	169,623.56	173,016.32	176,476.48	180,006.14
16	H	65.345	66.652	67.985	69.345	70.732	72.147	73.590	75.061	76.562	78.093	79.655	81.248	82.873	84.531	86.221	87.946	89.705	91.499	93.329	95.195
	Y	135,917.03	138,635.87	141,409.48	144,237.83	147,123.05	150,065.14	153,066.19	156,126.20	159,249.40	162,433.67	165,683.23	168,995.97	172,376.10	175,823.62	179,340.64	182,927.16	186,587.39	190,317.11	194,124.76	198,006.12
17	H	71.879	73.317	74.783	76.280	77.805	79.361	80.948	82.567	84.219	85.903	87.621	89.373	91.160	92.984	94.844	96.740	98.675	100.649	102.662	104.715
	Y	149,509.15	152,499.67	155,549.16	158,661.83	161,833.46	165,070.39	168,372.59	171,740.09	175,174.97	178,677.25	182,251.13	185,896.62	189,613.71	193,406.62	197,275.34	201,219.88	205,244.44	209,349.04	213,537.87	217,806.73
18	H	79.068	80.649	82.262	83.907	85.586	87.297	89.043	90.824	92.641	94.494	96.383	98.311	100.277	102.283	104.328	106.415	108.543	110.714	112.928	115.187
	Y	164,461.75	167,749.22	171,104.08	174,526.33	178,018.07	181,577.21	185,210.06	188,914.52	192,692.68	196,546.66	200,476.46	204,486.28	208,576.13	212,748.12	217,002.24	221,342.71	225,769.52	230,284.78	234,890.60	239,589.09
19	H	86.975	88.714	90.488	92.298	94.144	96.027	97.947	99.906	101.904	103.942	106.022	108.142	110.305	112.511	114.761	117.056	119.397	121.786	124.221	126.705
	Y	180,907.51	184,525.61	188,215.33	191,980.85	195,820.09	199,735.15	203,730.23	207,805.34	211,960.48	216,199.85	220,525.58	224,935.54	229,433.96	234,022.93	238,702.46	243,476.77	248,345.84	253,313.89	258,378.82	263,546.95
20	H	95.672	97.586	99.537	101.527	103.559	105.629	107.742	109.897	112.095	114.337	116.624	118.956	121.335	123.762	126.237	128.762	131.337	133.964	136.643	139.376
	Y	198,998.046	202,978.386	207,036.648	211,177.044	215,401.680	219,708.450	224,103.672	228,585.240	233,157.366	237,820.050	242,577.504	247,427.622	252,376.722	257,424.804	262,573.974	267,824.232	273,181.896	278,644.860	284,217.336	289,901.430

Appendix C: NDE Pay Structure for June 29, 2026 – June 27, 2027

Calculations based on the hourly rate with the annual (2080 hours) calculated relative to the hourly rate.

Pay Grade & Step		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18	Step 19	Step 20
1	H	15.839	16.155	16.478	16.808	17.145	17.487	17.837	18.193	18.557	18.928	19.307	19.693	20.087	20.489	20.899	21.317	21.744	22.178	22.621	23.074
	Y	32,944.42	33,603.31	34,274.99	34,961.60	35,661.00	36,373.20	37,100.32	37,842.37	38,599.35	39,371.25	40,158.08	40,961.96	41,780.78	42,616.65	43,469.58	44,339.57	45,226.61	46,130.72	47,051.88	47,994.37
2	H	17.423	17.771	18.127	18.489	18.859	19.236	19.620	20.013	20.413	20.822	21.238	21.663	22.096	22.538	22.989	23.448	23.917	24.396	24.884	25.382
	Y	36,238.86	36,963.85	37,703.77	38,456.48	39,226.25	40,010.95	40,810.57	41,627.25	42,458.86	43,309.65	44,175.38	45,058.16	45,960.13	46,879.17	47,817.39	48,772.67	49,747.14	50,742.94	51,757.92	52,794.23
3	H	19.165	19.548	19.939	20.338	20.745	21.159	21.583	22.014	22.455	22.904	23.361	23.829	24.305	24.791	25.288	25.793	26.310	26.836	27.372	27.919
	Y	39,863.82	40,659.17	41,473.72	42,303.20	43,149.73	44,011.19	44,891.84	45,789.55	46,706.45	47,640.41	48,591.42	49,563.76	50,555.29	51,566.02	52,598.06	53,649.30	54,723.99	55,817.87	56,933.08	58,071.74
4	H	21.081	21.503	21.933	22.372	22.819	23.275	23.741	24.216	24.700	25.194	25.698	26.212	26.736	27.271	27.817	28.372	28.940	29.518	30.109	30.712
	Y	43,849.13	44,725.52	45,621.09	46,533.73	47,463.42	48,412.31	49,380.38	50,369.78	51,376.24	52,404.02	53,450.99	54,521.42	55,611.04	56,724.11	57,858.51	59,014.23	60,195.53	61,398.17	62,626.39	63,880.19
5	H	23.189	23.653	24.126	24.609	25.101	25.603	26.115	26.638	27.170	27.713	28.268	28.834	29.410	29.998	30.598	31.210	31.834	32.471	33.120	33.783
	Y	48,233.19	49,199.13	50,182.14	51,186.46	52,209.98	53,254.82	54,318.85	55,406.33	56,513.01	57,643.14	58,796.73	59,973.77	61,172.14	62,396.09	63,643.50	64,916.50	66,215.09	67,539.26	68,889.02	70,268.64
6	H	25.508	26.018	26.539	27.069	27.611	28.163	28.727	29.301	29.887	30.485	31.094	31.716	32.351	32.998	33.658	34.330	35.017	35.717	36.432	37.161
	Y	53,056.51	54,118.41	55,201.63	56,304.04	57,429.91	58,579.23	59,752.01	60,946.11	62,165.80	63,408.95	64,675.55	65,969.87	67,289.78	68,635.28	70,008.49	71,407.30	72,835.96	74,292.34	75,778.57	77,294.65
7	H	28.060	28.620	29.192	29.777	30.372	30.979	31.599	32.231	32.876	33.533	34.204	34.888	35.586	36.298	37.024	37.764	38.519	39.289	40.075	40.877
	Y	58,363.87	59,530.25	60,720.09	61,935.51	63,174.39	64,436.73	65,726.79	67,040.30	68,381.53	69,748.35	71,145.02	72,567.28	74,019.40	75,499.23	77,008.92	78,548.46	80,119.98	81,721.36	83,356.85	85,024.33
8	H	30.865	31.483	32.112	32.755	33.410	34.077	34.759	35.454	36.163	36.886	37.624	38.377	39.145	39.927	40.725	41.540	42.371	43.219	44.083	44.964
	Y	64,200.04	65,483.70	66,792.95	68,129.92	69,492.47	70,880.62	72,298.61	73,744.33	75,219.90	76,723.19	78,258.46	79,823.59	81,420.70	83,047.66	84,708.74	86,403.94	88,131.12	89,894.56	91,692.11	93,525.91
9	H	33.951	34.631	35.323	36.030	36.750	37.485	38.235	39.000	39.780	40.576	41.387	42.215	43.059	43.920	44.798	45.694	46.609	47.541	48.491	49.461
	Y	70,618.34	72,032.07	73,471.39	74,942.69	76,439.59	77,968.46	79,529.33	81,120.04	82,742.74	84,397.42	86,084.09	87,807.01	89,561.91	91,353.07	93,180.47	95,044.12	96,946.16	98,884.44	100,861.10	102,878.28
10	H	37.346	38.094	38.855	39.633	40.425	41.234	42.058	42.900	43.758	44.633	45.525	46.435	47.364	48.312	49.278	50.263	51.269	52.294	53.340	54.407
	Y	77,680.60	79,235.06	80,819.38	82,435.68	84,083.97	85,766.38	87,480.77	89,231.40	91,016.16	92,837.17	94,692.29	96,585.79	98,517.68	100,487.95	102,498.73	104,547.89	106,639.71	108,772.03	110,947.00	113,166.75
11	H	41.081	41.903	42.741	43.596	44.468	45.357	46.264	47.190	48.133	49.096	50.078	51.079	52.102	53.143	54.206	55.290	56.396	57.524	58.675	59.848
	Y	85,448.66	87,158.78	88,900.89	90,679.25	92,493.86	94,342.59	96,229.69	98,155.18	100,116.92	102,119.18	104,161.94	106,245.23	108,371.15	110,537.60	112,748.82	115,002.68	117,303.46	119,649.02	122,043.62	124,483.00
12	H	45.190	46.093	47.016	47.956	48.914	49.893	50.891	51.909	52.947	54.005	55.086	56.188	57.311	58.457	59.626	60.819	62.035	63.277	64.542	65.832
	Y	93,995.02	95,873.60	97,792.69	99,748.03	101,741.76	103,778.13	105,852.88	107,970.28	110,130.32	112,330.88	114,578.35	116,870.60	119,207.63	121,591.57	124,022.42	126,504.45	129,033.38	131,615.63	134,246.92	136,931.51
13	H	49.709	50.702	51.717	52.751	53.806	54.882	55.980	57.099	58.241	59.407	60.594	61.807	63.042	64.303	65.589	66.901	68.240	69.604	70.996	72.416
	Y	103,394.31	105,460.53	107,571.53	109,723.05	111,917.21	114,154.02	116,437.74	118,766.24	121,141.65	123,566.10	126,035.33	128,557.87	131,127.33	133,750.09	136,426.15	139,153.40	141,938.21	144,776.34	147,672.04	150,625.31
14	H	54.680	55.773	56.888	58.026	59.186	60.370	61.578	62.809	64.065	65.347	66.654	67.987	69.347	70.734	72.148	73.591	75.063	76.565	78.095	79.658
	Y	113,733.95	116,007.01	118,326.98	120,693.86	123,107.65	125,570.49	128,082.37	130,643.29	133,255.39	135,920.79	138,639.51	141,413.66	144,241.12	147,126.16	150,068.77	153,068.95	156,130.97	159,254.82	162,438.39	165,688.05
15	H	60.147	61.350	62.578	63.829	65.106	66.408	67.735	69.090	70.472	71.882	73.319	74.785	76.281	77.807	79.363	80.950	82.569	84.221	85.905	87.623
	Y	125,105.64	127,608.99	130,161.38	132,764.95	135,419.70	138,127.75	140,889.11	143,708.04	146,582.42	149,514.36	152,503.88	155,553.11	158,664.17	161,839.20	165,076.07	168,376.91	171,743.85	175,179.03	178,682.44	182,256.21
16	H	66.162	67.485	68.835	70.212	71.616	73.049	74.509	75.999	77.519	79.069	80.651	82.264	83.909	85.587	87.299	89.045	90.827	92.642	94.496	96.385
	Y	137,615.99	140,368.82	143,177.09	146,040.81	148,962.09	151,940.95	154,979.51	158,077.78	161,240.02	164,464.09	167,754.27	171,108.42	174,530.80	178,021.42	181,582.40	185,213.75	188,919.73	192,696.08	196,551.32	200,481.20
17	H	72.778	74.234	75.718	77.233	78.777	80.353	81.960	83.599	85.271	86.976	88.716	90.491	92.300	94.146	96.029	97.950	99.909	101.907	103.946	106.024
	Y	151,378.02	154,405.92	157,493.52	160,645.10	163,856.38	167,133.77	170,477.25	173,886.84	177,364.66	180,910.72	184,529.27	188,220.33	191,983.88	195,824.20	199,741.28	203,735.12	207,810.00	211,965.90	216,207.09	220,529.32
18	H	80.057	81.657	83.290	84.956	86.655	88.388	90.156	91.960	93.799	95.675	97.588	99.540	101.530	103.561	105.632	107.745	109.900	112.098	114.340	116.627
	Y	166,517.52	169,846.08	173,242.88	176,707.91	180,243.30	183,846.93	187,525.19	191,275.95	195,101.34	199,003.50	202,982.41	207,042.36	211,183.34	215,407.47	219,714.77	224,109.49	228,591.64	233,163.34	237,826.74	242,583.95
19	H	88.062	89.823	91.619	93.452	95.321	97.227	99.172	101.155	103.178	105.242	107.347	109.494	111.684	113.917	116.195	118.519	120.890	123.308	125.773	128.289
	Y	183,168.85	186,832.18	190,568.02	194,380.61	198,267.84	202,231.84	206,276.86	210,402.90	214,609.98	218,902.35	223,282.15	227,747.24	232,301.88	236,948.22	241,686.24	246,520.23	251,450.16	256,480.32	261,608.56	266,841.28
20	H	96.868	98.806	100.781	102.797	104.853	106.949	109.089	111.270	113.496	115.766	118.082	120.443	122.852	125.309	127.815	130.371	132.979	135.638	138.351	141.118
	Y	201,485.522	205,515.616	209,624.606	213,816.757	218,094.201	222,454.806	226,904.968	231,442.556	236,071.833	240,792.801	245,609.723	250,520.467	255,531.431	260,642.614	265,856.149	271,172.035	276,596.670	282,127.921	287,770.053	293,525.198

2025-2027 NAPE Agreement - FINAL

Final Audit Report 2025-02-27

Created:	2025-02-27
By:	Jasmine Lionberger (jasmine.gruhn@nebraska.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAfgq64b13Iyg036uo7cYQ3J_WiRo3Kupy

"2025-2027 NAPE Agreement - FINAL" History

Document created by Jasmine Lionberger (jasmine.gruhn@nebraska.gov)
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Signer ami.m.huff@nebraska.gov entered name at signing as Ami M. Huff
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Signature Date: 2025-02-27 - 7:48:50 PM GMT - Time Source: server- IP address: 164.119.5.103

Document emailed to brian.maher@nebraska.gov for signature
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Signer brian.maher@nebraska.gov entered name at signing as Brian L Maher
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Document e-signed by Brian L Maher (brian.maher@nebraska.gov)

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Agreement completed.

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DR. BRIAN L. MAHER, COMMISSIONER
TEL 402.471.2295
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P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

From: Troy L. Hawk, Legal Counsel

Date: May 21, 2025

Re: Summary of Rulemaking Hearing on the Proposed Revisions of 93 *NAC* Chapters 1-16

On May 15, 2025, a hearing on the proposed revision of Title 93, *Nebraska Administrative Code*, Chapters 1-16, *Personnel Rules*, was held virtually over Zoom. Legal Counsel Troy Hawk served as the hearing officer.

Summary of Oral Testimony on the Proposed Revision of 92 NAC 21

Troy Hawk called the hearing to order, introduced himself, introduced the subject of the hearing, read into the record information about the legal notice of the hearing, outlined the procedures for the hearing and for receiving written testimony, and received testimony on revisions to Title 93 *Nebraska Administrative Code* Chapters 1-16.

Ami Huff, General Counsel for the Nebraska Department of Education, presented a summary of the proposed changes to the Personnel Rules:

- Title 93 contains terms of employment for Nebraska Department of Education employees who are not covered by the collective bargaining agreement between NDE and the Nebraska Association of Public Employees, or NAPE.

- Many of the proposed revisions to Title 93 are intended to: (1) harmonize provisions that were changed in the 2025-2027 NDE/NAPE Collective Bargaining Agreement; and (2) make non-substantive changes, such as updating language, removing repetitive language, and reorganizing sentence and paragraph structure.

- A summary of changes is as follows:

    - **Chapter 1: Coverage**
        - No changes

    - **Chapter 2: Management Authority**
        - No changes

- **Chapter 3: Definitions**
  - No changes

- **Chapter 4: Employee Selection**
  - No changes

- **Chapter 5: Probationary Periods**
  - Paragraphs 1.01 and 01.02 added the term "original" to probationary periods and deleted the job classifications that aren't covered by the Personnel Rules.

- **Chapter 6: Classification Plan**
  - No changes

- **Chapter 7: Salary Administration**
  - No changes

- **Chapter 8: Overtime**
  - Paragraph 004.02B – changed language to indicate that use or payment of overtime hours for non-exempt employees will be administered in the same manner as it is for NAPE covered employees.

- **Chapter 9: Leave and Holidays**
  - Paragraph 08 – changed the language to correct the definition of immediate family for use of bereavement leave.
  - Paragraph 12.05 – changed the language for leave used to attend retirement seminars to reference Nebraska Revised Statute 84-15511(4).
  - Paragraph 13 – Added the ability to donate up to 16 hours of sick leave for catastrophic leave.
  - Paragraph 14 – Added the ability to donate up to 16 hours of sick leave for Parental Leave Donations.
  - Paragraph 17 – Added paid maternity leave of 6 weeks for mothers who give birth and are eligible for Family and Medical Leave.
  - Paragraph 18- Added mentorship leave which has been available for 2 years.

- **Chapter 10: Performance Appraisals**
  - No changes

- **Chapter 11: Personnel File Information**
  - No changes

- **Chapter 12: Layoff, Recall and Resignation**
  - No changes

- **Chapter 13: Corrective and Disciplinary Actions**
  - No changes

- **Chapter 14: Grievance Procedure**
  - Paragraph 06 – Added language to have the grievance form provided by Human Resources or its designee, if applicable.
  - Paragraph 06.01 – Step One – Added the completed grievance form will be submitted to the Human Resources Administrator. Added language that the Department designee will arrive at a response to a Step One grievance. Removed 006.01A which was specific to disciplinary demotion and disciplinary suspension. Removed 006.01B which was specific to administrative probation.
  - Paragraph 06.02 - Step Two – Added the Department Designee as the person to receive an appeal to the decision at Step One. Added the Department Designee may not be the same person as in Step One.

- **Chapter 15: Miscellaneous**
  - No changes

- **Chapter 16: Code of Ethics**
  - No changes

- **Appendix A: Grievance Form**
  - Removed the form from the Rule.

Oral Testimony

There was no oral testimony

Written Testimony

There was no written testimony submitted.

Ami Huff of the Nebraska Department of Education thanked everyone for attending the hearing.

Troy Hawk closed the hearing on Title 93.

ADDENDUM NO. 2 TO EMPLOYMENT AGREEMENT

This addendum ("Addendum No. 2") is entered into by and between the **STATE BOARD OF EDUCATION**, a Nebraska public body corporate ("State Board") and **BRIAN L. MAHER, Ed.D.**, an individual ("Dr. Maher") (collectively, the "Parties"), for the purpose of amending and modifying the provisions of their current employment agreement.

RECITALS

A. The State Board and Dr. Maher previously entered into an employment agreement ("Agreement") with an Effective Date of July 1, 2023.

B. The Parties previously entered into an addendum to such Agreement commencing July 1, 2024.

C. The Parties desire to further modify the terms of Dr. Maher's employment under the Agreement as amended.

D. The State Board duly considered and approved this Addendum No. 2 by formal action taken during a public meeting conducted on June 6, 2025.

NOW THEREFORE, the Parties hereby covenant and agree as follows:

Section 1. Section 1 of the Agreement is deleted and replaced in its entirety with the following section:

> Section 1. Term of Agreement. Unless otherwise extended by written agreement duly executed by the Parties, the term of this Agreement and Dr. Maher's employment hereunder shall commence on the Effective Date and shall terminate at 11:59 p.m. on the 30th day of June, 2027 ("Term").

Section 2. Section 3(a) of the Agreement is deleted and replaced in its entirety with the following section:

> Section 3. Compensation. For the performance of all duties and responsibilities in his capacity of Commissioner, Dr. Maher shall be compensated during the Term as follows:
>
> (a) Salary. Commencing July 1, 2025, Dr. Maher shall be paid a full-time annual salary in the gross amount of $325,237.50 (Three Hundred Twenty-Five Thousand Two Hundred and Thirty-Seven Dollars and Fifty Cents), which shall be paid pro rata at normal payroll intervals and shall be subject to normal payroll deductions. The State Board retains the option to further adjust Dr. Maher's salary during the Term.

DRAFT

Section 3. All terms and provisions of the Agreement not expressly amended in this Addendum No. 2 shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have duly executed this Addendum No. 2 on the date set forth below.

STATE BOARD OF EDUCATION	**BRIAN L. MAHER, Ed.D.**
By: _____ Elizabeth Tegtmeier, President	By: _____
Date: _____	Date: _____

49-3817-31

DRAFT

State Board Executive Committee Running Record
June 2, 2025

The State Department of Education, provided for in Article VII, Section 2 of the Constitution of Nebraska, shall have the general supervision and administration of the school system of this state and of such other activities as the Legislature may direct. The State Board of Education, acting as a unit, shall be the policy-forming, planning, and evaluative body for the state school program under Section 79-301.

Per State Board Bylaw 4: Board Committees, the executive committee shall be charged with advising the commissioner on legislative matters while the state legislature is in session and making recommendations to the Board on the NDE's position on specific bills and legislative resolutions.

The purpose of this document is to report on legislative activity since the previous meeting.

Board Priority Areas:

1. 75% of Nebraska third graders will be proficient in reading by 2030.
2. Halve the number of school staffing vacancies by 2030.
3. Halve chronic absenteeism by 2030

Bills Enacted:

Bill	One Liner	Fiscal Impact	Board Priority Area	NDE Position	Action Since Last Meeting	Date Signed by Governor:
LB140 (Sanders at Request of the Governor)	Require school policies relating to use of electronic communication devices by students	None	3	Proponent	Commissioner provided testimony.	May 20
LB143 (Rountree)	Change provisions relating to student enrollment			Neutral	Discussion with Committee legal counsel, and senator staff.	April 7
LB296 (Arch)	Require the State Department of Education to create a centralized education records system and employ registrars relating to students under the jurisdiction of the juvenile court and change provisions relating to graduation requirements and the State Department of Education Improvement Grant Fund	No Fiscal Impact (Leverages Existing Funds)	2	Proponent	Deputy Commissioner Halstead provided testimony in support of the bill.	March 11
LB303 (Hughes at Request of the Governor)	Create the School Financing Review Commission and change provisions relating to budget authority under the Tax Equity and Educational Opportunities Support Act			State Board did not take a position.		Pending Governor's Signature

State Board Executive Committee Running Record
June 2, 2025

Bills Carried Over:
Executive Committee – 3.13.25

Bill	One Liner	Fiscal Impact	Board Priority Area	NDE Position	Action During Session
LB11 (Hughes)	Appropriate funds for the Nebraska Statewide Workforce and Education Reporting System Act	2025-26 - $130,893 2026-27 - $179,795	State Board Budget Request	Proponent - Testimony	Testimony provided.
LB282 (Prokop)	Provide for reimbursement for teachers for school supplies	$8.4 million		Neutral	Had discussions with Senator's office.
LB408 (Dungan)	Adopt the Special Education Teacher Forgivable Loan Program Act		3	Proponent	Submitted letter.
LB417 (Bostar)	Provide for administration of the Nebraska Promise Program by the Board of Regents of the University of Nebraska, adopt the College Promise Act, and change provisions relating to the Quality Education Accountability Act	$687,500		Neutral – Letter denoting comments/concerns	Letter sent. Conversations with Senator's office, ACT.
LB523 (Juarez) LB524 (Juarez) LB411 (Dungan)	Adopt the Student Teacher Compensation Act Authorize paraeducator grants under the Nebraska Teacher Recruitment and Retention Act and change eligible uses of the Education Future Fund Change provisions relating to the Nebraska Teacher Recruitment and Retention Act	$5.5 million $26 million $137 million	2	Neutral - Letter	Submitted letter.
LB528 (Jacobson)	Change and eliminate provisions relating to grants from the State Department of Education Improvement Grant Fund			Opponent – Letter with Concerns	Submitted letter.
LB671 (Murman)	Change and eliminate provisions relating to reports regarding the enrollment option program, programs for expelled			Proponent - Testimony	Testimony provided.

State Board Executive Committee Running Record
June 2, 2025

**NDE Cleanup	students, educator evaluations, information related to dyslexia, the Nebraska Teacher Apprenticeship Program, high-need retention grants, property tax request documentation, and the College Pathway Program and eliminate obsolete provisions and provisions relating to the Junior Mathematics Prognosis Examination				
LB517 (Juarez) LB685 (Lonowski) LB631 (Hansen)	Provide requirements for the state school security director regarding protective door assemblies and other school entry systems Require schools to install a secure master key box as prescribed, provide powers and duties to the state school security director, change provisions relating to a grant program for security-related infrastructure projects and the School Safety and Security Fund, and provide for a transfer from the Cash Reserve Fund State intent relating to funding for the School Emergency Response Mapping Fund	N/A $1 million $4 million		Neutral – Letter sharing concerns.	Submitted letter.

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STATE BOARD OF EDUCATION
BUDGET AND FINANCE COMMITTEE REPORT

Date: June 5, 2025

The Budget and Finance Committee reports that at its Thursday, June 5th meeting, members present were Kristin Christensen, Maggie Douglas, Lisa Schonhoff, and Kirk Penner. The Committee reviewed eleven action items. The first two items reviewed were for PEAK special education grants and 21st Century learning grants for after school programs. The Committee recommended approval of both items. The next item reviewed was a contract with the ESUCC for the menstrual product pilot program. The Committee has no recommendation. The Committee then reviewed a contract for an Educator Licensure System and supported approving this item. The next item reviewed was five new and expansion early childhood grants. The Committee has no recommendation on this item. The Committee was in support of approving the remaining six action items that included revision grants, the 2024 Single Audit Report, a contract for an external evaluator for the comprehensive literacy state development grant, two contracts with Education Improvement funds for work around chronic absenteeism and a literacy screener, an increase in the criminal history check fee as a result in the State Patrol increasing their rates and incentive payments for computer science and technology education.

The Committee reviewed travel expenses noting no concerns.

Last, the Committee reviewed three information items including an update on the Comprehensive Literacy State Development Grant, a potential contract for an educator effectiveness specialist and an update to the school district bid requirement dollar threshold.

This concludes the Budget and Finance Committee report.

Kristin Christensen, Chair

*Submit a printed copy to the Committee Chair and email to the Recording Secretary.
Updated 02.02.2023

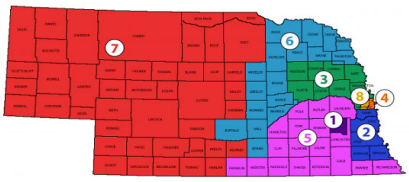
NEBRASKA STATE BOARD OF EDUCATION

TRAVEL REPORT

MAY 2025

2024-2025 Board Travel *At-A-Glance*

Budgeted	Monthly Spending	Annual Spending	Expenditures
$19,754	$3,200 Average	$38,400 Projected	Lodging Meals Mileage



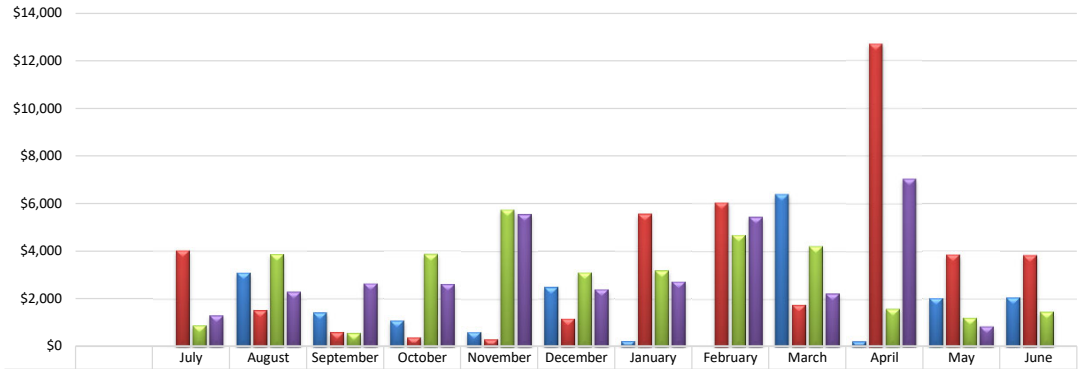
Board Member Activity

District	Board Member	Current Year July 2024-June 2025 May	Current Year July 2024-June 2025 Year-To-Date	Prior Year July 2023-June 2024 May	Prior Year July 2023-June 2024 Year-To-Date	Variance May	Variance Year-To-Date
1	Patsy Koch Johns *Incumbent*	$0	$389	$0	$1,338	$0	-$949
1	Kristin Christensen *Appointed Dec. 2024*	$32	$117	$0	$0	$32	$117
2	Lisa Fricke *Incumbent*	$0	$2,757	$196	$7,333	-$196	-$4,576
2	Maggie Douglas *Appointed Dec. 2024*	$32	$517	$0	$0	$32	$517
3	Patti Gubbels *Incumbent*	$0	$3,345	$240	$7,643	-$240	-$4,298
3	Lisa Schonohoff *Appointed Dec. 2024*	$32	$1,326	$0	$0	$32	$1,326
4	Jacquelyn Morrison *Incumbent*	$0	$1,400	$66	$2,316	-$66	-$915
4	Liz Renner *Appointed Dec. 2024*	$32	$660	$0	$0	$32	$660
5	Kirk Penner	$32	$678	$0	$697	$32	-$19
6	Sherry Jones	$85	$6,415	$0	$4,429	$85	$1,986
7	Elizabeth Tegtmeier - President	$593	$16,560	$714	$9,769	-$121	$6,791
8	Deborah Neary - Vice President	$32	$1,392	$0	$3,393	$32	-$2,001
		$867	**$35,558**	**$1,217**	**$36,916**	**-$349**	**-$1,359**
	Annual Budget		$19,754		$19,754		
	Under or -Over Budget		**-$15,804**		**-$17,162**		

Annual Expenditures by Fiscal Year



Annual Expenditures by Month



	July	August	September	October	November	December	January	February	March	April	May	June
2021-22	$0	$3,101	$1,434	$1,106	$630	$2,497	$265	$0	$6,378	$247	$2,038	$2,059
2022-23	$4,032	$1,537	$618	$413	$332	$1,193	$5,545	$6,028	$1,765	$12,686	$3,832	$3,816
2023-24	$910	$3,859	$583	$3,853	$5,734	$3,097	$3,197	$4,684	$4,217	$1,607	$1,217	$1,465
2024-25	$1,325	$2,301	$2,633	$2,616	$5,549	$2,399	$2,741	$5,445	$2,243	$7,037	$867	$0

In-State Travel Authorization Reports - June (*Updated*)				
Name	**Event Name**	**Date**	**Location**	**Board Bylaw B16 Code A-F**
Kristin Christensen	(None)			
Lisa Schonhoff	Norfolk Meeting with Consitutents	April 29, 2025	Norfolk,NE	E
	Strategic Planning Meeting	May 2, 2025	Norfolk,NE	E
	Summer Literacy Training	July 18, 2025	Kearney, NE	E
Sherry Jones	Strategic Planning Focus Group Meeting	April 23, 2025	South Sioux City, NE	E
	Strategic Planning Focus Group Meeting	May 1, 2025	Kearney, NE	E
Elizabeth Tegtmeier	ESU 16 Meeting	April 23, 2025	Ogallala, NE	E
	Strategic Planning Focus Group Meeting	May 7. 2025	Valentine, NE	E
	Strategic Planning Focus Group Meeting	May 8, 2025	Scottsbluff, NE	E
	Strategic Planning Focus Group Meeting	May 15, 2025	McCook, NE	E
	NCE Awards Program	June 10, 2025	Kearney, NE	E

In-State Travel Authorization Reports - June				
Name	**Event Name**	**Date**	**Location**	**Board Bylaw B16 Code A-F**
Maggie Douglas	(NONE)			
Liz Renner	(NONE)			
Kirk Penner	(NONE)			
Deborah Neary	(NONE)			

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Amy Rhone, Administrator – The Office of Special Education

PROPOSED AGENDA ITEM: Action: Issuance of subgrants for the purposes of funding the Promoting Engagement and Knowledge Projects (PEaK).

AGENDA ITEM TYPE (contract/grant/rule/program/other): Grants

RATIONALE/BACKGROUND INFORMATION: The Office of Special Education is bringing forward the activities that are being continued pursuant to the Federal IDEA Part B regulations that require federal IDEA Part B funds to be utilized by states for activities outlined within the IDEA Part B federal application. The Office of Special Education, Part B Discretionary Grant funds requested within this proposal meet the Federal subgranting requirements contained within 2 CFR §200.331 to use the funds to carry out a portion of the public award and for a public purpose specified in the authorizing statute of IDEA Part B.

The NDE Office of Special Education is committed to supporting districts in improving results for children with disabilities. To meet this purpose, funding is available annually to support implementation and evaluation of Targeted Improvement Plans (TIPs) through a PEaK (Promoting Engagement and Knowledge) project. The PEaK Project funding is supplemental to, and is not intended to supplant or duplicate, any other funding source(s). Districts or consortiums of districts supported by an ESU may apply for projects funded with IDEA discretionary dollars for the specific purpose of improving learning for children with disabilities.

As part of Nebraska's Results Driven Accountability (RDA) System, all school districts must participate in an ongoing review of their special education program utilizing the Improving Learning for Children with Disabilities (ILCD) process. The process includes an analysis of district data to study relevant data, district infrastructure, and other pertinent findings to identify target areas for improvement. This is followed by identifying measurable results (goals) and coherent improvement strategies that will be the focus of the improvement activities in the TIP. Next, the district reviews the current infrastructure and capacity to implement, scale up, and sustain evidence-based practice.

Finally, based upon strengths and challenges, a comprehensive, multi-year TIP detailing coherent improvement strategies focused on improving results for children with disabilities is created.

The NDE recognizes Inclusive Education as a framework to implement many of the evidence-based practices identified in districts' TIPs. Inclusive Education offers a model for providing high-quality educational programming that improves access and opportunities for all learners. Districts and ESUs that choose to Improve Literacy Outcomes as their General Focus for Improvement **and** that choose to leverage Inclusive Education in the implementation of their TIPs are eligible to apply for the Journey to Inclusion Grant.

Subgrants are awarded to districts or consortium of districts that meet the grant requirements and that have demonstrated project completion and success in previous years.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2025

ESTIMATED COST: Total available funding, to be distributed to districts or consortiums on a formula basis = $2,301,880.00.

ESU #1	$58,338.00
ESU #2	$95,256.00
ESU #3	$98,532.00
ESU #6	$63,651.00
ESU #7	$91,609.00
ESU #8	$76,671.00
ESU #10	$82,950.00
ESU #13	$95,025.00
Bellevue Public Schools	$66,108.00
Elkhorn Public Schools	$80,185.00
Grand Island Public Schools	$70,490.00
Lincoln Public Schools	$291,578.00
Millard Public Schools	$163,100.00
Omaha Public Schools	$361,851.00
Papillion LaVista Public Schools	$84,273 .00

*Pursuant to NDE, Agency Management Policy (AMP) 2.02, the list above only contains the PEaK grants of $50,000 or more to review and approve. The listed grants make up 77% of the almost $2,301,880.00 provided in PEaK funding annually.

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: IDEA Part B – 611, Discretionary Funds

- New or Renewal: Renewal

- If renewal, date of first approval: Last approved in 2024

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- **Indicate the method of procurement:**

- **Rationale for method of procurement:**

- **Rationale for contractor selection:**

FOR GRANT SUBAWARDS:

Describe the grantee selection process: As the Office of Special Education must make federal application(s) each year under Part B (611 and 619) and Part C, the use of IDEA Federal Funding must align to meeting the IDEA federal regulations as they are set forth within the respective applications.

The NDE, Office of Special Education, annually, conducts opportunities to apply for discretionary grant funds to conduct activities for the improvement of services to infants, toddlers, students with disabilities and their families. Annual alignment in priorities established by the federal Office of Special Education Programs (OSEP), as well as a alignment of priorities within our NDE, Office of Special Education, allows for the selection of project to receive sub-recipient grants, contracts, and/or memorandums of understanding (MOU) for each funding period. Notice of funding opportunities are annually published and proposals are evaluated to ensure funds are awarded to projects that are able to meet the federal and state priorities.

The Office of Special Education, Part B Discretionary Grant funds requested within this proposal meet the Federal subgranting requirements contained within 2 CFR §200.331 to use the funds to carry out a portion of the public award and for a public purpose specified in the authorizing statute of IDEA Part B:

- To provide technical assistance to schools and LEAs, and direct services, including direct student services described in section 1003A(c)(3) of the ESEA to children with disabilities, to schools or LEAs implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the ESEA on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement based on the challenging academic standards described in section 1111(b)(1) of the ESEA (20 U.S.C. 1411 (e)(2)(C)(xi))
- To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities (20 U.S.C. 1411 (e)(2)(C)(vii))
- To assist local educational agencies in meeting personnel shortages (20 U.S.C. 1411 (e)(2)(C)(vii))

Through these sub-award(s), NDE ensures appropriate and quality learning opportunities should exist for all children. All PEaK Projects as part of the OSE subaward process, has undergone an evaluation of sub-award/grant obligations, annually to ensure that the grantee selected is carrying out the responsibilities set forth

within the state plan and sub-award/grant. The project has successfully carried out similar duties on previous sub-awards/grants.

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Zainab Rida, Ph.D.
Student Service Officer and Administrator
Office of Coordinated Students Support Services

PROPOSED AGENDA ITEM: Action Item: Approve the funding recommendations for the 21st Century Community Learning Centers grant

AGENDA ITEM TYPE (contract/grant/rule/program/other): Grant

RATIONALE/BACKGROUND INFORMATION:

- **What:** The Nebraska 21st CCLC grant program currently provides afterschool programming at 143 sites serving K-12 students in 37 communities. These programs create an afterschool environment focused on three overarching goals: 1) improving overall student academic success, 2) increasing positive behavior and social interactions, and 3) increasing active and meaningful family and community engagement.
- **Why:** Each state's allocation of Title IV, Part B funds is determined by a formula based on total Title I funds received. Grants must be awarded through a competitive grant process.
- **Who:** To be eligible for a 21st CCLC grant, sites must serve a school building population with a free/reduced lunch rate of at least 40%. To be eligible for a 21st CCLC renewability grant, sites must: 1) serve a school building population with a free/reduced lunch rate of at least 40%, 2) have finished their original five-year grant period, and 3) have satisfactorily attained renewability funding requirements.
- **How:** The Nebraska Department of Education 21st CCLC office has successfully administered this federal grant program for twenty-two years. These grants are level funded for a five-year grant period, contingent upon the satisfactory attainment of funding requirements. After the first five-year grant period, successful 21st CCLC sites are eligible to apply for a renewability grant for an additional five-years of level funding, contingent upon the satisfactory attainment of renewability funding requirements.
- **When:** The competitive grant awards will have a five-year grant period of July 1, 2025-September 30, 2030. These five-year renewability grants will have a grant period of July 1, 2025-September 30, 2030.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: Approximately $1,115,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Title IV, Part B of ESEA (21st Century Community Learning Centers)
- New or Renewal: N/A
- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

FOR GRANT SUBAWARDS: The competitive grant application materials, including the scoring rubric, were posted January 6, 2025. A technical assistance grant writing webinar was recorded and posted January 15, 2025. The application closed on March 12, 2025, at 11:59 p.m. CST. A team of external reviewers independently scored each proposal and then met to reach consensus on final scores and funding recommendations. Renewability grants are awarded to extend the original five-year grant for one additional five-year grant period.

**Updated 08.15.2023*

NEBRASKA
DEPARTMENT OF EDUCATION

Nebraska 21st Century Community Learning Centers
Soaring Beyond Expectations

2025 21st Century Community Learning Centers (CCLC) Grant Competition - Proposed Awardees

The 21st CCLC state team has conducted grant reviews and is proposing to fund the following applicants:

Grantee	**Funding**	**Grade Level**
Collective For Youth: Conestoga Elementary	$92,662	Elementary
Schuyler	$80,000	High School
Gordon Rushville	$92,625	Elementary
LPS	$155,000	They choose the 2 buildings
Chadron	$50,000	Intermediate
Cedar Bluffs	$113,656	Elementary
Mitchell	$50,000	Elementary
Bayard	$87,250	Elementary
Pawnee City	$50,450	K-12
Wood River	$50,045	Elementary
Collective For Youth: Monroe Middle	$85,656	Middle School
Crete	$92,656	Intermediate (3-5)
TOTAL	**$1,000,000**	

NEBRASKA
DEPARTMENT OF EDUCATION

Nebraska 21st Century Community Learning Centers
Soaring Beyond Expectations

2025 21st Century Community Learning Centers (CCLC) Renewability Grant - Proposed Awardees

The 21st CCLC state team has conducted grant reviews and is proposing to fund the following renewability grant applicants:

Grantee	Funding	Grade Level
Collective For Youth: Walnut Hill	$55,080	Elementary
Collective For Youth: Minnie Lusa	$55,080	Elementary

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 30, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Zainab Rida, Ph.D.
Student Services Officer and Administrator
Office of Coordinated Student Support Services

PROPOSED AGENDA ITEM: Authorize the Commissioner to contract for the menstrual product pilot program in accordance with Neb. Rev. Stat. § 79-226

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION:

What: Per Neb. Rev. Stat. § 79-226, the Nebraska Department of Education (NDE) develop a pilot program to make menstrual products available to each school district.

Why: This legislation is intended to ensure that 1) students have access to essential menstrual products, promoting health, hygiene, and dignity, and 2) collect data and report on the effectiveness and impact of the pilot program.

Who: The project will be targeting school districts that 1) classify as a needs improvement school under the accountability system, and 2) have 40% or more students identified as poverty students.

How: NDE will contract ESUCC to provide services outlined below as described in the legislation.

1.Product Supply and Distribution:

a. Source and supply menstrual products (pads and tampons) to participating school districts, for female restrooms and locker rooms.

b. Develop a distribution plan that ensures timely delivery of products to schools.

2.Implementation Support

a. Work with school districts to facilitate the implementation of the program.

b. Provide guidance on best practices for product storage and distribution within schools.

3. Monitoring and Reporting

a. Collect data on product usage, student accessibility, and program impact.

b. Submit a detailed report to the NDE outlining program outcomes, challenges, and recommendations.

When: Fiscal Year 2025-26

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $250,000 (subject to availability)

FOR CONTRACTS AND GRANTS:
• Indicate the Funding Source: The Education Future Fund

• New or Renewal: New

• If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:
• Indicate the method of procurement:

• Rationale for method of procurement:

• Rationale for contractor selection:

FOR GRANT SUBAWARDS:
• Describe the grantee selection process:

**Updated 08.15.2023*

79-226. Menstrual products; pilot program; priorities; school board; policy; report.

(1) Beginning in school year 2025-26 and subject to available appropriations, the State Department of Education shall develop a pilot program to make menstrual products, including both pads and tampons, available to each school district. Priority shall be given to each school district:

(a) That classifies as a needs improvement school under the accountability system developed by the State Board of Education pursuant to section 79-760.06; or

(b) In which forty percent of the students are poverty students as defined in section 79-1003.

(2) For school year 2025-26, a school district that receives free menstrual products pursuant to subsection (1) of this section shall ensure that free menstrual products, including both pads and tampons, are available in school bathrooms.

(3) A school board or board of education may adopt a policy relating to the requirements of this section.

(4) The State Department of Education shall submit a report electronically to the Clerk of the Legislature and the Education Committee of the Legislature relating to the pilot program for free menstrual products pursuant to this section on or before December 1, 2026.

(5) It is the intent of the Legislature to appropriate an amount not to exceed two hundred fifty thousand dollars from the Education Future Fund for fiscal year 2025-26 to the State Department of Education to carry out this section.

(6) The State Board of Education may adopt and promulgate rules and regulations to carry out this section.

Source: Laws 2024, LB1284, § 1.
Operative Date: July 19, 2024

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Brad Dirksen, Accreditation, Certification, & Approval Administrator
Katelyn Larsen, Director, Educator Certification

PROPOSED AGENDA ITEM: Contract for an educator licensure system (BF.042025.004)

AGENDA ITEM TYPE (contract/grant/rule/program/other): contract

RATIONALE/BACKGROUND INFORMATION:
In 2018, the Department issued a request for proposal (RFP) to procure, develop/customize, and implement an educator licensure system that was web-based. This was done in effort to move away from a 20+ year old static legacy system that was not adaptable or capable of enhancements.

In 2019, the State Board of Education authorized the Department to enter into a contract, after the conclusion of the RFP process, with inLumon to implement the educator licensing system. In 2020, the system became functional, and the Department has been utilizing the educator licensing system to date. The current contract is for $250,000.00 and covers September 1, 2023, through June 30, 2025.

The Department issued an RFP to solicit vendors to implement an educator licensure system in April of 2025. Three bids were received. Based on an evaluation of proposals submitted, there is an intent to contract with inLumon. Action on this item will enable the Commissioner to contract for an educator licensure system prior to July 1, 2025, and avoid interruption in service.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $175,000.00

FOR CONTRACTS AND GRANTS:
- Funding Source: Cash Funds (Educator Certification); the funds for this contract are budgeted in the Office's annual allocation. The funds are generated from educator certification applications.
- New contract

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:
- Indicate the method of procurement: Formal Bidding

- Rationale for method of procurement: Formal bidding process allows for multiple entities to bid on the scope of work necessary to implement and support an educator licensing system, thus providing the Department with potentially multiple vendors to choose from at a competitive price.
- Rational for contractor selection: best qualified proposal based on rubric

FOR GRANT SUBAWARDS: N/A

**Updated 08.15.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 19, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Action – New and Expansion Early Childhood Grants (BF.042025.005)

AGENDA ITEM TYPE: Grant

RATIONALE/BACKGROUND INFORMATION:

- The purpose of the Early Childhood Education Grant Program is to improve access to early childhood education/prekindergarten programs. (Neb. Rev. Stat. § 79-1101)
- Through these grants, children are to be served in high quality environments to be better prepared to enter school and be successful.
- Early Childhood programs operated with these grants are required to operate in compliance with *Rule 11 – Regulations for Approval of Prekindergarten Programs Established by School Boards or Educational Service Units and for the Issuance of Early Childhood Education Grants*.
- $3.4 million has been allocated in the state budget for early childhood grants.
- Nebraska Revised State Statute §79-1103 sets the priorities for funding early childhood grants.
    - The first priority is for continuation grants
    - The second priority is for new and expansion grants for programs that will serve at-risk children who will be eligible or required to attend kindergarten the following school year.
    - The third priority will be for new grants, expansion grants, and continuation grants for programs serving children younger then whose who will be eligible or required to attend kindergarten the following school year.
- Funds are available for awarding new and/or expansion grants to public school districts to serve preschool aged students in the 2025/2026 school year because some school districts currently receiving grants will "roll-off" their current grant and no longer be eligible for funding.
- Approximately $2.7 million of the $3.4 million is reserved for continuation of the preschool grants for districts that are still eligible for grant dollars.

- The total amount available for new and expansion grants for the 2025/2026 school year is $725,750.
- School districts that do not operate a preschool program are eligible to apply for a grant to start a center-based early childhood program.
- Districts that currently operate one or more early childhood classrooms are eligible to apply for funds to increase the number of early childhood classrooms they operate.
- In November of 2024, a notice was sent to all school districts of a grant opportunity to apply for funds.
- The grant year will begin July 1.
- The following school districts are recommended for funding:
    - Beatrice Public Schools
      Expansion
      full-day classroom
      $100,000

    - Fillmore Central Public Schools
      New Program
      3 part-day classrooms
      $160,000

    - Mullen Public Schools
      New Program
      1 full-day classroom
      $155,000

    - Scottsbluff Public Schools
      Expansion
      1 full-day classroom
      $ 155,000

    - Wayne Community Schools
      Expansion
      1 full-day classroom
      $155,000

PROPOSED BOARD MEETING: Discussion, April 2025 – Action, June 2025

ESTIMATED COST: $725,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: State General Funds

- New or Renewal: New

- If renewal, date of first approval: NA

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:NA

- Indicate the method of procurement:

- Rationale for method of procurement:

- Rationale for contractor selection:

FOR GRANT SUBAWARDS: NA

- Describe the grantee selection process:
    - All grants were evaluated and scored by early childhood education specialists who have no relationship with the district being reviewed.
    - Bonus points were given to school districts that do not currently have a prekindergarten program. Bonus points were also given to districts that are currently have a CSI, TSI, or ATSI designation.
    - Grants were recommended for approval to the State Board of Education based on the criteria listed in Nebraska Revised State Statute §79-1103

**Updated 08.15.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 20, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Dr. Katie Graham
Administrator, Office of Career, Technical, and Adult Education

PROPOSED AGENDA ITEM: Approval of the 2025-2026 reVISION Action Grants (BF.042025.006)

AGENDA ITEM TYPE (contract/grant/rule/program/other): Grant

RATIONALE/BACKGROUND INFORMATION:

Overview
The purpose of the reVISION Action Grant is to improve, modernize, and expand Career and Technical Education (CTE) programs to align with Nebraska's economic priorities and workforce demands. This competitive grant program provides Perkins funding to eligible secondary and postsecondary recipients to support the implementation of action steps identified through the reVISION comprehensive local needs assessment.

History and Connections to Perkins V
Since 2012, the NDE's reVISION process has been instrumental in improving and strengthening CTE in Nebraska and preparing students for high-demand careers. In 2018, the federal Perkins V legislation introduced a requirement that all eligible recipients complete a comprehensive local needs assessment to receive Perkins funding. Nebraska updated the reVISION process to meet this requirement, ensuring that local CTE programs align with industry demands and that Perkins funds are spent on identified needs.

To help school districts and community colleges act on the findings from the reVISION needs assessment, the reVISION Action Grant was created. Funded projects must focus on preparing students for high-skill, high-wage, and in-demand careers and align with Nebraska's economic and workforce priorities.

***Update:* Funding Sources for 2025-2026**
For the 2025-2026 grant year, funding comes from:

1. Perkins Reserve Funds (Section 112(c)) – Nebraska has set aside 15% of its Perkins formula funding for competitive grants, totaling approximately $1,052,600 for FY25. These funds must support either rural areas, schools with high numbers of CTE students, and/or schools with gaps in performance.

2. Perkins Leadership Funds (Section 124) – Approximately $50,000 is allocated to support the final year of the ESU 7 Regional CTE pilot project, which benefits 19 school districts by identifying and sharing best practices for regional CTE delivery.
3. Grace S. Pfister Foundation Trust – Contributed approximately $4,000 to support a rural reVISION project.
4. Special Populations Set-Asides – Two Perkins set-asides will be used for aligned projects, including the "Recruiting Special Populations" set aside (approximately $826) and the "Institutional" set-aside, which supports individuals in state correctional institutions (approximately $15,686)

Total Grant Funding Available: approximately $1,123,112.00

In recent years, requests for reVISION Action Grant funding have exceeded available resources by a 3:1 ratio, demonstrating the high demand for these grants.

Since its launch, reVISION Action Grants have been awarded to:

- 93 school districts
- 6 Education Service Units (ESUs), impacting 87 districts
- 5 community colleges
- Nebraska College of Technical Agriculture (NCTA)

Eligibility
reVISION Action Grants are open to all Perkins-eligible recipients that have completed the reVISION needs assessment. This includes:

- 239 of Nebraska's 244 school districts
- All 6 community colleges
- Nebraska College of Technical Agriculture (NCTA)
- A consortium of eligible recipients

To ensure broad awareness of the grant opportunity, information is shared through Perkins grant recipient communications (administration), quarterly CTE newsletters, content area listservs, at ESU CTE collaboration days around the state, at Perkins Technical Assistance Meetings, to NDE staff and agency/community partners, to the Nebraska Partner Council, and to the ESU Perkins Cadre. Technical assistance and informational webinars are available to applicants.

Grant Administration and Selection Process
The reVISION Action Grant is administered through the Office of Career, Technical, and Adult Education. In December 2024, the 25-26 grant application and template/guidelines were released and shared broadly. Applications are due by March 21, 2025. Application elements include: an Application Overview, Key Objectives, Project Activities, Commitment and Capacity, and a Budget Proposal.

Applications were scored by a review committee, including NDE staff and external partners, including business and industry representatives and other NDE Office personnel outside of the Office of Career, Technical, and Adult Education. Proposals were ranked based on:

- Alignment with reVISION outcomes and local/state workforce needs
- Strength of the proposed activities
- Commitment and Capacity

- Allowable use of funds

Update: **Selected Proposals**

After a thorough review of grant proposals, approval to award the following applicants is sought:

LEA	Award
Bertrand Community Schools	$99,152.00
Central Community College	$100,000.00
Conestoga Public Schools	$95,956.00
Crete Public Schools	$100,000.00
Diller-Odell Public Schools	$100,000.00
Educational Service Unit 7*	$150,000.00
Freeman Public Schools	$100,000.00
Malcolm Public Schools	$30,032.00
Metropolitan Community College	$100,000.00
Plattsmouth Public Schools	$85,143.00
South Sioux City Public Schools	$88,900.00
Wakefield Community Schools	$16,629.00
York Public Schools	$57,300.00
Total	**$1,123,112.00**

** ESU 7 submitted a project on behalf of, and in collaboration with the 19 districts it represents: Boone Central Public Schools, Central City Public Schools, Clarkson Public Schools, Columbus Public Schools, Cross County Public Schools, David City Public Schools, East Butler Public Schools, Fullerton Public Schools, High Plains Community Schools, Howells-Dodge Consolidated Schools, Humphrey Public Schools, Lakeview Community Schools, Leigh Public Schools, Osceola Public Schools, Palmer Public Schools, Schuyler Community Schools, Shelby-Rising City Public Schools, St. Edward Public Schools, Twin River Public Schools*

***Update*: Preliminary Outcomes from the ESU 7 Regional CTE Project**

As a multi-year recipient of reVISION Action Grant funding, ESU 7 continues to demonstrate the potential of a regional approach to strengthening career and technical education (CTE) in Nebraska. Serving 19 school districts, ESU 7 has developed a scalable support model designed to help districts build and align high-quality CTE Programs. Over the past two grant cycles, ESU 7 has conducted 16 district-level data reviews that informed targeted five-year action plans. As a result, 58 CTE Programs of Study across the region have been aligned to Nebraska's CTE content area framework.

As part of this model, ESU 7 has launched an early-stage "mini-region" structure, organizing 18 districts into three regional clusters based on geographic proximity. These mini-regions are designed to support intentional collaboration around course offerings, shared programming, and resource alignment. This grant year, mini-regions will begin to implement cross-district content sharing. This approach holds particular promise for expanding access to CTE programs in small and rural districts with limited staff or specialized training or equipment.

With grant funds, ESU 7 has also expanded targeted professional development through the formation of six CTE content area networks. This emphasis on professional learning and collaboration continues to strengthen regional capacity, positioning ESU 7 to share promising practices statewide as the model evolves.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: Up to $1,123,112.00

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal Perkins ($1,119,112), Grace S Pfister Foundation Trust ($4,000)

- New or Renewal: New – each year there are new applicants and awards. Board approval is sought for reVISION Action Grants each year

- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: N/A

- Rationale for method of procurement: N/A

- Rationale for contractor selection: N/A

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

  The reVISION Action Grant is administered through the Office of Career, Technical, and Adult Education. In December 2024, the 25-26 grant application and template/guidelines were released and shared broadly. Applications are due by March 21, 2025. Application elements include: an Application Overview, Key Objectives, Project Activities, Commitment and Capacity, and a Budget Proposal.

  Applications were scored by a review committee, including NDE staff and external partners, including business and industry representatives. Proposals were ranked based on:
  - Alignment with reVISION outcomes and local/state workforce needs
  - Strength of the proposed activities
  - Commitment and Capacity
  - Allowable use of funds

**Updated 08.15.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: April 29, 2025

TO: Brian L. Maher.
Commissioner of Education

FROM: Bryce Wilson, Finance Officer

PROPOSED AGENDA ITEM: Accept the 2024 Single Audit Report

AGENDA ITEM TYPE (contract/grant/rule/program/other): Other

RATIONALE/BACKGROUND INFORMATION: A single audit is an organization-wide financial statement and federal awards' audit of a non-federal entity that expends $750,000 or more in federal funds in one year as required by OMB Uniform Guidance. It is intended to provide assurance to the Federal Government that a non-federal entity has adequate internal controls in place and is generally in compliance with program requirements. Non-federal entities typically include states, local governments, Indian tribes, universities, and non-profit organizations.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: N/A

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:
- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 07.06.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Allyson DenBeste, Academic Officer
Victoria Katzberg, Literacy Program Specialist

PROPOSED AGENDA ITEM: Action Item: Approve the Intent to Award the Comprehensive Literacy State Development (CLSD) Grant External Evaluator Contract to SRI International for Year 1 of the CLSD Grant, beginning June 15, 2025, with the option to renew for up to four (4) additional years.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION:

- A requirement of the CLSD grant is to contract with an independent, third-party evaluator. The evaluator will support the NDE by providing information regarding the implementation and outcomes of the grant, for which the NDE is accountable to the U.S. Department of Education.
- Over the five-year project period, the external evaluator will collect data to examine project implementation and outcomes as aligned to the grant's main goals.
- Per the Nebraska Department of Administrative Procurement procedures, a Request for Proposal (RFP) was issued per the following Schedule of Events:

Activity	Date/Time
Release solicitation	February 18, 2025
Last day to submit written questions	February 25, 2025
State responds to written questions	March 4, 2025
Electronic solicitation Opening	March 12, 2025 2:00 PM Central Time
Evaluation Period	March 12, 2025 – March 26, 2025*

*Evaluation period extended to April 9, 2025

- Nine proposals were received and based on the scoring of the proposals, four vendors were invited to provide a demonstration via Zoom from May 4-8, 2025:
  - The American Institutes for Research (AIR)
  - WestEd
  - NORC (University of Chicago)
  - SRI International
- After final scoring, the highest proposal was submitted by SRI International.
- The review team consisted of:

    - Information Systems Officer
    - Office Administrator, Data Management & Application Development
    - Statistical Research Specialist, Research and Evaluation
    - K-3 Reading Specialist, Office of Teaching, Learning, & Assessment
- The Department of Administrative Services plans to announce a Notification of Intent to Award on June 6, 2025.

PROPOSED BOARD MEETING (MONTH/YEAR):
An informational item was provided in April, 2025 and an action item in June, 2025.

ESTIMATED COST: $350,000 total ($65,000 per year in Years 1-4; $90,000 in Year 5)

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal grant (CLSD)
- New or Renewal: New
- If renewal, date of first approval:

The funds for this activity are included in the grant award for this program.

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Competitive Negotiation
- Rationale for method of procurement: Contract exceeds $50,000
- Rationale for contractor selection: Evaluation committee using a vendor score sheet.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

**Updated 08.15.2023*

Vendor selection Criteria (NDERFP241101 - External Evaluation):

Calculated section to provide summary level scoring for the top 6 vendors - Please do not change, Procurment team will calculate and edit neccesary feilds.

Vendor	Veterans Preferance Y/N?	Score Overall (summed)	Average Proposal Score	Demo Score (summed)	Demo Session Average Score	Average Proposal score + Demo (Final)
The American Institutes for Research (AIR)	N	369.198	92.30	37.00	9.25	101.55
WestEd	N	361.864	90.47	39.00	9.75	100.22
NORC	N	345.874	86.47	28.00	7	93.47
SRI International	N	344.862	86.22	75.00	18.75	104.97
Sterling Literacy Consulting	N	337.630	84.41			
Marzano Research	N	335.867	83.97			
Hanover Research	N	334.672	83.67			
Category One Consulting	N	320.484	80.12			
Eleventh House Solutions	N	236.000	59.00			





Evaluation of the Nebraska Comprehensive Literacy State Development (CLSD) Grant

PREPARED FOR:
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PREPARED BY:
Dan Reynolds
Senior Education Researcher
SRI International
333 Ravenswood Avenue
Menlo Park, CA 94025-3493
650-859-2277
dan.reynolds@sri.com

Submission Date: March 12, 2025 | **Valid Up-to Date**: June 12, 2025
Solicitation Number: NDERFP241101| **SRI Proposal Number**: EDU-25-046-1432-S
Approved by: Jim Burdette

SRI International is a registered trademark, and SRI Education is a trademark of SRI International.

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Corporate Overview

SRI Identification and Information

SRI International (a nonprofit scientific research institute)
333 Ravenswood Avenue, Menlo Park, CA 94205-3453
Incorporated in California, 1946

Financial Statements

Jim Burdette
Senior Contracts Officer
SRI International
1100 Wilson Boulevard
Suite 2700
Arlington , VA 22209
703-247-8531
Jim.burdette@sri.com

SRI's audited financial statements are included in Attachment F.

Change of Ownership

SRI does not anticipate any change in ownership or control of the company in the 12 months following the solicitation due date.

Office Location

Main office: 333 Ravenswood Avenue, Menlo Park, CA 94205-3453

Satellite office: 2595 Canyon Blvd., Ste 440, Boulder, CO 80302

Relationships With the State

SRI currently has no contracts with Nebraska.

SRI's Employee Relationship With the State

No individual listed in this response is or was an employee of the State in the past 3 months.

Contract Performance

Over the last 3 years, SRI has had various contracts terminated for convenience of our customer. We have not had any contracts terminated for cause/default. Due to confidentiality restrictions contained in some of these contracts, we are unable to provide details other than the termination being for convenience.

Client Type	Prime Contractor Name	Address	Project Name	Funding Source Description	Contract No	Contract Term Date	Termination Reason
GOVT SUB	RTI International	3040 Cornwallis Road Durham, NC 27709	NLTS2012	Dept. of Education	1-312-0215020-52348L	2/10/25	Customer Convenience
GOVT SUB	American Institutes for Research	1400 Crystal Drive 10th Floor Arlington, VA 22202-3289	PESTO TO 5	Dept. of Education	0529500503	2/10/25	Customer Convenience
GOVT SUB	Alder Graduate School	2946 Broadway, Suite B Redwood City, CA 94062	Alder TQP 2022	Dept. of Education	Alder TQP 2022	2/12/25	Customer Convenience
GOVT SUB	American University	4400 Massachusetts Ave., NW Washington, DC 20016	AU TQP	Dept. of Education	AU TQP	2/12/25	Customer Convenience
GOVT PRIME	SRI International	U.S. Dept of ED-550 12th Street SW Room 7169 Washington DC 20065	REL Appalachia	Dept. of Education	91990022C0008	2/13/25	Customer Convenience
GOVT SUB GRANT	Westat, Inc.	1600 Research Boulevard Rockville, MD 20850	National Comp Center	Dept. of Education	2098-00-S011	2/19/25	Customer Convenience

Client Type	Prime Contractor Name	Address	Project Name	Funding Source Description	Contract No	Contract Term Date	Termination Reason
GOVT GRANT	Univ of North Carolina	104 AIRPORT DRIVE SUITE 3700, CB #3500 CHAPEL HILL, NC 27599-3500	Univ of North Carolina	U.S. Nonprofit	Univ of North Carolina	3/16/23	Customer Convenience
GOVT SUB GRANT	Consumer Wellness Solution	11000 Optum Circle MN101W010 Eden Prairie, MN 55344	Project Check Up	NIH-National Institute Health	1 R34 DA051051-01	10/7/23	Customer Convenience
GOVT PRIME	DHHS/BARDA	200 Independence Ave., SW Room 640-G Washington, DC 20201	BARDA RadNuc Model Dev	BARDA	75A50123F61001	5/31/24	Customer Convenience
GOVT SUB	Southwest Research Institute	6220 Culebra Road San Antonio, Texas 78238-5166	SwRI-CODEX	NASA	Q99072AKP	6/30/24	Customer Convenience

Summary of SRI's Corporate Experience

SRI has a 60-year history as a leading education research institute with a track record of hundreds of large-scale education research projects completed on time and budget. We have selected three current or recent projects that highlight how SRI's capacity and expertise align with the needs of this solicitation. SRI's expertise with teacher professional learning, student outcomes, and systemic improvements to Tier I K–5 literacy is illustrated by the Urban District Literacy Collaborative (UDLC) project (see the first row in Table 1 below). The Reading Apprenticeship for Academic Literacy Learning (RA4ALL) project demonstrates SRI's evaluation credibility for Tier II adolescent literacy projects, including measuring the quality and quantity of literacy coaching and teacher professional learning at large scale, and rigorously evaluating their impacts on student literacy outcomes. In combination, these two projects showcase SRI's wide-ranging literacy content expertise in elementary and adolescent literacy, as well as our suitability to understand MTSS implementation at scale. Finally, our recent work with the Nebraska Writing Project at the University of Nebraska-Lincoln, as part of our C3WP evaluation for the National Writing Project, is evidence of our connection to the Nebraska context, supporting teacher training in improving student writing outcomes, and designing data collection to improve the program implementation.

Table 1: Three Examples of SRI Evaluating Large-Scale Literacy and Learning Initiatives

Project Name	Project Description	Time Period	SRI's Responsibilities	Contact Information
Continuous Improvement of the Urban District Literacy Collaborative (UDLC)	This project examines the continuous improvement efforts of the UDLC, an ongoing partnership with the Schusterman Family Philanthropies and urban districts around the country. The $2.5M study serves four large urban districts in four states that together serve 229,000 students. The 2-year research project ties together classroom observations, teacher surveys, teacher and administrator interviews, and extant data to investigate whether the systemic conditions for professional learning are translating to HQIM implementation with fidelity and increased K–5 literacy achievement.	Schusterman Family Philanthropies (funder) has worked with SRI for 6 years. The current study began in July 2024 and is on track for completion in December 2026, with all deliverables on time.	Prime Vendor • Securing permissions • Recruiting schools, teachers, coaches, and principals • Designing surveys, interview protocols • Collecting all data • Delivering reports to biannual UDLC convenings • Co-interpreting findings and reports with UDLC district leaders to focus on systemic improvements that deliver student outcomes	Cassie Coddington Senior Program Officer, Charles & Lynn Schusterman Family Philanthropies ccoddington@schusterman.org 770-289-5424
Evaluation of Reading Apprenticeship for Academic Literacy Learning (RA4ALL)	The RA4ALL curriculum is an innovative combination of foundational skills and comprehension instruction for adolescent intervention. This 5-year, $8M project is funded by the U.S. Department of Education's Education Innovation and Research (EIR) program. SRI is partnering with WestEd, a national leader in literacy professional learning, in a randomized controlled trial of the RA4ALL curriculum and professional learning. SRI is evaluating the impact on 8th and 9th grade Tier II student reading outcomes in 50 schools across 10 states, and conducting a follow-up implementation and cost analysis.	The 5-year grant started in January 2024 and is on track through its design and recruitment phases.	Subcontractor to WestEd • Support WestEd recruiting efforts • Collaborate on measurement instruments for professional learning • Conduct 2-year randomized controlled trial to meet What Works Clearinghouse (WWC) standards without reservations, measuring both decoding and comprehension outcomes along with state ELA tests • Conduct qualitative analysis, including teacher interviews and student focus groups, to understand teacher and student experiences	Misty Sailors WestEd Research Director, Literacy misty.sailors@wested.org 415-565-3000

Project Name	Project Description	Time Period	SRI's Responsibilities	Contact Information
Evaluation of National Writing Project's (NWP's) College, Career, and Community Writers Program (C3WP)	This evaluation of C3WP was funded by a U.S. Department of Education Investing in Innovation (i3) Scale-up grant. SRI partnered with NWP and many of its local sites, including the Nebraska Writing Project, to evaluate the impact of C3WP on student writing outcomes as well as NWP's efforts to scale across contexts.	This grant started in 2017 and ended in 2022 (with a no-cost extension due to the pandemic).	Prime Vendor • Conducted a 1-year randomized controlled trial that met WWC standards without reservations • Conducted a large qualitative scaling study involving local writing project sites across multiple states • Provided formative feedback to shape scaling strategies and summative reports gauging implementation and impact	Tanya Baker, National Writing Project Executive Director tbaker@nwp.org 510-859-7305

Summary of SRI's Proposed Personnel/Management Approach

The project will be led by principal investigator (PI) Dan Reynolds, co-PI Doug Gagnon, and project manager Stephanie Suarez. These three individuals will form the core project team and will be responsible for the day-to-day operations of the project, communicating with the Nebraska Department of Education (NDE), and ensuring deliverables are met. To complement the expertise of the project leads, SRI has two content advisors (Rutherford-Quach and Gaylor) whose experience with aspects of P–12 literacy and large-scale evaluation will be particularly valuable for different aspects of the project. These advisors will meet with the project leads as needed and bring grade-level and methodological expertise.

Core Project Team (3): Dan Reynolds, Doug Gagnon, Stephanie Suarez

PI: Dan Reynolds, PhD, Senior Education Researcher

Reynolds brings experience to all aspects of Nebraska's Comprehensive Literacy State Development (CLSD) project as a literacy researcher, professional developer, teacher educator, and former chair of an education preparation provider. He has published over 25 peer-reviewed research articles on literacy education and literacy teacher education, and has recently published *Tackling Tough Texts: A Research-Based Guide to Scaffolding Learning in Grades 6–12*. He brings particularly valuable expertise in adolescent literacy, since 40% of subgrantee funds must be devoted to grades 6–12. He will be the lead contact with NDE, attend regular virtual meetings with Nebraska's CLSD leaders, and make yearly site visits to NDE timed for maximum support with Nebraska's statewide partners, such as Nebraska Council on Teacher Education (NCTE) meetings or cross-agency meetings. Reynolds will manage SRI's internal staff on the project and ensure timely deliverables.

Co-PI: Doug Gagnon, PhD, Principal Education Researcher

Gagnon has extensive experience in large-scale program evaluation and state-level applied research and technical assistance. He served as the applied research lead for $25M Regional Educational Laboratory contracts for 3 years, working in close partnership with education partners across multiple states and leading numerous projects to conduct research, supply technical support, and disseminate work to broad audiences. Gagnon will support Reynolds and NDE in collaboratively creating the evaluation design and data collection plan, leading data analysis tasks, and ensuring timely deliverable completion for just-in-time feedback.

Project Manager: Stephanie Suarez, Education Researcher

Suarez has extensive experience managing large-scale program evaluation and technical assistance grants and contracts. She served as the co-senior project manager and deputy project manager for two $25M Regional Educational Laboratory contract cycles for more than 3 years. She will plan and monitor the life cycle of evaluation activities, ensuring that all deliverables are completed on time and within budget. She will also assist with data collection and analyses activities.

Project Content Advisors: NE Consultant, Sara Rutherford-Quach, and Erika Gaylor

Nebraska Literacy Consultant

To ensure that our work is grounded in the contexts of Nebraska's literacy ecosystems, we will hire a Nebraska-based literacy consultant for each of the five years of the project. We have

reached out to several of our contacts from our previous work in Nebraska, and we have interest from several candidates. We may end up splitting the work between multiple consultants if we need specific developmental lenses. For example, we may partner with a Nebraska K–5 literacy specialist who might review documents about the Science of Reading training from UNO/UNK/UNK or LETRS or we may partner with a Nebraska professor/teacher educator from a Nebraska EPP to review documents about reading coursework realignment. This consultant will be critical to ensuring documents align with evolving expectations in the developmental evaluation.

Senior Content Advisor: Sara Rutherford-Quach, PhD, Principal Education Researcher and Teaching Quality and Multilingual Learner Director

Rutherford-Quach has led several large-scale literacy evaluations for districts, states, and multistate consortia, and has worked with the National Writing Project in Nebraska from 2018–20. She will provide regular guidance to the core project leaders and draw on her expertise with literacy evaluation and multilingual learners to review relevant portions of data collections and deliverables.

Senior Content Advisor: Erika Gaylor, PhD, Senior Principal Education Researcher and Early Learning Director

Gaylor currently leads work in Nebraska as part of a federal Education Innovation and Research (EIR) project to implement and test a classroom-wide intervention to support young children's self-regulation skills. She will provide early childhood expertise, reviewing relevant plans, instruments, and deliverables to ensure content accuracy and suggest improvements.

SRI Education's Research Infrastructure: Team Support

The proposed project team works within an SRI Education ecosystem that has a collective history of working with state and local agencies to develop, implement, and evaluate solutions to educational issues. We have particularly relevant experience on evaluation projects of similar scope and complexity, including comprehensive mixed-methods evaluations demanding project management, data collection, and data analysis and usage for continuous improvement, including developmental evaluation. SRI's researchers regularly consult and collaborate beyond project teams to leverage the breadth and depth of our collective expertise.

SRI also has considerable technical infrastructure to support the collaboration with NDE and within SRI, including state-of-the-art data processing capabilities and local network systems that run in controlled facilities with routine backup and security audits. Our systems use high-quality, industry-standard equipment with premium-level vendor hardware and software support, and 24-hour IT support 365 days a year. Our team has advanced communications and teleconferencing facilities, private online meeting spaces, and graphics and editing resources, and we can set up secure web spaces (e.g., SharePoint) for sharing electronic files across multiple organizations. The IT and data teams at SRI support and maintain this infrastructure, enabling the project team to focus on the evaluation.

Technical Response

The Project Environment and the Scope and Vision of CLSD Grants

Developing strong literacy instruction is a critical task for any education system that aims to prepare students for rigorous thinking and learning during their K–12 education and for their postsecondary lives. Grade 3 reading scores predict a host of important academic and social outcomes, including high school graduation (Hernandez, 2011), college enrollment (Lesnick et al., 2010), and future inclination to read (Cunningham & Stanovich, 1997; Sparks et al., 2014). Reading proficiency also strongly influences learning in subjects across the curriculum. For example, one recent study followed a nationally representative sample of U.S. students and found that reading growth predicted growth in science knowledge throughout the elementary years (Hwang et al., 2023). Improving literacy instruction at scale, then, may have powerful ripple effects throughout students' K–12 schooling and beyond.

CLSD grants can be springboards for states to launch ambitious literacy projects that impact these student achievement outcomes. Louisiana, for example, was one of the largest CLSD grantees on a per-student basis in 2019 and 2020—and Louisiana's 2024 results for fourth-grade readers on the National Assessment of Educational Progress (NAEP) showed that state to be one of two states where 2024 results exceeded 2019 pre-pandemic scores (National Center for Education Statistics [NCES], 2024). Well-executed, state-level literacy reform has the potential to deliver powerfully improved outcomes for K–12 readers.

In the past 5 years, Nebraska students' reading scores on the NAEP have decreased considerably, reversing a decade-long trend of reading improvement in the state (NCES, n.d.-a). In addition, significant achievement gaps in reading proficiency based on race, gender, disability, and socioeconomic status currently exist in Nebraska, and these gaps have widened since 2022 (NCES, n.d.-a, n.d.-b). The Nebraska CLSD grant's focus on reaching all children is particularly well suited to narrowing achievement gaps by investing in the literacy infrastructure across the state.

With the CLSD award, NDE has already begun to invest $55M in its literacy infrastructure. This award is a true opportunity to transform literacy education statewide. NDE seeks to improve literacy outcomes for P–12 students statewide by aligning state literacy resources, training preservice and in-service teachers in the Science of Reading, and encouraging the adoption of high-quality instructional materials (HQIM). As partners in developmental evaluation, NDE and SRI will track the implementation of each of CLSD activities as they roll out over the 5-year period, both capturing just-in-time feedback each quarter and reflecting on the summative work of the implementation and impact studies at the end of the 5-year grant. Achieving NDE's ambitious literacy goals will require a strong evaluation partner with expertise across preschool, elementary, and adolescent literacy; experience in large-sale project evaluation; and understanding of Nebraska's literacy contexts. SRI offers a team of experts and a project plan to support NDE in making the most of its CLSD opportunity.

Evidence and Practice Supporting Nebraska's CLSD Plans

With these potentially powerful effects comes the challenge of improving statewide literacy infrastructure. With more and more states requiring the use of HQIM especially in K–5 reading instruction, new research offers guidance for how states can encourage their widespread adoption and strong implementation. Doan et al. (2022) suggest that states use targeted combinations of

mandates and incentives—and it may be that the incentive of the $52.25M to be distributed to subgrantees could be combined with carefully planned mandates to maximize HQIM adoption not just over the 48 planned subgrantee districts but across all of Nebraska's 245 districts.

Adopting HQIM is a good step, but training teachers in scientifically based reading instruction is also crucial. A meta-analysis by Didion et al. (2020) found a significant positive effect for teacher professional development on student reading achievement. NDE's work in evaluating and selecting four high-quality professional development options (UNL Nebraska WORDS, UNO Early Literacy Workshop, UNK Project RISE for Pre-K, and Lexia LETRS) has laid the groundwork for subgrantees to provide training shortly after awards are determined. NDE and SRI can collaborate in May and June 2025 to prepare for the measurement necessary to capture the extent and quality of teacher training and impacts on student outcomes.

In-service teacher training can address the needs of teachers today, but preservice teacher training and collaborating with EPPs will build a stronger pipeline of reading teachers for Nebraska's schools for years to come. The National Council on Teacher Quality's (2023) analysis of nine of Nebraska's 16 EPPs noted opportunities for the state's EPPs to improve their alignment with scientifically based reading. The NCTQ (Putnam, 2025) also issued a report this year that provides recommendations for states considering whether their educator licensure exams sufficiently guarantee that their EPP graduates are prepared to deliver instruction aligned with the science of reading (Putnam, 2025). NDE's collaborations with its EPPs will also prepare new and eager teachers to graduate into a teaching community that has aligned expectations for reading instruction statewide.

Taken together, these reports and research suggest that the activities proposed in Nebraska's CLSD grant are all potential levers for improved literacy instruction—and student achievement—across the Cornhusker State (National Council on Teacher Quality, 2023).

Understanding of the Project Requirements

Nebraska's logic model for its Journey to Inclusive Literacy specifies six project activities to be evaluated:

1. Updating and disseminating Nebraska's Statewide Literacy Plan, as the backbone and framework to which all other grant activities will be aligned.
2. Building capacity of a regional literacy coaching system across Nebraska's Multi-Tiered System of Support (NeMTSS) regions.
3. Creating tools and resources for family literacy to reach, especially, Nebraska's low-income children and better prepare them for success at school entry.
4. Funding large-scale, evidence-based Science of Reading professional learning for Nebraska's 23,000 K–12 educators.
5. Supporting Nebraska's 245 districts in adopting HQIM for literacy instruction, especially to ensure adequate instruction for the state's most underserved students.
6. Collaborating with Nebraska's 16 EPPs to ensure that all teachers and education leaders are well prepared to deliver and support instruction aligned with the Science of Reading and that licensure standards guarantee this preparation.

The logic model proposes that these six activities will lead to increased cohesion in statewide tools and resources; widespread teacher training; implementation of HQIM; services for 100,000 low-income children; and, ultimately, increased English language arts (ELA) proficiency to 75% in 2030 and 50% increases in grade-level proficiency for 4-year-olds, 5th graders, 8th graders,

11th graders, and students with disabilities. Nebraska's ambitious goals for its readers set the bar high. NDE understands that to clear this bar, it is critical to conduct an evaluation that provides formative feedback and documents progress toward goals.

Proposed Developmental Approach

NDE seeks a developmental evaluation partner to not only employ a rigorous study design but also advise NDE on early implementation. SRI understands that our role in the developmental evaluation will be to co-design the study, advising on study design concepts such as selecting measurement tools, comparison groups, and impact designs. For example, when the developmental evaluation begins in late spring and summer 2025, SRI will advise NDE on survey design to measure the subgrantees' implementation of their activities based on the content of their applications.

SRI's approach and methods are firmly grounded in the essential elements of developmental evaluation, which include developmental purpose, evaluation rigor, a focus on adaptive learning, utilization focus, co-creation, timely feedback, and evaluators as part of the team (Dozois et al., 2010; Patton, 2016). In a developmental evaluation, key interest holders are integrated into the evaluative process of refining research questions, gathering and interpreting data, framing issues, and learning as the projects unfold. Moreover, the projects have a utilization focus; that is, the intended users of the evaluation are engaged in the process, and the intended uses of the evaluation guide the decisions about the work (Patton, 2008).

SRI's Experience With Implementation and Impact of Statewide and CLSD Projects

The project team comprises researchers, professional development specialists, and technical assistance providers with expertise in literacy, implementation research, and complex project management, as well as organizational and institutional resources to provide the services requested at the highest standards and in compliance with the timeline and budget. SRI conducts rigorous studies on policies and programs that support the development, learning, and well-being of children and families. We work to build the capacity of federal, state, and local programs; enhance educational quality; support the education workforce; and implement data-based continuous improvement processes. SRI's track record is evident in our decades of success with federal and state, philanthropic, and commercial clients with whom we have conducted dozens of landscape and policy analyses, formative process evaluations, qualitative case studies, longitudinal quantitative studies, and experimental and quasi-experimental research.

For CLSD specific experience, PI Reynolds participated in multiple components of the implementation of Ohio's 2017 CLSD grant. First, he was a member of the writing team for the initial 2017 version of Ohio's Plan to Raise Literacy Achievement and co-authored the section on adolescent literacy. Reynolds was selected to design and deliver a 2-year professional learning experience for Ohio's new grant-funded adolescent literacy specialists. Beyond training the statewide adolescent specialists, he delivered customized adolescent literacy professional development aligned with both Ohio's state plan and local school districts' specific needs assessments. Finally, Reynolds worked with the state literacy team to read, score, and evaluate subgrantee applications from around the state, and to analyze their use of the Reading Tiered Fidelity Inventory (R-TFI), an instrument that assesses schools' and districts' capacities for implementing strong MTSS for reading in elementary and secondary schools.

From 2021 to 2024, Reynolds also served as graduate program director and then the chair of the Department of Education at John Carroll University (JCU), where he was a professor of

literacy education and where he oversaw an overhaul of JCU's four-course sequence for elementary and middle school teachers to better align with the Science of Reading and to comply with Ohio's requirements for EPPs. He worked with his department team to apply for two $20,000 grants to update coursework and develop stronger partnerships and training for mentor teachers so that JCU student teachers could complete their student teaching under the supervision of mentor teachers trained in the Science of Reading. Reynolds has in-depth and hands-on experience with revising all facets of EPPs' work—alignment to standards, revisions of syllabi, selection of field placements, and training and selection of mentor teachers—to accelerate novice teachers learning to teach scientifically based reading instruction.

Implementing and Evaluating MTSS Frameworks

SRI also brings considerable experience implementing and evaluating MTSS frameworks and activities specifically. For example, Handle With Care is a school-community partnership program developed in West Virginia that helps ensure children potentially exposed to trauma in their home, school, or community receive appropriate support to help them achieve in school. Since 2019, SRI (including co-PI Gagnon) has worked with the program developers to enhance Handle With Care's tools and materials to help school staff use data-driven decision-making for program improvement. This also included aligning materials to integrate Handle With Care into existing MTSS frameworks within schools. This work included developing teacher professional learning to better support students who experienced trauma and coaching for school leaders on continuous improvement of the program. SRI also conducted an evaluation of the Handle With Care program, which led to refinements in delivery as well as expansion of the program and its supports to other parts of the country. SRI continues to work with partners in West Virginia and in Tennessee to implement, improve, and study the program.

SRI Education as a Partner in Developmental Evaluation

The project team will engage NDE staff and other key interest holders as true partners throughout the evaluation phases so that the information we gather about CLSD grant activities meets the needs of administrators, educators, coaches, and students. In our work, nurturing authentic and enduring relationships with study participants is critical to garnering buy-in to evaluation activities and supporting interpretation, dissemination, and uptake of findings. In this work, we must balance the need to objectively document progress toward outcomes with that of providing just-in-time formative feedback to NDE. To do so, we pay special attention to needs as they evolve throughout the evaluation, knowing that priorities can and do shift when implementing large initiatives, and evaluators must be flexible and responsive to those changes.

We bring a wealth of experience using developmental evaluation approaches with our partners. For instance, as part of the $25M Regional Educational Laboratory Appalachia contract, SRI worked closely with the Kentucky Department of Education (KDE) to support an evaluation of a state math coaching program. Through this work, led by Gagnon, SRI and KDE collaboratively developed a logic model, research questions, and data collection and reporting plans. The developmental evaluation included an examination of process components, such as training delivered to math coaches, as well as outcomes such as student math achievement in coached schools. SRI worked closely with KDE to tailor findings from the evaluation to different audiences, including coaches, district administrators, other KDE staff, and elected officials. This work helped to promote year-to-year improvement of the program, and the documented success provided the rationale for state legislators to increase funding to the program and expand from 13 schools to 50 schools in 2024. Gagnon's expertise in large-scale developmental evaluation will

complement Reynolds's CLSD experience and the range of developmental expertise from early literacy through high school provided by SRI's team of content advisors.

SRI Education's Suggestions for NDE's CLSD Implementation and Evaluation

After carefully examining Nebraska's CLSD grant plans, the SRI team suggests two possible ways NDE could improve its implementation and evaluation plans.

Suggestion 1: Measuring Improvements to MTSS Systems with the R-TFI

NDE might consider using the Reading Tiered Fidelity Inventory (R-TFI) as an implementation instrument to capture the extent to which a given school or district has implemented a reading-focused MTSS. The R-TFI is a capacity-building tool, with a structured approach to understanding what supports are already in place for a given school or district—and what supports need to be in place for a robust MTSS approach to reading. The elementary-level version of the R-TFI focuses on K–5 literacy concepts, including the acquisition of foundational skills. The secondary-level version of the R-TFI also includes multidisciplinary teams to support students developing content-area and disciplinary literacy. Both versions of the R-TFI are designed to strengthen universal Tier I systems but also build developmentally appropriate literacy interventions for those students who need extra support.

The R-TFI may be a particularly impactful aspect of evaluation design for Nebraska's CLSD initiative for several reasons. First, it is a well-tested, widely used tool to evaluate the capacity of schools and districts to build long-term sustainable teams for literacy improvement—ensuring CLSD grant funds encourage districts to not merely engage in professional development and make curriculum investments but also create long-term capacity. Second, the R-TFI's MTSS focus aligns with the NeMTSS framework for Nebraska's continuous improvement. The tool can deliver actionable information for both schools (which can use the R-TFI to understand where they need to build more infrastructure) and states (which can examine data to determine where districts need more capacity-building). States can request their own account to use the R-TFI reporting and data-gathering system, and use of the tool and the reporting system is free.

Suggestion 2: Leveraging Grant Rollout for Study Designs

NDE might consider leveraging a staggered rollout of grant activities as a feature of the evaluation design. That is, if NDE is oversubscribed in grant applications for the Year 1 grants, we can use unfunded applicants to form a comparison group, or randomly select awardees from a pool of applicants who achieve a certain threshold score on a grant application rubric. Because the evaluation contract begins April 30, 2025, before the subgrantee applications are submitted, there should be time in May and June for the evaluation team and the CLSD grant team to meet and co-design the rollout plan. Early insight into subgrantees' plans in May and June 2025 will help design the implementation study for its first data collections in the 2025–26 school year. Knowing which districts have applied could also help NDE determine whether subgrantees are representative of Nebraska's school districts. If subgrantees are not representative of Nebraska's school districts, understanding differences could help NDE scale CLSD efforts beyond the 48 expected grantee districts to all 245 districts.

The steps that NDE has already taken will help accelerate the development of the impact study's design. For example, if the Year 1 subgrants are awarded and we do not expect additional subgrantees in future years, a quasi-experimental design (QED) might work best. On the other hand, if the NDE and SRI teams determine that there may be future additional district applicants, this could be well suited to a comparative interrupted time series (CITS) design that compares

the achievement outcomes of similar districts before and after the receipt of grant funds and the completion of professional development. The NDE and SRI teams will work together to determine the most rigorous design possible for the impact analysis.

Technical Requirements

Scope of Work

NDE's request for proposals (RFP) clearly outlines the scope of work for the external evaluator. Our approach to completing this scope of work and evaluating the Nebraska CLSD grant involves six key components: (1) collaboratively developing an implementation timeline and data collection plan, (2) SRI data collection, (3) supporting NDE data collection, (4) data organization and management, (5) data analysis, and (6) reporting. Below, we describe our approach to each of these components.

Developing Planning Documents

Immediately after work commences, SRI will work closely with NDE to develop planning documents that will support the 5-year evaluation of the Nebraska CLSD grant, meeting monthly. These planning documents will inform our approach to data collection, analysis, and reporting that generates knowledge to inform and improve implementation. Later in this section, we present our best understanding of this work at this time, while recognizing that our developmental approach to evaluation means that these plans may be adapted to better fit the evolving nature of CLSD grant activities and NDE need.

An **implementation timeline** will detail all evaluation activities that occur during the life of the grant. The Gantt chart in Nebraska's CLSD grant provides a backbone for this timeline, but the SRI team has also been monitoring the evolution of NDE's communication to districts. We note that, for example, Year 1 awards could be awarded as soon as summer 2025. This would give the SRI and NDE teams, assuming an April 30 start of evaluation work, time to update the implementation plan to reflect the actual work proposed by the Year 1 grantees.

We also note in NDE's communication with districts that applicants will apply for Year 1 awards competitively with renewals for Years 2–5 (*assuming activities are being carried out as applied for*). SRI proposes to meet with the NDE subgrant evaluation team to document the types of projects proposed by subgrantees (e.g. professional development, HQIM adoption, increased coaching) to document the full scope of the proposed activities. A well-specified implementation timeline will improve statewide coordination of CLSD activities and help develop the data collection plan.

After the implementation timeline is co-developed, NDE and SRI will build the **data collection plan** to identify the specific data elements and a timeline for their collection. These could include the surveys, interviews, and focus groups designed below, or possibly the R-TFI as suggested above. These data collections will also support NDE's efforts to ensure that districts are indeed being carried out as stated in their subgrantee applications, supporting a strong implementation. The data collection plan will also build specific calendars for the collection, sharing, and analyzing of Nebraska's extant data for distal student outcomes: Teaching Strategies (TS) GOLD data for preschoolers, Nebraska Student-Centered Assessment System (NSCAS) data for grade 3–8 literacy achievement, and ACT data for high school outcomes.

SRI Data Collection

SRI will collect data through interviews or focus groups from participants across Nebraska CLSD grant activities. Interviews and focus groups will be conducted with up to 10 sessions in Years 2–4. Based on Table 1 in Appendix A of the RFP, NDE plans to use qualitative data to understand how the grant-created tools and resources are being used to support families and caregivers, and early childhood education centers. During Year 1, we will work closely with NDE to identify a sample of qualitative participants (i.e., families and early childhood caregivers using the tools) and then finalize these samples each year before data collection. Interview and focus group content will focus on participant perceptions of CLSD grant activities and provide an opportunity for participants to share more detailed reflections on their experience, including barriers and facilitators of implementation and lessons learned.

Supporting NDE Data Collection

SRI will also support NDE in its data collection efforts related to CLSD grant activities. Programmatic and outcome data will include attendance logs; agency reports; student assessment results (TS GOLD, NSCAS for grades 3, 5, and 8; and grade 11 ACT); meeting minutes; and surveys administered to teachers, coaches, district administrators, and families. SRI will support NDE's efforts to develop and refine instruments and data collection processes to ensure that data are complete, accurate, and secure.

As part of the evaluation, NDE also intends to develop and administer surveys of the following activities:

- Build Statewide Literacy Writing Team members (Years 1–4)
- Educational Service Units (ESUs) and school district administration on districts reached/utilization of NeMTSS Framework (Years 1–5)
- Families receiving literacy resources and/or direct surveys from the client (Years 1–5)
- Professional learning participants receiving training on evidence-based instructional practices for increasing literacy (Years 1–5)
- Districts' implementation of literacy HQIM (Years 1–5)
- Professional learning participants regarding the selection and implementation of HQIM (Years 1–5)

SRI will support NDE as needed in administering these surveys by providing coaching on best practices in survey design and collection techniques to ensure safe and secure data transfer to SRI.

Data Organization and Management

SRI will house and manage all data used in this external evaluation. Our project team has deep and broad experiences with multisite projects requiring district- and school-level data extraction and linkages, with stringent attention to data quality. We are experienced with processes to acquire, link, and analyze a variety of extant and administrative data such as attendance and participation logs; school records (e.g., assessment results, student demographics, course-taking); leadership coaches' observations, action plans, and reports; and various participant surveys in safe, secure, and efficient ways.

Data Analysis

Implementation Analysis: How Will NDE and SRI Measure CLSD Activities?

We will apply a mixed-methods approach to answer questions related to implementation. This analysis will use three categories of data sources: surveys, interviews and focus groups, and programmatic data.

In Year 1, SRI will examine all relevant baseline survey data collected by NDE. We will calculate measures of central tendency (e.g., means) and variation, and changes in these measures in subsequent administration of the surveys as appropriate. SRI will support NDE to refine surveys in subsequent administrations as appropriate and to identify ways to improve the quality of survey data.

We will also analyze interview and focus group data in Years 2, 3, and 4. After each round of interviews, SRI will follow a structured analysis process guided by the protocols and research questions to compare responses within and across respondent types and sites and to present evidence of common statewide themes as well as divergent or district-specific perspectives. Through this analysis, we will identify common supports or barriers to implementation, including how and why implementation varies, to inform future cohorts of CLSD subgrantees. Data from interviews and focus groups will offer insights into the effort needed to implement each component and its perceived usefulness and identify additional supports subgrantees need for successful implementation.

SRI will also conduct an analysis of implementation fidelity on an annual basis, which will establish whether the key components of CLSD grant activities were implemented as intended. SRI will work with NDE to define and assess implementation fidelity annually for each of the three main goals of the CLSD grant—alignment of resources, educator training, and the use of HQIM—using a wide array of programmatic and survey data. For each indicator, we will establish a threshold that corresponds to a minimum level of acceptable implementation in that domain. SRI will calculate fidelity of implementation overall and at the subgrantee level. Armed with these data, NDE can lead statewide efforts to not only deliver subgrants to districts but also encourage districts to invest every dollar wisely—and reallocate funds if needed. This will position NDE to channel funds, energy, and support to the subgrants most likely to translate into learning gains for Nebraska's readers.

Impact Analysis: How Will NDE and SRI Estimate Impacts on Student Learning?

We will also conduct an impact analysis to estimate the effect of CLSD grant activities on intended outcomes. As described above in Suggestion 2, NDE and SRI will collaborate on an impact study design that leverages the rollout of the grant funds to some (but not all) Nebraska districts and select appropriate comparison groups. Schools that implemented grant activities will be matched to schools that did not receive grant funding but are similar in terms of size, student achievement, locale, and composition of students from low-income households. We will use linear regression models to estimate the effect of CLSD grant activities on TS GOLD assessments for 4-year-olds; NSCAS assessment results for grades 3, 5, and 8; and ACT outcomes for grade 11 students. This analysis will include rates of achievement overall as well as by subgroups of interest, allowing NDE to understand how grant activities impact absolute achievement as well as whether subgrantee activities are succeeding at closing documented achievement gaps.

SRI will also conduct a moderation analysis to understand how levels of subgrantee implementation relate to impacts on student achievement. For a teacher training example, one subgrantee might document that 95% of its K–5 teachers completed one of the four NDE-approved Science of Reading training courses, but another subgrantee might only be able to train 65% of its teachers. NDE may wish to know whether saturating teachers with training relates to specific outcomes in districts. For another example about HQIM adoption, NDE's leaders might notice variation in districts' HQIM adoption—and may wish to know whether HQIM adoption coupled with curriculum-specific training and coaching is more strongly associated with student outcomes. SRI's project with the Urban District Literacy Collaborative (see Table 1 above) is currently exploring the organizational implementation of HQIM across four large urban districts, and we will be well prepared to support NDE leaders in understanding how HQIM are not only selected and adopted but actually implemented in Nebraska's classrooms.

To combine the different efforts of the subgrantees in teacher training and HQIM implementation, SRI can construct an index of implementation using all measures from the fidelity assessment. A new set of regression equations will be created that includes this index of implementation variable, allowing us to understand whether schools that implement their grant plans as intended see greater gains in student achievement than do schools with lower fidelity of implementation. Depending on the variation in subgrantee plans, this analysis may also provide NDE leaders with evidence that certain types of subgrantee plans (certain teacher training or certain HQIM choices) may be associated with stronger student outcomes.

Reporting Throughout the Developmental Evaluation

The evolving nature of statewide infrastructure improvements requires close collaboration between evaluators and implementors. Consistent with NDE's RFP, SRI proposes regular reporting during the project and two summative reports.

Quarterly and Annual Reports

SRI will provide NDE with a regular assessment of implementation progress and progress toward outcomes. SRI will provide frequent formative feedback to NDE at monthly meetings. Quarterly reports will identify any work completed in the three preceding months. The tracking and reporting of implementation fidelity for each evaluation year will provide NDE with an annual assessment of how grant districts and EPPs are implementing the key components of the program outlined in the evaluation plan and meeting milestones. Annual reports in Years 2–4 will include findings from qualitative collections. These reports will identify areas where schools may need more support, common barriers to be addressed across the partner schools, and promising practices that can be replicated as the program scales.

Final Reports: Implementation and Impact

By the end of Year 5 (December 2029), SRI will produce an implementation study report that outlines the CLSD's efforts and the extent to which they were aligned with the logic model proposed in the CLSD grant application. The report will be aligned with NDE's NeMTSS problem-solving model so that NDE leaders can particularly focus on the "Reflect" state of the NeMTSS process, guiding future statewide literacy efforts. The report will also include "next steps" for implementation action in 2030—helping NDE leaders tackle the "Identify" step in this report. The purpose of this report will, therefore, not only summarize and narrate the state's implementation of statewide literacy infrastructure through the 2024–2029 grant period, but also propose actionable plans for Nebraska's educators and readers for 2030 and beyond.

At the end of Year 5 (December 2029), SRI will produce a separate impact study report that will address the extent to which Nebraska has achieved the goals specified in the CLSD logic model. For proximal near-term outcomes expected in Years 2–5 of the grant, this will include impacts on educators and systems (completion of training, HQIM curriculum adoption, completion of realigned EPP coursework, etc.). For the medium- and long-term impacts, this will include impacts on students (oral literacy for 4-year-olds and literacy achievement for K–12 students, especially those with disabilities).

Detailed Project Work Plan and Project Management

Table 2 below provides a detailed work plan, highlighting how the work of SRI coordinates with Nebraska's CLSD grant activities. The SRI team built this table around the similar Gantt chart in Table 3.1 of Nebraska's CLSD activities plan (pp. 27–28). We anticipate needing the following commitments from the NDE Office of Literacy team:

- **Meeting collaboration:** SRI will need regular meetings with Office of Literacy to co-develop study designs, address changes that arise, and ensure the quarterly and annual reports address the most pressing questions for NDE's implementation.
- **Facilitate collaboration across offices:** The CLSD plan includes collaborating with EPPs, early childhood providers, professional developers, and others around the state. SRI requests that the Office of Literacy facilitate needed connections with introductions, explanations, and offering support for the evaluation work as part of CLSD implementation.
- **Facilitate access to student data**: For the impact study, SRI requests that the Office of Literacy facilitate access to the TS GOLD, NSCAS, and ACT data needed for the impact study. This could include email introductions, collaborative meetings with data specialists, and support in finalizing a data sharing agreement.

Table 2: Year-by-Year Work Plan

Table 2 shows the year-by-year work plan for the SRI evaluation team, aligned with the scope of work and timelines from Nebraska's CLSD grant application.

		Year 1			Year 2				Year 3				Year 4				Year 5			
		SY 24-25			SY 25-26				SY 26-27				SY 27-28				SY 28-29			SY 29-30
		Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	Task	Spring	Summer	Fall	Winter	Spring	Summer	Fall	Winter	Spring	Summer	Fall	Winter	Spring	Summer	Fall	Winter	Spring	Summer	Fall
	Task 1. Design, Management & Site Communication																			
	Planning meetings																			
	Develop implementation timeline		X																	
	Data collection plan and timeline		X																	
	IRB approval																			
	Task 2. Survey and Other Documented Data																			
	NDE collects and SRI analyzes baseline survey data																			
	SRI reviews and suggests refinements to survey instruments																			
	NDE collects and SRI analyzes annual surveys																			
	Task 3.Interviews and focus groups																			
	Identify sample																			
	Develop interview and focus group protocols																			
	Conduct interviews and focus groups																			
	Analysis																			
	Task 4. Reporting																			
	Quarterly progress report		X		X	X	X		X	X	X		X	X	X		X	X	X	
	Annual progress report			X				X				X				X				X
	Implementation report																			X
	Impact report																			X
	Participate in federal reporting and research (as needed)			X				X				X				X				X
X	Deliverable																			

Deliverables and Due Dates

Table 3 illustrates the deliverables and due dates as part of this scope of work, including brief descriptions of each and matching the timelines in the work plan (see Table 2).

Table 3: Deliverable Schedule

Deliverable	Description	Due Dates
Initial Study Design Deliverables: Y1		
Evaluation implementation timeline	NDE and SRI will collaborate on a timeline for the full evaluation, including the implementation and impact study.	• August 31, 2025
Data collection plan and timeline	NDE and SRI will collaborate on a timeline for data collection for the implementation and impact studies, to be disseminated to CLSD partners statewide who will support data collection.	• August 31, 2025
Regular Reporting for Just-In-Time Evaluation Feedback		
Quarterly progress reports	SRI will provide NDE with quarterly memos detailing the data collected and analyzed that quarter and anticipating upcoming needs in the collaboration.	• Y1: Sep 30 • Y2–Y5: March 30, June 30, Sep 30
Annual progress reports	SRI will provide NDE with a summative yearly progress report that synthesizes findings from the quarterly progress reports, updates the timelines for the developmental evaluation, and anticipates the next year's needs.	• December Y1–Y5
Participation in required federal reporting	SRI will participate in ongoing support of NDE's participation in federal reporting, including participating in national evaluation of CLSD's impacts.	• As needed
Summative Reporting of Developmental Evaluation		
Implementation study report	The summative implementation study report will narrate the implementation of Nebraska's $55M CLSD project using the data collected throughout the developmental evaluation.	• December 31, 2029
Impact study report	The summative impact study report will evaluate the extent to which CLSD grant activities can be linked with changes in NE's student literacy outcomes.	• December 31, 2029

Note: Timelines in Table 2 may adjust based on the initial evaluation timeline and data collection plan co-developed with NDE and SRI.

References

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instruction#:~:text=Foundations%20of%20Reading%20(190)%20covers,Ohio%2C%20Utah%2C%20and%20Wisconsin

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Contractual Matters

Terms and Conditions

SRI's performance of the project described in this proposal is subject to negotiation of a mutually acceptable services agreement.

Pricing

The estimated period of performance is approximately 56 months assuming a project commencement date of April 30, 2025. SRI offers the work described in this proposal at the following Fixed Price of $349,977 USD. This estimate includes all SRI staff time, materials, and travel.

Year 1 ($)	Year 2 ($)	Year 3 ($)	Year 4 ($)	Year 5 ($)	Total Y1-5 ($)
64,600	69,766	65,702	68,627	81,282	**349,977**

Payment Schedule

SRI requests the following payment schedule. Invoices will be sent on the first of each delivery date.

Invoice & Payment Schedule		
Invoice Date	**Deliverable**	**Invoice Amount**
YEAR 1		
Apr-25		$0
May-25	Impact Study	$20,486
Jun-25	Quarterly progress reports	$2,684
Jul-25	Evaluation implementation timeline and Data collection plan and timeline	$20,582
Aug-25		$0
Sep-25	Quarterly progress reports	$2,684
Oct-25	Implementation Study	$4,053
Nov-25		$0
Dec-25	Annual progress reports	$5,627
Jan-26	Fed. reporting & research	$5,800
Feb-26		$0
Mar-26	Quarterly progress reports	$2,684
Year Total		$64,600
YEAR 2		
Apr-26		$0
May-26	Implementation Study	$4,053
Jun-26	Quarterly progress reports	$2,684
Jul-26		$0
Aug-26	Impact Study	$20,582
Sep-26	Quarterly progress reports	$2,684
Oct-26		$0
Nov-26	Fed. reporting & research	$31,452
Dec-26	Annual progress reports	$5,627
Jan-27		$0
Feb-27		$0
Mar-27	Quarterly progress reports	$2,684
Total		$69,766
YEAR 3		
Apr-27		$0
May-27	Implementation Study	$4,053
Jun-27	Quarterly progress reports	$2,684

Invoice & Payment Schedule		
Invoice Date	**Deliverable**	**Invoice Amount**
Jul-27		$0
Aug-27	Impact Study	$20,582
Sep-27	Quarterly progress reports	$2,684
Oct-27		$0
Nov-27	Fed. reporting & research	$27,388
Dec-27	Annual progress reports	$5,627
Jan-28		$0
Feb-28		$0
Mar-28	Quarterly progress reports	$2,684
Total		$65,702
YEAR 4		
Apr-28		$0
May-28	Implementation Study	$4,053
Jun-28	Quarterly progress reports	$2,684
Jul-28		$0
Aug-28	Fed. reporting & research	$30,313
Sep-28	Quarterly progress reports	$2,684
Oct-28		$0
Nov-28	Impact Study	$20,582
Dec-28	Annual progress reports	$5,627
Jan-29		$0
Feb-29		$0
Mar-29	Quarterly progress reports	$2,684
Total		$68,627
YEAR 5		
Apr-29		$0
May-29		$0
Jun-29	Implementation Study	$4,053
Jul-29	Quarterly progress reports	$2,684
Aug-29		$0
Aug-29	Fed. reporting & research	$39,367
Sep-29	Quarterly progress reports	$2,684
Oct-29		$0
Nov-29	Impact Study	$20,582
Dec-29	Annual progress reports	$11,912
Total		$81,282
Total Cost		**$349,977**

Validity Date

This proposal will remain valid through June 12, 2025. Should additional review time be required, we will be pleased to consider an extension if requested.

Attachments

Attachment A. Resumes
Attachment B. Contractual Agreement Form
Attachment C. Terms and Conditions Response
Attachment D. Vendor Duties Response
Attachment E. Payment Response
Attachment F. Financial Statements

Dan Reynolds

Senior Education Researcher

Summary

Dan Reynolds, PhD, is a senior education researcher with more than 20 years of experience and 25+ peer-reviewed publications in literacy instruction and literacy teacher education. Through his experience with Ohio's prior CLSD grant implementation, he has in-depth experience with multiple facets of Nebraska's current CLSD program: delivering professional development for both regional literacy specialists and individual school districts, collaborating with EPPs to align coursework with the science of reading, and implementing literacy HQIM.

For his research agenda, Reynolds draws on his experience as an English teacher and school administrator to answer pressing questions about focusing on literacy instruction and translational science. He has particular expertise in studying adolescent reading comprehension and evaluating Tier 2 foundational skills interventions for adolescent readers. His research has been published in leading literacy research journals, and he also writes for practitioner journals and blogs and appears on podcasts connecting literacy research to practice.

Relevant Experience

- CLSD activities: PD to regional specialists and local districts, reviewing measurement tools, scoring subgrants, aligning EPPs to the Science of Reading.
- 25+ peer-reviewed publications on all aspects of adolescent literacy.
- Expertise in teacher education, accreditation, higher ed administration.
- Mixed-methods expertise in studying literacy across a range of theoretical and practical approaches.

Academic Background

- PhD, language, literacy & culture, 2017, Vanderbilt University
- MEd, secondary English education, 2008, University of Notre Dame
- BA, English, 2006, University of Notre Dame

Representative Research Assignments at SRI (since 2024)

Principal Investigator, Evaluation of Structured Linguistic Phonics Instruction, funded by Reading Reimagined Project at the Advanced Education Research and Development Fund (AERDF), 2024–present. Co-leads randomized controlled trial and leads follow-up interview and focus group analyses to understand how implementation shapes impact.

Senior Researcher, Reading Apprenticeship for Academic Literacy Learning (RA4ALL), funded by Education Innovation and Research (EIR) Mid-Phase Grant from the U.S. Department of Education, 2024–present. Leads selection of optimal comprehension outcomes, collaborates on evaluation of the RA4ALL, which combines Reading Apprenticeship Academic Literacy (RAAL) comprehension instruction with Systematic Instruction in Phonological Awareness, Phonics, and Sight Words (SIPPS) instruction.

Senior Researcher, Urban District Literacy Collaborative (UDLC) Research Project, funded by the Schusterman Foundation, 2024–present. Collaborates on survey and interview instrument development, and serves as co-site lead in large urban district. Subject matter expert on K–5 literacy instruction in foundational skills and knowledge-rich comprehension instruction.

Senior Researcher, Regional Educational Laboratory Appalachia, 2024–25. Collaborated on large-scale literacy projects and technical assistance serving KY, TN, VA, and WV.

Other Professional Experience

Coyle Fellow, University of Notre Dame Center for Literacy Education, 2019–present. Builds network and grows research agenda in conjunction with university scholars and faculty. Awarded 2023 Michael Pressly Award for Promising Scholar in the Education Field.

Associate Professor of Literacy Education and Director of Graduate Studies, JCU, 2022–24. Expanded adolescent literacy research agenda and secured $689,855 in external funding to support research initiatives, enrich accelerated teacher preparation programs, and partner with nearby districts to provide high-dosage tutoring to accelerate post-pandemic literacy learning. Expanded enrollment in largest MEd program by 33% and completion by 50% over 2 years.

Chair, Department of Education, JCU, 2023–24. Leader of department of eight full-time faculty, 10 part-time faculty, and 2.5 FTE staff members. Convened committee to overhaul primary education STEM content sequence. Led committee to examine accreditation alignment with institutional and departmental mission, leading to a switch from CAEP to AAQEP accreditors. Led teams in collaborating on initial accreditation report and planning for site visit to secure new accreditation.

Professional Development and Translational Science Consultant, 2017–24. Delivered custom PD workshops, symposium keynotes, and webinars for national organizations (e.g. Council for Chief State School Officers, XQ Institute), state organizations, and school districts around Ohio. Wrote guest blog posts and appeared on podcasts. Member of Ohio State Literacy team and co-author of Ohio's Plan to Raise Literacy Achievement.

Assistant Professor of Literacy Education, John Carroll University (JCU), 2017–21. Developed adolescent literacy research agenda; revised literacy teacher education curriculum to align with Ohio state standards and licensure exams; granted tenure one year early. Taught courses in literacy concepts, assessment, theory, and intervention to both undergraduate and graduate elementary, middle, and secondary teacher candidates.

Professional Leadership

Consulting Editorial Board, *Reading Research Quarterly*, 2024–present

Adolescent Literacy Area Chair, Literacy Research Association, 2023–24

Selected Publications, Presentations, and Commentary

Lupo, S. M., Reynolds, D. & Hardigree, C. (2024) *Tackling tough texts: A research-based guide to scaffolding learning in grades 6–12*. Guildford Press.

Reynolds, D., & Hattan, C. (2024). Baseball, presidents, and state test passages: Considering gendered knowledge in literacy research, curricula, and assessments. *The Reading Teacher*, *77*(6), 997–1000. https://doi.org/10.1002/trtr.2330

Reynolds, D., Hattan, C., & Markham, M. (2024). Fair or foul? Interrogating the role of baseball knowledge in studies of knowledge and comprehension. *Reading Research Quarterly*, *60*(1), Article e575. https://doi.org/10.1002/rrq.575

Curtin, A., & Reynolds, D. (2022). Beyond Spanish: Building truly multilingual classroom and school libraries. *Language Arts*, *99*(5), 343–347. https://doi.org/10.58680/la202231794

Goodwin, A. P., Petscher, Y., & Reynolds, D. (2022). Unraveling adolescent language & reading comprehension: The monster's data. *Scientific Studies of Reading*, *26*(4), 305–326. https://doi.org/10.1080/10888438.2021.1989437

Reynolds, D. (2022). What is an ELA text set? Surveying and integrating cognitive, critical and disciplinary lenses. *English Teaching: Practice & Critique*, *21*(1), 98–110. https://doi.org/10.1108/ETPC-06-2021-0075

Goodwin, A. P., Cho, S. J., Reynolds, D., Silverman, R., & Nunn, S. (2021). Explorations of classroom talk and links to reading achievement in upper elementary classrooms. *Journal of Educational Psychology*, *113*(1), 27–48. https://doi.org/10.1037/edu0000462

Reynolds, D. (2021). Of research reviews and practice guides: Translating rapidly growing research on adolescent literacy into updated practice recommendations. *Reading Research Quarterly*, *56*(3), 401–414. https://doi.org/10.1002/rrq.314

Reynolds, D. (2021). Scaffolding the academic language of complex text: An intervention for late secondary students. *Journal of Research in Reading*, *44*(3), 508–528. https://doi.org/10.1111/1467-9817.12353

Goodwin, A. P., Cho, S.-J., Reynolds, D., Brady, K., & Salas, J. (2020). Digital versus paper reading processes and links to comprehension for middle school students. *American Educational Research Journal*, *57*(4), 1837–1867. https://doi.org/10.3102/0002831219890300

Goodwin, A. P., Petscher, Y., Jones, S., McFadden, S., Reynolds, D., & Lantos, T. (2020). The monster in the classroom: Assessing language to inform instruction. *The Reading Teacher*, *73*(5), 603–616. https://doi.org/10.1002/trtr.1870

Reynolds, D., & Daniel, S. (2018). Toward contingency in scaffolding reading comprehension: Next steps for research. *Reading Research Quarterly*, *53*(3), 367–373. https://doi.org/10.1002/rrq.200

References

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Courtney Hattan, PhD
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Douglas Gagnon

Principal Education Researcher

Summary

Douglas Gagnon, PhD, has deep experience and expertise in mixed-methods evaluations, technical assistance and research on forming research partnerships, large-scale quantitative research studies, meeting facilitation, logic modeling, and project management. He also has content expertise in rural education; educator effectiveness; teacher recruitment, development, and retention; college and career preparation; remote learning; equity in schools; and exclusionary discipline.

- **Relevant Experience**
- Two decades of experience in education as a teacher, curriculum and assessment specialist, and researcher.
- Expertise in mixed-methods evaluations, technical assistance and research on forming research partnerships, large-scale quantitative research studies, meeting facilitation, logic modeling, and project management.
- Content expertise in rural education; educator effectiveness; teacher recruitment, development, and retention; college and career preparation; remote learning; equity in schools; and exclusionary discipline.
- **Certifications**
- What Works Clearinghouse (WWC) reviewer (v. 5.0) group design standards
- **Academic Background**
- PhD, education policy and leadership, 2014, University of New Hampshire
- MA, physics education, 2006, Cornell University
- BA, physics, 2002, Ithaca College

Representative Research Assignments at SRI (since 2021)

Evaluation Lead, Mathematics and Computational Thinking through 3D Printing (MPACT), 2021–24. Funded through an Education Innovation and Research (EIR) Early-phase grant from the U.S. Department of Education, MPACT provided grade 4–7 teachers with training, instructional materials, and technological resources to engage students in project-based learning integrating math, computational thinking, spatial reasoning, and career awareness. The evaluation used a quasi-experimental design to assess the impact of MPACT on student perceptions of engagement and math efficacy.

Data Lead, Expanding Handle With Care Implementation Supports, 2021–24. Funded by the Office of Juvenile Justice and Delinquency Prevention, this project built connections between schools and other local agencies, such as fire and police, to support students who have faced traumatic experiences outside school. Led education partners through reviewing programmatic data to improve implementation and student outcomes.

Project Lead, External Evaluation of Alder Graduate School of Education Teacher Residency Program, 2021–25. Managed the external evaluation of the teacher residency program. Collected a diverse array of data, including interview, focus group, and administrative data, to inform program improvement and document progress toward achieving desired outcomes.

Project Lead, Math Coaching Evaluation, Kentucky Department of Education, 2022–24. Through the Regional Educational Laboratory (REL) Appalachia, provided technical assistance to Kentucky partners in evaluating a math coaching program in 13 schools. Examined data from students, teachers, coaches, and school systems.

Project Lead, External Evaluation of Chico State University (CSU) Teacher Residency Program, 2021–24. Managed the external evaluation of the teacher residency program. Collaboratively

developed data collection instruments, conducts interviews, and authors reports. Coordinated closely with CSU partners.

Project Lead, Supporting CTE Data Reporting in West Virginia, 2021–22. Through REL Appalachia, provided technical assistance to partners in revising career and technical education (CTE) program completer and workforce data reports to improve the accuracy and usefulness of the reporting.

Other Professional Experience

Marzano Research (2018–21)

Project Lead, Supporting an Evaluation of Rural Educator Stipend Programs in Colorado. Through REL Central, supported partners in evaluating stipend programs that provide pre- and in-service teachers with funding to teach in rural schools or gain credentials to teach in rural schools. Created and implemented surveys and focus groups, and analyzed state administrative data.

Research Alliance Lead, Rural Education Research Alliance. Led REL Central applied research and technical assistance projects designed to address the challenges faced in rural areas across the region. Research addressed teacher recruitment and retention, improving educator preparation and certification, and closing achievement gaps.

Project Lead, Cross-REL Rural Education Working Group. Led a cross-REL group that created and delivered a variety of events, including webinars on relevant rural education research topics; professional development for researchers on strategies and methods for conducting research in rural settings; and conference presentations to practitioner audiences on REL work and best practices from rural education research.

Project Lead, Implementation and Evaluation of the North Dakota Teacher Shortage Loan Forgiveness. To increase the capacity of North Dakota Department of Public Instruction staff to design an evaluation of the Teacher Shortage Loan Forgiveness Program, provided technical support through REL Central on the development of a program logic model, evaluation questions, and data quality and collection.

Carsey School of Public Policy, University of New Hampshire (2012–17)

External Evaluator Manager, Teacher Residency for Rural Education, University of New Hampshire. Managed the external evaluation of the university's rural teacher residency program. Collaboratively developed data collection instruments, conducted interviews and focus groups, facilitated continuous quality improvement, analyzed quantitative and qualitative data, and authored memos and reports.

Technical Assistance Provider, Creating a System of Care for Children's Behavioral Health in New Hampshire. Provided technical assistance to the New Hampshire Department of Education and Department of Health and Human Services to create a system of behavioral health services in the state. Regularly facilitated steering committee meetings with state officials and members of partner agencies, conducted research to support project goals, and led production and delivery of an annual report to the governor.

Selected Publications

Benge, C., & Gagnon, D. J. (2024). *Building strong teacher residency programs: In support of sustaining a diverse, community-based teacher workforce* [White paper]. SRI International.

Gagnon, D. J., Joshi, E., Arshan, N., Rulifson, E., Levin-Güracar, E., & Tiruke, T. (2023). *Mathematics, 3D printing, and computational thinking through work-based learning*

(MPACT): An Education Innovation and Research (EIR) grant evaluation [Technical report]. SRI International.

Brodersen, R. M., Gagnon, D. J., & Tedeschi, S. (2021). *Examining the impact of career and technical education course-taking in two states*. U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, REL Central.

Gagnon, D. J., & Mattingly, M. J. (2018). Racial/ethnic test score gaps and the urban continuum. *Journal of Research in Rural Education*, *33*(2), 1–16. https://doi.org/10.18113/P8JRRE3302

Gagnon, D. J., & Schneider, J. (2017). Holistic school quality measurement and the future of accountability: Pilot test results. *Educational Policy*, *33*(5), 734–760. https://doi.org/10.1177/0895904817736631

Gagnon, D. J. (2016). ESSA and rural teachers: New roads ahead? *Phi Delta Kappan*, *97*(8), 47–49. https://doi.org/10.1177/0031721716647019

Selected Presentations

Gagnon, D., Kelly, H., Schaefer, V., & Dec, S. (2021, August). *Monitoring Handle With Care 2.0: Using implementation and outcomes data for program improvement* [Presentation]. Berkeley County Schools, WV, United States.

Gagnon, D. J., Van Dine, D., Sherman, V., Harvey, R., Reinsvold, R., Reinsvold, L., & Upgren, J. (2019, October 24–26). *Supporting rural teacher recruitment, development, and retention with financial incentives* [Panel presentation]. National Forum to Advance Rural Education, Louisville, KY, United States.

Professional Certifications and Associations

Editorial Board Member, *The Rural Educator*

Peer Reviewer, *Educational Researcher*; *Education Policy Analysis Archives*; *Journal of Research in Rural Education*; *Behavioral Disorders*; *Advances in Neurodevelopmental Disorders*; *Sociological Review*; *Public Administration*; New England Educational Research Organization (NEERO) Annual Conference

Expert Review Committee Member, U.S. Department of Education's Status of Education in Rural America, 2020; U.S. Department of Education's Rural Tech Project, 2020

References

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Stephanie Suarez

Education Researcher

Summary

Stephanie Suarez is an education researcher with a background in research; qualitative data collection; qualitative and quantitative data analysis; technical assistance (TA); and project management.

- **Relevant Experience**
- More than 5 years of experience leading applied research and technical support to impact policy and practice in the REL Appalachia states.
- Expertise in high school to college and career preparation and transitions research.
- Specializes in project management, strategic development, support, and leadership of researcher-practitioner partnerships.
- **Academic Background**
- EdM, education policy and management, 2019, Harvard University Graduate School of Education
- BA, international development major with education minor, 2013, University of California, Los Angeles

Representative Research Assignments at SRI (since 2019)

Project Manager, Skills for Secondary Success Evaluation, 2022–present. Conducts qualitative data collection and analysis to support implementation and impact analyses. Regularly monitors the project's budget and forecasts hours for 6–8 staff members to ensure project activities are completed within the proposed budget. Develops and monitors timelines for staff members to complete qualitative and quantitative project tasks.

Co-Senior Project Manager, Regional Educational Laboratory (REL) Appalachia, 2023–24. Supported over 30 staff members and six projects to ensure that deliverables were submitted by contractual deadlines. Oversaw development of managements systems and supports for project staff to complete contractual deliverables.

Deputy Project Manager, REL Appalachia, 2020–22. Developed management systems and supports such as deliverable progress monitoring trackers, templates, and trainings for project staff to complete various contractual deliverables, including monthly progress reports, proposals, TA resources, research reports, and dissemination products. Monitored quality assurance and quality control tracking systems for approximately 30 contractual deliverables per week to ensure staff members made successful progress toward deliverable submission deadlines. Developed processes and training materials to ensure REL Appalachia staff developed accessible products that met federal 508 compliance requirements.

Researcher, REL Appalachia, 2022–25. Partnered with stakeholders in eastern Tennessee to carry out data-informed decision-making improvement efforts to strengthen college and career readiness programming in 10 school districts.

Research Associate, REL Appalachia, 2019–21. Partnered with stakeholders in Virginia to carry out applied research and training with a mission of supporting a more evidence-based education system. Supported the development of a program review protocol that assesses the level of rigor in college access program evaluations following What Works Clearinghouse (WWC) and Every Student Succeeds Act (ESSA) levels of evidence. Conducted literature scans of WWC reviews of effective postsecondary transition strategies following WWC and ESSA guidelines.

Research Associate, REL Appalachia, 2019–21. Partnered with stakeholders in Kentucky to provide continuous improvement TA to help five school districts identify and implement

initiatives to strengthen postsecondary transition supports for students. Supported the development of TA resources to build education leaders' capacity to lead improvement initiatives to address concerns related to chronic absenteeism, student engagement, and school-community partnerships.

Research Associate, Barr Foundation Engage New England Evaluation, 2019–20. Examined the implementation of a regional strategy focused on supporting a new vision for alternative high schools across New England. Conducted focus group interviews of participants implementing Barr Foundation Engage New England school redesign initiatives. Analyzed qualitative data of focus group interviews to assess school redesign initiatives.

Other Professional Experience

New England Board of Higher Education Intern, 2018–19. Collected and analyzed longitudinal data from New England state representatives and education databases for the development and dissemination of policy reports and presentations.

Evaluation for Continuous Improvement, Harvard Graduate School of Education Consultant, 2019. Wrote a developmental evaluation model, which included a theory of change, logic model, and quantitative and quantitative evaluation questions for Cambridge Youth Program's (CYP's) strategic program redesign.

Research Assistant to Dr. Gary Orfield, University of California, Los Angeles, 2012–13. Conducted literature reviews and drafted policy memoranda on federal financial aid policy.

Selected Publications, Presentations, and Commentary

Suarez, S. (2024, April 30). A holistic approach to supporting students' college and career readiness. *IES Blog*. https://ies.ed.gov/ncee/rel/Products/Region/appalachia/Blog/107980

Mislevy, J., Marcus, J. Seftor, N., & Suarez, S. (2021, September). *The College Access Evidence Matrix: Interventions to support postsecondary transitions* [Webinar]. REL Appalachia.

Suarez, S., Yamaguchi, R., & Schaefer, V. (2021, April). *REL Appalachia* [Poster presentation]. National Rural Education Association, National Forum to Advance Rural Education, virtual.

Yamaguchi, R., Dempsey, K., Suarez, S., Campbell, A., Park, C. J., & Schaefer, V. (2020). *Continuous improvement coaching: Facilitators' workbook*. REL Appalachia at SRI International. https://ies.ed.gov/rel-appalachia/2025/01/continuous-improvement-facilitators-workbook

Campbell, A., Park, C., Schaefer, V., Suarez, S., Dempsey, K., & Yamaguchi, R. (2020, November). *Implementing an improvement initiative: Strategies to hit the ground running and go the distance.* [Session presentation]. National Rural Education Association, National Forum to Advance Rural Education, virtual.

Suarez, S., & Marcus, J. (2020, June). *Supporting postsecondary transitions during COVID-19: Practical resources and considerations*. REL Appalachia.

Suarez, S. (2019, December). *Three strategies to strengthen students' self-efficacy for postsecondary transitions*. REL Appalachia.

Suarez, S. (2019, July). *Closing the FAFSA cap: FAFSA completion rates among New England's low-income students*. New England Board of Higher Education. https://nebhe.org/wp-content/uploads/2019/07/FAFSA-Completion-New-England_July-2019.pdf

Suarez, S., & Marcus, J. (2019, December). *Improving postsecondary transitions through evidence-cased strategies: Strengthening students' sources of self-efficacy* [Session presentation]. Virginia College Access Network Conference. Richmond, VA, United States.

References

Emnet Shibre, consultant. Emnetshibre23@gmail.com 303-618-1449

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Rosie Mae Henson, researcher. Rosiemaehenson@gmail.com 760-580-6080

Sara Rutherford-Quach

Principal Researcher, Co-Director, Language and Literacy Research and Evaluation

Summary

Sara Rutherford-Quach, PhD, is a principal education researcher with expertise in literacy and language instruction and teacher education, particularly with respect to linguistically diverse students. She has led multiple large literacy evaluations and has managed several complex cross-institutional panels and projects. Her research has been published in both peer-reviewed journals and practitioner-focused products.

- **Relevant Experience**
- More than 20 years of experience leading and contributing to applied research and technical assistance to impact policies and practices.
- Expertise in literacy, language, instructional practice across disciplines, and teacher education.
- Specializes in multilingual learners.

- **Academic Background**
- PhD, linguistic anthropology of education, 2013, Stanford University
- MA, cultural and social anthropology, 2010, Stanford University
- MA, social science in education, 2006, Stanford University
- BA, peace and global studies, Spanish, 2000, Earlham College

Representative Research Assignments at SRI (since 2018)

Senior Advisor, Evaluation of Structured Linguistic Phonics Instruction, funded by Reading Reimagined Project at the Advanced Education Research and Development Fund (AERDF), 2024–present. Advises PIs on evaluation design, client communication, and instrument content.

Evaluation Principal Investigator, Evaluation of Reading Apprenticeship Literacy Learning (RA4ALL), U.S. Department of Education's Education Innovation and Research (EIR) Mid-Phase Grant, 2024–present. Leads RCT assessing the impact of RA4ALL (RA and foundational skills) on teachers' instructional practices and student achievement outcomes in 10 high-need districts across several states.

Senior Advisor, Urban District Literacy Collaborative (UDLC) Research Project, funded by the Schusterman Foundation, 2024–present. Advises PIs and task leads, particularly on classroom observations and acting as site lead for a large urban district.

Co-Lead, National Comprehensive Center Multilingual Learners Workgroup, 2023–24. Co-led group of researchers and technical assistant providers focused on multilingual learners across 19 federally funded regional comprehensive centers.

Evaluation Co-Principal Investigator, Evaluation of Reading Apprenticeship Professional Development Model. U.S. Department of Education's Education Innovation and Research (EIR) Mid-Phase Grant, 2021–present. Co-leads RCT assessing the impact of Reading Apprenticeship on teachers' instructional practices and student achievement outcomes in 50 rural school districts. Leads instrument development, implementation, and the formative evaluation.

Evaluation Principal Investigator, Evaluation of Bilingual/Biliterate Instruction for Bilingual Youth (BBILY). Office for English Language Acquisition (OELA)'s National Professional Development (NPD) Grant, 2021–present. Leads team of researchers to conduct randomized control trial (RCT) assessing the impact of online professional development modules on participating teachers' instructional practices and student achievement outcomes in two states. Leads formative evaluation of module utility and implementation with respect to both educator and caregiver participants.

Evaluation Principal Investigator, Study of the Early Implementation of Los Angeles Unified School District's (LAUSD) Primary Promise, 2022–24. Led study to assess the implementation and impact of LAUSD's early literacy and mathematics initiatives. Led research team to develop interview and survey instruments, collect and analyze data, and present findings to key stakeholders.

Evaluation Implementation & Teacher Outcomes Lead, Evaluation of the Pathway to Academic Success Program. U.S. Department of Education's EIR Expansion Grant, 2019–24. Studied the implementation and impact of a language arts program designed to support English learners in grades 7–12 to develop academic literacy skills in eight high-need school districts across the country. Led research team to use PLATO classroom observation tool.

Qualitative Lead, Scale-up Evaluation of the College, Career, and Community Writers Program, funded by Investing in Innovation (i3), 2018–21. Designed protocols and led qualitative investigation for a national evaluation of a professional development program that spans 46 rural districts in 10 states.

Other Professional Experience

Director of Academic Initiatives & Research, Understanding Language, Stanford Graduate School of Education (SGSE), Stanford University, 2014–18. Designed, conducted, and disseminated mixed-methods research related to multilingual learner education. Developed and expanded professional development portfolio from one offering to more than 30, impacting more than 70,000 educators in 130 districts. Managed cross-institutional projects of 25+ people, including researchers, academics, educators, and policymakers. Provided professional development and technical assistance to states, districts, and school staff.

Postdoctoral Scholar, Understanding Language, Graduate School of Education, Stanford University, 2013–14.

Research Assistant, Center to Support Excellence in Teaching (CSET), Graduate School of Education, Stanford University, 2011–13. Protocol for Language Arts Teaching Observation (PLATO).

Literacy Center Director & Curriculum Developer, YES Reading [now called Reading Partners], Redwood City & East Menlo Park, CA, 2004–05.

Kindergarten & First-Grade Teacher, East Palo Alto Charter School – Aspire Public Schools, East Palo Alto, California, 2002–04.

Bilingual Kindergarten Teacher, R. P. Harris Elementary School, Houston, Texas, 2000–02.

Selected Publications and Presentations

Rodriguez-Mojica, C., Briceño, A. & Rutherford-Quach, S. & Stoehr, K. (2024). Translanguaging formative assessment tools for bilingual teachers of multilingual students. *TESOL Journal*.

Parker, C., Partika, A., & Rutherford-Quach, S. (2024). *Strengthening the teacher workforce to support multilingual learners: A tool for state educational agencies*. National Comprehensive Center at Westat.

Rutherford-Quach, S., Kelly, H., Torre Gibney, D., Ballen Riccards, J., & Parker, C. (2021). *Bilingual education: Lessons from Washington State*. CCNetwork.

Rutherford-Quach, S., Thompson, K., Mojica-Rodriguez, C., & Román, D. (2021). Taking away excuses to quit: The role of structural supports in completion and learning within online professional development for teachers. *Online Learning Journal*, *25*(2), 140–170.

Arshan, N. L., Park, C., Rutherford-Quach, S., Milby, A., Torre-Gibney, D., & Woodworth, K. (2020, March 11–14). *Evaluation of the National Writing Project's College, Career, & Community Writers' Program (C3WP)* [Poster presentation]. Society for Research on Educational Effectiveness Spring Conference, Virtual Conference.

Torre Gibney, D., Rutherford-Quach, S., Hirschboeck, K., & White, M. E. (2020). *Strengthening the clinical orientation of teacher preparation programs*. WestEd. https://www.wested.org/resource/strengthening-clinical-orientation-of-teacher-preparation-programs/

Bunch, G. C., Schlaman, H., Rutherford-Quach, S., & Munoz-Munoz, E. (2019). Where the rubber hits the road: What teachers and students experience and learn when implementing high quality instruction for English learners. In A. Walqui & G. C. Bunch (Eds.), *Designing quality instruction for English learners in an era of new standards*. Teachers College Press.

Rutherford-Quach, S., Kuo, A., & Hsieh, H. (2018). Understanding their language: Online professional development for teachers of English Language Learners. *American Educator*, *42*(3), 27–31, 40.

Goldenberg, C., & Rutherford-Quach, S. (2012). Arizona home language survey: The under-identification of students for English language services. *Language Policy*, *11*(1), 21–30.

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Erika Elizabeth Gaylor

Senior Principal Education Researcher, Director of Early Learning Research and Evaluation

Summary

As director of SRI's Early Learning Research and Evaluation program, Erika Gaylor leads several research and evaluation projects for which she oversees design, data collection, analysis, and reporting of results. Her areas of expertise include early childhood policies, programs, and practices associated with a range of outcomes—from preschool and kindergarten students' literacy, math, and motivation and self-regulation skills to teachers' knowledge, confidence, and implementation of evidence-based instructional practices. Gaylor has designed and conducted numerous mixed-methods studies that yield actionable data to inform program improvement and professional development initiatives at the local, state, and federal levels.

- **Relevant Experience**
- Conducts quantitative and mixed-methods evaluations, technical assistance, and large-scale research projects.
- Content expertise in early childhood education, assessment of child outcomes birth to third grade across several domains (language/literacy, math/science/computational thinking, social-emotional learning, and approaches to learning), and teacher professional development.
- Conducts program evaluations, implementation studies, evaluation of capacity-building, logic-modeling, and research-to-practice applications.
- **Certifications**
- WWC reviewer v. 4.1/other certifications
- **Academic Background**
- PhD, human development, 2001, University of California, Davis
- MS, child development, 1999, University of California, Davis
- BS, psychology, 1995, University of Iowa, Iowa City

Representative Research Assignments at SRI (since 2005)

Principal Investigator, IFF Pay for Success, 2014–present. Designs and conducts an evaluation of a Social Impact Bond (SIB)-funded project in the city of Chicago in partnership with the Chicago Public Schools. Outcomes examined include rates of special education placement, kindergarten readiness (TS GOLD), and third-grade literacy (district and state achievement tests).

Senior Advisor, Assisting Parents to Review Online Videos for Education (APPROVE), SRI Internal Research and Development (IRAD) funds, 2020–23. The goal of the APPROVE project was to develop a machine learning model to identify early childhood literacy content in online videos for children. Advised on appropriate literacy content for preschool and kindergarten children.

Assessment Lead, Efficacy Study of an Integrated Science and Literacy Curriculum for Young Learners, subcontract to WestEd, IES Efficacy Research grant, 2018–23. Supervised literacy and science assessments for first-grade students in an RCT of the curriculum. Developed instructions for teachers to administer in whole-class or small-group format. Provided oversight for data quality.

Senior Advisor, Age of Learning, Study of My Reading Academy, 2021–22. Provided intellectual leadership and guidance on study design, measure selection, and analytic approaches. Project included a quasi-experimental study of an adaptive app-based early literacy program in four school districts.

Principal Investigator, Virginia Preschool Initiative – Plus (VPI+) Comprehensive Evaluation, Virginia Department of Education, 2015–19. Designed and conducted a formative and summative evaluation of a federal preschool development grant to examine children's outcomes across the five school readiness domains, including language and literacy, and to learn about the implementation of a high-quality professional development, assessment, and curriculum system in 11 school districts in the state. Employed a regression discontinuity study using What Works Clearinghouse (WWC) standards.

Principal Investigator, Evaluation of the Midwest Expansion of the Child-Parent Center (CPC) Education Program, subcontract to University of Minnesota, U.S. Department of Education, Investing in Innovation (i3) grant, 2012–16. Conducted a quasi-experimental study of the implementation and impact of this preschool to third-grade model that aims to improve school readiness skills and early literacy achievement as measured by Teaching Strategies GOLD and Woodcock-Johnson Tests of Achievement.

Project Director, Statewide Evaluation of the Illinois Early Childhood Block Grant Programs for the Illinois State Board of Education, subcontract to Erikson Institute, 2008–11. Designed and implemented a statewide evaluation of the 3–5 Preschool for All programs, encompassing outcomes, program quality, and qualitative data collection, analysis, and reporting.

Senior Researcher, Model Demonstration Coordination Center (MDCC) for Early Childhood Language Intervention Project, U.S. Department of Education, Office of Special Education Programs (OSEP), 2005–15. Synthesized three different projects related to early childhood language interventions, provided on-site assistance to SRI and OSEP staff, provided technical assistance to projects located throughout the United States, prepared meeting materials, and developed common measures and data collection protocols.

Early Childhood Researcher, Building Bright Futures for Omaha's Youth Initiative, 2006–08. Project focused on strategic planning at the community level by creating the "Making the Most of the Early Years" initiative to increase access to high-quality early care and education for children from low-income families, expand education and training opportunities for providers, and support the implementation of countywide quality improvement efforts to increase quality standards and possible reimbursement rates. Mapped the needs of at-risk youth; addressed the concerns of local stakeholders; created task forces to implement innovative projects; and developed a community action plan based on local needs, resources, and evidence-based practices.

Evaluation and Technical Assistance Coach, Statewide Data Collection and Evaluation of First 5 California-Funded Programs. First 5 was a statewide evaluation of the implementation and outcomes of the system of services and programs for young children and their families from prenatal to age 5 in all 58 counties in California, aimed at supporting the health, development, and well-being of young children and promoting their school readiness. Conducted site visits and trainings, interviewed funded programs, provided technical assistance, conducted data collection and analysis, and wrote reports and other publications. Technical assistance included facilitating meetings, monitoring implementation, documenting coaching strategies, and providing encouragement.

Selected Publications, Presentations, and Commentary

Harris, C. J., Murphy, R., Feng, M., & Rutstein, D.W. (2023). *Supporting science learning and literacy development together: Initial results from a curriculum study in 1st grade classrooms*. WestEd. https://www.wested.org/resource/supporting-science-learning-and-literacy-development-1st-grade-curriculum-study/

Gaylor, E., Ferguson, K., McCracken, M., Wei, X., & Spiker, D. (2019). *Evaluation of child outcomes in nine Child-Parent Centers: Report for 2017–18*. SRI International. https://iff.org/wp-content/uploads/2018/04/SIB-CPC_Report_Year4_FINAL_wAppx.pdf

Gaylor, E., Golan, S., Chow, K., Grindal, T., Mercier, B., Williamson, C., & Tiruke, T. (2019). *Virginia Preschool Initiative Plus (VPI+): Final evaluation report*. SRI International. https://www.sri.com/publication/virginia-preschool-initiative-plus-vpi-final-evaluation-report/

Chow, K., Gaylor, E., Golan, S., & Grindal, T. (2018, June 25–27). *The association between chronic absenteeism and children's literacy gains in public preschool* [Paper presentation]. National Research Conference on Early Childhood, Arlington, VA, United States.

Chen, W.-B., Schachner, A., Gaylor, E., & Hudson, L. (2017). *RISE Home Visiting Evaluation rural case study brief report*. SRI International. https://www.dcyf.wa.gov/sites/default/files/pdf/RISE_RuralCaseStudy_Brief_FINAL_9-20172.pdf

Gaylor, E., Wei, X., Ferguson, K., Williamson, C., Davies-Mercier, B., Fikes, A., & Spiker, D. (2016). *Independent evaluation of the Midwest CPC Expansion Project: Final report*. SRI International. https://www.sri.com/publication/independent-evaluation-of-the-midwest-cpc-expansion-project-final-report/

Gaylor, E., Spiker, D., Fleming, J., & Korfmacher, J. (2012). *Illinois Preschool For All (PFA) Program evaluation*. Erikson Institute, Herr Research Center for Children and Social Policy. https://www.erikson.edu/wp-content/uploads/PFA-Evaluation-Final-Report-June-2012.pdf

Editorial Experience

2012–present: Ad hoc reviewer for *Early Childhood Research Quarterly*, *Behavioral Sleep Medicine*, and *Journal of Pediatric Psychology*

2011–present: Ad hoc reviewer for *Administration for Children and Families' National Research Conference on Early Childhood*, *Society for Research in Child Development (SRCD)* and *Pediatrics*

2024–present: NSF DRK–12 grant reviewer

Professional Memberships

Society for Research in Child Development (SRCD)
Society for Research on Educational Effectiveness (SREE)

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Anna Jennerjohn

Education Researcher

Anna Jennerjohn, PhD, is an education researcher in the Education Division with expertise in mixed methods, design-based research, and technical assistance for prekindergarten through sixth-grade literacy. She has worked for two decades at the intersections of language and literacy development as a researcher, teacher, technical assistance provider, and university educator. She draws on her years as a practitioner to drive culturally responsive evaluation and research that provides improved literacy outcomes for elementary students. She has served as lead evaluator on projects funded by the National Science Foundation and the U.S. Department of Education.

- **Relevant Experience**
- Two decades of experience in literacy education through research, teaching, curriculum design, and leading professional development.
- Fluent in design-based research and mixed-methods evaluation.
- Content expertise in language, literacy, and teacher professional learning.
- **Academic Background**
- PhD, curriculum and instruction—literacy education, 2022, University of Minnesota, Twin Cities
- MA, organizational leadership and policy development—education policy and leadership, 2017, University of Minnesota, Twin Cities
- BA, *summa cum laude*, sociology and elementary education, provost scholar, 2005, University of Northern Iowa

Representative Research Assignments at SRI (since 2024)

Project Manager, Evaluation of New Teacher Center's Education Innovation and Research (EIR) Grant, Social-Emotional Learning (SEL)-Focused Coaching, 2024–present. Provides project management for the evaluation team. Analyzes interview data and provides deliverables.

Researcher, The Leadership Academy—Study of the Culturally and Linguistically Sustaining Partnership. 2024–present. Develops Advisory Board of community members. Provides Advisory Board onboarding and leads ongoing meetings. Uses culturally responsive evaluation principles to establish community feedback and leadership via the Advisory Board.

Researcher, Urban District Literacy Collaborative (UDLC) Research Project, funded by the Schusterman Foundation, 2024–present. Leads classroom literacy observations across 30 schools with an evaluation team of 13 using a validated tool for equitable reading instruction. Serves as co-site lead in one large, urban district. Provides subject matter expertise in elementary literacy instruction in foundational skills.

Other Professional Experience

Senior Research Associate, Rockman et al. Cooperative (2023–24)

Lead Evaluator, Twin Cities Public Television STEM Tales, National Science Foundation, Innovative Technology Experiences for Students and Teachers (ITEST) Grant. Led front-end, formative, and summative evaluation activities for a library-based digital STEM read-aloud program targeting young children with identities historically underrepresented in STEM careers.

Researcher, Cabrini University EXITO and ADELANTE, U.S. Department of Education, National Professional Development Grant. Led survey collection for family literacy events

and teacher professional development coursework. Used survey feedback to help the program team improve multilingual learner coursework for teachers and literacy events for families.

Lead Evaluator, Coppin State University Center for Inclusive Excellent, U.S. Department of Education, Teacher Quality Partnership and Supporting Effective Education Development Grants. Led team of three to provide culturally responsive and equitable evaluation to the Center, a collaboration between local education agencies, state education agencies, and institutions of higher education to prepare culturally competent teachers.

Lead Evaluator, Northwestern University, Elementary Science Teacher Leaders (ESTELE), National Institutes of Health, Science Education Partnership Award. Provided evaluation services as Northwestern University worked to bring inquiry-based, language-focused science instruction to elementary schools in Chicago Public Schools.

Lead Researcher, Let's Learn Literacy Study, WNET New York. Led an exploratory study for family literacy videos for multilingual students in New York City.

Research Site Lead, Twin Cities Public Television Skillsville, U.S. Department of Education, Ready To Learn (RTL) Grant. Employed culturally responsive and equitable evaluation techniques to evaluate the pilot Skillsville Family Program for executive functioning and self-regulation strategies across sites. Improved family feedback participation rates from 45% to 100%. Designed a reflection circle model for increased community transparency, communication, and feedback in the research process.

Instructor and Research Assistant, Minnesota Center for Reading Research, University of Minnesota (2017–22)

Curriculum Lead, Path to Reading Excellence in School Sites (PRESS), English Learners Edition, 2017–19. Led team to tailor the multi-tiered systems of support in reading for multilingual learners. Developed professional development sessions for local and regional education agencies in accordance with the PRESS English Learners materials.

Research Lead, PRESS Middle School Design-Based Research Study, 2017–21. Led the 4-year design-based research study of the PRESS Middle School model for middle schoolers who needed reading support across local education agencies with high percentages of multilingual learners. Tailored the professional development sessions to support both literacy and language learning.

Instructor, Reading and Writing Methods for Elementary Teachers, 2018–22. Taught graduate preservice teachers about asset-based literacy pedagogies and science integration with the Science/Literacy Integration Project (SLIP).

Practitioner Experience (2005–15)

Elementary Teacher, District 196, Apple Valley, Minnesota, 2014–15. Taught fourth-grade students, who spoke five home languages, using direct instruction, culturally relevant pedagogies, and integrated, high-interest content.

Q Comp Coordinator and Literacy Specialist, Academia César Chávez, St. Paul, Minnesota, 2009–14. Led staff development, literacy curriculum selection, and the coaching team for a bilingual elementary school.

Elementary Teacher, Escuela Americana de Tampico, Tampico, Tamaulipas, México, 2007–09. Taught emergent multilingual elementary students across all content areas.

Elementary Teacher, Des Moines Public Schools and Boone Public Schools, 2005–07.

Selected Publications, Presentations, and Commentary

Ittner, A. C., Jennerjohn, A., & Helman, L. (2025). Insights into multilingual students to capitalize on their language knowledge. *The Reading Teacher* (early view online). https://doi.org/10.1002/trtr.2384

Jennerjohn, A. (2024). From story to book: Discourse analysis between teacher and student in the creation of a culturally relevant text. *Journal of Early Childhood Literacy*, *24*(1), 191–216. https://doi.org/10.1177/14687984211051085

Jennerjohn, A., Peterson, D. S., & Cavanaugh, C. (2024). Nearby nature: An interdisciplinary science, literacy, and technology project situated within a traditional teacher preparation program. *Action in Teacher Education*, *46*(1), 21–37. https://doi.org/10.1080/01626620.2023.2270923

Burger, K., & Jennerjohn, A. (2023). The promise of virtual coaching for professional learning in word study and beyond. In A. C. Ittner, A. Frederick, D. Kiernan, & D. R. Bear (Eds.), *Implementing developmental word study* (pp. 113–129). Guilford Press.

Jennerjohn, A. (2021). *Multi-tiered system of supports for middle school literacy* [PRESS white paper]. Minnesota Center for Reading Research.

Peterson, D., Helman, A., Jennerjohn, A., & Payeur, A. (2021). *Reading instruction for students with characteristics of dyslexia: A workshop for elementary educators* [Online, self-paced workshop]. Minnesota Center for Reading Research. https://events.tc.umn.edu/reading-research/event/3528-reading-instruction-for-students-with

Jennerjohn, A. (2020). School–family partnerships for culturally sustaining texts. *The Reading Teacher*, *73*(5), 657–661. https://doi.org/10.1002/trtr.1891

References

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CONTRACTUAL AGREEMENT FORM

BIDDER MUST COMPLETE THE FOLLOWING

By signing this Contractual Agreement Form, the bidder guarantees compliance with the provisions stated in this solicitation and agrees to the terms and conditions unless otherwise indicated in writing and certifies that bidder is not owned by the Chinese Communist Party.

Per Nebraska's Transparency in Government Procurement Act, Neb. Rev Stat § 73-603, DAS is required to collect statistical information regarding the number of contracts awarded to Nebraska Vendors. This information is for statistical purposes only and will not be considered for contract award purposes.

_____ NEBRASKA VENDOR AFFIDAVIT: Bidder hereby attests that bidder is a Nebraska Vendor.

_____ I hereby certify that I am a Resident disabled veteran or business located in a designated enterprise zone in accordance with Neb. Rev. Stat. § 73-107 and wish to have preference, if applicable, considered in the award of this contract.

_____ I hereby certify that I am a blind person licensed by the Commission for the Blind & Visually Impaired in accordance with Neb. Rev. Stat. § 71-8611 and wish to have preference considered in the award of this contract.

FORM MUST BE SIGNED MANUALLY IN INK OR BY DOCUSIGN

BIDDER:	SRI International
COMPLETE ADDRESS:	333 Ravenswood Avenue, Menlo Park, CA 94025
TELEPHONE NUMBER:	703- 247-8531
FAX NUMBER:	
DATE:	3/6/2025
SIGNATURE:	
TYPED NAME & TITLE OF SIGNER:	Jim Burdette/Sr. Contracts Officer

II. TERMS AND CONDITIONS

Bidder should read the Terms and Conditions within this section and must initial either "Accept All Terms and Conditions Within Section as Written" or "Exceptions Taken to Terms and Conditions Within Section as Written" in the table below. If the bidder takes any exceptions, they must provide the following within the "Exceptions" field of the table below (Bidder may provide responses in separate attachment if multiple exceptions are taken):

1. The specific clause, including section reference, to which an exception has been taken;
2. An explanation of why the bidder took exception to the clause; and
3. Provide alternative language to the specific clause within the solicitation response.

By signing the solicitation, bidder agrees to be legally bound by all the accepted terms and conditions, and any proposed alternative terms and conditions submitted with the solicitation response. The State reserves the right to negotiate rejected or proposed alternative language. If the State and bidder fail to agree on the final Terms and Conditions, the State reserves the right to reject the solicitation response. The State reserves the right to reject solicitation responses that attempt to substitute the bidder's commercial contracts and/or documents for this solicitation.

Accept All Terms and Conditions Within Section as Written (Initial)	**Exceptions Taken to Terms and Conditions Within Section as Written (Initial)**	**Exceptions:** (Bidder must note the specific clause, including section reference, to which an exception has been taken, an explanation of why the bidder took exception to the clause, and provide alternative language to the specific clause within the solicitation response.)
JB		

The bidders should submit with their solicitation response any license, user agreement, service level agreement, or similar documents that the bidder wants incorporated in the Contract. The State will not consider incorporation of any document not submitted with the solicitation response as the document will not have been included in the evaluation process. These documents shall be subject to negotiation and will be incorporated as addendums if agreed to by the Parties.

If a conflict or ambiguity arises after the Addendum to Contract Award has been negotiated and agreed to, the Addendum to Contract Award shall be interpreted as follows:

If only one (1) Party has a particular clause, then that clause shall control,
If both Parties have a similar clause, but the clauses do not conflict, the clauses shall be read together,
If both Parties have a similar clause, but the clauses conflict, the State's clause shall control.

A. GENERAL

The contract resulting from this Solicitation shall incorporate the following documents:

Solicitation, including any attachments and addenda;
Questions and Answers;
Bidder's properly submitted solicitation response, including any terms and conditions or agreements submitted by the bidder;
Addendum to Contract Award (if applicable);and
Amendments to the Contract. (if applicable)

These documents constitute the entirety of the contract.

Unless otherwise specifically stated in a future contract amendment, in case of any conflict between the incorporated documents, the documents shall govern in the following order of preference with number one (1) receiving preference over all other documents and with each lower numbered document having preference over any higher numbered document: 1) Amendment to the executed Contract with the most recent dated amendment having the highest priority,

III. VENDOR DUTIES

Bidder should read the Vendor Duties within this section and must initial either "Accept All Terms and Conditions Within Section as Written" or "Exceptions Taken to Vendor Duties Within Section as Written" in the table below. If the bidder takes any exceptions, they must provide the following within the "Exceptions" field of the table below (Bidder may provide responses in separate attachment if multiple exceptions are taken):

1. The specific clause, including section reference, to which an exception has been taken;
2. An explanation of why the bidder took exception to the clause; and
3. Provide alternative language to the specific clause within the solicitation response.

By signing the solicitation, bidder agrees to be legally bound by all the accepted terms and conditions, and any proposed alternative terms and conditions submitted with the solicitation response. The State reserves the right to negotiate rejected or proposed alternative language. If the State and bidder fail to agree on the final Terms and Conditions, the State reserves the right to reject the solicitation response. The State reserves the right to reject solicitation responses that attempt to substitute the bidder's commercial contracts and/or documents for this solicitation.

Accept All Vendor Duties Within Section as Written (Initial)	Exceptions Taken to Vendor Duties Within Section as Written (Initial)	Exceptions: (Bidder must note the specific clause, including section reference, to which an exception has been taken, an explanation of why the bidder took exception to the clause, and provide alternative language to the specific clause within the solicitation response.)
	JB	SRI respectfully requests an exception regarding the following Insurance Requirement: Abuse & Molestation ,which is a very specific coverage and SRI does not carry it. We do not believe this coverage would apply to the work being performed.

A. INDEPENDENT VENDOR / OBLIGATIONS

It is agreed that the Vendor is an independent Vendor and that nothing contained herein is intended or should be construed as creating or establishing a relationship of employment, agency, or a partnership.

The Vendor is solely responsible for fulfilling the contract. The Vendor or the Vendor's representative shall be the sole point of contact regarding all contractual matters.

The Vendor shall secure, at its own expense, all personnel required to perform the services under the contract. The personnel the Vendor uses to fulfill the contract shall have no contractual or other legal relationship with the State; they shall not be considered employees of the State and shall not be entitled to any compensation, rights or benefits from the State, including but not limited to, tenure rights, medical and hospital care, sick and vacation leave, severance pay, or retirement benefits.

By-name personnel commitments made in the bidder's solicitation response shall not be changed without the prior written approval of the State. Replacement of these personnel, if approved by the State, shall be with personnel of equal or greater ability and qualifications.

All personnel assigned by the Vendor to the contract shall be employees of the Vendor or a subcontractor and shall be fully qualified to perform the work required herein. Personnel employed by the Vendor or a subcontractor to fulfill the terms of the contract shall remain under the sole direction and control of the Vendor or the subcontractor respectively.

With respect to its employees, the Vendor agrees to be solely responsible for the following:

Any and all pay, benefits, and employment taxes and/or other payroll withholding,
Any and all vehicles used by the Vendor's employees, including all insurance required by state law,
Damages incurred by Vendor's employees within the scope of their duties under the contract,
Maintaining Workers' Compensation and health insurance that complies with state and federal law and submitting any reports on such insurance to the extent required by governing law,
Determining the hours to be worked and the duties to be performed by the Vendor's employees; and,

IV. PAYMENT

Bidder should read the Payment clauses within this section and must initial either "Accept All Terms and Conditions Within Section as Written" or "Exceptions Taken to Payment clauses Within Section as Written" in the table below. If the bidder takes any exceptions, they must provide the following within the "Exceptions" field of the table below (Bidder may provide responses in separate attachment if multiple exceptions are taken):

1. The specific clause, including section reference, to which an exception has been taken;
2. An explanation of why the bidder took exception to the clause; and
3. Provide alternative language to the specific clause within the solicitation response.

By signing the solicitation, bidder agrees to be legally bound by all the accepted terms and conditions, and any proposed alternative terms and conditions submitted with the solicitation response. The State reserves the right to negotiate rejected or proposed alternative language. If the State and bidder fail to agree on the final Terms and Conditions, the State reserves the right to reject the solicitation response. The State reserves the right to reject solicitation responses that attempt to substitute the bidder's commercial contracts and/or documents for this solicitation.

Accept All Payment Clauses Within Section as Written (Initial)	Exceptions Taken to Payment Clauses Within Section as Written (Initial)	Exceptions: (Bidder must note the specific clause, including section reference, to which an exception has been taken, an explanation of why the bidder took exception to the clause, and provide alternative language to the specific clause within the solicitation response.)
JB		

A. PROHIBITION AGAINST ADVANCE PAYMENT (Nonnegotiable)

Pursuant to Neb. Rev. Stat. § 81-2403, "[n]o goods or services shall be deemed to be received by an agency until all such goods or services are completely delivered and finally accepted by the agency."

B. TAXES (Nonnegotiable)

The State is not required to pay taxes and assumes no such liability as a result of this Solicitation. The Vendor may request a copy of the Nebraska Department of Revenue, Nebraska Resale or Exempt Sale Certificate for Sales Tax Exemption, Form 13 for their records. Any property tax payable on the Vendor's equipment which may be installed in a state-owned facility is the responsibility of the Vendor.

C. INVOICES

Invoices for payments must be submitted by the Vendor to the agency requesting the services with sufficient detail to support payment. The terms and conditions included in the Vendor's invoice shall be deemed to be solely for the convenience of the parties. No terms or conditions of any such invoice shall be binding upon the State, and no action by the State, including without limitation the payment of any such invoice in whole or in part, shall be construed as binding or estopping the State with respect to any such term or condition, unless the invoice term or condition has been previously agreed to by the State as an amendment to the contract. **The State shall have forty-five (45) calendar days to pay after a valid and accurate invoice is received by the State.**

D. INSPECTION AND APPROVAL

Final inspection and approval of all work required under the contract shall be performed by the designated State officials.

The State and/or its authorized representatives shall have the right to enter any premises where the Vendor or Subcontractor duties under the contract are being performed, and to inspect, monitor or otherwise evaluate the work being performed. All inspections and evaluations shall be at reasonable times and in a manner that will not unreasonably delay work.

SRI International and Subsidiaries

Consolidated Financial Statements and Consolidating Supplementary Information December 29, 2023 and December 30, 2022

SRI International and Subsidiaries
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REPORT OF INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS

Board of Directors
SRI International

Opinion

We have audited the consolidated financial statements of SRI International and subsidiaries ("SRI"), which comprise the consolidated balance sheets as of December 29, 2023 and December 30, 2022, and the related consolidated statements of activities and cash flows for the years then ended, and the related notes to the consolidated financial statements.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the financial position of SRI as of December 29, 2023 and December 30, 2022, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for opinion

We conducted our audits of the consolidated financial statements in accordance with auditing standards generally accepted in the United States of America (US GAAS).

Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of SRI and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of management for the financial statements

Management is responsible for the preparation and fair presentation of the consolidated financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about SRI's ability to continue as a going concern for one year after the date the consolidated financial statements are issued.

Grant Thornton LLP is the U.S. member firm of Grant Thornton International Ltd (GTIL). GTIL and each of its member firms are separate legal entities and are not a worldwide partnership.

Grant Thornton

Auditor's responsibilities for the audit of the financial statements
Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with US GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the consolidated financial statements.

In performing an audit in accordance with US GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the consolidated financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of SRI's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the consolidated financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about SRI's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Grant Thornton LLP

San Jose, California
May 30, 2024

SRI International and Subsidiaries
Consolidated Balance Sheets
December 29, 2023 and December 30, 2022

(in thousands of dollars)	2023	2022
Assets		
Current assets		
Cash and cash equivalents	$ 26,646	$ 34,568
Restricted cash and cash equivalents	1,556	7,074
Investments	21,484	34,187
Receivables, net	90,926	83,323
Inventory	11,062	7,702
Prepaid expenses and other assets	10,057	9,509
Total current assets	161,731	176,363
Property and equipment, net	116,221	114,569
Deferred tax asset	7,742	6,275
Operating lease right-of-use assets	121,882	12,942
Other noncurrent assets	19,158	20,112
Total assets	$ 426,734	$ 330,261
Liabilities and Net Assets		
Current liabilities		
Accounts payable and accrued expenses	$ 74,866	$ 66,595
Client advances and credits	20,868	17,359
Operating lease liabilities	11,434	6,441
Current installments of long-term debt	2,063	1,974
Total current liabilities	109,231	92,369
Long-term debt, excluding current installments	12,151	14,148
Operating lease liabilities, net of current portion	109,943	8,124
Other noncurrent liabilities	19,345	21,346
Total liabilities	250,670	135,987
Commitments and contingencies	-	-
Net assets without donor restrictions	176,064	194,274
Total liabilities and net assets	$ 426,734	$ 330,261

The accompanying notes are an integral part of these consolidated financial statements.

SRI International and Subsidiaries
Consolidated Statements of Activities
Years Ended December 29, 2023 and December 30, 2022

(in thousands of dollars)	2023	2022
Project revenue	$ 396,911	$ 379,919
Royalty revenue	4,504	38,989
Net revenue	401,415	418,908
Direct project costs	(206,488)	(190,301)
Excess of net revenue over direct project costs	194,927	228,607
Indirect expenses		
Salaries, wages, and benefits	143,822	133,100
Property and equipment	44,104	35,421
Materials, services, travel, and other	40,925	60,458
Internal research programs	6,578	7,346
Total indirect expenses	235,429	236,325
In-kind contribution of property and equipment of PARC and BCT	8,742	-
Other income (expense)		
Interest income	2,020	1,215
Interest expense	(828)	(780)
Stanford University separation recovery (expense)	1,494	(1,494)
Realized loss on investments	(305)	(9)
Other, net	8,414	5,793
Total other income (expense)	10,795	4,725
Loss from operations	(20,965)	(2,993)
Unrealized gain (loss) on investments	1,133	(1,597)
Loss before income taxes	(19,832)	(4,590)
Income tax benefit (expense)	2,015	(360)
Foreign currency translation loss	(393)	-
Change in net assets without donor restrictions	(18,210)	(4,950)
Net assets without donor restrictions		
Beginning of year	194,274	199,224
End of year	$ 176,064	$ 194,274

The accompanying notes are an integral part of these consolidated financial statements.

SRI International and Subsidiaries
Consolidated Statement of Cash Flows
December 29, 2023 and December 30, 2022

(in thousands of dollars)	2023	2022
Cash flows from operating activities		
Change in net assets	$ (18,210)	$ (4,950)
Adjustments to reconcile change in net assets to net cash provided by operating activities		
Depreciation and amortization	21,148	16,628
Provision for doubtful accounts and indirect rate reserve	(2,691)	482
(Gain) loss on investments	(1,342)	1,768
Unrealized (gain) loss from investment in affiliates	316	(2,543)
Realized loss from investment in affiliates	199	-
(Gain) loss on sale/disposal of property and equipment	(164)	5
Change in deferred tax asset	(1,467)	72
In-kind contribution of property and equipment of PARC and BCT	(8,742)	-
Changes in operating assets and liabilities		
Receivables, net	(4,912)	35,532
Inventory	(3,360)	(2,481)
Prepaid expenses and other assets	(613)	(632)
Other noncurrent assets	983	(631)
Accounts payable and accrued expenses	7,690	5,230
Client advances and credits	1,952	(5,162)
Operating lease assets and liabilities, net	(410)	1,623
Other noncurrent liabilities	(2,878)	(6,645)
Net cash provided by (used in) operating activities	(12,501)	38,296
Cash flows from investing activities		
Purchase of investments	(3,205)	(15,560)
Sale and maturity of investments	16,535	5,295
Capital expenditures	(12,357)	(11,378)
Other investing activities	-	(200)
Net cash provided by (used in) investing activities	973	(21,843)
Cash flows from financing activities		
Proceeds from line of credit	-	-
Principal payments of long-term debt	(1,912)	(5,389)
Net cash used in financing activities	(1,912)	(5,389)
Net increase (decrease) in cash, cash equivalents, and restricted cash	(13,440)	11,064
Cash, cash equivalents, and restricted cash		
Beginning of year	41,642	30,578
End of year	$ 28,202	$ 41,642
Supplemental disclosures of cash flow information		
Cash paid during the year for		
Interest, net of amount capitalized	$ 758	$ 826
Income taxes	-	394
Change in accounts payable related to capital expenditures	8	251
Change in client advances and credits related to other noncurrent assets	1,457	450

The accompanying notes are an integral part of these consolidated financial statements.

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Brian L. Maher
Commissioner of Education

FROM: Lane Carr
Administrator, Office of Policy and Strategic Initiatives

Jessica Javorsky
Strategic Initiatives Grant Specialist

PROPOSED AGENDA ITEMS: Nebraska Improvement Grant Projects

AGENDA ITEM TYPE: Action

RATIONALE/BACKGROUND INFORMATION:
Statutory Context:
Nebraska Revised Statute 79-1054 established the Innovation Grant Program, with guidelines that have shifted over time. Prior to 2025, grants and awards have been focus on innovative solutions for todays schools, teachers, and students.

In May 2023, the State Board approved a third cohort of 2- and 3-year innovative network grants. Results of these investments can be found in the NDE's Legislative Report here: 793_20241127-133811.pdf.

The following projects sunset at the end of June 2025:

- Nebraska Career Connections
- SMART Tutoring
- Future Ready Digital Learning Collaborative
- Beyond School Bells
- Zearn (ended after one year)
- School Transformation Network
- Every Day Counts (Addressing Chronic Absenteeism)

- Learning Platform - As statutorily required, the State Board discussed standards the learning platform should meet and criteria to prioritize grant applications in May and June 2024. The State Board approved criteria and priority areas at their August 2024 meeting.

NDE Improvement Grant
With changes to statute in 2023 and 2024, the Innovation Grant Program was renamed the Improvement Program Fund, shifting the focus away from new and exciting opportunities that *may* create an impact for some or all of Nebraska's students and toward evidence-based programs that *will* have a measured impact in schools and on students across the state.

According to NRS 79-1054, in fiscal years 2025 through 2029, the NDE shall use these lottery funds on four categories of programs:

i) Teacher recruitment and retention,
ii) Improvement for schools and school districts,
iii) Improvement in student performance in the subject areas of reading and mathematics, and
iv) Other improvement areas identified by the state board.

With the passage of LB296 (the "Bellwether bill"), the NDE must now use Improvement Funds to hire registrars. These positions, and the requisite expenses for their work, would provide continuity of educational services to students experiencing the justice system.

Proposed New/Continued Projects:

- Every Day Counts - Metro Omaha Education Consortium (MOEC) Attendance Network ($250,000 per year, $500,000 total)
    - NDE seeks to continue a current partnership and Improvement Grant project with the Unisversity of Nebraska-Omaha (MOEC) and schools in the metro area with chronic absenteeism rates higher than 15%.
    - Funding would focus on improving systems at a school level which provide:
        - Targeted professional development
        - Improved family engagement and communication
        - Support for school leaders
        - Tier 1 & 2 strategies
        - Access to timely data
        - Tools for developing attendance campaigns and incentives
    - Results across schools have shown demonstrable reductions in chronic absenteeism at the elementary and middle school levels, with a hope to expand further into high schools.
- Literacy Screener Study with UNL Buros Center ($75,000)
    - The Nebraska Reading Improvement Act (NRIA) (Section 79-2601-79-2607) requires that each school district administer an approved reading screener assessment three times during the school year to all students in kindergarten through grade three. Any student performing below the threshold level is identified as having a reading deficiency for purposes of the NRIA.
    - For the 2025-2026 school year, NDE approved eight reading screener assessments and has identified a goal to approve a smaller number of assessments for subsequent years to gain

more consistency in data collection and interpretation and increase the likelihood that students who need additional support are appropriately identified.

- The NDE is proposing a contract with UNL's Buros Center for Testing to:
  - Identify the reading screener assessments that most closely align with Nebraska's College and Career Ready Standard for English Language Arts, and
  - Analyze the cut scores and classification accuracy to determine if they are relevant and appropriate for NRIA purposes and the student populations in Nebraska.

Next Steps

- Begin implementing provisions of LB296 for systems involved youth.
- Begin contracting processes for proposed items above.
- Launch procurement process to identify vendor(s) for other improvement activities.
- Bring any additional contracts to the Board for approval in August 2025

PROPOSED BOARD MEETING (MONTH/YEAR): April 2025

ESTIMATED COST: $570,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Improvement Grant Funds (Lottery)
- New or Renewal: Renewal, New
- If renewal, date of first approval: May 2023

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Non-Competitive
- Rationale for method of procurement: Per 73-507, agreements for services to be performed by or between a state agency and the University of Nebraska system are exempt to the requirements for competitive bidding or negotiation.
- Rationale for contractor selection: N/A

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A
- New or Renewal: N/A
- If renewal, date of first approval: N/A

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Brad Dirksen, Accreditation, Certification, & Approval Administrator
Katelyn Larsen, Director, Educator Certification

PROPOSED AGENDA ITEM: Adjustment to criminal history record check fee

AGENDA ITEM TYPE (contract/grant/rule/program/other): other

RATIONALE/BACKGROUND INFORMATION:

Nebraska State Patrol informed the Department of Education on May 19, 2025, of an increase in the fees to complete a national fingerprint-based criminal history background check to $55.00, effective August 1, 2025. The current fee charged by the State Patrol to the Department of Education is $45.25.

The State Board of Education has the authority to set a fee for processing criminal history record checks pursuant to §79-814.01 and currently has a processing fee for a criminal history record check of $50.00, which includes the $45.25 direct payment to the Nebraska State Patrol.

The Commissioner recommends the Board to increase the criminal history record check fee charged by the Department to certification applicants to $60.00. This raise in fees is a direct result of the increased charge from the Nebraska State Patrol.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $0

FOR CONTRACTS AND GRANTS: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: N/A

FOR GRANT SUBAWARDS: N/A
**Updated 08.15.2023*

Jim Pillen
Governor

STATE OF NEBRASKA

NEBRASKA STATE PATROL
Colonel John A. Bolduc
Superintendent
P.O.Box 94907
Lincoln, NE 68509-4907
Phone (402) 471-4545

May 15, 2025

Re: National Fingerprint-Based Criminal History Background Check

To Our Community and Agency Partners:

The Nebraska State Patrol periodically reviews the fees charged for criminal record requests and other background check services. The last time this review occurred was in 2016.

As a result of increased costs and careful analysis, affective **August 1, 2025**, the fees to complete a national fingerprint-based criminal history background check will increase to $55.00.

Please communicate this information to your clients and applicants as soon as is possible. Any payments received after August 1, 2025, for the incorrect amount will be returned to the payee.

We appreciate your patience and understanding as we make this transition. If you have any additional questions or concerns, please feel free to contact the Nebraska State Patrol, Criminal Identification Division at (402) 471-4545. Thank you.

Sincerely,

J. Lance Rogers

Captain J. Lance Rogers
Criminal Identification Division
Nebraska State Patrol

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 29, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Dr. Katie Graham
Administrator, Office of Career, Technical, & Adult Education

PROPOSED AGENDA ITEM: Implementation of the Computer Science & Technology Education Fund Expansion Program (BF.022025.003)

AGENDA ITEM TYPE (contract/grant/rule/program/other): Other

RATIONALE/BACKGROUND INFORMATION:

Background:

Nebraska Revised Statute 79-3301 to 79-3305, known and cited as the *Computer Science and Technology Act*, outlines the requirements for instruction in computer science and technology. Additionally, 79-729 specifies the Computer Science and Technology Act requirement for high school graduation.

The Nebraska legislature declared that it is the policy of the State to promote computer science and technology education in each school district in order to: (1) provide students the skills and competencies to compete in a twenty-first-century workforce, (2) develop skills that translate to high-skill, high-wage jobs, and (3) encourage the creation and retention of new, high-paying jobs in Nebraska.

Computer Science and Technology education includes, but is not limited to, knowledge and skills regarding computer literacy, educational technology, digital citizenship, information technology, and computer science.

To assist and support schools and educators in implementing the *Computer Science and Technology Act*, Nebraska Revised Statute 79-3306, passed in 2024, established the **Computer Science and Technology Education Fund.**

Computer Science & Technology Education Fund:
The Computer Science and Technology Education Fund is to be used establish a "statewide computer science education expansion program to recruit, train, and support teachers in computer science and technology education."

Expansion Program Requirements:

- Training for teachers seeking supplemental computer science certification;
- Training designed to support the integration of computer science and technology education into the instructional programs of elementary, middle, and high schools;
- Support for schools and teachers in the development of computer science instructional plans that are consistent with the academic content standards for computer science and technology education adopted by the State Board of Education; and
- Incentive and stipend payments for teachers who meet training, certification, and teaching requirements as established by the State Board of Education.

Funding:

The Legislature will transfer one million dollars for fiscal year 2024-25 and one million dollars for fiscal year 2025-26 from the Education Future Fund to the Computer Science and Technology Education Fund to carry out the expansion program requirements. Additionally, the Legislature will transfer an additional five hundred thousand dollars for fiscal year 2024-25 and each fiscal year thereafter contingent upon the receipt of matching private funds of such amount.

Incentive and Stipend Payments:

As one of the expansion program objectives, incentive and stipend payments are to be awarded for teachers who meet the certification and teaching requirements, as established by the State Board of Education.

The existing Teacher Recruitment and Retention Act – High Needs Grant currently provides financial incentives to recruit and retain teachers in Nebraska classrooms. Specifically, the High-Need Recruitment Grant is an incentive payment for $5,000 for a classroom teacher who has obtained an endorsement in special education, mathematics, science, technology, or dual credit on or after June 2, 2023, and, has a contract to teach in that area. The high-needs areas identified in the grant include all current endorsements in Rule 24 that cover computer science and technology education:

- Business, Marketing, and Information Technology (BMIT) – 0304
- Skilled & Technical Sciences Field: - 1000 or 1700
- Middle Level Business, Marketing, and Information Technology - 1812
- Information Technology - 2701
- Career and Technical Education: Information Technology - 2911

Given the overlap in endorsement areas and objectives, it is recommended the certification and teaching requirements established for the Computer Science and Technology Expansion Program incentives align with the Teacher Recruitment and Retention Act – High Needs Grant (see attached document). Financial support from the Computer Science & Technology Education Fund can provide additional incentive payments for qualified applicants whose payment could not made due to insufficient Teacher Recruitment and Retention Act – High Needs Grant funds being available.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: The total state appropriation for the Computer Science and Technology expansion program is $2,000,000, with $1,000,000 appropriated for 2024-2025 and $1,000,000 appropriated for 2025-

2026. The portion of funds used for the certification and teaching incentive payments will not exceed $400,000.

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: State appropriation for the Computer Science and Technology Education Fund

- New or Renewal: N/A

- If renewal, date of first approval: N/A

**Updated 08.15.2023*

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Teacher Recruitment and Retention Act - Neb. Rev. Stat. § 79-8,111 to 79-8,118

Purpose: Pursuant to Neb. Rev. Stat. § 79-8,112, the purpose of the Teacher Recruitment and Retention Act is to provide financial incentives to recruit and retain teachers in Nebraska classrooms.

Definitions: For purposes of the Teacher Recruitment and Retention Act:

- Teacher means an individual who:

  (a) Holds a valid Nebraska teaching certificate,

  (b) Is employed in Nebraska for the instruction of students in elementary or high school grades, and

  (c) Pursuant to Neb. Rev. Stat. § 79-101 (12), to teach means and includes, but not limited to, the following responsibilities: (a) The organization and management of the classroom or the physical area in which the learning experiences of pupils take place; (b) the assessment and diagnosis of the individual educational needs of the pupils; (c) the planning, selecting, organizing, prescribing, and directing of the learning experiences of pupils; (d) the planning of teaching strategies and the selection of available materials and equipment to be used; and (e) the evaluation and reporting of student progress.

- Full-time employment means employment equivalent to 1.0 FTE under one or more teaching contracts with an approved or accredited Nebraska school.
- Nebraska school means any approved or accredited school in Nebraska.
- Elementary grades mean grades kindergarten through eighth, as defined in 79-101 (5).
- High school grades mean all grades above the eighth grade, as defined in 79-101 (6).

- Retention grant means a grant award of $2,500 for classroom teachers in their second, fourth, or sixth year of teaching. This is for total years of service.

- High-need grant means a grant award for $5,000 if on or after June 2, 2023, a classroom teacher obtains an endorsement in the areas of special education, mathematics, science, technology, or dual credit.

- Award year means the school year for which an application is submitted, as specified in 79-8,114. For the retention grant, the award years are 2023-24, 2024-25, 2025-26, or 2026-27. For the high-need grant, the award years are 2024-25, 2025-26, or 2026-27.

Application Process

For the 2024-2025 school year:

- Application: To be considered for this grant program, an eligible applicant must complete the application form by the deadline and submit all necessary documentation. Applicants will be selected on a first come-first serve basis. The application can be found here: https://www.education.ne.gov/csds/resources/teacher-recruitment-and-retention-act/. The application opens on Monday, November 18, 2024, at 5pm CST and closes on Wednesday, December 18, 2024, at 11:59pm CST.

- Eligibility
    - To be eligible for the $2,500 retention grant, the applicant must be a classroom teacher in their second, fourth, or sixth year of teaching. The year of teaching is determined by the total years of experience.

    - To be eligible for the $5,000 high-need recruitment grant, the applicant must have obtained an endorsement in the areas of special education, mathematics, science, or technology on or after June 2, 2023. The applicant must also have a contract to teach full-time in the endorsement area.

- Distribution: Grant funds are sent directly to selected applicants. If selected, applicants will be required to complete additional documentation.

The Nebraska Teacher Recruitment and Retention Act terminates on January 1, 2028.

As of November 5, 2024

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STATE BOARD OF EDUCATION
PLANNING AND EVALUATION COMMITTEE REPORT

Date: June 5, 2025

The Planning and Evaluation Committee reports on their committee meeting on June 5, 2025. The members present were Lisa Schonhoff, Sherry Jones, Deborah Neary, and Kristin Christensen.

The committee discussed four action items related to Rule 11 teacher waiver requests, and the accreditation of public and non-public Rule 10 school systems and ESU systems. The committee recommends board approval on these items.

The committee reviewed two action items related to the Priority School designation process and the Isanti Elementary School Priority School Status. The committee recommends no action at this time. The committee requests the Commissioner bring next steps to the committee at the next board meeting.

The committee reviewed discussion items with NDE staff providing summaries and answering questions related to the conditional approval of new nonpublic school systems, conditional approval of new interim-program schools, plans of corrections for school systems and interim program schools, and approval of educator preparation programs.

The committee also reviewed informational items related to Rule 11 teacher waiver requests, statewide assessment contract for high school to meet statutory requirements, social students content standards review, pilot process for clinical practice, annual reports for approved pilot programs and processes, and notice of vacancies for the Nebraska Council on Teacher Education and the Special Education Advisory Council. NDE staff will bring these items to a future meeting for discussion and subsequent approval.

This concludes the Planning and Evaluation report.

Lisa Schonhoff, Chair

*Submit a printed copy to the Committee Chair and email to the Recording Secretary.
Updated 02.02.2023

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 23, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Shirley Vargas, Ed.L.D.
School Transformation Officer

PROPOSED AGENDA ITEM: Priority School Designation

AGENDA ITEM TYPE (contract/grant/rule/program/other): Other

RATIONALE/BACKGROUND INFORMATION: N.R.S. §79.760.06 requires the NDE to use multiple measures to create an accountability system that annually classifies schools into performance levels. Additionally, the State Board of Education is charged with "designating priority schools based on such classifications." Schools designated as Priority Schools must be in the lowest performance level at the time of initial designation and remain in priority status until the designation is removed by the State Board. With the passage of LB 1081 in 2018, the State Board is able to designate "no less than three Priority Schools."

The Priority School designation process begins with a deeper review of accountability data for schools in the Needs Support for Improvement performance level. There are multiple steps, involving a review of additional data sources such as Rule 10 violations, certifications of educators, along with onsite visits, which inform a recommendation to the Commissioner and are brought forth to the State Board for action.

The documents provided in Sparq support the recommendation for Umo N Ho N Nation Middle School as a Priority School;

- Document name: Masked UNMS Longitudinal Accountability Data Review June 2025
- Document name: UNMS.UNHS Diagnostic Review May 2025

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: NA

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: *(--e.g., Federal, State)*
- New or Renewal:
- If renewal, date of first approval:

(--Following the funding source, include a statement that indicates if/how the activity is part of an annual budget or allocation, or, approved as an activity for a grant. For example, "The funds for this contract are budgeted in the Office's annual allocation of state funds." Another example, "The funds for this activity are included in the grant award for this program.")

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.23*

Umo N Ho N Nation Middle School Longitudinal Data Review

	NSCAS Assessments*														
School Year	# of Students Proficient ELA	ELA Proficiency	# of Students Proficient Math	Math Proficiency	Status Score (ELA & Math)	# of Students	ELA Growth	# of Students	Math Growth	Student Growth** (ELA & Math)	# of Students	Science Proficiency	Assessment Participation	# of Students	Chronic Absence Rate
2017-2018	+	2.63%	+	1.32%	1.97%	46/60	76.67%	+	+	76.67%	+	+	94.50%	73/100	73%
2018-2019	+	5.95%	+	+	2.98%	31/68	45.59%	37/71	52.11%	48.92%	+	5.26%	88.57%	85/109	77.98%
2019-2020***	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2020-2021****	+	7.62%	+	+	3.68%	-	-	-	-	-	-	-	-	-	95.38%
2021-2022	+	2.86%	+	+	1.43%	57/85	67.06%	47/83	56.63%	61.90%	+	10%	96.18%	123/130	94.62%
2022-2023	+	8.57%	+	4.76%	6.67%	54/91	59.34%	50/91	54.95%	57.14%	+	2.78%	92.91%	114/127	89.76%
2023-2024	23/100	23%	+	1%	12%	67/92	72.83%	42/91	46.15%	56.56%	+	15.15%	96.97%	101/120	84.17%

* NSCAS was first administered in Spring 2018.
** Student Growth is the percentage of ELA and Math assessments in a school that showed an increase compared to the same individual's score in the previous year.
*** State and federal assessment & accountability processes suspended because of the pandemic.
**** NSCAS ELA and Math assessments were shortened. NSCAS Science was administered as a field test, no reportable data.

+ Data is masked, following the NDE Data Suppression Rules:

- Rule of 10 – Used to protect personally identifiable information when the number of students in a group is small. Nebraska masks all numbers when there are fewer than 10 in a group. Membership is not masked at the State, district, school and grade level even if fewer than 10 students.
- Performance Level Reporting – When reporting student performance on assessments in levels
  - The percentages are displayed when there are 5 or more at a performance level.
  - All data are still masked for groups of fewer than 10.
- Rule of 100% – Used to protect privacy in student performance when all students in a group fall into the same achievement level regardless of the total student count; these values will be suppressed.

Data Sources: Nebraska Education Profile (NEP), NEP Secure, AQuESTT Classification Reports

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Umo N Ho N Nation Middle School and High School Diagnostic Review Summary
May 2025

Introduction

On May 6, 2025, four staff members of the Nebraska Department of Education (NDE) and four TNTP staff members visited Umo N Ho N Nation Public Schools. The purpose of the visit was to understand the experiences of students, staff, and leadership through observations, interviews, and focus groups. The scope of the visit included:

- Twelve classroom observations of grades 6-12 using TNTP observation protocols.
- Interviews with the elementary, middle, and high school principals, elementary and secondary instructional coach, Director of Early Childhood, MTSS Coordinator, Director of Student Services, School Psychologist, Director of Language & Culture, and Superintendent (conducted virtually on May 9).
- Interviews with 16 staff members including middle and high school teachers, special education teachers, paraprofessionals, the librarian, and the school nurse.
- Two focus groups with middle school and high school students.

Summary of Student Focus Groups

Umo N Ho N Nation Middle School (UNMS) students shared with interviewers their goals after they graduate: to learn to cook, be an architect, go to college, or be a mechanic. Though the High School Career Pathways are emphasized by staff, middle school students did not seem to be yet aware of those pathways. When asked if students felt supported by teachers, they shared they each had at least one adult they could go to if they needed help, and felt like they could tell their teachers if they needed help in their schoolwork. UNMS students described a learning environment in which they are given opportunities to engage, but many students do not. When asked about their perception of instruction, they shared classes felt easy, and they sometimes wished teachers did not always teach the same way each day. One student said, “Our class tests are easier than our state test.” Students agreed the few weeks of “test prep” felt different than regular instruction and said, “I wish they taught like that all the time.” Though the staff articulated learning gaps for students, most students said they were ready for the next grade level.

Umo N Ho N Nation High School (UNHS) students indicated what they enjoyed most about school were sports, and the career pathways programs. High school students shared they know how they are performing in class when their teachers communicate with them if they are behind. When asked what kind of feedback they receive, students stated their teachers and staff with whom they have relationships will check in with them. High school students articulated their

next steps after graduation which included college, the military, and aviation school. Students noted that they would enjoy a study hall included in their daily schedule and a requirement for all students to take all culture courses.

Summary of Instructional Observations

UNMS and UNHS classrooms were observed using a combination of the TNTP Strong Instruction tools for literacy and mathematics, as well as the TNTP Core Rubric for other content areas. These rubrics measure students' experience of instruction, asking observers to note the percent of students engaged in the work of the lesson from start to finish (Culture of Learning), the opportunity to engage in grade level content (Essential Content), access to instructional practices that meet the depth of the standard (Instructional Practices and Demonstration of Learning), and opportunities to own the cognitive load of the lesson (Student and Academic Ownership).

Overall, the classroom observations conducted on May 6 did not demonstrate evidence of positive progress on students' access to four key resources (grade appropriate assignments, strong instruction, deep engagement, high expectations) since the Academic Diagnostic conducted by TNTP as part of the Comprehensive Support for Improvement (CSI) process in Spring 2023.

- *Culture of Learning***:** In classrooms observed, students were meeting the implied or stated behavioral expectations. In classrooms with more (8-10) students present, it was clear routines and procedures (entrance, do now, etc.) were established. Students were on task, though mostly silent and had minimal engagement with the lesson.

- *Essential Content:* Across twelve observations, in three lessons (health sciences, 8th grade math, and 6th grade ELA) the content was both aligned to standard and meeting the depth of rigor appropriate to grade level.

- *Instructional Practices & Demonstration of Learning:* Students were not given sufficient opportunity to engage with high-quality questions and tasks in ELA, or focus, coherence, and rigor in mathematics. In other subjects observed, students had minimal or no opportunity to independently, or with groups, engage with grade-level discussion or standards. An exception to this finding is in subjects with more organic practical application (health sciences, culinary arts) students (two in each class) were given opportunities to demonstrate learning.

- *Student Ownership & Academic Ownership***:** Across all observations, teachers owned the majority of the cognitive load of the lesson. Students were not asked to provide meaningful oral or written evidence to support their thinking, defend their answers and opinions, or respond to peer's ideas.

Special Education Interviews and Observations

Based on staff interviews and observations, UNMS and UNHS has sufficient staff to serve student needs. There are 15 special education teachers, 20 special education paraprofessionals, two Board Certified Behavioral Analysts, a full time School Psychologist and contracted service providers. Recently, an MTSS Coordinator and a Special Education Instructional Coach were added to the team. Multiple staff members noted that these roles have been instrumental in supporting educators and improving special education practices.

The district implements a model that emphasizes integrating specialized staff and students with disabilities into general education settings as much as possible. For students with more significant learning needs, the district provides access to specialized environments and dedicated staff to support behavioral challenges. When asked about instructional decisions for students in general education or more specialized settings, interviewees did not reference the Individual Education Plan (IEP). While a behavioral program was mentioned during interviews, detailed information about its structure or implementation was limited. Beyond the use of general education materials, special education staff did not reference the use of a specific curriculum or standardized resources within special education settings. Most instructional materials appeared to be teacher-created.

Summary of Staff Interviews

The staff interviewed expressed care for their students and an enjoyment of their role in the school. The school culture was described as caring and nurturing to students. Staff members described their role as being realistic for students' future opportunities and respectful to the culture of the community. The secondary instructional coach is a key lever of support, particularly to teachers with subject-matter backgrounds. Staff also expressed trust in the leadership, particularly in reducing staff turnover and a perception that expectations for student behavior have increased. Staff feel supported by leadership, citing examples of leaders supporting their ideas for the classroom or student opportunities, and seeking input when a decision involves them. Staff identified attendance as the main barrier to improving student outcomes, as well as academic gaps from previous grade levels. Staff did not identify any adult-centered barriers to improving student outcomes.

Summary of Leadership Interviews

District leadership members expressed optimism about the progress and direction of their schools. Secondary leadership is aware that students are coming to middle and high school below grade level, as a result of being taught below grade-level in the past. Elementary school leaders shared that though they are adjusting the model next year to focus on all students accessing grade-level instruction, in the past and up to current year, elementary students engage in intervention curriculum (below grade-level) as Tier 1 instruction.

UNMS and UNHS leaders shared their vision is to provide increased access to grade-level standards. They named instructional support for curriculum mapping as a key lever for increasing students' access to rigor, with a plan to move to professional learning in assessment development next school year. When asked about barriers to improving student outcomes, leaders also named attendance, however, expressed the importance of continued instruction for

the students who are present. Leaders did not express clear goals for student outcomes, or whether they are on track to meet the goals named in the Strategic Plan.

Recommendations – Umo N Ho N Nation Middle School

Recommendations for UNMS are informed by The Four Domains for Rapid School Improvement, West ED as well as the Comprehensive Needs Assessment organized by AQuESTT Tenets and aligned to the NeMTSS Essential Elements.

- Prioritize improvement and communicate its urgency: UNMS should articulate clear goals for student achievement based on absolute proficiency measures on a short list of priority assessments. These goals should be specific, measurable, attainable, relevant, and time-bound (SMART).
- Create a shared vision: UNMS staff, students, and caregivers should create a shared vision of instructional excellence, based on high expectations for students' abilities, and identify opportunities to support this vision in collaborative practice. Leaders should clearly communicate the potential impact of the increased expectations, recognizing the challenges students face while emphasizing that students' learning is the priority.
- Monitor short and long-term goals: Establish milestones for gauging progress at least quarterly and commit to concrete actions to maintain pace needed to accomplish goals.
- Build a strong community intensely focused on student learning: UNMS can leverage the strength of the existing staff community to focus on students' academic experiences and opportunities, by providing explicit expectations for roles in supporting students' progress, championing high expectations, and reinforcing them through shared accountability.
- Provide rigorous, evidence-based instruction: UNMS should prioritize the implementation of high-quality instructional materials in literacy, math, and science, and develop professional collaboration structures that support curriculum-based professional learning.
- Support the routine use of high-quality instructional practices: School leaders should develop teachers to implement high-quality instructional practices that increase students' opportunities to own the cognitive lift of the lesson at grade-level standards.
- Customize and target support to meet needs: UNMS can support instructional program coherence by reviewing instructional decisions impacting students with disabilities to increase the alignment to IEPs, selecting instructional resources for students with disabilities in general education or more specialized settings to ensure alignment to grade level standards, and providing professional learning for all staff on utilizing the co-teaching model to meet students' needs and provide multi-tiered systems of support in the classroom in service of student learning outcomes.

Recommended Next Step: UNMS, in collaboration with district leadership, should engage in a landscape analysis of current goals, resources, consultants, vendors, and support structures operating within the school system. Identified internal and external stakeholders may collaborate with district leaders to develop SMART goals aligned to AQuESTT measures. Following goal setting, leaders should identify priority supports to continue, supports or structures that may need to be aligned to the updated instructional vision, initiatives that may be deprioritized, and any gaps that may need to be addressed through additional support.

Recommendations – Umo N Ho N Nation High School

Recommendations for UNHS are informed by The Four Domains for Rapid School Improvement, West ED as well as the Comprehensive Needs Assessment organized by AQuESTT Tenets and aligned to the NeMTSS Essential Elements.

- Prioritize improvement and communicate its urgency: UNHS should articulate clear goals for student achievement based on absolute proficiency measures on a short list of priority assessments. These goals should be specific, measurable, attainable, relevant, and time-bound (SMART).
- Create a shared vision: UNHS staff, students, and caregivers should create a shared vision of instructional excellence, based on high expectations for students' abilities, and identify opportunities to support this vision in collaborative practice. Leaders should clearly communicate the potential impact of the increased expectations, recognizing the challenges students face while emphasizing that students' learning is the priority.
- Monitor short and long-term goals: Establish milestones for gauging progress at least quarterly and commit to concrete actions to maintain pace needed to accomplish goals.
- Build a strong community intensely focused on student learning: UNHS can leverage the strength of the existing staff community to focus on students' academic experiences and opportunities, by providing explicit expectations for roles in supporting students' progress, championing high expectations, and reinforcing them through shared accountability. This work should include strategic planning for scaling career pathways work over time, as well as socializing high school opportunities to younger grades and the community.
- Provide rigorous, evidence- based instruction: UNHS should prioritize the implementation of high-quality instructional materials in literacy, math, and science, and develop professional collaboration structures that support curriculum-based professional learning.
- Support the routine use of high-quality instructional practices: School leaders should support teachers in development of high-quality instructional practices that increase students' opportunities to own the cognitive lift of the lesson at grade-level standards.
- Customize and target support to meet needs: UNHS can support instructional program coherence by reviewing instructional decisions impacting students with disabilities to increase the alignment to IEPs, selecting instructional resources for students with disabilities in general education or more specialized settings to ensure alignment to grade level standards, and providing professional learning for all staff on utilizing the co-teaching model to meet students' needs and provide multi-tiered systems of support in the classroom in service of student learning outcomes.

Recommended Next Step: UNHS, in collaboration with District Leadership, should engage in a landscape analysis of current goals, resources, consultants, vendors, and support structures operating within the school system. Identified internal and external stakeholders may collaborate with district leaders to develop SMART goals aligned to AQuESTT measures. Following goal setting, leaders should identify priority supports to continue, supports or structures that may need to be aligned to the updated instructional vision, initiatives that may be deprioritized, and any gaps that may need to be addressed through additional support.

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 22, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Shirley Vargas, Ed.L.D.
School Transformation Officer

PROPOSED AGENDA ITEM: Isanti Elementary School Priority School status

AGENDA ITEM TYPE (contract/grant/rule/program/other): Other

RATIONALE/BACKGROUND INFORMATION: Isanti Elementary School has been identified as a Priority School since June 2019. Per Nebraska Statute 79-760.06, the State board is required to designate no fewer than three Priority Schools. This statute also grants the State Board the authority to remove schools from Priority School Status.

The NDE is recommending the removal of Isanti Elementary School from Priority School status based on progress made over the past three years as outlined in their Priority School Progress Plan.

The accompanying documents outline the student achievement indicators for the past three years, as well as an evaluation of their 2023-2024 and 2024-2025 Priority School Progress Plan.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: NA

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: *(--e.g., Federal, State)*
- New or Renewal:
- If renewal, date of first approval:

(--Following the funding source, include a statement that indicates if/how the activity is part of an annual budget or allocation, or, approved as an activity for a grant. For example, "The funds for this contract are budgeted in the Office's annual allocation of state funds." Another example, "The funds for this activity are included in the grant award for this program.")

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.23*

AQuESTT

Recommendation to Remove Isanti Elementary School from Priority School Status
March 20, 2025

Isanti Elementary School has been identified as a Priority School since June 2019. Per N.R.S. 79-760.06, the State board is required to designate no fewer than three Priority Schools. This statute also grants the State Board the authority to remove schools from Priority School Status. The NDE is recommending the removal of Isanti Elementary School from Priority School status based on progress made over the past three years as outlined in their Priority School Progress Plan.

- **Isanti Elementary School Priority School Progress Plan Reporting Summary** (pgs. 2-11)
    - This section contains an evaluation of the Priority School Progress Plan and measurable indicators needed to demonstrate growth.
    - The school met or exceeded each of their goals and shared quantitative and qualitative data to support outcomes.
    - The data shared was as of June 6, 2024, which could result in differences with accountability results.

- **Isanti Elementary School Accountability Indicator Snapshot** (pg. 12)
    - This section contains a 3-year comparison across all applicable state accountability indicators, 2021-2022, 2022-2023, and 2023-2024.
    - Some cells may contain an asterisk. Data must be suppressed to prevent the identification of individual students when there are fewer than 10 in a performance level.
    - There may be differences in n-size between the school reporting summary and final accountability results due to number of days in membership, eligible students for an assessment, student mobility, etc.

AQuESTT

Isanti Elementary School Priority School Progress Plan - Reporting Summary

As of June 6, 2024

The reporting summary illustrates qualitative and quantitative data updates. The measures column is color coded to indicate tasks or goals that are completed (green), remain an area of focus (yellow), or represent a severe risk/concern (red).

Category	Measure	23-24 Target	22-23 Result	BOY Baseline (Sept 30)	MOY Baseline (Jan 30)	EOY (May 30)
Academics (* = Board required target to be raised from 15%)	K-2: Percent of students scoring above 40th percentile on MAP (ELA)*	20% (11/54 Students in K-2)	13% (6/45 students K-2 ended 40%+)	**6%** 3/54 students	**9%** 5/54 students	**58%** 34/59 students
	K-2: Percent of students scoring above 40th percentile on MAP (Math)*	20% (11/54 Students K-2)	16% (7/45 students K-2 ended 40% +)	**6%** 3/54 students	**28%** 15/54 students	**63%** 37/59 students
	K-5: Percent of students meeting Benchmark on DIBELS by End of Year (ELA)	35% (32/93 students K-5)	32% (30/95 students K-5)	**15%** (14/93 students K-5)	**27%** (26/95 students K-5)	**42%** 41/98 students
	3-5: Percent of students meeting "On Track" or "Advanced" on NSCAS (ELA) by End of Year	15% (6/39 students)	14.8% (7/47 Assessments)	**3%** (1/39 3-5)	**15%** (6/39 students)	**33%** 13/39 students
	3-5: Percent of students meeting "On Track" or "Advanced" on NSCAS (Math) by End of Year	15% (6/39 students)	8% (4/47 Assessments)	**3%** (1/39 3-5)	**7%** 3/39 students	***18%*** *7/39 students are above 80th percentile; 18 are above 60th.* *Cut scores will be released in Aug by NDE*

Attendance	K-5: Reduce chronic absenteeism by 10% from prior year (47% → 38% students not meeting attendance expectations).	< 38 (Less than 35/93 K-5 students)	47% (49/104)	**19%** 18/93 K-5 students	**26%** (27/102 students as of 1/11/24)	**22%** 23/104 students
Staff Development	In the 2023 -2024 school year, Isanti Elementary School will provide monthly staff development aligned to implementation of High Quality Instructional Materials, Instructional Coherence, Strong Instruction, Grade Appropriate Assignments, High Expectations, and/or Student Engagement, including structures to indigenize practices and content for students	Qualitative Report	N/A	On Track	On Track	Complete
	In the 2023 -2024 school year, Isanti Elementary School will adopt and implement High Quality Instructional Materials in ELA and Math as well as aligned interventions.	Qualitative Report + TNTP Monthly Observation	N/A	On Track	On Track	Complete
School Culture & Climate	In the 2023 -2024 school year, Isanti Elementary School will administer a survey to staff at least three times a year, and bi-annual surveys to students and families to understand their experiences related to the vision of the school.	Staff Survey Report Family Survey Report Student Survey Report	N/A	On Track	On Track	Complete
	In the 2023 -2024 school year, Isanti	Qualitative	N/A			

	Elementary School will host monthly family nights to build relationships with caregivers and stakeholders.	Report		On Track	On Track	Complete

Strategies and Structures

Academic School Improvement & Staff Development Strategies				
Strategy	***Data Source***	***BOY Status***	***MOY Update***	***EOY Update***
Implement CKLA & Open Up Resources for Tier I Instruction with coaching and feedback structures for continuous improvement. These may include curriculum-based professional learning structures for teachers such as unit and lesson internalization, data analysis, and practice.	TNTP Monthly Observations	*After beginning of year observations from TNTP staff:* ● *All teachers were using the appropriate HQIM for the content observed* ● *We saw an average rating on the Core Rubric of 2.2 in the elementary school, with the highest score being Essential Content and the lowest being student ownership* *100% of core content teachers are engaging in coaching cycles with an Isanti or TNTP coach* *Sept PD is planned to continue to develop teachers on Strong Tier 1 instruction practices*	*We saw an increase from 2.2 in August to a 2.56 rating on the Core Rubric in November.* *100% of core content area teachers are continuing to engage in a coaching cycle with a TNTP coach that has included video observations, feedback, and lesson planning.* *Professional Development in Semester 1 included:* ● *OUR Curriculum Training* ● *Science of Reading Literacy Best Practices* ● *Building a Classroom Culture as a Warm*	*All teachers are currently using CKLA and aligned interventions for their literacy instruction.* *The elementary school made the decision mid year to switch from Open Up Resources to Zearn curriculum for math to provide stronger alignment between the Zearn intervention program and the student's Tier I instruction. All teachers ended the year using the Zearn curriculum.* *Based on the initial round of assessment data, we are seeing an increase in student mastery of grade level concepts across K-5th, and 7th grade, with higher gains being made in K-2nd grade according to daily exit tickets and curriculum unit assessments.* *We ended the year with Core Rubric Ratings: Elementary: 2.82/4 average, the highest they*

			Demandar ● *4 Step Model-Clear What to Do Directions, Positive Narration, Redirection, Relationships*	*had all year* *100% of K-5 teachers are continuing to engage in coaching cycles with a TNTP or Isanti coach. These have been focused on strong instructional backwards planning.* *Professional Development has been focused on creating exemplar exit tickets/formative assessments and using data to drive instruction.*
Adopt Zearn, Boost and Burst as aligned interventions for instructional coherence, using a daily scheduled intervention time for all students.	Zearn Data Burst Data	*ELA and Math intervention blocks have been started for all K-5 classes, with Zearn being utilized for Math intervention and Amplify Burst being utilized for ELA intervention.* *For the ELA intervention, DIBELS data is used to group students and provide small group instruction specific to their skill gaps.*	*100% of K-6 classrooms are using Zearn and completing an average of 1.8 lessons per week, which is an improvement from 1.22 lesson completions 2 months ago.* *Burst ELA interventions are being implemented K-6, with students receiving daily 15-30 minute intervention lessons from a teacher. 12 more students are making significantly more gains than they were 2 months ago.* *Students K-5 are utilizing Boost for extra reading*	*Zearn - students have greatly increased the amount of lessons completed each week as evidenced by full week day completion rates. This offers students more exposure to on grade-level math assignments that compliment the work they are doing in core instruction.* *Full Week Completion 1st Semester: 1.64/3 lessons* *Full Week Completion 2nd Semester: 2.34/3 lessons* *Boost - all K-6 teachers are using boost weekly, this program differentiates reading strategies and instruction support for individual students. Teachers and students find the program to be helpful.* *Burst - according to progress monitoring*

			comprehension enrichment practice during the ELA intervention block.	*charts we can see significant growth in K-6 students, especially our students in the SPED program. Based on this data we are optimistic to being on track to hitting our EOY goals in both Dibels and MAP ELA for K-2.*
Create a data cycle for student outcomes using curriculum-based assessments as well as MAP, NSCAS, and DIBELS.	Quarterly Data Reports Curriculum Data Structures K-12 Unit Data Tracker	*All students have been assessed on MAP, NSCAS, and DIBELS for their beginning of year data* *Teachers have also started using a summative assessment tracker to be used every time they give a math or ELA summative assessment from the curriculum*	*After each unit in ELA and math teachers input their data into a tracker and reflect on student outcomes. They then devise a plan to spiral instruction or reteach based on results from assessments.* *During TNTP's weekly coaching meetings with the campus K-5 coach we discuss Dibels data, unit assessment data, and where students are in relation to our MOY and EOY goals.*	*Update:* *After each testing cycle of MAP, NSCAS, and DIBELS teachers met with each individual student and created goals for students to work toward. These were held 1:1.* *All staff also met with Cindy and Dena to discuss progress and areas to focus on. They also discussed differences in skills addressed in state tests that are not always covered in the curriculum at that time of year and how to address those gaps. Each teacher created a plan to address these.*

School Culture & Climate Strategies, Including Attendance				
Strategy	***Data Source***	***BOY Status***	***MOY Update***	***EOY Update***
Develop attendance monitoring and intervention team that includes key stakeholders	Monthly chronic absenteeism prediction	*Weekly attendance meetings have been started with the Attendance team*	*We have been continuing the Weekly Attendance meeting with the full attendance team, focusing*	*TNTP and the Attendance team have continued weekly attendance meetings to review the attendance data and action plan and continue to discuss and update school policies related to*

and identifies mechanisms for engagement, support, and building community investment in student attendance. **Team**: Superintendent, Principals, Truancy Officer, Dean of Students, Operations Coordinator		*As of 9/13, the elementary school has 82% of students meeting attendance expectations*	*on reviewing the attendance data each week (specifically the chronic absenteeism numbers), reflecting on root causes, and setting next steps for each school. We have been continuing the Weekly Attendance meeting with the full attendance team, focusing on reviewing the attendance data each week (specifically the chronic absenteeism numbers), reflecting on root causes, and setting next steps for each school. As part of that time, we have also been reviewing the policies that were already approved and in the student handbook to determine how to best uphold those policies, including change managing anything that hadn't been happening consistently.* *As of 12/6, the elementary school had a chronic absenteeism rate of 34%, which is currently below their target of 38% this year and an overall 14% decrease*	*attendance.* *By having a consistent pulse on the chronic absenteeism data, the leadership team was able to intervene early and often when we saw significant changes in attendance rates for specific schools or students. Across the year those interventions have included remote learning days for students when weather has warranted closing school, repurposing staff PD days as attendance makeup days, proactively communicating with families about student absences, and providing more medical supports (COVID tests, etc.) when we saw illness be a driver of chronic absenteeism.* *Ending this school year, the elementary school reduced their chronic absenteeism rate to 26%, which meets their target this year and is a 22% reduction from last year*

			in chronic absenteeism from last year. *There has consistently been rewards and incentives for students with strong attendance, and teachers have taken a leading role in reviewing the data and choosing a student to work with each month to help improve attendance.* *During times when there has been unforeseen circumstances (there was a water main break at the school that flooded multiple classrooms), the K-5 staff rallied together to create remote learning packets and distributed them to students so that they would still be getting learning and we were able to use an existing policy to count those days as remote learning as long as the student returned the packet.*	
Create a leadership reflection structure that	Survey	*The staff survey questions have been drafted*	*The first of 3 scheduled surveys were given to staff*	*Across this year, the leadership team gave 3 staff surveys around the same year-long*

analyzes staff feedback on leadership, systems, their development in order to improve school climate.		*The first survey will be given to staff to take on the October all staff PD day*	*in October to get their perception on how the school year is going and their satisfaction with the priorities of the school.* *Staff were asked questions based in research of best education practices and environments regarding:* ● *Leadership* ● *Instruction & Curriculum: Professional Development* ● *Coaching Supports* ● *Staff Satisfaction & Intent to Return* ● *Investment in Indigenizing Practices* ● *Holding High Expectations for Students* ● *1x: Clarity in roles (paraprofessionals)* *The principals were shared on the high level response rates of the survey as well as overall trends in the comments. We held a*	*priorities to get staff feedback consistently. The leadership team reviewed the data after each survey administration to determine what is working, what needs to change, and what leader actions need to happen to respond to staff feedback.* *Based on staff feedback around wanting to be more involved in decision making at the school, the principals started holding teacher focus groups centered around key decisions (curriculum implementation, grading policy, etc.). This ensured that teachers had a space to get information before any decisions were made and give their input and feedback. Principals were then able to use teacher input and perspective when making their decisions.* *Another big success from being intentional about getting and responding to staff feedback was the overall high retention rate of staff. In the elementary school, there is only 1 teacher not returning.* *The leadership team also reflected on how they could better support their teachers, specifically with building stronger culture in their classrooms. This led to discussion around school wide student culture policies and will be a focus for summer work.*

			reflection on the survey results to identify areas of strength, areas of growth and root causes, and next step leader actions to address the feedback. *Here is a link to the survey report that was given to the local school board*	
Work with educators to Indigenize practices and content such that student identity is reflected in their experience.	Weekly Meetings with Consultants Monthly Development Opportunities	*Under development - school pursuing coaching structures for Indigenizing practices in K-8 to supplement HS.*	*Indigenizing practices work currently focused on High School.*	*Indigenizing practices work currently focused on High School.*
Develop leadership team systems to engage with the community, reflect on feedback, and improve community perceptions of the school's climate and effectiveness. **Team**: Superintendent, Principals, Dean of Students, Instructional Coach, Director of Language and Culture, Operations Coordinator	Monthly events & Bi-annual Survey	*The leadership team has planned all community events for the semester* *The first community event will be held on September 20th*	*The leadership team has been holding monthly community events at the school (see below for a list of the Semester 1 events).* *In December, the school leadership team presented on the current "State of the School" on December 7th. This was open to all community members and overall we saw a really strong turn out.*	*The leadership team has been holding monthly community events at the school (see below for a list of the Semester 2 events). The school leadership team has prioritized proactive communication for all family events to ensure that the community is aware and invested in the events that the school is holding and feel welcome to attend. This is the most consistent that the school has held community and family events, focusing on building trust and investment between the school and families.* *In addition to the monthly events, the 2nd family survey was given to the families and*

			In addition to the monthly events, we also put out a survey to the families and caregivers of Isanti's students to get their input on how they are feeling about the school as well as any feedback they have. We had 54 responses and will be sharing the data with the Isanti leadership team in January to do a similar review process to the staff survey. *The leadership team is working on creating a Semester 2 calendar of monthly community events as well.*	*caregivers of Isanti's students to get their input on how they are feeling about the school as well as any feedback they have.*

AQuESTT

Isanti Elementary School Accountability Indicator Snapshot

As of 11/18/24

Indicators	2021-2022	2022-2023	2023-2024
NSCAS ELA Proficiency	*	14.9%	47.4% (18/38)
NSCAS Math Proficiency	*	*	63.2% (24/38)
Status	*	11.7%	55.3%
Participation Score	97.6%	100.0%	100.0%
Progress towards ELP	-	-	-
Chronic Absenteeism Rate	51.5% (57/115)	47.1% (49/104)	21.4% (22/103)
Chronic Absenteeism Reduction Rate**	-	-0.0%	23.2%
Student Growth	68.6%	65.6%	92.6%
Non-Proficiency Reduction***	-0.3	-4.6	-26.2
NSCAS Science Proficiency	*	*	66.7% (10/15)
AQuESTT Classification	Needs Support to Improve	Needs Support to Improve	Excellent

*Data is suppressed to prevent the identification of individuals when there are fewer than 10 in a performance level. Percentages may be displayed if more than 5 students are at a performance level.

**SY21-22 is the baseline used for chronic absenteeism reduction rate.

***Tracks three years of data, where lower is better.

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 14, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Rule 11 teacher waiver request from Fullerton Public Schools (P.E.032025.001)

AGENDA ITEM TYPE: Action

RATIONALE/BACKGROUND INFORMATION:

- Operation of school district and educational service unit (ESU) early childhood programs are governed by the Nebraska Department of Education Rule 11: Regulations for the Approval of Prekindergarten Programs Established by School Boards and Educational Service Units and for the Issuance of Early Childhood Education Grants (Title 92, Nebraska Administrative Code, Chapter 11).
- The Nebraska State Board of Education is charged with approving prekindergarten (early childhood education and care programs for children birth to compulsory attendance age) programs operated by school districts and educational service units annually.
- Teachers in school district and ESU prekindergarten classrooms are required to hold a valid Nebraska Teaching Certificate with an early childhood endorsement.
- School districts that hire individuals with a valid teaching certificate, but no early childhood endorsement must ensure that the teacher work toward earning an early childhood endorsement.
- School districts that cannot hire one or more teacher(s) who hold a valid teaching certificate of any kind must apply for a Rule 11 waiver for the teacher(s).
- Nebraska State Board has the authority/responsibility to either approve or deny the Rule 11 waiver.
- Fullerton public schools is in the process of working with Central Nebraska Community Action Partnership Head Start to form a collaborative preschool.
- The teacher who works for Head Start has an associate's degree in Family and Consumer Science with an emphasis in Early Childhood Education from Central Community College.
- The teacher is pursuing her degree from the University of Nebraska at Kearney

PROPOSED BOARD MEETING: Information – March 2025, Discussion – April 2025, Action - June 2025

ESTIMATED COST: NA

FOR CONTRACTS AND GRANTS: NA

- Indicate the Funding Source: NA
- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: NA

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS: NA

- Describe the grantee selection process:

**Updated 08.15.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 16, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Approve Rule 11 teacher waiver request from Lincoln Public Schools

AGENDA ITEM TYPE: Action

RATIONALE/BACKGROUND INFORMATION:

- Operation of school district and Educational Service Unit (ESU) early childhood programs are governed by the Nebraska Department of Education Rule 11: Regulations for the Approval of Prekindergarten Programs Established by School Boards and Educational Service Units and for the Issuance of Early Childhood Education Grants (Title 92, Nebraska Administrative Code, Chapter 11).
- The Nebraska State Board of Education is charged with approving Prekindergarten (early childhood education and care programs for children birth to compulsory attendance age) programs operated by school districts and educational service units annually.
- Teachers in school district and ESU prekindergarten classrooms are required to hold a valid Nebraska Teaching Certificate with an early childhood endorsement.
- School districts that hire individuals with a valid teaching certificate, but no early childhood endorsement must ensure that the teacher work toward earning an early childhood endorsement.
- School districts that cannot hire one or more teacher(s) who hold a valid teaching certificate of any kind must apply for a Rule 11 waiver for the teacher(s).
- Nebraska State Board has the authority/responsibility to either approve or deny the Rule 11 waiver.
- Through a partnership for a Sixpence grant (Early Childhood Education Endowment Program) Lincoln Public Schools partners with Educare of Lincoln. This partnership requires Educare to have certificated teachers in each grant funded classroom.
- Educare of Lincoln had been unable to replace certificated teachers in their Sixpence classrooms after several previous teachers left the organization.
- The NDE Office of Early Childhood Education is working with both Lincoln Public Schools and Educare of Lincoln to ensure that the information regarding the waiver request is complete, and the staff are moving forward in their education.

PROPOSED BOARD MEETING: Information – December 2024, January 2025, Discussion- April 2025, Action – June 2025

ESTIMATED COST: **NA**

FOR CONTRACTS AND GRANTS: **NA**

- Indicate the Funding Source:
- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: N/A

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS: NA

- Describe the grantee selection process:

**Updated 08.15.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 22, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Dr. Decua Jean-Baptiste, Director of Accreditation

PROPOSED AGENDA ITEM: Accreditation of public and non-public Rule 10 school systems for 2025-2026 (PE.032025.003)

AGENDA ITEM TYPE (contract/grant/rule/program/other): other

RATIONALE/BACKGROUND INFORMATION:

On an annual basis the State Board of Education accredits all public-school districts in Nebraska that provide elementary and/or secondary instruction to children of compulsory attendance age. Accredited school systems are also considered to be approved for legal operation for purposes of state law. Approved private or parochial schools are eligible to apply for and maintain accreditation under the provisions of 92 NAC 10.

The accreditation section annually monitors compliance with Rule 10 regulations by reviewing Annual Accreditation Compliance Reports, a review of staff qualifications, and other relevant documents. If no violations are found, the Commissioner will make a recommendation to the State Board of Education that accreditation status is renewed. Upon favorable action by the Board, accreditation is granted for one school year from each July 1 through June 30. Renewal is granted based upon compliance with Rule 10 during the prior school year.

*New Information

- PE.032025.003 This information was shared as a discussion item in April.
- The State Accreditation Committee met on April 17th and reviewed current public and non-public accredited schools and made recommendations to the Commissioner relative to accreditation. Recommendations for the accrediting of school systems consolidating, deconsolidating, or transitioning from Rule 14 to 10 were made by the State Accreditation Committee.
- Dual Language Academy located at 7430 Hascall St. Omaha, NE 68134 (current Rule 14 School) was recommended by the State Accreditation Committee for accreditation after meeting sufficient evidence of compliance and from an on-site compliance visit.

- The total number of public-school districts is 244 down from 245 from the previous year due to Exeter-Milligan-Friend consolidating into one school district.

- PE.032025.003 Information was shared as an information item in February and March.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $0

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: *(--e.g., Federal, State)*
- New or Renewal:
- If renewal, date of first approval:

(--Following the funding source, include a statement that indicates if/how the activity is part of an annual budget or allocation, or, approved as an activity for a grant. For example, "The funds for this contract are budgeted in the Office's annual allocation of state funds." Another example, "The funds for this activity are included in the grant award for this program.")

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.2023*

Nebraska Accredited School Systems

In Accordance with Rule 10

"Regulations and Procedures for the Accreditation of Schools"

2025-2026 School Year

Class II through V School Districts (Total 244)

Adams Central Public Schools
Ainsworth Community Schools
Allen Consolidated Schools
Alliance Public Schools
Alma Public Schools
Amherst Public Schools
Anselmo-Merna Public Schools
Ansley Public Schools
Arapahoe Public Schools
Arcadia Public Schools
Arlington Public Schools
Arnold Public Schools
Arthur County Schools
Ashland Greenwood Schools
Auburn Public Schools
Aurora Public Schools
Axtell Community Schools
Bancroft-Rosalie Community Schools
Banner County Public Schools
Battle Creek Public Schools
Bayard Public Schools
Beatrice Public Schools
Bellevue Public Schools
Bennington Public Schools
Bertrand Public Schools
Blair Community Schools
Bloomfield Community Schools
Blue Hill Community Schools
Boone Central Schools
Boyd County Schools
Brady Public Schools
Bridgeport Public Schools
Broken Bow Public Schools
Bruning-Davenport Unified
Burwell Public Schools
Callaway Public Schools
Cambridge Public Schools
Cedar Bluffs Public Schools
Centennial Public Schools
Central City Public Schools
Central Valley Public Schools
Centura Public School
Chadron Public Schools
Chambers Public Schools
Chase County Schools
Clarkson Public Schools
Cody-Kilgore Public School
Columbus Public Schools
Conestoga Public Schools
Cozad Community Schools
Crawford Public Schools
Creek Valley Schools
Creighton Community Public Schools
Crete Public Schools
Crofton Community Schools
Cross County Community Schools
David City Public Schools
Deshler Public Schools
Diller-Odell Public Schools
Doniphan-Trumbull Public Schools
Dorchester Public Schools
Douglas County West
Dundy County-Stratton Public Schools
East Butler Public Schools
Elba Public Schools
Elgin Public Schools
Elkhorn Public Schools
Elkhorn Valley Schools
Elm Creek Public Schools
Elmwood-Murdock Public Schools
Elwood Public Schools
Emerson-Hubbard Public School
Eustis-Farnam Public Schools
Exeter-Milligan-Friend Public Schools
Fairbury Public Schools
Falls City Public Schools
Fillmore Central Public Schools
Fort Calhoun Community Schools
Franklin Public Schools
Freeman Public Schools
Fremont Public Schools
Fullerton Public Schools
Garden County Schools
Gering Public Schools
Gibbon Public Schools
Giltner Public Schools
Gordon-Rushville Schools
Gothenburg Public Schools
Grand Island Public Schools
Gretna Public Schools
Hampton Public School
Hartington-Newcastle Public Schools
Harvard Public Schools
Hastings Public Schools
Hay Springs Public Schools
Hayes Center Public Schools
Heartland Community Schools
Hemingford Public Schools
Hershey Public Schools
High Plains Community Schools
Hitchcock County School System
Holdrege Public Schools
Homer Community Schools
Howells-Dodge Consolidated Schools
Humboldt Table Rock Steinauer
Humphrey Public Schools
Hyannis Area Schools
Isanti Community School
Johnson County Central Public Schools
Johnson-Brock Public Schools
Kearney Public Schools
Kenesaw Public Schools
Keya Paha County Schools
Kimball Public Schools
Lakeview Community Schools
Laurel-Concord-Coleridge Public Schools
Lawrence Nelson Public Schools
Leigh Community Schools
Lewiston Consolidated Schools
Lexington Public Schools
Leyton Public Schools
Lincoln Public Schools
Litchfield Public Schools
Logan View Public Schools
Loomis Public Schools
Louisville Public Schools
Loup City Public Schools
Loup County Public Schools
Lyons-Decatur Northeast
Madison Public Schools
Malcolm Public Schools
Maxwell Public Schools

May 2025

Maywood Public Schools
McCook Public Schools
McCool Junction Public Schools
McPherson County Schools
Mead Public Schools
Medicine Valley Public Schools
Meridian Public Schools
Milford Public Schools
Millard Public Schools
Minatare Public Schools
Minden Public Schools
Mitchell Public Schools
Morrill Public Schools
Mullen Public Schools
Nebraska City Public Schools
Neligh-Oakdale Public Schools
Newman Grove Public Schools
Niobrara Public Schools
Norfolk Public Schools
Norris School District 160
North Bend Central School District
North Platte Public Schools
Northwest Public Schools
Oakland Craig Public Schools
Ogallala Public Schools
Omaha Public Schools
O'Neill Public Schools
Ord Public Schools
Osceola Public Schools
Osmond Community Schools
Overton Public Schools
Palmer Public Schools
Palmyra District OR-1
Papillion-LaVista Public Schools
Pawnee City Public Schools
Paxton Consolidated Schools
Pender Public Schools
Perkins County Schools
Pierce Public Schools
Plainview Public Schools
Plattsmouth Community Schools
Pleasanton Public Schools
Ponca Public Schools
Potter-Dix Public Schools
Ralston Public Schools
Randolph Public Schools
Ravenna Public Schools
Raymond Central School
Red Cloud Community Schools
Riverside Public Schools
Rock County Schools
Sandhills Public Schools
Sandy Creek Public Schools
Sargent Public Schools
Schuyler Community Schools
Scottsbluff Public Schools
Scribner-Snyder Community Schools
Seward Public Schools
Shelby-Rising City Public Schools
Shelton Public Schools
Shickley Public Schools
Sidney Public Schools
Silver Lake Public Schools
Sioux County Public Schools
South Platte Public School
South Sioux City Community Schools
Southern School District 1
Southern Valley Schools
Southwest Public Schools
Springfield Platteview Community Schools
St Edward Public Schools
St Paul Public School
Stanton Community Schools
Stapleton Public Schools
Sterling Public Schools
Stuart Public Schools
Summerland Public Schools
Sumner-Eddyville-Miller Schools
Superior Public Schools
Sutherland Public Schools
Sutton Public Schools
Syracuse-Dunbar-Avoca Public Schools
Tekamah-Herman Schools
Thayer Central Community Schools
Thedford Public Schools
Tri County Public Schools
Twin Rivers Public Schools
Umo Ho Nation Public School
Valentine Community Schools
Verdigre Public School
Wahoo Public Schools
Wakefield Public Schools
Wallace Public School District 65R
Walthill Public Schools
Wauneta-Palisade Public Schools
Wausa Public Schools
Waverly School District 145
Wayne Community Schools
Weeping Water Public Schools
West Holt Public Schools
West Point Public School
Westside Community Schools
Wheeler Central Schools
Wilber-Clatonia Public Schools
Wilcox-Hildreth Public Schools
Winnebago Public Schools
Winside Public Schools
Wisner-Pilger Public Schools
Wood River Rural Schools
Wynot Public Schools
York Public Schools
Yutan Public Schools

Accredited Nonpublic Schools (Total 81)

City	School	Grades	City	School	Grades
Albion	St Michael's Elementary School	(K-8)	Omaha	Brownell Talbot College Prep School	(K-12)
Atkinson	St Joseph's School	(K-8)	Omaha	Christ the King Catholic School	(K-8)
Bellevue	Daniel J Gross High School	(9-12)	Omaha	Creighton Preparatory School	(9-12)
Bellevue	St Mary Elementary School	(K-8)	Omaha	Dual Language Academy	(K-8)
Bellevue	St Matthew the Evangelist School	(K-8)	Omaha	Duchesne Academy	(9-12)
Boys Town	Boys Town Schools	(K-12)	Omaha	Holy Cross Catholic School	(K-8)
Central City	Nebraska Christian Schools	(K-12)	Omaha	Holy Name School	(K-8)
Clarkson	St John Neumann Elementary	(1-6)	Omaha	Jesuit Academy	(4-8)
Columbus	Scotus Central Catholic	(7-12)	Omaha	Madonna School	(K-8)
Columbus	St Anthony School	(K-6)	Omaha	Marian High School	(9-12)
Columbus	St Bonaventure School	(K-8)	Omaha	Mary Our Queen Elementary	(K-8)
Columbus	St Isidore Elementary School	(K-6)	Omaha	Mercy High School	(9-12)
Creighton	St Ludger Elementary School	(K-6)	Omaha	Nelson Mandela School	(K-6)
Crofton	St Rose of Lima Elementary School	(1-8)	Omaha	Omaha Christian Academy	(K-12)
David City	Aquinas Catholic Schools	(K-12)	Omaha	Our Lady of Lourdes Elementary	(K-8)
Dodge	St Wenceslaus Elementary School	(K-6)	Omaha	Roncalli Catholic High School	(9-12)
Elgin	Pope John XXIII Central Catholic	(K-12)	Omaha	Sacred Heart Elementary School	(K-8)
Elkhorn	Mt Michael Benedictine HS	(9-12)	Omaha	Skutt Catholic High School	(9-12)
Elkhorn	St Patrick's Catholic School	(K-8)	Omaha	St Bernadette Catholic School	(K-8)
Falls City	Sacred Heart Schools	(K-12)	Omaha	St Bernard Elementary School	(K-8)
Fremont	Archbishop Bergan School	(K-12)	Omaha	St Cecilia Cathedral School	(K-8)
Grand Island	Grand Island Central Catholic	(K-12)	Omaha	St James-Seton Elementary School	(K-8)
Hartington	Cedar Catholic High School	(7-12)	Omaha	St Margaret Mary Elementary	(K-8)
Hartington	East and West Catholic School	(K-8)	Omaha	St Philip Neri Elementary School	(K-8)
Hartington	Holy Trinity Elementary School	(K-6)	Omaha	St Pius X/St Leo Elementary	(K-8)
Hastings	Hastings Catholic Schools	(K-12)	Omaha	St Robert Bellarmine Elementary	(K-8)
Howells	Howells Community Catholic	(K-6)	Omaha	St Stephen the Martyr	(K-8)
Humphrey	Archangel Catholic High School	(7-12)	Omaha	St Thomas More Elementary	(K-8)
Humphrey	St Francis Elementary School	(K-6)	Omaha	St Vincent dePaul Elementary	(K-8)
Kearney	Kearney Catholic Schools	(6-12)	Omaha	St Wenceslaus School	(K-8)
Lincoln	Lincoln Christian Schools	(K-12)	Omaha	Sts Peter & Paul Elementary	(K-8)
Lincoln	Lincoln Lutheran MS/HS	(6-12)	O'Neill	St Mary's Schools	(K-12)
Lincoln	Parkview Christian	(K-12)	Osmond	St Mary Elementary School	(K-8)
Lincoln	Pius X High School	(9-12)	Papillion	St Columbkille Catholic School	(K-8)
Lindsay	Holy Family School	(1-6)	Ralston	St Gerald Elementary School	(K-8)
Madison	St Leonard's Elementary School	(K-6)	So. Sioux City	St Michael Elementary School	(K-8)
Nebraska City	Neb. City Lourdes Central Catholic	(K-12)	Wahoo	Bishop Neumann High School	(7-12)
Norfolk	Lutheran High Northeast	(9-12)	Wayne	St Mary Elementary School	(K-6)
Norfolk	Norfolk Catholic Schools	(K-12)	West Point	Guardian Angels Central Catholic	(K-12)
North Platte	North Platte Catholic Schools	(K-12)	Winnebago	St Augustine Elementary School	(K-8)
Omaha	All Saints Catholic Schools	(K-8)			

Special Purpose Schools (Total 5)

City	School
Chadron	Pine Ridge Job Corps
Hastings	West Hastings Schools
Kearney	West Kearney High School
Lincoln	University of Nebraska High School
Omaha	Nebraska Correctional Youth Facility

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Dr. Decua Jean-Baptiste, Director of Accreditation

PROPOSED AGENDA ITEM: Accreditation of Nebraska Educational Service Units for 2025-2026 (PE.032025.004)

AGENDA ITEM TYPE (contract/grant/rule/program/other): other

RATIONALE/BACKGROUND INFORMATION:
On an annual basis the State Board of Education accredits Educational Service Units (ESU) in accordance with Rule 84 (92 NAC 84). Accreditation is granted based on the ESU's performance during the immediate preceding period of accreditation.

- The accreditation section annually monitors compliance with Rule 84 regulations by reviewing Annual Accreditation Compliance Reports, a review of staff qualifications, and other relevant documents. Nebraska Department of Education staff responds to any areas of non-compliance by providing guidance and/or issuing a request for a corrective plan of action to meet the regulation(s) the following school year.
- ESUs are required to develop and implement a continuous improvement process which includes an on-site visitation by an external team to review the process at least once every five years. Accreditation staff collaborate closely with ESU staff to affirm regulatory compliance and to provide recommendations as needed to strengthen operations.

The State Board of Education approves accreditation of Educational Service Units for continued operation in June for the following school year.

*New Information

- PE.032025.004 – This information was presented as discussion item in April
- PE.032025.004 – This information was presented as an information item in March

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $0.00

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:
- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.2023*

EDUCATIONAL SERVICE UNITS

In accordance with Rule 84
"Regulations for Educational Service Units"

School Year 2025-2026

Educational Service Unit 1
Wakefield

Educational Service Unit 2
Fremont

Educational Service Unit 3
LaVista

Educational Service Unit 4
Auburn

Educational Service Unit 5
Beatrice

Educational Service Unit 6
Milford

Educational Service Unit 7
Columbus

Educational Service Unit 8
Neligh

Educational Service Unit 9
Hastings

Educational Service Unit 10
Kearney

Educational Service Unit 11
Holdrege

Educational Service Unit 13
Scottsbluff

Educational Service Unit 15
Trenton

Educational Service Unit 16
Ogallala

Educational Service Unit 17
Ainsworth

Educational Service Unit 18
Lincoln

Educational Service Unit 19
Omaha

May 2025

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Dr. Decua Jean-Baptiste, Accreditation Director

PROPOSED AGENDA ITEM: Conditional approval of new nonpublic school system(s)

AGENDA ITEM TYPE (contract/grant/rule/program/other):

RATIONALE/BACKGROUND INFORMATION:

Rule 14 - 003.01 Application for Initial Approval. A governing body seeking approval or seeking to add grades to a previously approved school must make application on forms supplied by the Department. The completed application forms must be received by the Department no later than May 1 prior to the start of the school year.

Several candidates have submitted applications with the intent of becoming a Rule 14 nonpublic school for the 2025-2026 school year. A compliance visit will be completed to determine the likelihood of successfully meeting requirements within Rule 14. If the applicant can demonstrate that the new school will be in substantial compliance with Rule 14 by the anticipated State Board Action in August, a recommendation will be made by the Commissioner that the applicant school be granted conditional approval.

*New Information

Applicants for new Rule 14 status:
1. All Saints Catholic School Adding grades (Holdrege) (5-8)
2. Platte Valley Adventist (Grand Island) (K-8)
3. Adult Education Center (Omaha) (9-12)
4. Central Nebraska Lutheran (Heartland Lutheran/ Trinity Lutheran - Merger) (K-12)

(PE.042025.004) Information was presented in April as an information item

PROPOSED BOARD MEETING (MONTH/YEAR):

ESTIMATED COST:

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: *(--e.g., Federal, State)*
- New or Renewal:
- If renewal, date of first approval:

(--Following the funding source, include a statement that indicates if/how the activity is part of an annual budget or allocation, or, approved as an activity for a grant. For example, "The funds for this contract are budgeted in the Office's annual allocation of state funds." Another example, "The funds for this activity are included in the grant award for this program.")

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.2023*

DR. BRIAN L. MAHER, COMMISSIONER
TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Dr. Decua Jean-Baptiste, Accreditation Director

PROPOSED AGENDA ITEM: Conditional approval of new Interim-program schools.

AGENDA ITEM TYPE (contract/grant/rule/program/other): other

RATIONALE/BACKGROUND INFORMATION: Conditional approval of new interim-program schools. (PE.042025.005)

Rule 18

003.01 Application for Initial Approval. A governing body of an interim-program school seeking approval or seeking to add grades to a previously approved Interim-program school shall make application on forms supplied by the Department.

003.02 Recommendation by the Commissioner. If it is determined through visitation and reporting that the applicant Interim-program school can comply with the provisions of this Chapter, a recommendation by the Commissioner will be made to the Board that the Interim-program school be granted approval.

003.03 Conditional Approval. Upon favorable action by the board, the applicant Interim-program school will be granted conditional approval for one school year.

Applications for new Interim-program schools are due May 1st.

*New Information

- One application has been received from Best Heartland (Geneva NE). An initial compliance visit was held May 14th.
- (PE.042025.005) Information was shared in April as an information item.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST:

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: *(--e.g., Federal, State)*
- New or Renewal:
- If renewal, date of first approval:

(--Following the funding source, include a statement that indicates if/how the activity is part of an annual budget or allocation, or, approved as an activity for a grant. For example, "The funds for this contract are budgeted in the Office's annual allocation of state funds." Another example, "The funds for this activity are included in the grant award for this program.")

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.2023*

DR. BRIAN L. MAHER, COMMISSIONER
TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

PROPOSED AGENDA ITEM RATIONALE

DATE: May 29, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Decua Jean-Baptiste, Accreditation Director

PROPOSED AGENDA ITEM: Plan(s) of Corrections for Rule 10, 14, and 18 school systems and interim program schools. (PE.022025.009)

AGENDA ITEM TYPE (contract/grant/rule/program/other): other

RATIONALE/BACKGROUND INFORMATION:

Rule 10, 14, and 18 school systems and interim program schools have similar requirements regarding compliance. School systems or interim programs that fall under Rule 10,14, or 18 are required to complete an annual Assurance Statement by November 1st of each year acknowledging any areas of non-compliance.

Areas of non-compliance within each Rule (10,14, &1 8) are considered a violation and is reported on the Assurance Statement. Areas of non-compliance require evidence that show the violation has been resolved. If the violation is unable to be resolved before February 1st, then a plan of correction may be submitted to the NDE to demonstrate how the violation will be corrected by September 1st of the following school year. Evidence of the corrected violation or a plan of correction are due to the NDE by February 1st.

Plans may be approved by the Board if evidence provided indicates that the violation occurred after August 1, and the violation could not reasonably be corrected immediately before or during the current school year.

New Information
*These plans of corrections come from violations discovered during compliance visits or other means of monitoring procedures.
**Additional plans of corrections are expected after EOY (End of Year) reports are submitted on June 30th and violations have been issued.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST:

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: *(--e.g., Federal, State)*
- New or Renewal:
- If renewal, date of first approval:

(--Following the funding source, include a statement that indicates if/how the activity is part of an annual budget or allocation, or, approved as an activity for a grant. For example, "The funds for this contract are budgeted in the Office's annual allocation of state funds." Another example, "The funds for this activity are included in the grant award for this program.")

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.2023*

Plans of Corrections

Group 2

School System – Violation(s)

Rule 10 Public

1. Arlington Public Schools – Guidance/Counseling
2. Grand Island Public Schools - Library Media Specialist
3. (2) Hyannis Area Schools – Library Media Specialist & Assessments
4. Lawrence Public Schools -Guidance/Counseling
5. Loup County Public Schools – Board Policy (Personal Finance) and Instructional Programs, Curriculum and Standards, Annual Written Report, Seizure Safe Schools
6. Mead Public Schools – Middle Grades Instruction (ART)
7. Lincoln Public Schools – Guidance/Counseling
8. Ravenna Public Schools – Library Media Specialist
9. Sargent Public Schools – Instructional Programs and Standards
10. Sidney Public Schools – Guidance/Counseling
11. Tekamah-Herman Schools – Library Media Specialist
12. Twin River Public Schools – Instructional Program and Standards
13. Westside Community Schools – Library Media Specialist
14. Yutan Public Schools – Annual Written Report

Rule 10 Non-Public

1. Duchesne Academy (9-12)– Restraint, Safety and Security Plan

Rule 14 Non-Public

1. Montessori Children's Room(K-6)- School Policy

Omaha 1881
Duchesne
Academy & Preschool
of the Sacred Heart

1 May 2025

Mr. Wolverton

Duchesne will address the 2 violations you identified in the Rule 10 Compliance visit. Our Plan of Correction:

1. The 2025-26 student handbook revision will include the following statement, “Duchesne will never seclude or restrain a student”
2. External review of our Safety and Security Plan will occur through our new insurance company. We are in the process of moving to Catholic Mutual and they offer this review for the school. This review will occur over the summer.

Sincerely,
Laura Hickman, Ed.D.
Principal

Soaring to Excellence

ARLINGTON PUBLIC SCHOOLS

705 N. 9th St. • P.O. Box 580 • Arlington, NE 68002 • Fax (402)478-4176 • www.apseagles.org • AA/EOE

To Whom it May Concern,

Correction Action Plan:

Arlington Public School recognizes the following violation of Rule 10:

007.05D: A person holding a Nebraska Teaching Certificate with no endorsement appropriate for guidance and counseling may be assigned to fulfill the requirements of Sections 007.05A and 007.05B of this Chapter is such person has two years of teaching experience and acquires at least six credit hours each year toward an endorsement appropriate for guidance and counseling pursuant to 92 NAC 24.

Mr. Kevin Krause was a late summer 2024 hire due to a late resignation, and he holds two Master's degrees currently. He has been a teacher and a principal for 20+ years prior to us hiring him. He planned to acquire his six hours this summer (2025), but there is not a college or university that will allow him into a program for School Counseling until January of 2026. These colleges/universities will also not allow him to register for two courses (six credits) this summer until he is enrolled in the program.

Mr. Kraus has applied for acceptance into a Counseling Program which will begin January 2026. He will begin the course work and fulfill his six-credit requirement ASAP.

Sincerely,

Dawn M. Lewis, ED.D.

Superintendent

Dr. Dawn Lewis
Superintendent
dawn.lewis@apseagles.org
(402)478-4173

Aaron Pfingsten
Secondary Principal
aaron.pfingsten@apseagles.org
(402)478-4171

James Shada
Assistant Secondary Principal/AD
james.shada@apseagles.org
(402)478-4171

Jacqueline Morgan
Elementary Principal
jacqueline.morgan@apseagles.org
(402)478-4121

Kneale Administration Building
Dr. Carrie Kolar, Chief of Human Capital Management

Grand Island PUBLIC SCHOOLS™

May 9, 2025

Dear Mr. Wolverton,

Per Rule 10 Accreditation guidelines, Grand Island Public Schools has a finding in the Library, Media, Counselor Not Endorsed collection for this school year. Grand Island Public Schools has a staff member, Valerie Chmelka, at Dodge Elementary School who failed to take classes in this past year required toward her Media Specialist endorsement.

The Plan of Correction for Grand Island Public Schools is for Mrs. Chmelka to complete the endorsement. Mrs.Chmelka is enrolled in three courses this summer and will finish endorsement requirements in 2025-2026. All staff serving in the role of Media Specialist in Grand Island Public Schools (with media specialist endorsement) meet with licensed peers and receive on-going professional development.

Please do not hesitate to contact me with any questions.

Sincerely,

Carrie Kolar

Carrie L. Kolar

123 South Webb Road • P.O. Box 4904, Grand Island, NE 68802
308 385-5900 • Fax 308 385-5568 • ckolar@gips.org • www.gips.org

From: Travis Hawk
To: Wolverton, Todd
Subject: Re: Hyannis.007.04B.Notice.04.30.25
Date: Tuesday, May 6, 2025 10:25:51 PM
Attachments: image005.png
image006.png
image007.png

Travis Hawk, Ed.S
Superintendent of Schools
Hyannis Area Schools

Mr. Todd Wolverton, Accreditation Specialist
Office of Accreditation, Certification, & Approval
500 S. 84th St.,2nd Floor
Lincoln, NE 68510-2611

RE: Hyannis Area Schools Plan of Correction

Dr. Mr. Wolverton,

This letter is in response to the violation that was identified in regards to our Librarian/Media Specialist not completing 6 hours of college work towards a Media Specialist Endorsement throughout the 2024-2025 school year. I do appreciate the Nebraska Department of Education's stance on issuing this violation, I would like to note several things: First, the teacher shortage across the nation and specifically Nebraska looms very large in hiring, it is estimated at the start of the 24-25 school year nearly 700 positions across the state of Nebraska went unfilled because a lack of quality candidates. This shortage impacts the entire state, however it hits rural areas even harder. Second, despite Media Specialist being one of the highest endorsed areas experiencing shortages, the Nebraska Department of Ed has not opened up the opportunity for a certified teacher to take the Praxis examination to add a Media Specialist Endorsement to their certificate. Third, in our specific situation our current media specialist would have had until the start of the 25-26 school year to add the 6 hours, therefore I would think it would be implied that if we were replacing that position we would be given that same opportunity.

In direct response to our corrective action plan. We have replaced our outgoing media specialist with a candidate that we believe will have proper certification by the start of the 25-26 school year. Again, during this hiring cycle not one currently certified Media Specialist applied for the position and in fact we only had one applicant for the opening. I have also been in contact with several larger school districts about the possibility of contracting Media Specialist services from their district and these talks continue and I believe we have a solid plan if our new hire is unable to achieve the Media Specialist certification by the start of the 25-26 school year. I have also begun negotiations with a Media Specialist who retired from our district 2 years ago, about the possibility of her becoming employed by the district again in some capacity to help us meet the provisions of Rule 10.

Again, I appreciate the efforts the Nebraska Department of Education takes to ensure the State of Nebraska offers a quality education to the young people of Nebraska. We look forward to a continued collaborative relationship with NDE as we work hard on a local level to provide a quality education that meets the needs of our local communities.

Lawrence-Nelson Public Schools
Home of the Raiders

Stephen Grizzle
Superintendent
402.726.2151 or
402.225.3371
stephen.grizzle@lnraiders.org

Amy Schroer
Business Manager
402.756.7013
amy.schroer@lnraiders.org

Dan Kennedy
PreK-12 Principal
402.225.3371 for
Middle/High School
402.756.7013 for
Pre-K & Elementary
dan.kennedy@lnraiders.org

Brian Blevins
Athletic Director
402.225.3371
brian.blevins@lnraiders.org

Jennifer Porter
K-12 School Counselor
402.225.3371 for
Middle/High School
402.756.7013 for
Pre-K & Elementary
jennifer.porter@lnraiders.org

May 2, 2025

Todd Wolverton, Accreditation Specialist
Office of Accreditation, Certification, & Approval
500 S. 84th St., 2nd Floor
Lincoln, NE, 68510-2611

Dear Mr. Wolverton,

The Lawrence-Nelson Guidance Counselor was required to pursue her endorsement by taking courses throughout the year towards her area. She did not. She tendered her resignation and the board of education accepted it at the April board meeting.

Our plan of action is to hire a qualified person for the 2025-26 school year.

Educationally,

Stephen Grizzle, Superintendent

Lincoln Public Schools
Human Resources • 5905 O Street • Lincoln NE 68510 • (402) 436-1582 • Fax (402) 436-1620 • humanres@lps.org • www.lps.org

May 1, 2025

RE: Haley Peterson – Librarian/Media Specialist

Haley Peterson will be assigned as a school counselor for Lincoln Public Schools for the 2025-26 school year. Lincoln Public Schools was not aware that Haley Peterson did not complete any university credit hours during the first semester of the 2024-25 school year until Haley notified us concerning the Librarian/Media Specialist report that Haley had moved to a different residence and took that semester off.

Sincerely,

Ryan Escamilla
Supervisor Secondary Personnel

Loup County Public Schools
TAYLOR, NEBRASKA 68879
PHONE: (308) 942-6115 SCHOOL DISTRICT #2

April 29, 2025
Rule 10 Compliance Visit – 2024-25

Todd Wolverton
Accreditation Specialist
Office of Accreditation

Graduation Requirements – All Senior and Junior students have taken Personal Finance. Currently it is a required class for Sophomore students. It was approved by the BOE and was put in the Student/Parent Handbook at the start of the 2022 school year. It was never change in Board Policy. It has been added to Board Policy and updated on the district website.

004.01AB&C Instructional Programs, Curriculum and Standards – With guidance from Dallas Lewandowski Instructional Leader at ESU 10 we started work on Instructional Programs, Curriculum and Standards at the beginning of the 2024/25 school year. Below is the completion agenda.

End of Year 1: 2024-2025
K-6 complete a full year Reading curriculum guide.
7-12 complete a full year for one subject curriculum guide.
Enrichment courses a full year for one subject/class curriculum guide.
Reviewed by Instructional Facilitator and/or Administration to ensure completion of all components.

End of Year 2: 2025-2026
K-6 completes a full year Math curriculum guide (both grades).
7-12 complete a full year for two+ subjects curriculum guide.
Enrichment courses a full year for two+ subjects curriculum guide.
7-12 Guidance
Reviewed by Instructional Facilitator and/or Administration to ensure completion of all components.

End of Year 3: 2026-2027
K-6 completes a full year Science & Social Studies curriculum guide (both grades).
7-12 complete a full year for remaining classes/subjects curriculum guide.
Enrichment courses a full year for remaining classes/subjects curriculum guide.
Pre K - 6 Guidance
Reviewed by Instructional Facilitator and/or Administration to ensure completion of all components.

**All curriculum guides are to be completed by the end of the 2026-2027 school year and updated as needed.

Loup County Public Schools
TAYLOR, NEBRASKA 68879
PHONE: (308) 942-6115 SCHOOL DISTRICT #2

010.01A Annual Written Report – A report will be written and presented to the BOE shortly after state test scores are released. The policy assures that individual test scores are kept confidential. We currently don't have a class with more than 10 students, no public reports of student performance are provided for those grades. The report will include multiple indicators, including graduation rates, student growth and student improvement on the assessment instruments provided along with the status and participation in statewide assessment. In previous years this information was presented to the BOE it just wasn't in written form.

Seizure Safe Schools – Since the time of our Rule 10 visit procedure's are in place and training has been completed.

Please let me know if you have any questions or need additional information. Thanks for all the help during this process.

Rod E. Richardson, Superintendent

Article 5 – Scholastic Achievement

Section 1 Grading System

Students will receive letter grades on report cards and transcripts. The following scale will be used to assign letter grades and a grade point average from a percent:

Kindergarten through 1st Grade:

Adv – 4 – Advanced
Prof – 3 – Proficient
Prg – 2 – Progressing
Beg – 1 – Beginning
S – Satisfactory
I – Improving
N – Needs Improving

2nd through 12 Grades:

A+	97-100%	4.00
A	93-96%	4.00
A-	90-92%	3.67
B+	87-89%	3.30
B	83-86%	3.00
B-	80-82%	2.67
C+	77-79%	2.30
C	73-76%	2.00
C-	70-72%	1.67
D+	67-69%	1.30
D	63-66%	1.00
D-	60-62%	0.67
F	59% and below	
Late Papers: 1 day late = 75% of grade, 2 days late = 50% of grade, 3 days late = 0% - they must still turn in a paper. Cheating of any nature will not be tolerated		

Section 2 High School Yearly Course Requirements

High school students in all grade levels are required to register in the following courses: Math, Social Studies, Science, Health and Physical Education, and Language-Arts, Personal Finance.

Section 3 Graduation Requirements
To participate in commencement exercises or receive a Loup County Schools' diploma a student must fully complete all requirements for graduation prior to the official commencement exercises, and complete other administrative requirements or conditions.

To be eligible for graduation from Loup County High School, a student must have earned a minimum of 220 semester hours credit in grades 9 through 12 inclusive. A minimum of 40 earned semester hours credits must be earned during the school year in which the student intends to graduate. Credit hours will be computed in accordance with the Nebraska Department of Education.

Satisfactory completion of the following courses must be presented in the candidate's record:

Language Arts Requirements
Successful completion of ten (10) semesters, 50 credit hours, are required. The required courses are:

English 9
English 10
English 11
English 12
Speech

Math Requirements
Successful completion of six (6) semesters, 30 credit hours, are required. The required courses are:

Algebra I or Applied Math
Algebra II or Standards Math
Algebra 110

Social Studies Requirements
Successful completion of six (6) semesters, 30 credit hours, are required. The required courses are:

Social Studies 9 (10 credits)
American Government (5 credits)
American History (10 credits)

Science Requirements
Successful completion of six (6) semesters, 30 credit hours, are required.

Physical Education Requirements
Successful completion of four (4) semesters, 20 credit hours, are required.

Fine Arts Requirements
Successful completion of two (2) semesters, 10 credit hours, are required.

Business Education Requirements
Successful completion of two (4) semesters, 20 credit hours, are required. The required courses are:

Information Technology Application I and II
Personal Finance

Career Education Requirements
Successful completion of one (1) semester, 5 credit hours, are required. The required course is:
High School Career Development

Work Release
Work release is a privilege given to seniors in the 2nd semester of the school year. It allows students to attend school periods 1-6 and to be released to work period 7 and 8. Students wishing to apply for work release must have all passing grades at the time of filing a request, must maintain passing grades and must have all requirements for graduation in line to be met. Jobs are to be at least Monday-Friday obligations.

A complete list off work release guidelines and applications may be secured from the counselor's office.

Exceptions to these requirements may be made by the Board of Education upon the recommendation of the Superintendent, who will support the recommendation with justifiable reasons. A complete record of the recommendation and of the action taken upon it by the Board shall be included in the minutes. The candidates for graduation shall be presented to the Board of Education for approval.

A student who has not met the requirements for graduation but who has attended school regularly may, with the recommendation of the Superintendent, be granted a Certificate of Attendance. Students receiving a Certificate of Attendance shall not be eligible to participate in graduation exercises.

Section 4 Promotion and Retention
Students will be placed at the grade level and in the courses best suited to them academically, socially and emotionally as determined by the professional staff. Students will typically progress annually from grade to grade. A student may be retained at a grade level or be required to repeat a course or program when such is determined in the judgment of the professional staff to be appropriate for the educational interests of the student and the educational program.

Section 5 Schedule Changes
Students needing schedule changes should notify the Principal. Schedule changes must be initiated by the teachers involved, the Principal or counselor, and the student's parent. Final approval of all schedule changes will be made by the Principal only.

Section 6 Interim Reports
Various supplemental reports may be made available to parents throughout the school year concerning student's performance. These reports may describe student work of an exceptional nature or work which needs improving. These reports will be sent as the teacher determines appropriate.

EPILEPSY FOUNDATION

CERTIFICATE OF COMPLETION

Tami Glidden

has successfully completed requirements for

Seizure Training for School Personnel (On Demand) - v3.0

Course Duration: 75 minutes - See Continuing Education Credit Statements on the next page.

Brandy Furman, Chief Outcomes Officer

ACCREDITED IACET PROVIDER

NCHEC DESIGNATED PROVIDER
CHES® & MCHES® Category I CECH

Issued by the Epilepsy Foundation of America
3540 Crain Highway, Suite 675, Bowie, MD 20716 | epilepsy.com

Issued: 2025-03-21

Certificate ID: wc7vlllyqy

EPILEPSY FOUNDATION

CERTIFICATE OF COMPLETION

Ken Wright

has successfully completed requirements for

Seizure Training for School Personnel (On Demand) - v3.0

Course Duration: 75 minutes - See Continuing Education Credit Statements on the next page.

Brandy Furman, Chief Outcomes Officer

ACCREDITED IACET PROVIDER

NCHEC DESIGNATED PROVIDER
CHES® & MCHES® Category I CECH

Issued by the Epilepsy Foundation of America
3540 Crain Highway, Suite 675, Bowie, MD 20716 | epilepsy.com

Issued: 2025-03-20

Certificate ID: w9sse1byb9

EPILEPSY FOUNDATION

CERTIFICATE OF COMPLETION

Miranda Dunkel

has successfully completed requirements for

Seizure Training for School Personnel (On Demand) - v3.0

Course Duration: 75 minutes - See Continuing Education Credit Statements on the next page.

Brandy Furman, Chief Outcomes Officer

ACCREDITED IACET PROVIDER

NCHEC DESIGNATED PROVIDER CHES® & MCHES® Category I CECH

Issued by the Epilepsy Foundation of America
3540 Crain Highway, Suite 675, Bowie, MD 20716 | epilepsy.com

Issued: 2025-03-20

Certificate ID: mhymd51wi9

EPILEPSY FOUNDATION

CERTIFICATE OF COMPLETION

Nicholen Simpson

has successfully completed requirements for

Seizure Training for School Personnel (On Demand) - v3.0

Course Duration: 75 minutes - See Continuing Education Credit Statements on the next page.

ACCREDITED IACET PROVIDER

NCHEC DESIGNATED PROVIDER
CHES® & MCHES® Category I CECH

Brandy Furman, Chief Outcomes Officer

Issued by the Epilepsy Foundation of America
3540 Crain Highway, Suite 675, Bowie, MD 20716 | epilepsy.com

Issued: 2025-04-10

Certificate ID: yzzn8lgmnj

EPILEPSY FOUNDATION

CERTIFICATE OF COMPLETION

Mary Yarrington

has successfully completed requirements for

Seizure Training for School Personnel (On Demand) - v3.0

Course Duration: 75 minutes - See Continuing Education Credit Statements on the next page.

ACCREDITED IACET PROVIDER

NCHEC DESIGNATED PROVIDER CHES & MCHES Category I CECH

Brandy Furman, Chief Outcomes Officer

Issued by the Epilepsy Foundation of America
3540 Crain Highway, Suite 675, Bowie, MD 20716 | epilepsy.com

Issued: 2025-04-11

Certificate ID: u7al5r4icr

EPILEPSY FOUNDATION

CERTIFICATE OF COMPLETION

Kristina Ellsworth

has successfully completed requirements for

Seizure Training for School Personnel (On Demand) - v3.0

Course Duration: 75 minutes - See Continuing Education Credit Statements on the next page.

Brandy Furman, Chief Outcomes Officer

ACCREDITED IACET PROVIDER

NCHEC DESIGNATED PROVIDER
CHES® & MCHES® Category I CECH

Issued by the Epilepsy Foundation of America
3540 Crain Highway, Suite 675, Bowie, MD 20716 | epilepsy.com

Issued: 2025-04-08

Certificate ID: 7krtnjlxj6

EPILEPSY FOUNDATION

CERTIFICATE OF COMPLETION

amber vincent

has successfully completed requirements for

Seizure Training for School Personnel (On Demand) - v3.0

Course Duration: 75 minutes - See Continuing Education Credit Statements on the next page.

Brandy Furman, Chief Outcomes Officer

ACCREDITED IACET PROVIDER

NCHEC DESIGNATED PROVIDER CHES® & MCHES® Category I CECH

Issued by the Epilepsy Foundation of America
3540 Crain Highway, Suite 675, Bowie, MD 20716 | epilepsy.com

Issued: 2025-03-30

Certificate ID: oxuuluo9gn

Mead Jr./Sr. High
114 North Vine Street
Mead, NE 68041
402-624-3435
Fax: 402-624-2069
Meadpublicschools.org

MEAD PUBLIC SCHOOLS

Mead Elementary
115 North Elm Street
Mead, NE 68041
402-624-6465
Fax: 402-624-2001
Meadpublicschools.org

Darin Kovar, Principal
402-624-3435
dkovar@meadpublicschools.org

P.J. Quinn, Superintendent
402-624-2745
pquinn@meadpublicschools.org

Terry Hickman, Special Programs
402-624-3435
thickman@meadpublicschools.org

March 10, 2025

Todd Wolverton
Office of Accreditation, Certification, and Approval
500 S. 84th St., 2nd Floor
Lincoln, NE 68510-2611

Dear Mr. Wolverton

I am writing in response to the Rule 10 Compliance Visit for Mead Public Schools that was conducted on February 14, 2025, and the subsequent letter of findings dated March 3, 2025.

The letter includes the following Regulatory Violation:
004.03A Middle Grades Instruction – Art must be taught to 8th graders. Plan of Correction is required.

Plan of Correction:
Beginning with the 2025-26 school year, the schedule for 8th grade students will be revised so that each 8th grade student will be enrolled in an exploratory art class. The 7-12 Guidance Counselor is responsible for development of the master class schedule and has been informed of the need for this revision.

The Mead Board of Education will be informed of this regulatory violation and the Plan of Correction during the Superintendent's Report at the March meeting.

If any other action is necessary, please contact me as soon as possible.

Sincerely,

PJ Quinn

PJ Quinn, Superintendent
Mead Public Schools
115 N. Elm
Mead, NE 68041
Ph. 402 624-2745

Ravenna Public Schools

PO Box 8400
41750 Carthage Rd
Ravenna, NE 68869

High School - 308-452-3249
Elementary - 308-452-3202
Fax - 308-452-3172

April 29, 2025

Dr. Suiter,

As per your email notification and request dated April 29, 2025, I am writing to provide you with a “Plan of Correction” (POC) for the Rule 10 Violation of Section 007.04B that occurred at Ravenna Public Schools during the 2024-25 school year.

This violation occurred because Mrs. Stacie Loeffelholz was assigned to be our media specialist, but did not take 6 credit hours during the calendar year towards and appropriate endorsement. She did not complete these hours because she was hired to become the school’s guidance counselor for the upcoming school year and therefore had no additional interest in pursuing a media specialist’s endorsement.

The “Plan of Correction” for this violation is for Ravenna Public Schools to hire a media specialist who will earn a media specialist endorsement. Mrs. Julie Maulsby was hired as the school district’s media specialist for the 2025-26 school year on January 13, 2025. She will plan to earn at least 6 hours a year towards a media specialist endorsement through the University of Nebraska at Kearney. I will report her progress on the annual “Library, Media, Counselor Not Endorsed Collection” in the NDE Portal.

As per your suggestion in your correspondence, I will make the Ravenna Board of Education aware of the Rule 10 Violation and this “Plan of Correction” at their regularly scheduled May 12th Board Meeting.

If you have any other questions or concerns pertaining to this matter, please do not hesitate to contact me directly via email at <ken.schroeder@ravennabluejays.org> or by phone at 308-470-0502.

Respectfully,

-Ken Schroeder
Ravenna Superintendent

Sargent Public Schools
Sargent, Nebraska 68874
Phone: 308.527.4119 Fax: 308.527.3332
www.sargentpublicschools.org

Plan of Correction – Rule 10 Violations

Date: May 5, 2025

Submitted to: Nebraska Department of Education – Accreditation Section

Violation: 004.01A-B – Instructional Program and Standards

Issue Identified:

A complete and up-to-date curriculum is not currently in place for all core content areas (English Language Arts, Mathematics, Science, and Social Studies) at every grade level.

Corrective Action Plan:

- By May 2026, the district will complete a full curriculum audit for all core content areas across grade levels.
- Teams of certified teachers, led by the principal and curriculum committee leader, will align local curriculum with the Nebraska College and Career Ready Standards.
- Completed curriculum documents will include scope and sequence, priority standards, and pacing guides.
- Finalized curriculum maps will be presented to the local school board by May 2026 and submitted to NDE thereafter.
- Ongoing review and updates will be built into the district's annual school improvement cycle.

Evidence of Completion:

- Submission of updated curriculum maps and pacing guides for core content areas
- Board minutes reflecting presentation and approval
- Curriculum audit summary report

Violation: 004.01C – Curriculum for Other Content Areas; Library and Counseling Programs

Issue Identified:

Curriculum documents are incomplete for non-core content areas (e.g., Fine Arts, PE, CTE) at levels where they are taught. In addition, a narrative or guide needs to be reviewed and updated for Library Media and Counseling programs.

Corrective Action Plan:

- Non-core content teachers will submit course outlines and draft curriculum maps aligned with appropriate state or national standards by April 2026.

Sargent Public Schools
Sargent, Nebraska 68874
Phone: 308.527.4119 Fax: 308.527.3332
www.sargentpublicschools.org

- The district will compile and review curriculum for each applicable course offered, ensuring consistency and alignment.
- A written narrative for the Library Media Program will be developed by the librarian with administrative oversight to outline instructional strategies, research integration, and digital citizenship.
- The school counselor will draft a guidance program framework that reflects ASCA-aligned competencies and services provided across grade levels.
- Both the Library and Counseling guides will be incorporated into the school improvement documentation and presented to the board for approval by May 2026.

Evidence of Completion:

- Submitted curriculum maps or course guides for non-core subjects
- Library skills and Counseling program narrative documents
- Board meeting minutes reflecting acceptance and inclusion into school plan

Administrative Follow-Up:

A copy of this Plan of Correction will be presented to the Sargent Public Schools Board of Education at the next regular board meeting to ensure full awareness of accreditation compliance requirements.

The administration recognizes the importance of maintaining full accreditation status and ensuring that students have access to comprehensive, high-quality learning opportunities.

Sincerely,

Byron Olsen, Jr.
Superintendent
Sargent Public Schools

Sargent Public Schools
Sargent, Nebraska 68874
Phone: 308.527.4119 Fax: 308.527.3332
www.sargentpublicschools.org

Board of Education Communication – Plan of Correction

Date: May 13, 2025

To: Sargent Public Schools Board of Education

Dear Board Members,

As part of our commitment to compliance and continuous improvement, I am submitting the attached Plan of Correction in response to recent findings from the Nebraska Department of Education concerning Rule 10 violations in Sections 004.01A-B and 004.01C.

The corrective actions detailed in the plan address curriculum gaps in both core and non-core content areas, as well as the development of narrative guides for our library and counseling programs. These measures are designed not only to ensure our continued accreditation status, but to enhance instructional consistency and student access to a comprehensive curriculum across all grade levels.

Please review the plan at your earliest convenience. It will be formally submitted to the State Board of Education following board awareness.

Thank you for your ongoing support of Sargent Public Schools and our mission to provide the highest quality education for all students.

Sincerely,

Byron Olsen, Jr.
Superintendent
Sargent Public Schools

Students

Graduation

To participate in commencement exercises or receive a Sargent Public Schools diploma a student must fully complete all requirements for graduation prior to the official commencement exercises, and complete other administrative requirements or conditions. Students who graduate from Sargent Public Schools must accumulate the following semester hours based on the graduation year. The total graduation requirements must include the following core curriculum:

240 credit hours are required for graduation. Of those 240 credits the following are Required Classes:

~~**Freshmen** **Sophomores** (students with 70-140 HS credits)~~
~~PE/Health Math – Geometry or approved 2nd year Math class~~
~~Algebra1 / Applied Math Biology~~
~~Physical Science English 10~~
~~English 9~~

~~**Juniors** (students with 140-200 credits) **Senior**s (students with at least 200 credits)~~
~~English 11 American Government~~
~~American History English 12 (or an approved college course)~~

Graduating Class of 2025, 2026, and 2027

English	40 Semester Hours
Math	30 Semester Hours
Social Studies	30 Semester Hours
Science	30 Semester Hours
Physical Education	10 Semester Hours
Speech	10 Semester Hours
Fine Arts	10 Semester Hours
Electives	60 Semester Hours
Health	5 Semester Hours
Personal Finance	5 Semester Hours
World Language Requirements	10 Semester Hours
Total	240 Semester Hours

Graduating Class of 2028 and beyond

English	40 Semester Hours
Math	30 Semester Hours
Social Studies	30 Semester Hours

Science	30 Semester Hours
Physical Education/Health	10 Semester Hours
Speech	10 Semester Hours
Fine Arts	10 Semester Hours
Electives	60 Semester Hours
Personal Finance	5 Semester Hours
Computer Science	5 Semester Hours
World Language Requirements	10 Semester Hours
Total	240 Semester Hours

Each student shall also complete and submit a Free Application for Federal Student Aid prior to graduation, unless the required opt-out form is completed by either: (1) the student's parent or legal guardian; (2) the Principal, if the Principal determines that good cause exists not to require the student to complete the FAFSA; or (3) an emancipated student or student of at least 19 years of age.

Legal Reference: Neb. Rev. Stat. Sec. 79-729
NDE Rule 10

Date of Adoption: 06.13.2022

Date of Review: 5.13.2025

Revised: May 13, 2025

Sargent Public Schools

SARGENT, NEBRASKA 68874

PHONE: 527-4119 or 527-4184 SCHOOL DISTRICT #84

To: Board of Education
From: Office of the Superintendent
Subject: Regular Board Meeting Tuesday, May 13, 2025 @ 7:00 PM

AGENDA

1. Sargent Public Schools Board of Education Information

   More Information: *The meeting agenda will be kept current and available for public inspection at the Superintendent's Office during regular working hours.*

   District Vision/Mission: *The Board of Education, administration and staff are committed to providing an environment where every child can grow and learn in a positive environment.* **Engage-Motivate-Prepare-Inspire**

   The Open Meetings Act requires and the intention of the Board is that agenda items be sufficiently descriptive to give the public reasonable notice of matters to be considered at the meeting. The Board of Education releases its agenda well in advance of most meetings and desires that all interested persons are fully informed. Any interested person who has a question or needs clarification about the sufficiency of a descriptive item should contact the Office of the Superintendent of Schools.

   If anyone in attendance is interested in addressing our Board, you are welcome to do so. We simply request that you complete the appropriate form and turn it in to us now, so that you may be recognized during the 'Public Comment' section of our meeting.

   Agenda items are subject to reordering at the discretion of the board president. Board members may request specific agenda item(s) be moved to a different place on the agenda. Please attend the entire meeting to ensure you hear discussion on a particular agenda item.

2. **Opening Procedures:**
   2.1. Call to Order
   More Information: The Board of Education reserves the right to enter into Executive Session for the protection of the public interest, or the prevention of needless injury to the reputation of an individual, and if the individual has not requested a public meeting.
   2.2. Roll Call
   2.3. Pledge of Allegiance
   2.4. Excused absence of Board Member

2.5. Open Meetings Act

More Information: Pursuant to Section 84-1412 of the Nebraska Statutes, the public is hereby informed that a current copy of the Nebraska Open Meetings Act is posted by the landing of the entrance to the Library.

Notice of this meeting was published in the Sargent Leader and placed at the Sargent Community Center and First National Bank in Sargent.

3. Consent Agenda

More Information: At this time, any Board member may request that any item on the consent agenda be removed from the consent agenda and be considered and voted on separately.

- 3.1. Approval of Agenda
- 3.2. Approve minutes of the Regular Board Meeting on April 8th.
- 3.3. Approve Financial Reports
- 3.4. Approval of Claims/Bills
- 3.5. Board Policy Adoption
  - 3.5.1. First Reading of Board Policies
    - 3.5.1.a. 5205 - Graduation
  - 3.5.2. Second Reading of Board Policy
- 3.6. Personnel Items
  - 3.6.1. New Hire(s)
  - 3.6.2. Staff Resignation(s)

4. RECOGNITION OF EXCELLENCE
5. Reports and Discussion Items
   - 5.1. Board Committee Reports
   - 5.2. Principal Report
   - 5.3. Superintendent Report
6. Discuss, consider, and take any necessary action on the following:
7. Visitors and Guests Public Comments
8. Board Comments
9. Tentative Upcoming Board Meeting/Event Dates **Future Board Meetings**
   Regular Meetings:

Tentative Committee Meeting Dates:

Personnel & Curriculum Committee **Insert Date @ Time** (Supt. Office)
Policy Committee: **Insert Date @ Time** (Supt. Office)
Finance/Facilities/Transportation Review Committee: **Insert Date @ Time** (Supt. Office)

Upcoming Event Highlights:

Events -

All activities are located on our website, www.sargentpublicschools.org home page or on the App in the calendar.

10. Adjournment

*Executive Session: If during the meeting, a discussion of any item on the agenda should be held in Executive Session, the board will conduct a closed meeting per the Nebraska Open Meetings Law.
**Sequence of Agenda: The sequence of agenda topics is subject to change at the discretion of the board.
***Action item: The board reserves the right to take action on an item listed on the board agenda.

Developing Confident and Powerful Learners

SIDNEY PUBLIC SCHOOLS
1101 21st Avenue, Sidney, NE 69162
(308) 254-5855
www.sidneyraiders.org
Superintendent - Mr. Andrew Farber

April 29, 2025.

Andrew Farber
Superintendent of Schools,
SIDNEY PUBLIC SCHOOLS
Sidney, NE 69162
(308) 254-5855

To:
Dr. Sandra M. Suiter, EdD
Accreditation Specialist
Office of Accreditation, Certification, & Approval
500 S. 84th St., 2nd Floor
Lincoln, NE 68510-2611

RE: Plan of Correction – Counselor Endorsement Violation (Kaela Cole)

Dear Dr. Suiter,

Sidney Public Schools has received and understands your communication regarding the endorsement violation noted for Sidney Public Schools under Rule 10. SPS is committed to maintaining compliance with Title 92, Nebraska Administrative Code, Chapter 10. As requested, please see the following **Plan of Correction** in response to the identified noncompliance.

Action Plan for Correction – Counselor Certification Violation

1. **Initial Identification and Notification (Spring 2025)**
   Upon receiving our initial notification from NDE in the spring of 2025, Sidney Public Schools immediately informed Mrs. Kaela Cole of the violation concerning her position and the requirements under Rule 10, Section 007.04B. While Mrs. Cole initially agreed to pursue the necessary coursework to meet compliance, after agreeing to do so, she ultimately declined to enroll in any qualifying coursework.

2. **District Response and Personnel Adjustment**
   After Mrs. Cole's refusal to pursue the endorsement requirements, the district notified her that she would not continue in the counseling capacity. This decision was made in accordance with state regulations and in the best interest of the students' academic and developmental support.

3. **Hiring of a Qualified Replacement**
   In March of 2025, The district proceeded with a thorough hiring process to secure a qualified counselor for grades 2–3. Sidney Public Schools has successfully hired a candidate who currently holds a valid Nebraska 7–12 counseling certificate and is actively enrolled in coursework to obtain the elementary counseling endorsement required by 92 NAC 24. Our candidate has agreed to, and should be complete with the qualified coursework by December of 2025.

4. **Staffing for 2025–2026 School Year**
   Mrs. Cole will not be employed by Sidney Public Schools for the 2025–2026 academic year. The district is fully committed to ensuring that all counselor roles are staffed by individuals either holding the appropriate endorsement or actively working toward one in full compliance with the six-hour annual requirement stipulated by 007.04B.

Sidney Public Schools understands the importance of adherence to accreditation standards and appreciates your continued guidance. As a district we will continue to monitor endorsement progress closely to avoid any possible future noncompliance.

Please do not hesitate to reach out if further clarification or documentation is needed.

Sincerely,

Andrew Farber
Superintendent of Schools
Sidney Public Schools

TEKAMAH-HERMAN SCHOOLS
Home of the Tigers

May 3rd, 2025

In the Spring of 2023 Tekamah-Herman Schools diligently searched for a certified school librarian. The district was unable to find any candidates that were a certified school librarian. Thus, one of the certified teachers in the district was assigned the role of school librarian. The previous administrative team was not aware of the Rule 10 requirement to have a certified/endorsed school librarian serving in that role. The team at that time believed that any certified staff member could serve as a school librarian. During the 2023-2024 school year, THS transitioned a new superintendent and secondary principal. We were not aware of the decision to place a non-certified school librarian into the role of school librarian until our Rule 10 audit in March 2024 and again in 2025. Now that the district is aware that we must have a certificated school librarian serving the district in that capacity, the district has formulated the following plan of corrective action in an attempt to have a certified school librarian:

- We have made our current certificated staff member, Tracy Nathan, aware that she is not a certified librarian and will be required to become a certified librarian in order to continue to serve as the district's school librarian and that if she does not pursue a school librarian/media specialist endorsement the district will have no choice, but to assign her to a different role, per the violation letter we have been provided by the Nebraska Department of Education.
- Our current staff member, Tracy Nathan, who is serving as school librarian is planning to take 6 credit hours in the University of Nebraska at Kearney School Librarian/Media Specialist Endorsement Program prior to the Spring of 2026.

Sincerely,

Bradley D. Kjar
PK-12 Superintendent
Tekamah-Herman Schools

Superintendent
Chris Lecher
Elementary Principal
Brenda Buhl
High School Principal/AD
Andy Banahan

Twin River Public Schools

P.O. Box 640
Genoa, NE 68640
Phone: (402) 993-2274
Fax: (402) 993-7718

Business Manager
Lori Swantek

April 30, 2025

Todd Wolverton - Accreditation Specialist
Office of Accreditation, Certification, & Approval
500 S. 84th St., 2nd Floor
Lincoln, NE, 68510-2611

Rule 10 Plan of Correction

Instructional Program and Standards .004.01A-B Action Plan

Objective: To ensure the instructional program across all grade levels (PK–12) is aligned with Nebraska State Standards and is systematically reviewed and improved upon, as required under Rule 10.

Action Plan Components:

1. Formation of Curriculum Groups (Professional Learning Communities – PLCs): Twin River Public Schools will establish vertical, PK–12 Curriculum Groups (PLCs) for the core content areas, including:

- English Language Arts (ELA)
- Mathematics
- Science
- Social Studies
- Career and Technical Education (CTE)

Each group will be composed of teachers representing various grade levels and/or instructional leaders to ensure vertical and horizontal alignment.

---

2. Curriculum Mapping and Standards Alignment: Each Curriculum Group will complete standardized templates to document:

Superintendent
Chris Lecher
Elementary Principal
Brenda Buhl
High School Principal/AD
Andy Banahan

Twin River Public Schools

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Genoa, NE 68640
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Fax: (402) 993-7718

Business Manager
Lori Swantek

- Topics and content covered
- Alignment to Nebraska State Standards
- A yearly instructional timeline

These templates will serve as documents to guide instruction and support consistency across grade levels.

---

3. Quarterly Collaboration and Review: Curriculum Groups will meet **once per academic quarter** during the 2025–26 school year. The purpose of these meetings is to:

- Review and refine instructional content
- Monitor progress toward completion of the foundational curriculum maps
- Address instructional gaps or overlaps
- Make data-informed adjustments

By the end of the school year, each group will have developed a foundational curriculum guide aligned with current standards.

---

4. Ongoing Review and Realignment: A structured plan will be developed for future years to:

- Annually review and adjust the curriculum maps
- Incorporate feedback from assessments and instruction
- Integrate updates based on revised or newly released state standards

This process will ensure the instructional program remains compliant and responsive to state expectations and student needs.

Curriculum and Standards 004.01C

Superintendent
Chris Lecher
Elementary Principal
Brenda Buhl
High School Principal/AD
Andy Banahan

Twin River Public Schools

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Business Manager
Lori Swantek

Objective: To ensure that the instructional program across all grade levels (PK-12) is aligned with the Nebraska State Standards and is systematically review and improve upon, as required under Rule 10.

Action Plan Components:

1. **Formulation of Curriculum Groups (Professional Learning Communities - PLCs)**: Twin River Public Schools will establish vertical, PK-12 PLC groups for the non-core content areas, including:
    a. Physical Education/Health
    b. Art
    c. Vocal and Instrumental Music
    d. Counseling Lessons
    e. Library Lessons

Each group will be composed of teachers and representing various grade levels and/or instructional leaders to ensure vertical and horizontal alignment.

2. Curriculum Mapping and Standards Alignment: Each Curriculum Group will complete standardized templates to document:
a. Topics and content covered
b. Alignment to Nebraska State Standards
c. A yearly instructional timeline

These templates will serve as documents to guide instruction and support consistency across grade levels.

3. Quarterly Collaboration and Review: Curriculum groups will meet **once per academic quarter** during the 2025-26 school year. The purpose of these meetings is to:
a. Review and refine instructional content.
b. Monitor progress toward completion of foundational curriculum maps
c. Address instructional gaps or overlaps
d. Make data-informed adjustments

By the end of the school year, each group will have developed a foundational curriculum guide aligned with current standards.

Superintendent
Chris Lecher
Elementary Principal
Brenda Buhl
High School Principal/AD
Andy Banahan

Twin River Public Schools

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Business Manager
Lori Swantek

4. **Ongoing Review and Realignment:** A structured plan will be developed for future years to:
   a. Annually review and adjust the curriculum maps
   b. Incorporate feedback from assessments and instruction
   c. Integrate updates based upon revised or newly released state standards

This process will ensure the instructional program remains compliant and responsive to state expectations and student needs.

Middle Grade Instruction 004.03A

Objective: To ensure that students are offered the required classes in grades K-8 while attending Twin River Public Schools, and ensure compliance with Nebraska Rule 10.

Action Plan Components:

1. **Create New Schedule**
   a. Create a new schedule that allows students in grades K-8 to take the courses that are required by the state of Nebraska
   i. Music - (Instrumental, Vocal, General)
   ii. Art
   iii. Physical Education
   iv. Health
   v. Reading

2. **Schedule shared with State**
   a. After completion of the schedule, share the schedule with the State of Nebraska Rule 10 office to ensure all areas are being met for students in grades K-8.

Safety Plan 011.01B Action Plan

1. The incoming superintendent will obtain an EOP template from the Canvas Course on the NDE website.

Superintendent
Chris Lecher
Elementary Principal
Brenda Buhl
High School Principal/AD
Andy Banahan

Twin River Public Schools

P.O. Box 640
Genoa, NE 68640
Phone: (402) 993-2274
Fax: (402) 993-7718

Business Manager
Lori Swantek

2. In July, the superintendent will take the current Emergency Response Plan begin placing those items in the EOP template.
3. In August, the Safety Team will take the Canvas course training for the EOP and identify parts of the EOP that still need to be completed.
4. The Safety Committee will form a timeline to have the entire EOP completed by the end of the 2025-26 school year.

Safety and Security Visit 011.01D Action Plan

1. A third party Rule 10 Safety Visit was conducted at Twin River Public Schools on April 30, 2025.
2. Starting with the 2025-2026 school year, the Administration will schedule the Safety and Security Visit in the first quarter of the school year to be conducted sometime within the second or third quarter of the school year.

Chris Lecher
Interim Superintendent

Friday, May 2, 2025

WESTSIDE
COMMUNITY SCHOOLS
HUMAN RESOURCES

Dr. Sandra Suiter
Office of Accreditation, Certification, & Approval
500 S. 84th St., 2nd Floor
Lincoln, NE, 68510

Dr. Suiter:

Westside Community Schools acknowledges receipt of your correspondence dated April 29, 2025, outlining a violation of Rule 10, Section 007.04B, regarding Molly Matheson's failure to complete the six required credit hours during the current school year toward her Library/Media Specialist endorsement.

For additional context, approximately four weeks ago, Molly Matheson informed us that she had withdrawn from her coursework in January but had not communicated this change to the district's central office at the time. She explained that she made the decision to drop her courses due to increased caregiving demands related to her son. While we understand and empathize with her circumstances, we also understand that the state does not provide flexibility in such cases. We acknowledge that her lack of academic progress constitutes a violation of the requirements defined in state statute.

Over the past two weeks, the district's HR team has worked closely with Molly to facilitate her re-enrollment in coursework and to support her return to compliance. We have held meetings/calls with Dr. Courtney Pentland from UNO and Katelyn Larsen (Certification Director with NDE) to develop a plan that enables Molly to complete the necessary requirements and graduate with her Library Media endorsement by December of this year. We've also collaborated with Molly and Ms. Larsen to support Molly in applying for her provisional endorsement, as outlined in the attached plan. Her

Yutan Public Schools

1200 2nd Street
Yutan, Nebraska 68073
Phone: 402-625-2241
Fax: 402-625-2812

Rex Pfeil	***Stefanie Novotny***	***Trevor Hoegh***	***Josh Lynch***	***Tahler Novotny***
Superintendent	High School Principal	Elementary Principal	Activities Director	Student Services
rpfeil@yutanps.org	snovotny@yutanps.org	thoegh@yutanps.org	jlynch@yutanps.org	tnovotny@yutanps.org

DELIVERED VIA EMAIL TO: Dr. Sandra Suiter, Nebraska Department of Education

April 2, 2025

Nebraska Department of Education
Office of Accreditation, Certification, and Approval
500 S. 84th Street
Lincoln NE, 68510-2611

Dear Dr. Suiter,

This letter is submitted in response to our Rule 10 Audit, Site Visit, and subsequent email communications occurring on or about February 27, 2025 through March 26, 2025.

BACKGROUND. On or about February 27, 2025, as part of a Rule 10 Audit, the school district was found to be in violation of Rule 10, 010.01A-Annual Written Report. The current Yutan Public Schools annual report includes district data (demographics, achievement, finance, etc..), but is lacking the required element of a descriptive narrative for school improvement goals and progress. Upon completion of the Rule 10 audit, the district received formal notification of the violation through an email from Dr. Sandra Suiter on March 27, 2025.

CORRECTIVE ACTION. The items below outline our plan of action and to confirm that our failure to meet the requirements of Rule 10, 010.01A-Annual Written Report have been corrected:

1. The required data, demographics, school goal progress, and descriptive narratives for the Annual Report will be compiled and submitted to the office of the Superintendent.

2. Yutan Public Schools will then develop an appropriate, compliant Annual Report that meets the requirements of Rule 10, 010.01A-Annual Written Report. It is our intent to utilize the high school Digital Media class to assist with the development of the report.
    a. People responsible:
        i. Rex Pfeil, Superintendent
        ii. Stefanie Novotny, Jr/Sr High Principal
        iii. Trevor Hoegh, Elementary Principal

3. Upon development of the proper Annual Report, Yutan Public Schools will disseminate the report to all stakeholders through our website, weekly parent communications, social media, and hardcopy posts in buildings. It is our intent to complete this process no later than May 30, 2025, but will comply to the best of our ability should an alternate date be assigned by the NDE.
    a. People responsible:
        i. Rex Pfeil, Superintendent

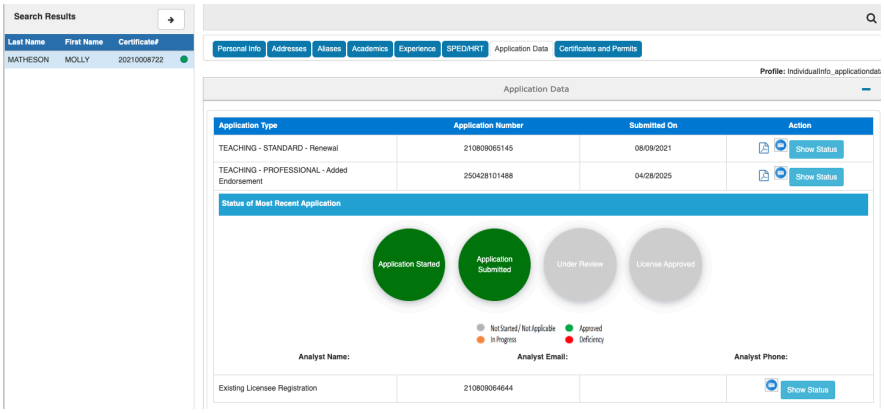
At the conclusion of my interim superintendent contract on June 30, 2025, it is my intent to leave a specific protocol for future development and dissemination of the annual report that meets the Rule 10 requirements. Thank you for your consideration in this matter.

Respectfully submitted,



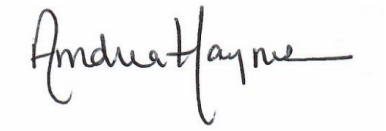
Mr. Rex Pfeil
Superintendent
Yutan Public Schools

application has been officially submitted, and we are waiting to hear back from NDE. (See below screenshot)



Westside Community Schools takes its responsibility for endorsement compliance seriously and is committed to resolving this matter. We respectfully submit this plan of correction for approval and remain available to provide documentation, progress updates, or additional information as needed.

Sincerely -



Dr. Andrea Haynes

Assistant Superintendent of HR & District Operations

402.390.2143 |

haynes.andrea@westside66.net

Westside Community Schools – Plan of Correction

Submitted to: Nebraska Department of Education, Dr. Sandra Suiter

Date: Friday, May 2, 2025

Staff Member in Violation: Molly Matheson

Regulation: 007.04B – Assignment of Non-Endorsed Personnel in Library Media Role

To remediate the violation and ensure future compliance, the district is implementing the following plan:

1. Provisional Endorsement:
    - Molly Matheson has applied for a Provisional endorsement through NDE, and we are working closely with Katelyn Larsen to ensure all necessary steps are completed for approval.

2. Re-Enrollment and Completion of Coursework:

    - Molly Matheson has re-enrolled in the necessary coursework through the University of Nebraska at Omaha for the Fall 2025 session. Westside has verified she has 6 remaining hours in the program. She is now on track to complete the full endorsement requirements and graduate with her Library Media endorsement in December 2025.

3. Progress Monitoring:

    - The district will formally monitor Molly's progress during the Fall Semester and confirm enrollment and completion of required UNO coursework.

    - Written confirmation of enrollment from UNO and proof of satisfactory academic progress will be maintained and shared with NDE upon request.

4. Internal Oversight:

    - The district's Human Resources team has met with both Molly and her principal to clarify expectations and ensure full support throughout the remainder of her program.

5. Ongoing Placement Justification:

    - While the district acknowledges the seriousness of this violation, we have made the decision to allow Molly to remain in her current role based on her strong performance and the value of continuity for students. This placement is contingent upon her strict adherence to the correction plan outlined here.

May 5, 2025

Dear Office of Accreditation, Certification, & Approval,

I am writing in reply to your Rule 14 Compliance Visit dated 3/3/25 and the areas we failed to show compliance with.

004.02A1: The governing body annually updates a written set of policies based upon the purposes and goals of the school or school system. This document is on file in each school building.

Our governing board will consist of the MCR Administration, two MCR classroom teachers, two current MCR parents, and an administrator from a local university. The board will meet this summer to update our policies based on our purposes and goals for the school. This governing board will have a complete set of policies by the designated date stated at the visit on 3/3/25 of September 1, 2025.

004.02A2: The school has a written policy which describes the 1,032 hour instructional program scheduled for elementary students and, if provided, the 400 hour instructional program for kindergarten students. The policy(ies) or regulations stipulate the conditions for which individual students may be excused from the regular school days.

In the updated policy handbook, we will list the necessary required Instructional Hours.

004.02B1: The instructional program of the school is based on a written statement of purposes and/or goals developed at the local level and approved by the local board of education or governing body. This document is on file in each school building and each certificated staff member is provided with a copy.

Upon completion of the update of our policies and goals and approved by our governing board, we will send you the documentation and present this information to all certificated staff at the beginning of the school year meetings.

004.2D2: Each elementary school acquires a minimum of 25 new library media resources, exclusive of textbooks and encyclopedia, of different titles, per teacher per year, up to 150 titles during one year. The minimum full text hard copy titles is 100 if library media resources are also available through electronic format.

The completed list has been submitted to Sandra Suiter on March 25, 2025

004.2E1: Each school annually prepares a written report which includes but need not be limited to student performance and school demographics. No public reports of student performance are provided for any grades having fewer than five students.

We received an outline from a different Montessori school and plan to use it as a template to create our annually written report. Once completed, it will be posted on the school website by September 1, 2025.

004.2E2: Each school selects and uses a standardized norm-referenced assessment instrument. Whole grade assessment begins no earlier than grade two and assessment is conducted annually in at least one grade in each of the following three levels: grades 4-6; grades 7-9; grades 10-12.

Our sixth-grade students will be taking the Iowa Form E Assessment on May 14, 15, 16, 2025.

Mary Anderson
Head of School
7302 Burt Street
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PROPOSED AGENDA ITEM RATIONALE

DATE: **May 21, 2025**

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Jim Kent, Director of Educator Preparation Program Approval
Brad Dirksen, Administrator, Office of Accreditation, Certification, & Approval

PROPOSED AGENDA ITEM:
Approval of Educator preparation programs for 2025-2026 (PE.042025.006)

AGENDA ITEM TYPE (contract/grant/rule/program/other): other

RATIONALE/BACKGROUND INFORMATION:

Nebraska statute 79-318(5)(g) requires the State Board of Education to approve teacher education programs conducted in Nebraska postsecondary educational institutions designed for the purpose of certificating teachers and administrators.

Each Nebraska educator preparation institution is required to submit an annual request for approval of the programs which will be offered in the upcoming academic year. The annual request includes an assurance statement that the institution is in compliance with the requirements of 92 NAC 20, Regulations for the Approval of Teacher Education Programs. In addition, a current matrix which identifies the required courses which meet the requirements for each certificate endorsement offered by the institution is filed with the Accreditation, Certification, & Approval office for review to determine compliance with 92 NAC 24, Regulations for Certificate Endorsements. The list of Nebraska institutions seeking program approval is attached.

NDE staff, in conjunction with the Nebraska Council on Teacher Education (NCTE) and national accrediting bodies, as applicable, conduct comprehensive offsite (folio) and onsite reviews on a periodic basis for each educator preparation program.

All current information and data submitted for purposes of documenting compliance with Rule 20 and Rule 24 annual approval requirements, comprehensive state program review, national accreditation processes, and federal reporting requirements are reviewed by the Accreditation, Certification & Approval section staff and is maintained in the section files.

PROPOSED BOARD MEETING (MONTH/YEAR):

June 2025 Discussion Item
August 2025 Action Item

ESTIMATED COST: NA

FOR CONTRACTS AND GRANTS: NA

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: NA

FOR GRANT SUBAWARDS: NA

**Updated 08.15.2023*

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Support Materials for proposed agenda item

List of Nebraska Colleges and University Educator Preparation Programs Seeking Annual State Approval

Bellevue University
Chadron State College
College of Saint Mary
Concordia University
Creighton University
Doane University
***Hastings College**
Midland University
Nebraska Wesleyan University
Peru State College
***Union Adventist University**
***University of Nebraska Kearney**
***University of Nebraska Lincoln**
University of Nebraska Omaha
Wayne State College
***York University**

***Indicates programs who have completed their 7 Year Program Approval for NDE in the past year.**

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STATE BOARD OF EDUCATION
RULES AND REGULATIONS COMMITTEE REPORT

Date: June 5, 2025

The Rules and Regulations Committee reports on the June 5, 2025, meeting of the committee. Members present were chair Maggie Douglas, vice chair Liz Renner, Elizabeth Tegtmeier, and Kirk Penner.

Committee members reviewed the Report on Rules and Committee Report.

The public hearing was held on April 29, 2025, for revisions to Rule 3, Regulations Governing High Ability Learners. NDE staff shared the hearing summary and testimony. The committee, having no concerns, recommends approval.

The public hearing was held on June 4, 2025, for revisions to Rule 15, Regulations and Procedures for English Learner Programs in Nebraska Public Schools. NDE staff shared the hearing summary and testimony. The committee, having no concerns, recommends approval.

Public hearings were held April 29, 2025, for the repeals of Rule 22, Regulations Governing the Master Teacher Program, Rule 25, Regulations Governing the Excellence in Teaching Act, and Rule 26, Regulations and Procedures for Mentor Teacher Programs. NDE staff shared the hearing summary and testimony. The committee, having no concerns, recommends approval.

NDE staff provided information on proposed revisions to Rule 11, Regulations for the Approval of Prekindergarten Programs Established by Schools Boards or Educational Service Units and for the Issuance of Early Childhood Education Grants. NDE staff will modify the revisions for further review by the committee.

NDE staff provided information on proposed revisions to Rule 8, Regulations for School Finance and Budgeting/State Funding of Educational Service Units and Learning Communities. NDE staff will modify the revisions for further review by the committee.

NDE staff provided an update on proposed revisions to Rule 10, Regulations and Procedures for the Accreditation of Schools. The committee will continue discussing the rule revisions.

NDE staff provided a potential public input draft of revisions to Rule 20, Regulations for the Approval of Educator Preparation Programs. The committee recommends proceeding with public input.

NDE staff provided an update on proposed revisions to Rule 24, Regulations for Certification Endorsements. The committee will continue discussing the rule revisions.

NDE staff provided information on changes to the Administrative Procedure Act relevant to the rule making process. The committee will continue to discuss this topic.

This concludes the Rules and Regulations Committee report.

Maggie Douglas, Chair
*Submit a printed copy to the Committee Chair and email to the Recording Secretary.

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To: Dr. Brian L. Maher, Commissioner of Education

From: Debra Holmes, Paralegal

Date: May 30, 2025

Subject: Report on Rules

Awaiting Approval by the Governor

Revision - Title 92, Nebraska Administrative Code, Chapter 21, *Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools*

Public Hearing Held:	December 3, 2024
Approved by the State Board of Education:	December 6, 2024
Approved by the Attorney General:	April 3, 2025
Approved by the Governor:	May 30, 2025
Effective Date:	June 4, 2025

Revision - Title 92, Nebraska Administrative Code, Chapter 24, *Regulations for Certificate Endorsements*

Public Hearing Held:	December 3, 2024
Approved by the State Board of Education:	December 6, 2024
Approved by the Attorney General:	April 3, 2025
Approved by the Governor:	May 30, 2025
Effective Date:	June 4, 2025

Awaiting Approval by the State Board of Education

Revision - Title 92, Nebraska Administrative Code, Chapter 3, *Regulations Governing High Ability Learners*

Public Hearing held: April 29, 2025

Revision – Title 92, Nebrasaka Administrative Code, Chapter 15, *Regulations and Procedures for English Learner Programs in Nebraska Public Schools*

Public Hearing to be Held: June 2, 2025

Repeal - Title 92, Nebraska Administrative Code, Chapter 22, *Regulations Governing the Master Teacher Program*

Public Hearing held: April 29, 2025

Repeal - Title 92, Nebraska Administrative Code, Chapter 25, *Regulations Governing the Excellence in Teaching Act*
Public Hearing held: April 29, 2025

Repeal - Title 92, Nebraska Administrative Code, Chapter 26, *Regulations and Procedures for Mentor Teacher Programs*
Public Hearing held: April 29, 2025

Revision - Title 93, Nebraska Administrative Code, Chapters 1-16, *Personnel Rules*
Public Hearing to be held: May 15, 2025
**Consideration by the Executive Committee

Information Items – Review of Potential Public Input Draft

Revision - Title 92, Nebraska Administrative Code, Chapter 8, *Regulations for School Finance and Budgeting/State Funding of Educational Service Units and Learning Communities*

Revision - Title 92, Nebraska Administrative Code, Chapter 11, *Regulations for the Approval of Prekindergarten Programs Established by School Boards or Educational Service Units and for the Issuance of Early Childhood Education Grants*

Revision - Title 92, Nebraska Administrative Code, Chapter 20, *Regulations for the Approval of Educator Preparation Programs*

Ready for Public Hearing

Revision – Title 92, Nebraska Administrative Code, Chapter 86, *Regulations and Procedures for Public School Breakfast Program Reimbursement*

Other Rules in the Revision Process

Revision - Title 92, Nebraska Administrative Code, Chapter 6, *Regulations and Standards for Uniform Sharing of Student Data, Records and Information*

Revision - Title 92, Nebraska Administrative Code, Chapter 10, *Regulations and Procedures for the Accreditation of Schools*

Revision - Title 92, Nebraska Administrative Code, Chapter 13, *Regulations and Procedures for Exempting Schools for which Parents Elect Not to Meet Legal Requirements for School Approval and Accreditation*

Revision - Title 92, Nebraska Administrative Code, Chapter 14, *Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools*

Revision - Title 92, Nebraska Administrative Code, Chapter 17, *Regulations Governing the Approval of Alternative Schools, Classes, or Programs for Expelled Students*

Revision - Title 92, Nebraska Administrative Code, Chapter 19, *Regulations Regarding School Enrollment*

Revision - Title 92, Nebraska Administrative Code, Chapter 27, *Regulations and Standards for Professional Practices Criteria*

Revision - Title 92, Nebraska Administrative Code, Chapter 28, *Professional Practices Investigations, Hearings, and Determinations by the State Board*

Revision - Title 92, Nebraska Administrative Code, Chapter 47, *Regulations for Career Academy Programs Established by School Districts*

Revision - Title 92, Nebraska Administrative Code, Chapter 51, *Regulations and Standards for Special Education Programs*

Revision - Title 92, Nebraska Administrative Code, Chapter 55, *Rules of Practice and Procedure for Due Process Hearings in Special Education Contested Cases*

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Sheyanne S. Smith
High Ability Learning Specialist
Office of Teaching, Learning, and Assessment

PROPOSED AGENDA ITEM: Action Item: Adopt proposed revision of Rule 3 (92 NAC 3) Regulations Governing High Ability Learners, RR.022025.001

AGENDA ITEM TYPE (contract/grant/rule/program/other): Rule

RATIONALE/BACKGROUND INFORMATION:

Rule 3, which governs High Ability Learning (HAL) in Nebraska, has undergone a comprehensive revision process to align with legislative changes and update its provisions. These revisions are the first to Rule 3, originally enacted in 1998. The provisions of the Rule will apply to Nebraska public school districts.

Duties of the State Board of Education:
LB1329, passed in April, 2024, Nebraska Revised Statute 79-1105 -- 79-1108.03 states:

> "The State Board of Education shall adopt and promulgate rules and regulations to implement sections 79-1105 to 79-1108.03, including criteria for the approval of accelerated or differentiated curriculum programs, consistent methods for identification of learners with high ability, and data requirements for measuring academic progress of students participating in the accelerated or differentiated curriculum programs.

The following statutory changes necessitated the revisions to Rule 3:

- Revised definition of High Ability Learner
- Added provisions for consortium funding
- Added adoption of consistent methods for identification of learners with high ability

Revision Process:

- A 2021 preliminary stakeholder survey conducted by the NDE to gather input on the provisions of Rule 3 and desired potential changes. Stakeholders indicated a need for increased funding and enhanced state-level guidance for HAL identification.
- In September 2023, the Rules & Regulations Committee identified Rule 3 as a priority for revision.

- During the 2024 legislative session, LB1329 modified Nebraska Revised Statute 79-1105 -- 79-1108.03, necessitating updates to Rule 3.
- Proposed revisions were developed through an iterative drafting process involving stakeholders, the Department, and the Rules & Regulations Committee.

Engagement:
Engagement included input from a geographically representative group of Nebraska K-12 educators, postsecondary faculty, the public, district administrators, ESUs, and department staff. Engagement was conducted via the following:

- Internal department advisory
- External writing teams, including teachers, administrators, ESU personnel, HAL coordinators, special education staff, and higher education representatives from rural, urban, and suburban areas, collaborated throughout 2023 and 2024 to draft, gather feedback on, and revise the proposed changes.
- Drafts of Rule 3 were provided to the State Board in August 2024, November 2024, and February 2025.
- A public input period (December 17-31, 2024) yielded submissions from district personnel, parents, and ESU staff across all State Board regions.
- A public hearing was held on April 29, 2025, at 9:00am via ZOOM. After a description of the changes, two people testified in support. There were no other testifiers. A compiled transcript of the hearing is attached along with the report of the hearing officer.

Proposed Revisions:

- Create consistent methods for identification of high ability learners
    - Ensure all districts are meeting minimum standard for HAL identification.
        - Multiple criteria – A minimum of 3 data points from both quantitative and qualitative data sources; Assessments selected by districts and may include assessments already being administered
    - Allows for consistency when evaluating HAL at the state level.
    - Create portability of HAL identification to allow a student who has been identified as HAL in one Nebraska district to continue to be served if the student transfers districts.

- Modify requirements for data reporting, evaluation, and HAL plan
    - Align with NeMTSS Continuous Improvement Plan to eliminate redundancy.
    - Disaggregate and report achievement data by HAL
    - Adjustment of evaluation cycles to align with accreditation timelines (5-year cycle)

- Add parameters for consortium funding.
    - Outline responsibilities of a fiscal agent
    - Agreement of funding distribution

Stakeholder feedback yielded the following key themes:

- Support for consistent statewide identification criteria while maintaining local flexibility
- Support for identification portability and data reporting requirements

- Express need for clear compliance mechanisms and implementation guidance, resources, and professional learning to properly implement the proposed revisions.

Additional attached information includes an executive summary, fiscal statement, drafts of the revised Rule 3 in both legislative format and as a clean copy, and the relevant statutes.

The NDE staff has worked with the Rules & Regulations Committee to ensure thorough review and alignment with statutory requirements. Rule 3 updates have been presented to the Committee in September 2023, December 2023, August 2024, December 2024, and February 2025. This collaboration has enabled thoughtful discussion, stakeholder input, and continuous refinement of the proposed changes.

The department is requesting the state board adopt proposed revisions to Rule 3 (92 NAC 03), Regulations Governing High Ability Learners.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $0

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: N/A
- New or Renewal: N/A
- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: N/A
- Rationale for method of procurement: N/A
- Rationale for contractor selection: N/A

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

**Updated 08.15.2023*

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION

CHAPTER 3 - REGULATIONS GOVERNING LEARNERS WITH HIGH ABILITY

001 GENERAL PROVISIONS

001.01 Statutory Authority

This Chapter is adopted pursuant to Neb. Rev. Stat. 79-318 and 79-1105 through 79-1108.03.

001.02 Scope and Delimitations

This Chapter is adopted for the purpose of specifying consistent methods for the identification of learners with high ability, defining and providing for the standards of quality for a continuum of high ability services distributing funds to eligible school districts and combinations of school districts, and establishing requirements for measuring the academic progress of students receiving high ability services. The State Board of Education, through the provisions of this Chapter, intends to encourage schools to develop and implement plans for the appropriate education of learners with high ability. Changes to this chapter become operative beginning with the first school year that starts after the effective date of such changes.

002 DEFINITIONS

002.01 Appeals Process means a procedure for a student or a parent, or guardian to request a review of an identification, placement, or service decision on which there is a disagreement.

002.02 Assessment Tool means a measure used to ascertain evidence of potential and/or demonstrated ability. Tools should include varying measurements aligned with the operational definition of High Ability Learner.

002.03 Combination of school districts means two or more school districts acting together or an educational service unit acting on behalf of two or more school districts.

002.04 Department means the Nebraska Department of Education.

002.05 Exit Procedure means a systematic process used to determine whether a student is no longer benefitting from high ability eligibility and should be released from the identification.

002.06 High Ability Services means a continuum of academic and affective instructional approaches, settings, and staffing selected for the delivery of appropriate services to support the needs of individual learners with high ability.

002.07 Learner with High Ability has the same meaning as in Neb. Rev. Stat. 79-1107.

002.08 Local Norms means comparing student performance on standardized assessments with grade-level peers in the same local context (i.e. school building, district, etc.).

002.09 Matching Funds means funds a school district or a combination of school districts uses to fund an approved accelerated or differentiated curriculum program from sources other than the appropriation distributed pursuant to the provisions of section 006 of this chapter.

002.10 Multiple Criteria means the use of three (3) or more varied assessment tools in the identification of learners with high ability.

002.11 National Norms means the use of standardized tests to compare the scores of students with a common national standard defined by the performance of a representative national sample of students of the same age or in the same grade.

002.12 State Norms means comparing student performance on standardized assessments with a common state

standard defined by the performance of a representative state sample of students of the same age or in the same grade.

002.13 Portability means that an identification as a learner with high ability by a Nebraska school district is a part of a student's permanent record, and such identification makes the student eligible for high ability services in all Nebraska school districts regardless of transfers or relocations.

002.14 Regular Curriculum means a standards-based sequence of planned learning that enables a student to master the knowledge and skills of the student's current grade level.

002.15 School District means a local system as defined in Neb. Rev. Stat. 79-1003.

002.16 School Fiscal Year means the fiscal year of a school district as defined in Neb. Rev. Stat. 79-1091.

002.17 Twice-Exceptional means a student who is:

002.17(A) Identified as a learner with high ability pursuant to this Rule; and

002.17(B) A child with a disability pursuant to Neb. Rev. Stat. 79-1117 or a qualified student with a disability pursuant to section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794, or Title II of the federal Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to 12165.

003 PLAN FOR HIGH ABILITY SERVICES

003.01 To qualify as an approved program and receive state funding for high ability learning, a school district or combination of school districts must submit a High Ability Learning Plan to the department annually. The department will approve a plan that meets the standards of quality described in this section. For a program to be approved, the plan must include the following standards of quality:

003.01(A) A definition of learner with high ability that operationalizes the elements of the definition in Neb. Rev. Stat. 79-1107;

003.01(B). The goals and objectives of the local program for learners with high ability;

003.01(C) Identification procedures for learners with high ability as described in section 004 of this chapter;

003.01(D) A description of the continuum of high ability services as described in section 005 of this chapter;.

003.01(E) The evaluation process as described in section 007 of this chapter;

003.01(F) A staff development training and support plan; and

003.01(G) A program management outline, including, but not limited to, personnel roles, the plan for communicating with parents and guardians and the public, an appeals process, and an action plan.

003.02 The approved plan may be developed by a representative planning committee including parents and guardians, classroom teachers, administrators, and outside stakeholders. Advisory members with experience or expertise in education of learners with high ability are highly encouraged to be a part of the planning committee.

003.03 Each school district or combination of school districts with an approved plan must make such approved plan available to the citizens of the school district or combination of school districts by posting a copy publicly (ex: on their respective websites, parent and guardian communication platform, etc.). A written copy must also be provided upon request.

004 IDENTIFICATION PROCEDURES

004.01 Each school district, individually or in a combination of school districts, must adopt uniform procedures to identify students as learners with high ability. The procedures may be developed or administered by an individual

school district or a combination of school districts. The procedures must:

004.01(A) Recognize a student's exceptional abilities, potential, interests, and needs by creating a holistic profile. The procedures should focus on identifying areas of strength rather than emphasizing the absence of weakness;

004.01(B) Align with the operational definition of learner with high ability and any continuum of services provided;

004.01(C) Include universal consideration of all students by annually reviewing results from universally administered statewide assessments and/or whole grade norm-referenced assessments using a nationally recognized assessment instrument. This process will create a pool of potential candidates for identification of learners with high ability. This process must ensure thorough identification within the candidate pool;

004.01(D) Be based on multiple criteria. Criteria should be designed for identification of learners with high ability within the local population;

004.01(D)(i) Include scores from valid and reliable instruments that can identify exceptional abilities and potential;

004.01(D)(ii) Criteria must combine quantitative and qualitative data, including data with direct relevance to the operational definition of a learner with high ability;

004.01(D)(iii) Use local, state and/or national norms;

004.01(D)(iv) Include at least three (3) data points as follows:

004.01(D)(iv)(1) One data point must be from one of the following quantitative assessment tools:

004.01(D)(iv)(1)(a) An individually administered or group-administered, norm-referenced or criterion-referenced aptitude, ability, cognitive, achievement, or individual intelligence assessment;

004.01(D)(iv)(1)(b) A record of academic activity such as grades, grade point average, formative assessments, summative assessments, task performance, and/or student products. Performance data for twice-exceptional students should include accommodations;

004.01(D)(iv)(1)(c) The student's cumulative records, which may include progress reports, evaluations, or, for twice-exceptional learners, Individualized Education Program (IEP) or 504 Plan documentation;

004.01(D)(iv)(1)(d) Student behavior metrics, such as absenteeism, tardiness, suspension, and other documented incidents;

004.01(D)(iv)(1)(e) Results from language acquisition assessments (ex. ELPA) and/or biliteracy and language proficiency tests (ex. AAPPL, Avant STAMP) to identify advanced language development or potential among English Learners;

004.01(D)(iv)(1)(f) Analysis of variable performance across domains to identify twice-exceptional students; or

004.01(D)(iv)(1)(g) An additional valid and reliable assessment.

004.01(D)(iv)(2) The second data point must be from one of the following qualitative assessment tools:

004.01(D)(iv)(2)(a) Nominations;

004.01(D)(iv)(2)(b) An assessment of student performance, work samples, or a student portfolio;

004.01(D)(iv)(2)(c) Enrollment and evidence of success in accelerated or advanced coursework,

enrichment programs, honors classes, or classes for which students are eligible to receive college credit;

004.01(D)(iv)(2)(d) A record of accomplishments, such as awards, honors, extracurricular achievements, or success in external organizations;

004.01(D)(iv)(2)(e) Observation checklists or anecdotal records;

004.01(D)(iv)(2)(f) Rating scales, checklists, or questionnaires;

004.01(D)(iv)(2)(g) An individual interview; or

004.01(D)(iv)(2)(h) Teacher, school personnel, parent or guardian, Community member, peer, or self-input; and

004.01(D)(iv)(3) The third data point and any additional data points may be from the categories in subdivision 004.01(D)(iv)(1) or 004.01(D)(iv)(2) of this section, from an additional valid and reliable measure or procedure, or from teachers, parents or guardians, community members, peers, or self-input; and

004.01(E) Include an appeals process for parents, guardians, or other persons exercising legal or actual charge or control over the child to appeal any decision of the school regarding the identification or non-identification of their child as a learner with high ability.

004.02 Within thirty (30) school days following the identification of a learner with high ability, the district must notify a parent or guardian of such identification and provide the procedures under which the student was identified as a learner with high ability and other relevant information.

004.03 Within the first thirty (30) school days following the identification of a learner with high ability, the school district administration must provide the classroom teacher with documentation of such identification.

004.04 If a student is identified as a learner with high ability but will not receive high ability services, the school district or combination of school districts must provide written notice to a parent or guardian that no high ability services will be provided.

004.05 Identification as a learner with high ability in Nebraska is portable. Each school district or combination of districts must establish and implement procedures for the statewide portability of an identification as a learner with high ability, including, but not limited to:

004.05(A) Transferring the evidence for any such identification and information about any high ability services received with the student records if a student leaves the school district prior to graduation;

004.05(B) Reviewing the student records of any student transferring into the school district within thirty (30) school days of enrollment to determine if the student has been identified as a learner with high ability, if the student has received any high ability services, and what, if any, high ability services will be provided to the student;

004.05(C) If under subdivision 004.05(B) of this chapter a student transferring into the school district is found to have been identified as a learner with high ability, communicating with parents and guardians within sixty (60) calendar days of enrollment about any high ability services to be provided to the student; and

004.05(D) If the learner with high ability identification records for any student transferring into the school district are incomplete, consulting with the former school district or a parent or guardian, to obtain the complete record.

004.06 The identification status of a student identified as a learner with high ability may only be terminated by a school district or combination of school districts following an exit procedure established pursuant to this

subdivision. Each school district or combination of school districts must develop a formal exit procedure which includes, but is not limited to:

004.06(A) Provision of a written notice to a parent or guardian that the student's identification as a learner with high ability is under review. Such notice must include the reason for undertaking such review. The reason must be based on a legitimate educational concern related to high ability services. Behavioral concerns, academic/achievement performance, or transferring schools alone do not qualify as legitimate educational concerns related to high ability services. Exit decisions must be based on comprehensive evidence that aligns with the operational definition of a high ability learner and the student's demonstrated needs;

004.06(B) An evaluation of student performance. The evaluation must be designed to identify the source of the student's legitimate educational concern related to high ability services and identify the most appropriate intervention. Multiple data points should be considered. No single criterion, such as grades or conduct, is sufficient to remove a student's identification as a student with high ability;

004.06(C) Communication with a parent or guardian and the student to discuss the results of the evaluation;

004.06(D) Development of an action plan addressing the area of concern for a designated period of time. This may include, but is not limited to, behavior intervention, a change in services, or additional evaluation;

004.06(E) A review of the data at the end of the designated period to determine whether the student's high ability identification status should be maintained or formally exited, based on the student's educational needs;

004.06(F) Notification of a parent or guardian in writing of the determination. The determination may be appealed by a parent or guardian pursuant to the appeals process developed pursuant to subdivision 004.01(D) of this chapter; and

004.06(G) Eligibility for a student who is exited from their status as learner with high ability may be reidentified as a learner with high ability in the same manner as any other student is so identified.

004.07 In cases where a student identified as a learner with high ability transfers to a school district that does not offer high ability services or does not offer services in the identified domain (e.g., math, performing arts), the receiving school district must:

004.07(A) Provide written notice to the parent or guardian within thirty (30) school days of the student's enrollment. This notice must clearly state that the school district or combination of school districts does not offer services in the identified area of high ability or does not provide high ability services;

004.07(B) Maintain the student's record of high ability identification, regardless of the availability of services within the school district or combination of school districts, unless the exit procedure outlined in section 004.06 is followed; and

004.07(C) Provide the parent or guardian the opportunity to discuss any alternative educational options that may be provided to support the students' continued growth.

005 CONTINUUM OF HIGH ABILITY SERVICES

005.01 Each school district or combination of school districts serving learners with high ability must serve identified learners with high ability during the school day. Additional offerings, such as academic competitions, clubs, or optional extracurricular activities may be used supplementally. School districts, or a combination of school districts, must serve such students using a continuum of high ability services that may include, but are not limited to, the following:

005.01(A) Differentiated Curriculum. Differentiated curriculum is an adjustment of the regular curriculum that provides challenges at appropriate levels according to the strengths of individual students. Differentiated curriculum provides such challenges through modified processes, products, or content, including, but not limited to:

005.01(A)(i) Curriculum Enrichment. Curriculum enrichment is the process of enhancing the regular curriculum by offering additional opportunities, resources, or activities that extend, deepen, or broaden learning experiences for students who have already mastered or can quickly master the standard content;

005.01(A)(ii) Curriculum Compacting. Curriculum compacting is the process of assessing student mastery and adjusting curriculum for students who have already mastered the material replacing content students know with new content, enrichment options, or other activities;

005.01(A)(iii) Project-Based Learning. Project-based learning (PBL) is a learning model that encourages the active participation of learners with high ability and allows such learners to gain knowledge and develop skills as they work to investigate a complex problem, question, or challenge over a sustained amount of time. PBL enhances both academic and social skills and emphasizes the use of technology;

005.01(A)(iv) Independent Study. Independent study is a learning model where a student conducts self-directed research projects that are carefully planned with the teacher and monitored frequently; or

005.01(A)(v) Advanced Academic Courses. Advanced academic courses are designed to offer more challenging learning experiences than the regular curriculum, often at a faster pace and more in-depth. Examples include: courses for which students are eligible for college credit, honors courses, and dual enrollment.

005.01(B) Grade-Based Acceleration. Grade-based acceleration occurs when a student moves through the regular curriculum at a rate faster than typical of the same-aged peers. Curriculum acceleration includes, but is not limited to, skipping a grade level, subject-based acceleration, early entrance into kindergarten or postsecondary education, or earning credit by examination.

005.01(C) Student Ability or Flexible Grouping. Student ability or flexible grouping is the use of various organizational formats to meet the academic and affective needs of learners with high ability through placement with like-ability peers. Grouping is flexible and uses data to group and regroup students for learning activities based on their strengths, interests, and readiness. This includes, but is not limited to:

005.01(C)(i) Cluster Grouping. A method of grouping in which high ability students at a specific grade level are placed together in one classroom, along with a group of high-achieving and average-ability students. This reduces the span of academic readiness levels the teacher needs to manage, making it easier to provide targeted instruction while ensuring exposure to rigorous content to students who have not yet been identified to help develop their talents;

005.01(C)(ii) Enrichment Clusters. Collaborative, choice-based projects, usually scheduled for one or two periods a week and conducted in cycles throughout the year that allow students and teachers to work in areas of interest with others who share the same interest,

005.01(C)(iii) Pull-out Programs. Students with advanced potential are pulled from their regular classrooms to work with a staff member who facilitates accelerated and/or enriched learning experiences, or

005.01(C)(iv) Cross-Grade Grouping. Students of similar ability are grouped across different grade levels in particular subjects; and

005.01(D) Mentoring/Shadowing. The pairing of a student with an individual with specialized knowledge in a short-term or in-depth, mentoring relationship designed to provide a series of meaningful learning experiences. This experience may occur within a school setting or at an external location.

005.02 Learners with high ability require affective support to foster cognitive growth. Therefore, targeted affective skill development and growth and sucess supports must be provided by each eligible, approved school district or combination of school districts with an approved plan.

005.02(A) Affective Skill Development refers to the intentional teaching and development of emotional, social,

and interpersonal skills to address the unique needs and challenges associated with learners with high ability. This includes, but is not limited to, providing opportunities for students to develop emotional intelligence, resilience, and interpersonal skills through targeted activities, discussions, and peer interactions.

005.02(B) Growth & Success Supports provides targeted strategies to address the unique social and emotional needs of high ability learners, preparing them to succeed and become college and career ready. This includes, but is not limited to, approaches for managing perfectionism, underachievement, transitions, academic planning, and performance, as well as vocational and career awareness, exploration, and planning.

006 STATE FUNDING

006.01 The Department will, annually on or before October 15, distribute funds appropriated for approved accelerated or differentiated curriculum programs to school districts and combinations of school districts.

006.02 Each school district may apply to the Department individually or in a combination of school districts for base funds and matching funds. Each eligible applicant school district or combination of school districts will receive one-tenth of one percent of the appropriation as base funds plus a pro rata share of the remainder of the appropriation based on identified learners with high ability participating in an approved program as matching funds. For purposes of calculating matching funds under this subsection, the number of identified learners with high ability participating in an approved program in any school district may not exceed ten percent of the prior school year's fall membership as defined in Neb. Rev. Stat. 79-1003. Each applicant school district or combination of school districts must:

006.02(A) Provide an approved program pursuant to section 003 of this chapter for students identified as learners with high ability;

006.02(B) Provide matching funds greater than or equal to fifty percent of the matching funds received pursuant to this chapter;

006.02(C) On or before August 1 of the year following the receipt of funds, provide an accounting in the manner prescribed by the Department of the funds received pursuant to this section, matching funds required by subdivision 006.02(B) of this chapter, and the total cost of the accelerated or differentiated curriculum program; and

006.02(D) Provide data regarding the academic progress of students participating in the accelerated or differentiated curriculum program as required under subsection 007.02 of this chapter.

006.03 If a school district or combination of school districts will not be providing the necessary matching funds required by subdivision 006.02(B) of this chapter, the school district or combination of school districts must request a reduction in the amount received such that the school district or combination of school districts will be in compliance with such requirement. A school district or combination of school districts not complying with the matching fund requirement in subdivision 006.02(B) of this chapter will be ineligible for funds in the following year.

006.04 A School district or combination of school districts applying for base and matching funds under this section must use the application forms provided by the Department. Such applications must be received by the Department by September 15 of each year.

006.05 School districts that are applying for funding under this chapter as part of a combination of school districts must determine the method for identifying expenditures for funding with the approved program and reach a consensus on a mutually-beneficial plan.

006.06 Each school district or combination of school districts must provide an accounting of funds to the Department pursuant to Neb. Rev. Stat. 79-1108.02 on forms provided by the Department. Each combination of school districts must designate a fiscal agent, which may be one of the member school districts or an educational service unit. The fiscal agent will complete the application, revise and publish the approved plan, and provide the accounting of funds to the Department.

007 DATA, EVALUATION, AND FUTURE PLANNING

007.01 Data requirements for measuring and reporting academic progress. Each school district must gather and maintain aggregate data measuring the academic progress for the school district's identified learners with high ability. Each school district or combination of districts must provide the data required under this subsection to the Department by June 30 of each school year electronically via the Department's reporting system using the Department's student identifier system.

007.01(A) At a minimum, such data must include:

007.01(A)(i) Individual achievement, including student achievement data collected pursuant to 92 NAC 10;

007.01(A)(ii) SAT/ACT scores;

007.01(A)(iii) Graduation rates; and

007.01(A)(iv) The number of identified learners with high ability participating in courses for which students are eligible for college credit, honors courses, or dual enrollment.

007.01(B) Each school district must provide the data required under subsection 007.01 of this chapter to the Department on forms prescribed by the Department.

007.02 Program review Each school district or combination of school districts serving learners with high ability must establish procedures for both formative and summative evaluation for a review. The purpose of such evaluation is to measure program effects, identify strengths, and provide information to drive continuous improvement of supporting learners with high ability.

007.02(A) The evaluation procedures must include input from parents and guardians, educators, students, and community members.

007.02(B) Each school district or combination of school districts must conduct a comprehensive program review at least once every five years. A report summarizing the program review process and its outcomes must be submitted to the Department within each five-year period. The program review process should include, but is not limited to:

007.02(B)(i) Methods and tools for evaluation, including, but not limited to, a schedule for periodic feedback and review of the program goals, identification process, services, personnel, budget, and reporting practices;

007.02(B)(ii) Collection and analysis of data about student performance, including, but not limited to, academic and affective outcomes; demographics, learning climate, and former high school students. Analysis includes, but is not limited to, outcomes in relation to program goals and identification proportionality;

007.02(B)(iii) Analysis of progress toward the goals outlined in the approved plan;

007.02(B)(iv) Personnel qualifications and staff development, including, but not limited to, the number of FTE dedicated to learners with high ability, the number of high ability endorsed staff, counselors, and number of professional learning hours related to learners with high ability;

007.02(B)(v) Communication, including, but not limited to, efforts to publicize the approved plan, communication with parents and guardians regarding identification and services, and community and family engagement; and

007.02(B)(vi) Stakeholder perceptions, including, but not limited to, student, parent or guardian, staff, and community perceptions of the program.

007.03 Plan revisions Each approved plan should be revised each five years in response according to the results of

the evaluation review. Revised plans should include, but not be limited to, findings from the review process, changes implemented, and newly established goals.

007.04 The evaluation procedures and reviewmust be available for review by interested persons upon request after redaction of any personally identifiable student information.

008 APPEALS

008.01 Any applicant for funding under section 006 of this chapter aggrieved by a decision of the Department related to this chapter may request in writing a review by the Commissioner of Education within fifteen (15) calendar days of receipt of the Department s decision. The Commissioner must review the claim together with all other materials submitted in the claimant's application, the requirements of this chapter, and state law. The Commissioner, within ninety (90) calendar days of the Department s receipt of the claim, must make a final written determination regarding the claim. A copy of the final written determination must be mailed to the claimant, certified mail, return receipt requested.

008.02 If the claimant disagrees with the Commissioner s final written determination, the claimant may request a hearing on the determination within fifteen (15) calendar days following receipt of the final written determination pursuant to 92 NAC 61(Rule 61).

009 PENALTIES FOR NONCOMPLIANCE

009.01 In addition to other penalties which may be provided by law for noncompliance with the requirements of Neb. Rev. Stat. 79-1105 through 79-1108.03 and the requirements of this chapter, the failure of a school district to comply with the identification requirements of Neb. Rev. Stat. 79-1108 and section 004 of this chapter will be treated as a violation of a mandatory provision of 92 NAC 10 (Rule 10), and may subject the school district to loss of accreditation as provided in that chapter. A school district may comply with the identification requirements in combination with one or more other school districts.

FISCAL IMPACT
STATEMENT

Agency: **Nebraska Department of Education**
Prepared by: **Sheyanne S. Smith**
Date Prepared: **05/21/2025**
Phone: **531-207-4096**
Title: **92**
Chapter: **3**
Name: **Regulations Governing High Ability Learners**
Statement Status: **Final Draft Approval**

Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact	**X**	**X**	N/A
Increase Costs			
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. The Legislature already provides funds to Nebraska Department of Education for this program.

Political Subdivision: None.

Regulated Public: None.

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION

CHAPTER 3 - REGULATIONS GOVERNING LEARNERS WITH HIGH ABILITY ~~LEARNERS~~

001 GENERAL PROVISIONS

001.01~~.~~ Statutory Authority

This Chapter is adopted pursuant to Neb. Rev. Stat. 79-318 and 79-1105 through 79-1108.03. ~~power and duty vested in the State Board of Education in the following Revised Statutes of Nebraska (R.R.S.):~~

~~001.01A. Section 79-318, which reads:~~

~~"The State Board of Education shall:~~

~~. . . (5) (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. . . .;~~

~~001.01B. Section 79-1105, which reads in part:~~

~~"The State Department of Education has authority to employ a full-time consultant trained and experienced in the field of education of learners with high ability. Such consultant shall encourage, advise, and consult with each school of the state in the development and implementation of plans for education of learners with high ability. . . .~~

~~001.01C. Section 79-1107(3) which reads:~~

~~Learner with high ability means a student who gives evidence of high performance capability in such areas as intellectual, creative, or artistic capacity or in specific academic fields and who requires accelerated or differentiated curriculum programs in order to develop those capabilities fully.~~

~~001.01D. Section 79-1108, which reads:~~

~~"For school year 1997-98 and each school year thereafter, each school district shall identify learners with high ability and may provide accelerated or differentiated curriculum programs that will address the educational needs of the identified students at levels appropriate for the abilities of those students. The accelerated or differentiated curriculum programs shall meet the standards of quality established by the department. Educational service units may identify learners with high ability and provide accelerated or differentiated curriculum programs for school districts. Any school district or educational service unit shall be eligible to apply for funds from the Education Innovation Fund to be used for development and improvement of the approved accelerated or differentiated curriculum programs of the district or educational service unit."~~

001.02~~.~~ Scope and Delimitations

This Chapter is adopted for the purpose of specifying consistent methods for the identification of learners with high ability, defining and providing for the standards of quality for a continuum of high ability services ~~accelerated or differentiated curriculum programs for the education of high ability learners,~~ distributing ~~and for the purposes of the distribution of~~ funds to eligible school districts and combinations of school districts, ~~local systems~~ and establishing ~~approval~~ requirements for measuring the academic progress of students receiving high ability services ~~in accelerated or differentiated curriculum programs~~. The State Board of Education, through the provisions of this Chapter, intends to encourage schools ~~of the state~~ to develop and implement plans for the appropriate education of learners with high ability ~~abilities~~. Changes to this chapter become operative beginning with the first school year that starts after the effective date of such changes.

~~001.03. Mission and Belief Statement~~

001.03A. Statement of Purpose. All Nebraska school districts should provide for individual student needs and the development of extraordinary ability and potential.

001.03B. Belief Statements. Educational programs for high ability learners are based on the beliefs that:

001.03B1. High ability learner capabilities are evidenced in all races, creeds, national origins, genders, physical abilities, and economic strata.

001.03B2. All learners with high ability should have an education free from economic and cultural bias.

001.03B3. Individuals with high abilities have unique learning needs.

001.03B4. Learners with high ability come from diverse economic and cultural settings and must be identified. Services should be provided to address their educational needs.

001.03B5. Educators have a responsibility to be adequately trained to meet the needs of learners with high ability.

001.03B6. Community understanding and involvement is critical in the education of learners with high ability.

001.03B7. Parents are valued partners in the education of learners with high ability.

001.03B8. Learners with high ability require a variety of challenging experiences that will enable them to demonstrate their potential.

001.03B9. Educational excellence for learners with high ability requires a commitment of financial and human resources.

002 DEFINITIONS

002.01. Approved Accelerated or Differentiated Curriculum Programs means academic programs that serve the educational needs of learners with high ability developed and approved under Section 79-1108 R.R.S.

002.01 Appeals Proces means a procedure for a student or a parent, or guardian to request a review of an identification, placement, or service decision on which there is a disagreement.

002.02 Assessment Too means a measure used to ascertain evidence of potential and/or demonstrated ability. Tools should include varying measurements aligned with the operational definition of High Ability Learner.

002.03 Combination of school districts means two or more school districts acting together or an educational service unit acting on behalf of two or more school districts.

002.04002.02. Department means shall mean the Nebraska Department of Education.

002.05 Exit Procedure means a systematic process used to determine whether a student is no longer benefitting from high ability eligibility and should be released from the identification.

002.06 High Ability Services means a continuum of academic and affective instructional approaches, settings, and staffing selected for the delivery of appropriate services to support the needs of individual learners with high ability.

002.03. Evaluation. A process of using information about programming to guide decision-making in present and future efforts. Its purposes include: guiding planning for maintaining or improving programming, comparing and selecting among several options or alternatives, and judging whether stated goals and objectives have been attained.

002.07.002.04. Learner with High Ability . "Learner with high ability means a student who gives evidence of high performance capability in such areas as intellectual, creative, or artistic capacity or in specific academic fields and

who requires accelerated or differentiated curriculum programs in order to develop those capabilities fully." [as defined in Nebraska Revised Statute Sec. 79-1107(3)] has the same meaning as in Neb. Rev. Stat. 79-1107.

002.08 Local Norms means comparing student performance on standardized assessments with grade-level peers in the same local context (i.e. school building, district, etc.).

002.09 Matching Funds means funds a school district or a combination of school districts uses to fund an approved accelerated or differentiated curriculum program from sources other than the appropriation distributed pursuant to the provisions of section 006 of this chapter.

002.10 Multiple Criteria means the use of three (3) or more varied assessment tools in the identification of learners with high ability.

002.11 National Norms means the use of standardized tests to compare the scores of students with a common national standard defined by the performance of a representative national sample of students of the same age or in the same grade.

002.12 State Norms means comparing student performance on standardized assessments with a common state standard defined by the performance of a representative state sample of students of the same age or in the same grade.

002.13 Portability means that an identification as a learner with high ability by a Nebraska school district is a part of a student's permanent record, and such identification makes the student eligible for high ability services in all Nebraska school districts regardless of transfers or relocations.

002.14 Regular Curriculun means a standards-based sequence of planned learning that enables a student to master the knowledge and skills of the student's current grade level.

002.15 School Distric means a local system as defined in Neb. Rev. Stat. 79-1003.

002.16002.05. School Fiscal Year means the fiscal year of a school district as defined in Neb. Rev. Stat. 79-1091. shall mean the fiscal year of each school district which commences on September 1 of each year and ends on August 31 of each year pursuant to 79-1091 R.R.S.

002.17 Twice-Exceptiona means a student who is:

002.17(A Identified as a learner with high ability pursuant to this Rule; and

002.17(B A child with a disability pursuant to Neb. Rev. Stat. 79-1117 or a qualified student with a disability pursuant to section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794, or Title II of the federal Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to 12165.

002.06 Special Populations. Those students who, in order to meet their learning needs, may require different and/or special strategies. 002.07. Start-Up Costs. Eligible start-up costs mean costs identified in Section 007.02 associated with: a) conducting local needs assessments for programs for learners with high ability; b) staff development activities for certified staff and specialized teachers of high ability learners under Sections 004 (Identification Procedures) and 005 (Continuum of Programming Services Options, and Strategies and Affective or Guidance Needs); c) enhancement of testing procedures for 004 (Identification Procedures); and, d) materials, software and/or distance learning fees for use with high ability learners. Applicants must affirm that they have not, as of the date of the application, provided students identified as high ability learners with accelerated or differentiated programs or services for the education of learners with high ability. 002.08. Compacted Curriculum. A process for reducing the amount of the curriculum material allowing the student to show mastery of the content by doing less volume of work, eliminating that which has been mastered prior to normal presentation or teaching clusters of needed skills in reduced time frame, and providing time for enrichment and/or acceleration activities appropriate to high ability learners while ensuring mastery of basic skills.

003 DEVELOPMENT OF AN APPROVABLE DISTRICT PLAN FOR THE DELIVERY OF ACCELERATED OR DIFFERENTIATED CURRICULUM PROGRAMS TO HIGH ABILITY SERVICES LEARNERS

003.01. To qualify as an approved program and receive state funding for high ability learning, a school district or combination of school districts must submit a High Ability Learning Plan to the department annually. The department will approve a plan that meets the standards of quality described in this section. For a program to be approved, the plan must In order to be an approved program, each school district shall identify learners with high ability. Educational Service Units (ESUs) may identify learners with high ability and/or provide accelerated or differentiated curriculum programs for school districts. Each approved plan for a school district, whether provided by the district or for the district by an ESU, shall include the following standards of quality elements: 003.01A. The district's philosophy on educational service to learners with high ability.

003.01(A)003.01B. A The district s operational definition of learner with high ability that operationalizes the elements of the definition in Neb. Rev. Stat. 79-1107; learner.

003.01(B)003.01C. The goals and objectives of the local program for learners with high ability;.

003.01(C)003.01D. Procedures for identification of Identification procedures for learners with high ability as described in section 004 of this chapter;, Identification Procedures.

003.01(D)003.01E. A description of the continuum of high ability program services, options, and strategies as described in section 005 of this chapter;, Accelerated and Differentiated Curriculum Program Options and Affective or Guidance.

003.01(E)003.01F. The Overall program evaluation process as described in section 007 of this chapter;008, Evaluation and Future Planning.

003.01(F)003.01G. A staff Staff development training and support plan; and as described in 006.04.

003.01(G)003.01H. A program Program management outline, including, but not limited to, personnel roles, the plan for communicating with the district plan to parents and guardians and the public, an appeals process budget, facilities, and an action plansupplies. 003.01I. Include identified students from Class I districts in the system in the accelerated or differentiated curriculum program.

003.02. The district-wide approved plan may be developed by a representative planning committee including parents and guardians, classroom teachers, administrators, and outside stakeholders other interested parties. Advisory members with experience or expertise in education of learners with high ability are highly encouraged to be a part of the planning committee.

003.03. Each school district or combination of school districts with an approved plan or Educational Service Unit must shall make such the written approved plan available to the citizens of the school district or combination of school districts by posting a copy publicly (ex: on their respective websites, parent and guardian communication platform, etc.). A written copy must also be provided upon request.

004 IDENTIFICATION PROCEDURES

004.01. Each school district, individually or in a combination of school districts, Schools must adopt uniform procedures to identify students as learners with high ability.develop a system to identify learners with high ability as defined in Sec. 79-1107 R.R.S. The procedures may be developed or administered by an individual school district or a combination of school districts. The procedures must This system shall:

004.01(A) Recognize a student's exceptional abilities, potential, interests, and needs by creating a holistic profile. The procedures should focus on identifying areas of strength rather than emphasizing the absence of weakness;

004.01(B Align with the operational definition of learner with high ability and any continuum of services provided;

004.01(C Include universal consideration of all students by annually reviewing results from universally administered statewide assessments and/or whole grade norm-referenced assessments using a nationally recognized assessment instrument. This process will create a pool of potential candidates for identification of learners with high ability. This process must ensure thorough identification within the candidate pool;

004.01(D Be based on multiple criteria. Criteria should be designed for identification of learners with high ability within the local population;

004.01(D)(i Include scores from valid and reliable instruments that can identify exceptional abilities and potential;

004.01(D)(ii Criteria must combine quantitative and qualitative data, including data with direct relevance to the operational definition of a learner with high ability;

004.01(D)(iii Use local, state and/or national norms;

004.01(D)(iv Include at least three (3) data points as follows:

004.01(D)(iv)(1 One data point must be from one of the following quantitative assessment tools:

004.01(D)(iv)(1)(a An individually administered or group-administered, norm-referenced or criterion-referenced aptitude, ability, cognitive, achievement, or individual intelligence assessment;

004.01(D)(iv)(1)(b A record of academic activity such as grades, grade point average, formative assessments, summative assessments, task performance, and/or student products. Performance data for twice-exceptional students should include accommodations;

004.01(D)(iv)(1)(c The student's cumulative records, which may include progress reports, evaluations, or, for twice-exceptional learners, Individualized Education Program (IEP) or 504 Plan documentation;

004.01(D)(iv)(1)(d Student behavior metrics, such as absenteeism, tardiness, suspension, and other documented incidents;

004.01(D)(iv)(1)(e Results from language acquisition assessments (ex. ELPA) and/or biliteracy and language proficiency tests (ex. AAPPL, Avant STAMP) to identify advanced language development or potential among English Learners;

004.01(D)(iv)(1)(f Analysis of variable performance across domains to identify twice-exceptional students; or

004.01(D)(iv)(1)(g An additional valid and reliable assessment.

004.01(D)(iv)(2 The second data point must be from one of the following qualitative assessment tools:

004.01(D)(iv)(2)(a Nominations;

004.01(D)(iv)(2)(b An assessment of student performance, work samples, or a student portfolio;

004.01(D)(iv)(2)(c Enrollment and evidence of success in accelerated or advanced coursework, enrichment programs, honors classes, or classes for which students are eligible to receive college credit;

004.01(D)(iv)(2)(d A record of accomplishments, such as awards, honors, extracurricular achievements, or success in external organizations;

004.01(D)(iv)(2)(e Observation checklists or anecdotal records;

004.01(D)(iv)(2)(f Rating scales, checklists, or questionnaires;

004.01(D)(iv)(2)(g An individual interview; or

004.01(D)(iv)(2)(h Teacher, school personnel, parent or guardian, Community member, peer, or self-input; and

004.01(D)(iv)(3 The third data point and any additional data points may be from the categories in subdivision 004.01(D)(iv)(1) or 004.01(D)(iv)(2) of this section, from an additional valid and reliable measure or procedure, or from teachers, parents or guardians, community members, peers, or self-input; and

~~004.01A. Use multiple assessment measures and appraisals so that schools can identify students in different talent areas and at different ages.~~

~~004.01B. Provide students with equal access to identification opportunities.~~

~~004.01C. Identify talents that are not readily apparent in students, as well as those that are obvious.~~

~~004.02. The identification process shall include multiple criteria in an effort to be inclusive rather than exclusive. This process shall be based on the elements in 004.01A-C, a combination of standardized instruments and non-standardized means and criteria, and a local needs assessment.~~

004.01(E)~~004.03~~. Include an appeals process ~~The identification process shall include provision~~ for parents, guardians, or other persons exercising legal or actual charge or control over the child to appeal any decision of the school regarding the identification or non-identification of their child as a learner with high ability ~~learner to the school board~~.

004.02 Within thirty (30) school days following the identification of a learner with high ability, the district must notify a parent or guardian of such identification and provide the procedures under which the student was identified as a learner with high ability and other relevant information.

004.03~~004.04~~. Within the first thirty (30) school days following the identification of a learner with high ability, ~~of each school year, starting in 1997-98,~~ the school district administration must provide the classroom teacher with documentation of such identification ~~shall make available to classroom teachers an initial "list" of K-12 students who meet the district criteria for learners of high ability and the areas of high capability of each of those students~~.

004.04 If a student is identified as a learner with high ability but will not receive high ability services, the school district or combination of school districts must provide written notice to a parent or guardian that no high ability services will be provided.

004.05 Identification as a learner with high ability in Nebraska is portable. Each school district or combination of districts must establish and implement procedures for the statewide portability of an identification as a learner with high ability, including, but not limited to:

004.05(A) Transferring the evidence for any such identification and information about any high ability services received with the student records if a student leaves the school district prior to graduation;

004.05(B) Reviewing the student records of any student transferring into the school district within thirty (30) school days of enrollment to determine if the student has been identified as a learner with high ability, if the student has received any high ability services, and what, if any, high ability services will be provided to the student;

004.05(C) If under subdivision 004.05(B) of this chapter a student transferring into the school district is found to have been identified as a learner with high ability, communicating with parents and guardians within sixty (60)

calendar days of enrollment about any high ability services to be provided to the student; and

004.05(D) If the learner with high ability identification records for any student transferring into the school district are incomplete, consulting with the former school district or a parent or guardian, to obtain the complete record.

004.06 The identification status of a student identified as a learner with high ability may only be terminated by a school district or combination of school districts following an exit procedure established pursuant to this subdivision. Each school district or combination of school districts must develop a formal exit procedure which includes, but is not limited to:

004.06(A) Provision of a written notice to a parent or guardian that the student's identification as a learner with high ability is under review. Such notice must include the reason for undertaking such review. The reason must be based on a legitimate educational concern related to high ability services. Behavioral concerns, academic/achievement performance, or transferring schools alone do not qualify as legitimate educational concerns related to high ability services. Exit decisions must be based on comprehensive evidence that aligns with the operational definition of a high ability learner and the student's demonstrated needs;

004.06(B) An evaluation of student performance. The evaluation must be designed to identify the source of the student's legitimate educational concern related to high ability services and identify the most appropriate intervention. Multiple data points should be considered. No single criterion, such as grades or conduct, is sufficient to remove a student's identification as a student with high ability;

004.06(C) Communication with a parent or guardian and the student to discuss the results of the evaluation;

004.06(D) Development of an action plan addressing the area of concern for a designated period of time. This may include, but is not limited to, behavior intervention, a change in services, or additional evaluation;

004.06(E) A review of the data at the end of the designated period to determine whether the student's high ability identification status should be maintained or formally exited, based on the student's educational needs;

004.06(F) Notification of a parent or guardian in writing of the determination. The determination may be appealed by a parent or guardian pursuant to the appeals process developed pursuant to subdivision 004.01(D) of this chapter; and

004.06(G) Eligibility for a student who is exited from their status as learner with high ability may be reidentified as a learner with high ability in the same manner as any other student is so identified.

004.07 In cases where a student identified as a learner with high ability transfers to a school district that does not offer high ability services or does not offer services in the identified domain (e.g., math, performing arts), the receiving school district must:

004.07(A) Provide written notice to the parent or guardian within thirty (30) school days of the student's enrollment. This notice must clearly state that the school district or combination of school districts does not offer services in the identified area of high ability or does not provide high ability services;

004.07(B) Maintain the student's record of high ability identification, regardless of the availability of services within the school district or combination of school districts, unless the exit procedure outlined in section 004.06 is followed; and

004.07(C) Provide the parent or guardian the opportunity to discuss any alternative educational options that may be provided to support the students' continued growth.

~~004.05. School districts shall annually provide the Department with a copy of their criteria for identifying learners with high ability, the number of students identified according to the criteria, and the number of students participating in an approved accelerated or differentiated curriculum program. School districts shall also have a list of the students identified and how the students compare to the criteria available for inspection by Department personnel.~~

004.06. Within the first thirty (30) days of each school year, starting in 1997-98, the school district administration shall notify parents, guardians, or other persons who have legal or actual charge or control of children identified as high ability learners that their child has been so identified and make available to such persons information about how their child has been identified. Information may be provided about possible educational strategies to meet their special needs, which may include the strategies identified in Section 005 and a list of outside resources and programs available to parents and students directly.

005 CONTINUUM OF HIGH ABILITY SERVICES PROGRAMMING SERVICES, OPTIONS, AND STRATEGIES AND AFFECTIVE OR GUIDANCE NEEDS

005.01. Each school district or combination of school districts Districts serving learners with high ability must learners shall serve identified learners with high ability during the school day. Additional offerings, such as academic competitions, clubs, or optional extracurricular activities may be used supplementally. School districts, or a combination of school districts, learnersmust serve such students using a continuum of high ability services that may include, by using instructional curriculum patterns that include, but are not limited to, the following:

005.01(A). Differentiated Curriculum. The "regular" curriculum must be described at the district level as required before differentiated curriculum can be devised. Differentiated curriculum is shall mean an adjustment of the regular curriculum that provides challenges at appropriate levels according to the strengths of individual students. Differentiated curriculum provides such challenges through modified processes, products, or content, including, but not limited to: program as appropriate for the individual learner in terms of content, process, and/or product.

005.01(A)(i) Curriculum Enrichmen. Curriculum enrichment is the process of enhancing the regular curriculum by offering additional opportunities, resources, or activities that extend, deepen, or broaden learning experiences for students who have already mastered or can quickly master the standard content;

005.01(A)(ii) Curriculum Compactin. Curriculum compacting is the process of assessing student mastery and adjusting curriculum for students who have already mastered the material replacing content students know with new content, enrichment options, or other activities;

005.01(A)(iii) Project-Based Learnin. Project-based learning (PBL) is a learning model that encourages the active participation of learners with high ability and allows such learners to gain knowledge and develop skills as they work to investigate a complex problem, question, or challenge over a sustained amount of time. PBL enhances both academic and social skills and emphasizes the use of technology;

005.01(A)(iv) Independent Stud. Independent study is a learning model where a student conducts self-directed research projects that are carefully planned with the teacher and monitored frequently; or

005.01(A)(v) Advanced Academic Course. Advanced academic courses are designed to offer more challenging learning experiences than the regular curriculum, often at a faster pace and more in-depth. Examples include: courses for which students are eligible for college credit, honors courses, and dual enrollment.

005.01(B). CurriculumGrade-Based Acceleration. Grade-based acceleration occurs when a The student enters into or moves through the regular curriculum at a rate faster than typical of the same-aged peers. Curriculum acceleration includes, but is not limited to, an accelerated pace by any combination of the following: skipping a grade level, subject-based acceleration, early entrance into kindergarten or postsecondary education, or earning credit by examination.grade level skipping; content level acceleration; cluster grouping by content; early entrance to school; compacting the curriculum; early graduation; or, course waivers.005.01C. Curriculum Enrichment. The provision of in-depth and/or multi-disciplinary exploration of content or courses and/or experiences beyond those provided in the regular curriculum. 005.01D. Compacted Curriculum. A process for assessing the student's mastery of content, eliminating that which has been mastered prior to normal presentation or teaching clusters of needed skills in a reduced time frame, and substituting enrichment

activities and/or accelerated studies appropriate to high ability learners.

005.01(C)005.01E. Student Ability or Flexible Grouping. Student ability or flexible grouping is the The use of various organizational formats to that meet the academic and affective learning style and specific curricular needs of learners with high ability learnersthrough placement with like-ability peers. Grouping is flexible and uses data to group and regroup students for learning activities based on their strengths, interests, and readiness. This includes, but is not limited to:

005.01(C)(i) Cluster Grouping A method of grouping in which high ability students at a specific grade level are placed together in one classroom, along with a group of high-achieving and average-ability students. This reduces the span of academic readiness levels the teacher needs to manage, making it easier to provide targeted instruction while ensuring exposure to rigorous content to students who have not yet been identified to help develop their talents;

005.01(C)(ii) Enrichment Cluster Collaborative, choice-based projects, usually scheduled for one or two periods a week and conducted in cycles throughout the year that allow students and teachers to work in areas of interest with others who share the same interest,

005.01(C)(iii) Pull-out Programs Students with advanced potential are pulled from their regular classrooms to work with a staff member who facilitates accelerated and/or enriched learning experiences, or

005.01(C)(iv) Cross-Grade Grouping Students of similar ability are grouped across different grade levels in particular subjects; and

005.01(D)005.01F. Mentoring/Shadowing. The linkingpairing of a student with a person with an individual with specialized a specific knowledge base in a short-term or in-depth, sharingmentoring relationship designed to provide resulting in a series of meaningful learning experiences. This experience may occur within a school setting or "on-site." at an external location.

005.02. Learners with high ability need require affective support to foster as well as cognitive growth. Therefore, targeted affective curriculum,skill development and growth and sucess supports as well as specialized counseling specific to the needs of learners with high ability, must shall be provided by each eligible, approved school district or combination of school districts with an approved plan.

005.02(A). Affective Skill DevelopmentCurriculum refers to the intentional teaching and development of emotional, social, and interpersonal skills to address the unique needs and challenges associated with learners with high ability. This includes, but is not limited to, providing opportunities for students to develop emotional intelligence, resilience, and interpersonal skills through targeted activities, discussions, and peer interactions.provides personal/social awareness and adjustment, academic planning and performance, and vocational and career awareness, investigation, and planning.

005.02(B). Specialized CounselingGrowth & Success Supports provides targeted strategies to address the unique social and emotional needs of high ability learners, preparing them to succeed and become college and career ready. This includes, but is not limited to, approaches for managing perfectionism, underachievement, transitions, academic planning, and performance, as well as vocational and career awareness, exploration, and planning. individual or small group guidance services to learners with high ability which will help them to make long-range decisions about school and career choices.

006 PREPARATION OF PROFESSIONAL STAFF (as suggested by the Nebraska Department of Education)

006.01. Learners with high ability deserve to be served by professionals who have specialized preparation, expertise in content and instructional methods, involvement in ongoing development, and portray exemplary personal and professional traits.

006.02. The director/supervisor/coordinator of a local district program for learners with high ability and the teachers

~~whose primary responsibility is working with learners with high ability should have, or be working toward, an endorsement in Gifted Education.~~

~~006.03. The recommendations of 006.02 should not apply to the director/supervisor/ coordinator of a program for learners with high ability or the teacher whose primary responsibility is working with learners with high ability if such a person has held a similar position for a period of two years or more. However, this individual should show to the local district administrator evidence of continued involvement in professional growth programs in the field of Gifted Education.~~

~~006.04. All teachers and administrators in the school district should be aware of the district-wide plan for learners with high ability, and have an understanding of the characteristics of such students. Teachers who provide instruction and services that are part of the program for high ability students should be able to design and implement classroom experiences which utilize differentiation of curriculum and instruction, and be able to assess the work and progress of learners with high ability.~~

~~006.04A. This knowledge base could be attained by: completion of at least one college-level course in Gifted Education or by involvement in at least ten (10) clock hours of information concerning learners with high ability within a college course.~~

~~006.04B. Or, by providing inservice training to administrative and teaching staff members to help them have an understanding of the characteristics of learners with high ability, be able to design and implement classroom experiences that utilize differentiation of curriculum and instruction, and be able to assess the work and progress of such learners.~~

006~~007~~ STATE FUNDING

006.01 The Department will, annually on or before October 15, distribute funds appropriated for approved accelerated or differentiated curriculum programs to school districts and combinations of school districts.

006.02 Each school district may apply to the Department individually or in a combination of school districts for base funds and matching funds. Each eligible applicant school district or combination of school districts will receive one-tenth of one percent of the appropriation as base funds plus a pro rata share of the remainder of the appropriation based on identified learners with high ability participating in an approved program as matching funds. For purposes of calculating matching funds under this subsection, the number of identified learners with high ability participating in an approved program in any school district may not exceed ten percent of the prior school year's fall membership as defined in Neb. Rev. Stat. 79-1003. Each applicant school district or combination of school districts must:

006.02(A) Provide an approved program pursuant to section 003 of this chapter for students identified as learners with high ability;

006.02(B Provide matching funds greater than or equal to fifty percent of the matching funds received pursuant to this chapter;

006.02(C On or before August 1 of the year following the receipt of funds, provide an accounting in the manner prescribed by the Department of the funds received pursuant to this section, matching funds required by subdivision 006.02(B) of this chapter, and the total cost of the accelerated or differentiated curriculum program; and

006.02(D) Provide data regarding the academic progress of students participating in the accelerated or differentiated curriculum program as required under subsection 007.02 of this chapter.

006.03 If a school district or combination of school districts will not be providing the necessary matching funds required by subdivision 006.02(B) of this chapter, the school district or combination of school districts must request a reduction in the amount received such that the school district or combination of school districts will be in

compliance with such requirement. A school district or combination of school districts not complying with the matching fund requirement in subdivision 006.02(B) of this chapter will be ineligible for funds in the following year ~~007.01. Section 79-1108.02 R.R.S. states in part: (1) beginning with school fiscal year 1998-99, the Legislature shall appropriate funds to be distributed by the department pursuant to subsections (2) and (3) of this section to local systems as defined in section 79-1003 annually on or before October 15. (2) For school fiscal years through 2000-01, five percent of the appropriation under subsection (1) of this section shall be reserved for distribution as grants to local systems for startup costs as defined by the State Board of Education. The funds distributed pursuant to this subsection shall be distributed based on a pro rata share of the eligible costs submitted in grant applications. (3) Local systems may apply to the department for base funds and matching funds pursuant to this section to be spent on approved accelerated or differentiated curriculum programs. Each eligible local system shall receive one-tenth of one percent of the appropriation as base funds plus a pro rata share of the remainder of the appropriation based on identified students participating in an accelerated or differentiated curriculum program, up to ten percent of the prior year s fall membership as defined in section 79-1003, as matching funds. Eligible local systems shall: (a) Provide an approved accelerated or differentiated curriculum program for students identified as learners with high ability; (b) Provide funds from other sources for the approved accelerated or differentiated curriculum program greater than or equal to fifty percent of the matching funds received pursuant to the subsection; (c) Provide an accounting of the funds received pursuant to this section, funds required by subdivision (b) of this subsection, and the total cost of the program on or before August 1 of the year following the receipt of funds in manner prescribed by the department, not to exceed one report per year; (d) Provide data regarding the academic progress of students participating in the accelerated or differentiated curriculum program in a manner prescribed by the department, not to exceed one report per year; and, (e) Include identified students from Class I districts that are part of the local system in the accelerated or differentiated curriculum program. If a local system will not be providing the necessary matching funds pursuant to subdivision (b) of this subsection, the local system shall request a reduction in the amount received pursuant to this subsection such that the local system will be in compliance with such subdivision. Local systems not complying with the requirements of this subsection shall not be eligible local systems in the following year. 007.02. The Department will distribute eligible Startup Costs funds to applicant systems as appropriated by the Legislature based upon a pro rata share of eligible costs submitted to the Department as a whole by all local systems pursuant to Section 79-1108 R.R.S. 007.02A. Systems shall apply to the Department for startup costs on forms provided by the Department. To be eligible, the system s startup cost funding applications shall be received by the Department by no later than September 15. 007.02B. Eligible start-up costs shall be determined according to the following: 1) costs for staff development related to Sections 004 (Identification Procedures) and Section 005 (Continuum of Programming Services, Option, and Strategies and Affective or Guidance Needs) up to $100 per certified staff member; and, 2) costs for needs assessment, testing enhancement and other materials and supplies up to $50 per identified student or 10% of the prior year s fall membership as defined in Section 79-1003. 007.03. For purposes of the requirements of §79-1108.02(3) R.R.S. and Section 007.01 of this Rule, "funds from other sources" means funds local systems receive from sources other than funds received under the provisions of §79-1105 R.R.S. through §79-1109 R.R.S. and this rule.~~

006.04~~007.04.~~ A School district or combination of school districts ~~Local systems~~ applying for base and matching funds under this section must ~~Section shall~~ use the application forms provided by the Department. Such applications must be received by the Department by September 15 of each year.

~~007.05. When a system will not be providing the necessary funds from "other sources" and must request a reduction in the amount received as required in §79-1108.02(3) R.R.S., such reduced amounts may be deducted from any amounts the system receives as "matching funds" from the Department under §79-1108.02(3) for the following school fiscal year. If a system must request a reduction under §79-1108.02(3) for any one school fiscal year and the system ceased to be eligible for or does not apply for base and matching funds for the following school fiscal year, the system must refund to the Department the amount of the reduction by the end of the first school fiscal year in which the system ceases to be eligible or does not apply. All requests for reduction shall be made on forms supplied by the Department.~~

007.06. For purposes of the payment of funds to systems under §79-1108.02 R.R.S. and Section 007 of this Rule, the Department will distribute any funds a system is eligible for to the high school district of the system. Such high school districts shall act as the fiscal agent for such funds of the system.

007.07. Data requirements for measuring and reporting academic progress: The system shall gather and maintain aggregate data measuring the academic progress of all its identified high ability learners.

007.07A. At a minimum, this shall include aggregate achievement test scores and/or GPAs, and the number of identified high ability learners participating in Advanced Placement Classes or honors level course work.

007.07B. The system shall also provide such data to the Department on forms prescribed by the Department by no later than September 15 of each year.

006.05 School districts that are applying for funding under this chapter as part of a combination of school districts must determine the method for identifying expenditures for funding with the approved program and reach a consensus on a mutually-beneficial plan.

006.06007.08. Accounting of Funds. Each school district or combination of school districts must Systems shall provide an accounting of funds to the Department pursuant to Neb. Rev. Stat. Section 79-1108.02 R.R.S. on forms provided by the Department. Each combination of school districts must designate a fiscal agent, which may be one of the member school districts or an educational service unit. The fiscal agent will complete the application, revise and publish the approved plan, and provide the accounting of funds to the Department.

007008 DATA, EVALUATION, AND FUTURE PLANNING

007.01 Data requirements for measuring and reporting academic progress: Each school district must gather and maintain aggregate data measuring the academic progress for the school district's identified learners with high ability. Each school district or combination of districts must provide the data required under this subsection to the Department by June 30 of each school year electronically via the Department's reporting system using the Department's student identifier system.

007.01(A) At a minimum, such data must include:

007.01(A)(i) Individual achievement, including student achievement data collected pursuant to 92 NAC 10;

007.01(A)(ii) SAT/ACT scores;

007.01(A)(iii) Graduation rates; and

007.01(A)(iv) The number of identified learners with high ability participating in courses for which students are eligible for college credit, honors courses, or dual enrollment.

007.01(B) Each school district must provide the data required under subsection 007.01 of this chapter to the Department on forms prescribed by the Department.

007.02008.01. Program review Every Each school district or combination of school districts serving learners with high ability must learners shall establish procedures for both formative and summative evaluation for a review. to determine the effectiveness of the district-wide plan for services extended to the learners with high ability. The purpose of such evaluation is to measure program effects, identify strengths, and provide information to drive continuous improvement of supporting learners with high ability.

007.02(A)008.01A. The evaluation procedures must include should allow for input from parents and guardians, educators, students, and community members.

008.01B. Quality indicators and illustrative criteria for both curriculum-based and student-based components should be used in the evaluation of the district program goals and objectives.

007.02(B)~~008.01C~~. ~~The yearly review should include~~ Each school district or combination of school districts must conduct a comprehensive program review at least once every five years. A report summarizing the program review process and its outcomes must be submitted to the Department within each five-year period. The program review process should include, but is not limited to:

007.02(B)(i Methods and tools for evaluation, including, but not limited to, a schedule for periodic feedback and review of the program goals, identification process, services, personnel, budget, and reporting practices;

007.02(B)(ii Collection and analysis of data about student performance, including, but not limited to, academic and affective outcomes; demographics, learning climate, and former high school students. Analysis includes, but is not limited to, outcomes in relation to program goals and identification proportionality;

007.02(B)(iii Analysis of progress toward the goals outlined in the approved plan;

007.02(B)(iv Personnel qualifications and staff development, including, but not limited to, the number of FTE dedicated to learners with high ability, the number of high ability endorsed staff, counselors, and number of professional learning hours related to learners with high ability;

007.02(B)(v Communication, including, but not limited to, efforts to publicize the approved plan, communication with parents and guardians regarding identification and services, and community and family engagement; and

007.02(B)(vi Stakeholder perceptions, including, but not limited to, student, parent or guardian, staff, and community perceptions of the program.

~~program strengths and weaknesses in such areas as: program design, students needs, learning environment, curriculum, student identification, personnel qualifications, resources, communication, staff development, and cost effectiveness.~~

007.03~~008.02~~. Plan revisions Each ~~The local~~ approved plan should be revised each five years in response according to the results of the ~~yearly~~ evaluation review. Revised plans should include, but not be limited to, findings from the review process, changes implemented, and newly established goals. ~~Curricular planning should be open to and reflective of advanced research and information regarding learning and learners with high ability~~.

007.04~~008.02A~~. The evaluation procedures ~~Evaluation Plan~~ and review ~~Yearly Review~~ must ~~shall~~ be available for review by interested persons upon request after redaction of any personally identifiable student information.

008~~009~~ APPEALS

008.01~~009.01~~. Any applicant for funding under section 006 ~~Section 007~~ of this chapter aggrieved by a ~~any~~ decision of the Department related ~~in regard~~ to this chapter ~~its application~~ may request in writing a review by the Commissioner of Education within fifteen (15) calendar days of ~~its~~ receipt of the Department s decision ~~on the application~~. The Commissioner must ~~shall~~ review the claim together with all other materials submitted in the claimant's ~~applicant s~~ application, the requirements of this chapter ~~Rule~~, and state law. The Commissioner, within ninety (90) ~~90~~ calendar days of the Department s receipt of the claim, must ~~shall~~ make a final written determination regarding the claim. A copy of the final written determination must ~~this decision shall~~ be mailed to the claimant, certified mail, return receipt requested.

008.02~~009.02~~. If the claimant disagrees with the Commissioner s final written determination, ~~decision,~~ the claimant ~~it~~ may request a hearing on the determination ~~decision~~ within fifteen (15) calendar days following ~~its~~ receipt of the final written determination ~~decision~~ pursuant to 92 NAC 61(Rule 61).

009~~010~~ PENALTIES FOR NONCOMPLIANCE

009.01~~010.01~~. In addition to other penalties which may be provided by law for noncompliance with the requirements of Neb. Rev. Stat. ~~Section~~ 79-1105 through 79-1108.03 ~~R.R.S.~~ and the requirements of this chapter, ~~Rule,~~ the failure of a school district ~~district's failure~~ to comply with the identification requirements of Neb. Rev. Stat. ~~Section~~ 79-1108 ~~R.R.S.~~ and section ~~Section~~ 004 of this chapter will ~~Rule shall~~ be treated as ~~if it were~~ a violation of a mandatory provision of 92 NAC 10 (Rule 10), and may subject the school district to loss of accreditation as provided in that chapter. A school district may comply with the identification requirements in combination with one or more other school districts.

Rule 3 - Statutes

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.

79-1105. State Department of Education; education for learners with high ability; consultant; employ.

The State Department of Education has authority to employ a full-time consultant trained and experienced in the field of education for learners with high ability. Such consultant shall encourage, advise, and consult with each school of the state in the development and implementation of plans for education of learners with high ability and shall monitor the implementation of sections 79-1106 to 79-1108.03. For purposes of this section, learner with high ability has the definition found in section 79-1107.

Source: Laws 1967, c. 512, § 1, p. 1718; R.S.1943, (1994), § 79-339; Laws 1996, LB 900, § 787; Laws 1997, LB 347, § 33; Laws 1998, LB 1229, § 5.

79-1106. Learners with high ability; purpose of sections.

The purpose of sections 79-1106 to 79-1108.03 is to assist and encourage all school districts in the development, improvement, and implementation of accelerated or differentiated curriculum programs that will serve the educational needs of learners with high ability at levels appropriate for their abilities.

Source: Laws 1994, LB 647, § 1; R.S.1943, (1994), § 79-4001; Laws 1996, LB 900, § 788; Laws 1997, LB 347, § 34; Laws 1998, LB 1229, § 6.

79-1107. Learners with high ability; terms, defined.

For purposes of sections 79-1106 to 79-1108.03:

(1) Approved accelerated or differentiated curriculum programs means academic programs that serve the educational needs of learners with high ability developed and approved under section 79-1108;

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

(3) Learner with high ability means a student that performs, or has the capacity to perform, at greater levels in one or more domains of instruction in comparison to individuals of the same age, educational experience, or environment and who requires accelerated or differentiated curriculum programs in order to develop those abilities fully.

Source: Laws 1994, LB 647, § 2; R.S.1943, (1994), § 79-4002; Laws 1996, LB 900, § 789; Laws 1997, LB 347, § 35; Laws 1998, LB 1229, § 7; Laws 2024, LB1329, § 83.

Effective Date: July 19, 2024

79-1108. Learners with high ability; identification and programs.

Each school district shall identify learners with high ability and may provide accelerated or differentiated curriculum programs that will address the educational needs of the identified students at levels appropriate for the abilities of those students. The accelerated or differentiated curriculum programs shall meet the standards of quality established by the department. Educational service units may identify learners with high ability and provide accelerated or differentiated curriculum programs for school districts.

Source: Laws 1994, LB 647, § 3; R.S.1943, (1994), § 79-4003; Laws 1996, LB 900, § 790; Laws 1998, LB 1229, § 8; Laws 2011, LB333, § 14.

79-1108.01. Learners with high ability; school districts; duties.

School districts shall annually provide the department with a copy of their criteria for identifying learners with high ability, the number of students identified according to the criteria, and the number of students participating in an approved accelerated or differentiated curriculum program. School districts shall also have a list of the students identified and how the students compare to the criteria available for inspection by department personnel.

Source: Laws 1998, LB 1229, § 9.

79-1108.02. Learners with high ability; curriculum programs; funding.

(1) The department shall, annually on or before October 15, distribute funds appropriated for purposes of this section to (a) local systems as defined in section 79-1003 or (b) a combination of school districts. The funds distributed pursuant to this section shall be distributed based on a pro rata share of the eligible costs submitted in grant applications.

(2) Local systems or combinations of school districts may apply to the department for base funds and matching funds pursuant to this section to be spent on approved accelerated or differentiated curriculum programs. Each eligible local system or combination of school districts shall receive one-tenth of one percent of the appropriation as base funds plus a pro rata share of the remainder of the appropriation based on identified students participating in an accelerated or

differentiated curriculum program, up to ten percent of the prior year's fall membership as defined in section 79-1003, as matching funds. Eligible local systems or combinations of school districts shall:

(a) Provide an approved accelerated or differentiated curriculum program for students identified as learners with high ability;

(b) Provide funds from other sources for the approved accelerated or differentiated curriculum program greater than or equal to fifty percent of the matching funds received pursuant to this subsection;

(c) Provide an accounting of the funds received pursuant to this section, funds required by subdivision (b) of this subsection, and the total cost of the program on or before August 1 of the year following the receipt of funds in a manner prescribed by the department, not to exceed one report per year; and

(d) Provide data regarding the academic progress of students participating in the accelerated or differentiated curriculum program in a manner prescribed by the department, not to exceed one report per year.

If a local system or combination of school districts will not be providing the necessary matching funds pursuant to subdivision (b) of this subsection, the local system or combination of school districts shall request a reduction in the amount received pursuant to this subsection such that the local system or combination of school districts will be in compliance with such subdivision. Local systems or combinations of school districts not complying with the requirements of this subsection shall be ineligible for grant funds in the following year.

Source: Laws 1998, LB 1229, § 10; Laws 2011, LB333, § 15; Laws 2017, LB512, § 19; Laws 2018, LB377, § 82; Laws 2024, LB1329, § 84.

Effective Date: July 19, 2024

79-1108.03. Learners with high ability; rules and regulations.

The State Board of Education shall adopt and promulgate rules and regulations to implement sections 79-1105 to 79-1108.03, including criteria for the approval of accelerated or differentiated curriculum programs, consistent methods for identification of learners with high ability, and data requirements for measuring academic progress of students participating in the accelerated or differentiated curriculum programs.

Source: Laws 1998, LB 1229, § 11; Laws 2024, LB1329, § 85.

Effective Date: July 19, 2024

DR. BRIAN L. MAHER, COMMISSIONER
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Lincoln, NE 68509-4987
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From: Troy L. Hawk, Legal Counsel

Date: May 20, 2025

Re: Summary of Rulemaking Hearing on the Proposed Revisions of 92 *NAC* 3

On April 29, 2025, a hearing on the proposed revision of Title 92, *Nebraska Administrative Code*, Chapter 3 (Rule 3), *Regulations Governing High Ability Learners*, was held virtually over Zoom in conjunction with a hearing on repeals of Title 92, *Nebraska Administrative Code*, Chapter 8 (Rule 8), *Regulations for School Finance and Budgeting/State Funding of Educational Service Units and Learning Communities*, Title 92, *Nebraska Administrative Code*, Chapter 22 (Rule 22), *Regulations Governing the Master Teacher Program*; Title 92, *Nebraska Administrative Code*, Chapter 25 (Rule 25), *Regulations Governing the Excellence in Teaching Act*; and Title 92 *Nebraska Administrative Code*, Chapter 26 (Rule 26), *Regulations and Procedures for Mentor Teacher Programs*. Legal Counsel Troy Hawk served as the hearing officer.

Summary of Oral Testimony on the Proposed Revision of 92 NAC 21

Troy Hawk called the hearing to order, introduced himself, introduced the subject of the hearing, read into the record information about the legal notice of the hearing, outlined the procedures for the hearing and for receiving written testimony, and received testimony on revisions to Rule 3 before receiving testimony on the proposed repeals of Rules 8, 22, 25, and 26.

Sheyenne Smith, High Ability Learning Specialist for the Office of Teaching, Learning, and Assessment, Nebraska Department of Education, presented a summary of the proposed changes to Rule 3:

- The Nebraska Department of Education has drafted revisions to Title 92, Nebraska Administrative Code, Chapter 3, Regulations Governing High Ability Learners, commonly referred to as Rule 3. A high ability learner is a student who performs — or has the potential to perform — at higher levels in one or more subject areas and who requires specialized or accelerated learning opportunities to fully develop their abilities.
- In September of 2023, the State Board of Education's Rules and Regulations Committee identified the need for revisions to Rule 3. In April of 2024, legislative updates to Nebraska Revised Statutes 79-1107, 79-1108.02, and 79-1108.03 further necessitated changes to Rule 3. These statutory updates included:

    - Updating the definition of "learner with high ability,"
    - Allowing consortium applications for funding, and
    - Requiring the adoption of consistent identification methods statewide.
- The Department collected feedback from district administrators, High Ability Learning coordinators, teachers, Educational Service Unit staff, parents, and the Nebraska Association for the Gifted, as well as internal NDE staff. A public input period was held in December of 2024, generating feedback from across the state. The results of this feedback were reviewed and discussed at the February 2025 State Board meeting.
- The revisions to Rule 3 include:
    - Establishing consistent statewide methods for identifying high ability learners, supporting the portability — or transferability — of HAL identification when students move between Nebraska districts,
    - Aligning HAL reporting, evaluation, and planning requirements with existing state processes to streamline efforts, and
    - Creating parameters for consortium-based funding applications to increase access for districts.
- These revisions aim to:
    - Provide clear, consistent guidelines to support the identification of learners with high ability while maintaining local flexibility,
    - Align data reporting and evaluation with Nebraska's existing continuous improvement processes to reduce redundancy for school districts,
    - Offer an alternative funding application option to allow districts to pool resources through consortiums, and
    - Update definitions and procedures to reflect current educational practices and research.
- The revisions reflect a comprehensive effort to modernize and strengthen Rule 3, with the ultimate goal of improving support for high ability learners across Nebraska.

Oral Testimony

Dr. Kirsten Job, Executive Director of the Nebraska Association for the Gifted in LaVista, Nebraska, testified in support of the proposed revisions to Rule 3:

- the proposed revisions to Rule 3 represent a thoughtful, research-aligned step forward in our state's ongoing commitment to equity, excellence, and educational integrity. These revisions—especially those that safeguard continuity in High Ability Learner (HAL) identification—are not just regulatory improvements. They are moral imperatives.
- Across Nebraska, educators and administrators have long struggled with the dissonance created by fragmented identification systems. A child may be recognized as gifted in one district, only to have that designation stripped upon moving to another. This practice, while administratively convenient, is pedagogically indefensible and deeply harmful to the student. Giftedness is not a local construct—it is a cognitive and affective profile that transcends district boundaries.
- Under the current proposal, if a student has been identified as HAL in one Nebraska district, that designation will remain intact when they move. This shift aligns Nebraska with best practices established in states such as Iowa, Colorado, and Minnesota—states

which have embraced a more portable and student-centered model of gifted identification. In Colorado, for example, gifted identification follows the student throughout their academic journey statewide. Iowa has adopted similar inter-district recognition practices, reducing duplication of services and ensuring continuity of support. Nebraska now has the opportunity—and the responsibility—to do the same.

- Let us be clear: revoking a HAL designation based on local performance norms is not supported by research and is antithetical to the very purpose of identification. Identification is not about labeling—it is about locating need. And when we remove the label, we often remove the student's access to essential services such as curriculum compacting, acceleration, or social-emotional support. This is not merely an administrative oversight—it is an educational disservice.
- The emotional and academic ramifications are real and measurable. Research from the National Association for Gifted Children (NAGC) shows that inconsistency in gifted services contributes to underachievement, disengagement, and increased levels of anxiety and frustration among students. Moreover, stripping a gifted label can undermine a student's self-concept and sense of potential—particularly when that label was hard-won, or when it served as a rare point of affirmation in an otherwise inequitable educational experience.
- Let us also acknowledge the considerable consensus-building efforts that informed these revisions. This has not been a top-down imposition; it has been a collaborative undertaking involving educators, administrators, researchers, and families from across the state. The final language reflects a careful balancing of local control and statewide consistency—a balance that respects both district autonomy and student dignity.
- As Executive Director of NeGifted, I can tell you firsthand that our association has received overwhelming support for these changes from educators and parents alike. These revisions reflect not only best practice—but also best hope. Hope that no student will have to re-prove their worth. Hope that no child's learning needs will be ignored because they crossed an imaginary line on a map. Hope that Nebraska can and will lead—not lag—in gifted education.
- In closing, I urge this board to adopt the revisions to Rule 3. Do so not merely as policymakers, but as champions for children—children whose talents may not always conform to the average, but whose potential demands our recognition, our advocacy, and our consistent support.

Dr. Adam Larson, Assistant Director of the Professional Learning Department at ESU3, testified in support of the proposed revisions to Rule 3:

- Data Reporting (007.01 and related sections): I strongly support the inclusion of more explicit data reporting requirements. The specified data points, including individual achievement data, graduation rates, and participation in advanced coursework, are essential for evaluating the effectiveness of high ability programs and ensuring accountability. Furthermore, I believe that much of this data is already being collected by school districts to comply with Rule 10, which should streamline the reporting process for schools and prevent undue burden.
- Program Review (008.01 and related sections): I also support the requirement for school districts to conduct comprehensive program reviews at least once every five years.

Regular evaluation is crucial for maintaining program quality, identifying areas for improvement, and ensuring that programs are meeting the diverse needs of high-ability learners. The emphasis on input from various stakeholders, including parents, educators, students, and community members, is particularly important.

- Portability (002.13, 004.05, and related sections): Finally, I strongly endorse the provisions that ensure the portability of high ability identification across Nebraska school districts. This is essential for minimizing disruptions to the education of highly mobile students and ensuring that identified students receive appropriate services regardless of where they attend school within the state.

Written Testimony

There was no written testimony submitted.

Sheyanne Smith of the Nebraska Department of Education thanked everyone for attending the hearing.

Troy Hawk closed the hearing on Rule 3, and then opened the hearing on Rule 8.

Transcript of the Hearings Conducted on April 29, 2025

For the Revision of Rule 3 and Repeal of Rules 8, 22, 25, and 26

Hearing Officer – Troy Hawk

Good morning. I call this hearing to order. My name is Troy Hawk. I am one of the Legal Counsels for the Nebraska Department of Education, and I will be the presiding officer conducting the hearings virtually today, April 29, 2025, using Zoom on the proposed revisions to:

> Title 92, Nebraska Administrative Code, Chapter 3 (Rule 3), Regulations Governing High Ability Learners;

and the proposed repeals of:

> Title 92, Nebraska Administrative Code, Chapter 8 (Rule 8), Regulations for School Finance and Budgeting/State Funding of Educational Service Units and Learning Communities;
>
> Title 92, Nebraska Administrative Code, Chapter 22 (Rule 22), Regulations Governing the Master Teacher Program;
>
> Title 92, Nebraska Administrative Code, Chapter 25 (Rule 25), Regulations Governing the Excellence in Teaching Act; and
>
> Title 92, Nebraska Administrative Code, Chapter 26 (Rule 26), Regulations and Procedures for Mentor Teacher Programs

The Legal Notice of Hearing was published for this hearing in the Omaha World Herald on March 27, 2025.

The hearing for each rule will be held separately in numerical order. To begin the hearing on each rule, a Nebraska Department of Education Staff member will describe and explain the proposed rule.

This will be followed by testimony by interested persons. Each person presenting written or oral testimony is requested to:

1. State and spell you first and last name and provide a general indication of where you live (city, county, or school district);
2. Indicate if you are testifying on behalf of anyone else, and state the name of such individual, organization, or group;
3. State a concise suggestion or recommendation of what action you would like the Board to take; and
4. State the rationale or reason for your recommendation.

You may reinforce, but please refrain from repeating, previous testimony.

Each person testifying will be limited to five minutes. If additional time is needed, it may be provided at the discretion of the presiding officer.

At the conclusion of all testimony from interested persons on the rule, the Nebraska Department of Education staff member who opened will have the opportunity to respond to the testimony presented today, which will conclude the testimony.

The testimony presented will be recorded and the audio recording will be made available to the State Board of Education and the public via YouTube at the time the State Board considers the adoption of the revision or repeal.

All written testimony must be submitted to the hearing official prior to 5:00 p.m. today in order to be made a part of the record of this hearing. The email for submitting written comments is NDE.RuleHearing@nebraska.gov.

This email address may also be found on the department's website at www.education.ne.gov by following the Rules & Regulations link on the right side of the page. From the Rules and Regulations page, go to the Public Notices of Upcoming Rule Hearings.

At this time, we will begin the hearing on Rule 3, *Regulations Governing High Ability Learners,* with Sheyanne Smith from the Nebraska Department of Education describing and explaining the proposed revisions. Sheyanne, you may begin.

Sheyanne Smith

Good morning, my name is Sheyanne Smith — S-H-E-Y-A-N-N-E S-M-I-T-H. I work for the Nebraska Department of Education as the High Ability Learning Specialist in the Office of Teaching, Learning, and Assessment.

The Nebraska Department of Education has drafted revisions to Title 92, Nebraska Administrative Code, Chapter 3, Regulations Governing High Ability Learners, commonly referred to as Rule 3. A high ability learner is a student who performs — or has the potential to perform — at higher levels in one or more subject areas and who requires specialized or accelerated learning opportunities to fully develop their abilities.

In September of 2023, the State Board of Education's Rules and Regulations Committee identified the need for revisions to Rule 3. In April of 2024, legislative updates to Nebraska Revised Statutes 79-1107, 79-1108.02, and 79-1108.03 further necessitated changes to Rule 3. These statutory updates included:

• Updating the definition of "learner with high ability,"

• Allowing consortium applications for funding, and

• Requiring the adoption of consistent identification methods statewide.

The Department collected feedback from district administrators, High Ability Learning coordinators, teachers, Educational Service Unit staff, parents, and the Nebraska Association for the Gifted, as well as internal NDE staff. A public input period was held in December of 2024, generating feedback from across the state. The results of this feedback were reviewed and discussed at the February 2025 State Board meeting.

The revisions to Rule 3 include:

• Establishing consistent statewide methods for identifying high ability learners, supporting the portability — or transferability — of HAL identification when students move between Nebraska districts,

• Aligning HAL reporting, evaluation, and planning requirements with existing state processes to streamline efforts, and

• Creating parameters for consortium-based funding applications to increase access for districts.

These revisions aim to:

(1) Provide clear, consistent guidelines to support the identification of learners with high ability while maintaining local flexibility,

(2) Align data reporting and evaluation with Nebraska's existing continuous improvement processes to reduce redundancy for school districts,

(3) Offer an alternative funding application option to allow districts to pool resources through consortiums, and

(4) Update definitions and procedures to reflect current educational practices and research.

The revisions reflect a comprehensive effort to modernize and strengthen Rule 3, with the ultimate goal of improving support for high ability learners across Nebraska.

This concludes my testimony.

Hearing Officer – Troy Hawk

Those testifying are asked to state and spell their name and in what capacity they are testifying [individually or associated entity].

Dr. Kristen Job

Thank you for the opportunity to speak today. I am Dr. Kristen Job Executive Director of the Nebraska Association for the Gifted (NeGifted) in LaVista. I am here today to speak in strong support of the proposed revisions to Rule 3, which represent a thoughtful, research-aligned step forward in our state's ongoing commitment to equity, excellence, and educational integrity.

These revisions—especially those that safeguard continuity in High Ability Learner (HAL) identification—are not just regulatory improvements. They are moral imperatives.

Across Nebraska, educators and administrators have long struggled with the dissonance created by fragmented identification systems. A child may be recognized as gifted in one district, only to have that designation stripped upon moving to another. This practice, while administratively convenient, is pedagogically indefensible and deeply harmful to the student. Giftedness is not a local construct—it is a cognitive and affective profile that transcends district boundaries.

Under the current proposal, if a student has been identified as HAL in one Nebraska district, that designation will remain intact when they move. **This shift aligns Nebraska with best practices established in states such as Iowa, Colorado, and Minnesota—states which have embraced a more portable and student-centered model of gifted identification.** In Colorado, for example, gifted identification follows the student throughout their academic journey statewide. Iowa has adopted similar inter-district recognition practices, reducing duplication of services and ensuring continuity of support. Nebraska now has the opportunity—and the responsibility—to do the same.

Let us be clear: revoking a HAL designation based on local performance norms is not supported by research and is antithetical to the very purpose of identification. Identification is not about labeling—it is about locating need. And when we remove the label, we often remove the student's access to essential services such as curriculum compacting, acceleration, or social-emotional support. This is not merely an administrative oversight—it is an educational disservice.

The emotional and academic ramifications are real and measurable. Research from the National Association for Gifted Children (NAGC) shows that inconsistency in gifted services contributes to underachievement, disengagement, and increased levels of anxiety and frustration among students. Moreover, stripping a gifted label can undermine a student's self-concept and sense of potential—particularly when that label was hard-won, or when it served as a rare point of affirmation in an otherwise inequitable educational experience.

Let us also acknowledge the considerable **consensus-building efforts** that informed these revisions. This has not been a top-down imposition; it has been a collaborative undertaking involving educators, administrators, researchers, and families from across the state. The final language reflects a careful balancing of local control and statewide consistency—a balance that respects both district autonomy and student dignity.

As Executive Director of NeGifted, I can tell you firsthand that our association has received overwhelming support for these changes from educators and parents alike. These revisions reflect not only best practice—but also best hope. Hope that no student will have to re-prove their worth. Hope that no child's learning needs will be ignored because they crossed an imaginary line on a map. Hope that Nebraska can and will lead—not lag—in gifted education.

In closing, I urge this board to adopt the revisions to Rule 3. Do so not merely as policymakers, but as champions for children—children whose talents may not always conform to the average, but whose potential demands our recognition, our advocacy, and our consistent support.

Thank you.

Hearing Officer – Troy Hawk

Thank you, Dr. Job. Is there anyone else wishing to testify. Please raise your electronic hand.

Adam Larson, would you like to testify. You may begin.

Dr. Adam Larson

My name is Dr. Adam Larson, I am the assistant director of the professional learning department at ESU3. I am here today to provide input on the proposed changes to Rule 3. I want to express my support for several key revisions:

Data Reporting (007.01 and related sections): I strongly support the inclusion of more explicit data reporting requirements. The specified data points, including individual achievement data, graduation rates, and participation in advanced coursework, are essential for evaluating the effectiveness of high ability programs and ensuring accountability. Furthermore, I believe that much of this data is already being collected by school districts to comply with Rule 10, which should streamline the reporting process for schools and prevent undue burden.

Program Review (008.01 and related sections): I also support the requirement for school districts to conduct comprehensive program reviews at least once every five years. Regular evaluation is crucial for maintaining program quality, identifying areas for improvement, and ensuring that programs are meeting the diverse needs of high-ability learners. The emphasis on input from various stakeholders, including parents, educators, students, and community members, is particularly important.

Portability (002.13, 004.05, and related sections): Finally, I strongly endorse the provisions that ensure the portability of high ability identification across Nebraska school districts. This is essential for minimizing disruptions to the education of highly mobile students and ensuring that identified students receive appropriate services regardless of where they attend school within the state.

Thank you for your time and consideration of my input. I believe that these revisions will strengthen Rule 3 and ultimately improve the quality of education for learners with high ability in Nebraska.

Hearing Officer – Troy Hawk

Thank you, Dr. Larson. Is there anyone else wishing to testify. Please raise your electronic hand.

See no one else, Sheyanne, is there anything you would like to add at this time?

Sheyanne Smith

Thank you for attending and providing testimony for Rule 3. The department appreciates your time and engagement.

This concludes my testimony.

Hearing Officer – Troy Hawk

This closes the hearing on the proposed revisions to Rule 3.

We will now begin the hearing on the proposed repeal of Rule 8, *Regulations for School Finance and Budgeting/State Funding of Educational Service Units and Learning Communities,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed repeal of Rule 8. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 8, Regulations for School Finance and Budgeting and State Funding of Educational Service Units and Learning Communities, otherwise known as Rule 8.

The last revisions to Rule 8 became effective in December of 2016. Since that time there have been many changes to the authorizing statutes, which are not reflected in the current rule.

In a recent review of the rule, it was noted that Rule 8 is, for the most part, simply a restatement of the authorizing statutes without the addition of any substantive requirements or direction.

There have been recent efforts at several levels, including the State Board of Education, to reduce or eliminate this type of restatement of statutory provisions.

Furthermore, the underlying statutes in the areas covered by this rule change frequently, making it difficult to maintain the rule as an accurate statement of the law. For these reasons, the repeal of Rule 8 is being proposed for consideration by the State Board of Education.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed revisions to Rule 8.

We will now begin the hearing on the proposed repeal of Rule 22, *Regulations Governing the Master Teacher Program,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed repeal of Rule 22. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 22, Regulations Governing the Master Teacher Program, otherwise known as Rule 22.

Rule 22 currently provides procedures for the Master Teacher Program. However, the statutes authorizing the Master Teacher Program were repealed by the Legislature in LB 705 (2023).

The program provided bonuses for teachers earning credentials from a credentialing organization meeting certain criteria and provided financial assistance for the associated registration fees.

Since the authorizing statues no longer exist, thus eliminating the Master Teacher Program, the repeal of Rule 22 is being offered for consideration by the State Board of Education.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed revisions to Rule 22.

We will now begin the hearing on the proposed repeal of Rule 25, *Regulations Governing the Excellence in Teaching Act,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed revisions. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 25, Regulations Governing the Excellence in Teaching Act, otherwise known as Rule 25.

In 2009, Neb. Rev. Stat. §79-8,132 established the Excellence in Teaching Act, which includes the Attracting Excellence to Teaching Program, and the Enhancing Excellence in Teaching Program under the authority of the Nebraska Department of Education.

These programs provide aspiring teachers or teachers seeking additional endorsements in shortage areas, forgivable loans to cover their educational expenses. Recipients must work in a Nebraska school upon completion of their studies for a requisite number of years for their loans to be forgiven.

As of July 1, 2024, Neb. Rev. Stat. §85-3102, as amended by LB705 in 2023, transferred all powers, duties, and functions of the Excellence in Teaching programs to the Coordinating Commission on Postsecondary Education. The Commission administers other financial aid and grant programs for students seeking postsecondary opportunities.

The NDE has worked closely with CCPE to facilitate the transfer of this program. As a result, the need for Rule 25 has been eliminated.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed revisions to Rule 25.

We will now begin the hearing on the proposed repeal of Rule 26, *Regulations and Procedures for Mentor Teacher Programs,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed repeal of Rule 26. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 26, Regulations and Procedures for Mentor Teacher Programs, otherwise known as Rule 26.

Rule 26 currently provides procedures for mentor teacher programs related to funding that has since been repealed.

Mentor Teacher Programs were originally adopted as one of the criteria for Quality Education Incentives under the Quality Education Accountability Act. There was also funding for school districts whose first-year teachers participated in mentor teacher programs.

The State Board was required to establish guidelines, not a rule, for such programs.

Up to 10% of the lottery funds allocated to education at the time were dedicated to school districts participating in teacher mentor programs and another 70% of lottery funds went to quality education incentives. Both parts of the funding were repealed with the adoption of LB 1208 in 2006.

The last modification of the mentor teacher program statutes occurred with LB 525 in 2015. Those modifications prohibited mentor teachers from participating in formal evaluations of beginning teachers and required programs to be consistent with the guidelines developed by the State Board.

As guidelines are still required pursuant to Neb. Rev. Stat. § 79-761, it is being suggested to replace the rule and its obsolete provisions with guidelines to be published to the NDE website.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed repeal of Rule 26, the proposed revisions to Rule 3, and the proposed repeal of Rules 8, 22 and 25, and closes the hearings for today. Have a great day.

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PROPOSED AGENDA ITEM RATIONALE

DATE: June 3, 2025 (Updated)

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Julie Otero
Title III/ELPA21/School Improvement Specialist

PROPOSED AGENDA ITEM: Action Item: Proposed Revision of Rule 15 (92 NAC 15), *Regulations and Procedures for English Learner Programs in Nebraska Public Schools* (RR.042025.001)

AGENDA ITEM TYPE: Rule 15 Action Item

RATIONALE/BACKGROUND INFORMATION:
The last revisions to Title 92, Nebraska Administrative Code, Chapter 15, *Regulations and Procedures for English Learner Programs in Nebraska Public Schools* (Rule 15) approved by the State Board of Education became effective May 8, 2018. To be compliant with the recently approved Nebraska ESSA plan, Section 007.01B of Rule 15 must be deleted. **Section 007** deals with Exit Requirements. Since Nebraska offers ELPA21 and Alt ELPA domain exemptions for students who cannot access a domain(s) due to a disability, the ability to exit the English Learner programs due to a verified disability is not authorized under ESSA. For example, if a student is unable to speak, then the district may request a domain exemption in speaking for that student. If that student scores proficient in the other three domains of the assessment (listening, reading, writing) then the student may exit the EL program based on the scores of the domains the student took.

> 007.01A The student in grades K-12 receives a score of proficient on the annual state English language proficiency assessment; ~~or~~
>
> ~~007.01B For English learners with verified disabilities, if a school district committee of assessment and educational personnel determine that the educational needs of a student with verified disabilities are not affected by his or her degree of proficiency in the English language; the committee may recommend that the student exit the language instruction educational program. The committee shall be knowledgeable about the language and educational needs of the student, shall include at least one member of the student's IEP team, and must maintain documentation that the student's educational needs are not affected by his or her degree of proficiency in the English language.~~
>
> A public hearing was held on the proposed revision of Rule 15 on June 2, 2025, over Zoom. The repeal was introduced by NDE staff. There were no other

testifiers. The hearing officer's report is included in the accompanying materials, and a recording of the hearing is available at: www.education.ne.gov/legal/rule-hearings/.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025
ESTIMATED COST:
The estimated cost is $0 for the Nebraska Department of Education as well as for school districts.

79-305. Commissioner of Education; office; powers; duties.

The Commissioner of Education as the executive officer of the State Board of Education shall: (1) Have an office in the city of Lincoln in which shall be housed the records of the State Board of Education and the State Department of Education, which records shall be subject at all times to examination by the Governor, the Auditor of Public Accounts, and committees of the Legislature; (2) keep the board currently informed and advised on the operation and status of all aspects of the educational program of the state under its jurisdiction; (3) prepare a budget for financing the activities of the board and the department, including the internal operation and maintenance of the department, and upon approval by the board administer the same in accordance with appropriations by the Legislature; (4) voucher the expenses of the department according to the rules and regulations prescribed by the board; (5) be responsible for promoting the efficiency, welfare, and improvement in the school system in the state and for recommending to the board such policies, standards, rules, and regulations as may be necessary to attain these purposes; (6) promote educational improvement by (a) outlining and carrying out plans and conducting essential activities for the preparation of curriculum and other materials, (b) providing necessary supervisory and consultative services, (c) holding conferences of professional educators and other civic leaders, (d) conducting research, experimentation, and evaluation of school programs and activities, and (e) in other ways assisting in the development of effective education in the state; (7) issue teachers' certificates according to the provisions of law and the rules and regulations prescribed by the board; and (8) attend or, in case of necessity, designate a representative to attend all meetings of the board except when the order of business of the board is the selection of a Commissioner of Education. None of the duties prescribed in this section or in section 79-306 prevent the commissioner from exercising such other duties as in his or her judgment and with the approval of the board are necessary to the proper and legal exercise of his or her obligations.

Source: Laws 1953, c. 320, § 12, p. 1059; Laws 1979, LB 289, § 1; R.S.1943, (1994), § 79-332; Laws 1996, LB 900, § 133; Laws 2009, LB549, § 13.

Cross References

Constitutional provisions:
Appointment, see Article VII, section 4, Constitution of Nebraska.
Board of Trustees of the Nebraska State Colleges, ex officio member, see Article VII, section 13, Constitution of Nebraska.

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.

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).

79-703. Public schools; education programs in state institutions that house juveniles; approval and accreditation standards; accreditation committee; duties; legislative intent.

(1) To ensure both equality of opportunity and quality of programs offered, all public schools in the state shall be required to meet quality and performance-based approval or accreditation standards as prescribed by the State Board of Education. Beginning August 1, 2025, accreditation standards shall require each school district to develop and adopt a policy relating to behavioral intervention, behavioral management, classroom management, and removal of a student from a classroom in accordance with section 79-262.01. The board shall establish a core curriculum standard, which shall include multicultural education and vocational education courses, for all public schools in the state. Accreditation and approval standards shall be designed to assure effective schooling and quality of instructional programs regardless of school size, wealth, or geographic location. Accreditation standards for school districts that are members of a learning community shall include participation in the community achievement plan for the learning community as approved by the board. Accreditation standards for education programs in state institutions under the supervision of the Department of Health and Human Services that house juveniles shall include an annual report to the State Board of Education by the superintendent of institutional schools. The board shall recognize and encourage the maximum use of cooperative programs and may provide for approval or accreditation of programs on a cooperative basis, including the sharing of administrative and instructional staff, between school districts for the purpose of meeting the approval and accreditation requirements established pursuant to this section and section 79-318.

(2) The Commissioner of Education shall appoint an accreditation committee which shall be representative of the educational institutions and agencies of the state and shall include as a member the director of admissions of the University of Nebraska.

(3) The accreditation committee shall be responsible for: (a) Recommending appropriate standards and policies with respect to the accreditation and classification of schools; and (b) making recommendations annually to the commissioner relative to the accreditation and classification of individual schools. No school shall be considered for accreditation status which has not first fulfilled all requirements for an approved school.

(4) All public schools in the state, including, but not limited to, schools operated by school districts and education programs in state institutions under the supervision of the Department of Health and Human Services that house juveniles, shall be accredited.

(5) It is the intent of the Legislature that all public school students shall have access to all educational services required of accredited schools. Such services may be provided through cooperative programs or alternative methods of delivery.

Source: Laws 1949, c. 248, § 1, p. 672; Laws 1953, c. 311, § 3, p. 1035; Laws 1984, LB 994, § 7; Laws 1985, LB 633, § 5; Laws 1988, LB 940, § 10; R.S.Supp.,1988, § 79-1247.02; Laws 1989, LB 15, § 3; Laws 1990, LB 259, § 30; Laws 1992, LB 922, § 6; R.S.1943, (1994), § 79-4,140.16; Laws 1996, LB 900, § 377; Laws 2016, LB1067, § 30; Laws 2020, LB1188, § 15; Laws 2023, LB705, § 78.

Cross References

Multicultural education program, see section 79-719 et seq.
Private, denominational, or parochial schools, election not to meet approval or accreditation requirements, see section 79-1601.
Vocational education, interdistrict agreements, see section 79-745 et seq.

Annotations

Constitutionality of this section was not passed upon because not raised in district court. Ebberson v. School Dist. No. 64 of Cedar County, 180 Neb. 119, 141 N.W.2d 452 (1966).

The purpose of accreditation is to maintain adequate school programs and to provide better instructional opportunities. Pribil v. French, 179 Neb. 602, 139 N.W.2d 356 (1966).

This section did not go beyond protecting the interests of the state in education. De Jonge v. School Dist. of Bloomington, 179 Neb. 539, 139 N.W.2d 296 (1966); Meyerkorth v. State, 173 Neb. 889, 115 N.W.2d 585 (1962).

Accreditation and approval are two separate and entirely different duties. School Dist. No. 39 of Washington County v. Decker, 159 Neb. 693, 68 N.W.2d 354 (1955).

20 USCS § 6311

Current through Public Law 119-3, approved March 14, 2025.

United States Code Service

TITLE 20. EDUCATION (§§ 1 — 10013)

CHAPTER 70. STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS (§§ 6301— 8962)

IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED (§§ 6301 — 6578)

IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES (§§ 6311 — 6339)

Basic Program Requirements (§§ 6311 — 6323)

§ 6311. State plans

(a) Filing for grants.

(1) In general. For any State desiring to receive a grant under this part [*20 USCS §§ 6311* et seq.], the State educational agency shall file with the Secretary a plan that is—

(A) developed by the State educational agency with timely and meaningful consultation with the Governor, members of the State legislature and State board of education (if the State has a State board of education), local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school

leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents; and

(B) is coordinated with other programs under this Act [*20 USCS §§ 6301* et seq.], the Individuals with Disabilities Education Act (*20 U.S.C. 1400* et seq.), the Rehabilitation Act of 1973 (*20 U.S.C. 701* et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (*20 U.S.C. 2301* et seq.), the Workforce Innovation and Opportunity Act (*29 U.S.C. 3101* et seq.), the Head Start Act (*42 U.S.C. 9831* et seq.), the Child Care and Development Block Grant Act of 1990 (*42 U.S.C. 9858* et seq.), the Education Sciences Reform Act of 2002 (*20 U.S.C. 9501* et seq.), the Education [Educational] Technical Assistance Act of 2002 (*20 U.S.C. 9601* et. seq.), the National Assessment of Educational Progress Authorization Act (*20 U.S.C. 9621* et seq.), the McKinney-Vento Homeless Assistance Act (*42 U.S.C. 11301* et seq.), and the Adult Education and Family Literacy Act (*29 U.S.C. 3271* et seq.).

(2) Limitation. Consultation required under paragraph (1)(A) shall not interfere with the timely submission of the plan required under this section.

(3) Consolidated plan. A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302 [*20 USCS § 7842*].

(4) Peer review and secretarial approval.

(A) In general. The Secretary shall—

(i) establish a peer-review process to assist in the review of State plans;

(ii) establish multidisciplinary peer-review teams and appoint members of such teams—

(I) who are representative of—

(aa) parents, teachers, principals, other school leaders, specialized instructional support personnel, State educational agencies, local educational agencies, and the community (including the business community); and

(bb) researchers who are familiar with—

(AA) the implementation of academic standards, assessments, or accountability systems; and

(BB) how to meet the needs of disadvantaged students, children with disabilities, and English learners, the needs of low-performing schools, and other educational needs of students;

(II) that include, to the extent practicable, majority representation of individuals who, in the most recent 2 years, have had practical experience in the classroom, school administration, or State or local government (such as direct employees of a school, local educational agency, or State educational agency); and

(III) who represent a regionally diverse cross-section of States;

(iii) make available to the public, including by such means as posting to the Department's website, the list of peer reviewers who have reviewed State plans under this section;

(iv) ensure that the peer-review teams consist of varied individuals so that the same peer reviewers are not reviewing all of the State plans;

(v) approve a State plan not later than 120 days after its submission, unless the Secretary meets the requirements of clause (vi);

(vi) have the authority to disapprove a State plan only if—

(I) the Secretary—

(aa) determines how the State plan fails to meet the requirements of this section;

(bb) immediately provides to the State, in writing, notice of such determination, and the supporting information and rationale to substantiate such determination;

(cc) offers the State an opportunity to revise and resubmit its State plan, and provides the State—

(AA) technical assistance to assist the State in meeting the requirements of this section;

(BB) in writing, all peer-review comments, suggestions, recommendations, or concerns relating to its State plan; and

(CC) a hearing, unless the State declines the opportunity for such hearing; and

(II) the State—

(aa) does not revise and resubmit its State plan; or

(bb) in a case in which a State revises and resubmits its State plan after a hearing is conducted under subclause (I)(cc)(CC), or after the State has declined the opportunity for such a hearing, the Secretary determines that such revised State plan does not meet the requirements of this section.

(B) Purpose of peer review. The peer-review process shall be designed to—

(i) maximize collaboration with each State;

(ii) promote effective implementation of the challenging State academic standards through State and local innovation; and

(iii) provide transparent, timely, and objective feedback to States designed to strengthen the technical and overall quality of the State plans.

(C) Standard and nature of review. Peer reviewers shall conduct an objective review of State plans in their totality and out of respect for State and local judgments, with the goal of supporting State and local-led innovation and providing objective feedback on the technical and overall quality of a State plan.

(D) Prohibition. Neither the Secretary nor the political appointees of the Department, may attempt to participate in, or influence, the peer-review process.

(5) Public review. All written communications, feedback, and notifications under this subsection shall be conducted in a manner that is transparent and immediately made available to the public on the Department's website, including—

(A) plans submitted or resubmitted by a State;

(B) peer-review guidance, notes, and comments and the names of the peer reviewers (once the peer reviewers have completed their work);

(C) State plan determinations by the Secretary, including approvals or disapprovals; and

(D) notices and transcripts of hearings under this section.

(6) Duration of the plan.

(A) In general. Each State plan shall—

(i) remain in effect for the duration of the State's participation under this part [*20 USCS §§ 6311* et seq.]; and

(ii) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State's strategies and programs under this part [*20 USCS §§ 6311* et seq.].

(B) Additional information.

(i) In general. If a State makes significant changes to its plan at any time, such as the adoption of new challenging State academic standards or new academic assessments under subsection (b), or changes to its accountability system under subsection (c), such information shall be submitted to the Secretary in the form of revisions or amendments to the State plan.

(ii) Review of revised plans. The Secretary shall review the information submitted under clause (i) and approve changes to the State plan, or disapprove such changes in accordance with paragraph (4)(A)(vi), within 90 days, without undertaking the peer-review process under such paragraph.

(iii) Special rule for standards. If a State makes changes to its challenging State academic standards, the requirements of subsection (b)(1), including the requirement that such standards need not be submitted to the Secretary pursuant to subsection (b)(1)(A), shall still apply.

(7) Failure to meet requirements. If a State fails to meet any of the requirements of this section, the Secretary may withhold funds for State administration under this part [*20 USCS §§ 6311* et seq.] until the Secretary determines that the State has fulfilled those requirements.

(8) Public comment. Each State shall make the State plan publicly available for public comment for a period of not less than 30 days, by electronic means and in an easily accessible format, prior to submission to the Secretary for approval under this subsection. The State, in the plan it files under this subsection, shall provide an assurance that public comments were taken into account in the development of the State plan.

(b) Challenging academic standards and academic assessments.

(1) Challenging State academic standards.

(A) In general. Each State, in the plan it files under subsection (a), shall provide an assurance that the State has adopted challenging academic content standards and aligned academic achievement standards (referred to in this Act [*20 USCS §§ 6301* et seq.] as "challenging State academic standards"), which achievement standards shall include not less than 3 levels of achievement, that will be used by the State, its local educational agencies, and its schools to carry out this part. A State shall not be required to submit such challenging State academic standards to the Secretary.

(B) Same standards. Except as provided in subparagraph (E), the standards required by subparagraph (A) shall—

(i) apply to all public schools and public school students in the State; and

(ii) with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

(C) Subjects. The State shall have such academic standards for mathematics, reading or language arts, and science, and may have such standards for any other subject determined by the State.

(D) Alignment.

(i) In general. Each State shall demonstrate that the challenging State academic standards are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.

(ii) Rule of construction. Nothing in this Act [*20 USCS §§ 6301* et seq.] shall be construed to authorize public institutions of higher education to determine the specific challenging State academic standards required under this paragraph.

(E) Alternate academic achievement standards for students with the most significant cognitive disabilities.

(i) In general. The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards for students with the most significant cognitive disabilities, provided those standards—

(I) are aligned with the challenging State academic content standards under subparagraph (A);

(II) promote access to the general education curriculum, consistent with the Individuals with Disabilities Education Act (*20 U.S.C. 1400* et seq.);

(III) reflect professional judgment as to the highest possible standards achievable by such students;

(IV) are designated in the individualized education program developed under section 614(d)(3) of the Individuals with Disabilities Education Act (*20 U.S.C. 1414(d)(3)*) for each such student as the academic achievement standards that will be used for the student; and

(V) are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or employment, consistent with the purposes of *Public Law 93-112* [*29 USCS §§ 701* et seq.], as in effect on July 22, 2014.

(ii) Prohibition on any other alternate or modified academic achievement standards. A State shall not develop, or implement for use under this part [*20 USCS §§ 6311* et seq.], any alternate academic achievement standards for children with disabilities that are not alternate academic achievement standards that meet the requirements of clause (i).

(F) English language proficiency standards. Each State plan shall demonstrate that the State has adopted English language proficiency standards that—

(i) are derived from the 4 recognized domains of speaking, listening, reading, and writing;

(ii) address the different proficiency levels of English learners; and

(iii) are aligned with the challenging State academic standards.

(G) Prohibitions.

(i) Standards review or approval. A State shall not be required to submit any standards developed under this subsection to the Secretary for review or approval.

(ii) Federal control. The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.

(H) Existing standards. Nothing in this part [*20 USCS §§ 6311* et seq.] shall prohibit a State from revising, consistent with this section, any standards adopted under this part [*20 USCS §§ 6311* et seq.] before or after the date of enactment of the Every Student Succeeds Act [enacted Dec. 10, 2015].

(2) Academic assessments.

(A) In general. Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science. The State retains the right to implement such assessments in any other subject chosen by the State.

(B) Requirements. The assessments under subparagraph (A) shall—

(i) except as provided in subparagraph (D), be—

(I) the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and

(II) administered to all public elementary school and secondary school students in the State;

(ii) be aligned with the challenging State academic standards, and provide coherent and timely information about student attainment of such standards and whether the student is performing at the student's grade level;

(iii) be used for purposes for which such assessments are valid and reliable, consistent with relevant, nationally recognized professional and technical testing standards, objectively measure academic achievement, knowledge, and skills, and be tests that do not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information;

(iv) be of adequate technical quality for each purpose required under this Act [*20 USCS §§ 6301* et seq.] and consistent with the requirements of this section, the evidence of which shall be made public, including on the website of the State educational agency;

(v)

(I) in the case of mathematics and reading or language arts, be administered—

(aa) in each of grades 3 through 8; and

(bb) at least once in grades 9 through 12;

(II) in the case of science, be administered not less than one time during—

(aa) grades 3 through 5;

(bb) grades 6 through 9; and

(cc) grades 10 through 12; and

(III) in the case of any other subject chosen by the State, be administered at the discretion of the State;

(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks;

(vii) provide for—

(I) the participation in such assessments of all students;

(II) the appropriate accommodations, such as interoperability with, and ability to use, assistive technology, for children with disabilities (as defined in section 602(3) of the Individuals with Disabilities Education Act (*20 U.S.C. 1401(3)*)), including students with the most significant cognitive disabilities, and students with a disability who are provided accommodations under an Act other than the Individuals with Disabilities Education Act (*20 U.S.C. 1400* et seq.), necessary to measure the academic achievement of such children relative to the challenging State academic standards or alternate academic achievement standards described in paragraph (1)(E); and

(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided appropriate accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as determined under subparagraph (G);

(viii) at the State's discretion—

(I) be administered through a single summative assessment; or

(II) be administered through multiple statewide interim assessments during the course of the academic year that result in a single summative score that provides valid, reliable, and transparent information on student achievement or growth;

(ix) notwithstanding clause (vii)(III), provide for assessments (using tests in English) of reading or language arts of any student who has attended school in the United States (not including the Commonwealth of Puerto Rico) for 3 or more consecutive school years, except that if the local educational agency determines, on a case-by-case individual basis, that

academic assessments in another language or form would likely yield more accurate and reliable information on what such student knows and can do, the local educational agency may make a determination to assess such student in the appropriate language other than English for a period that does not exceed 2 additional consecutive years, provided that such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on tests (written in English) of reading or language arts;

(x) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause (iii), regarding achievement on such assessments that allow parents, teachers, principals, and other school leaders to understand and address the specific academic needs of students, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;

(xi) enable results to be disaggregated within each State, local educational agency, and school by—

(I) each major racial and ethnic group;

(II) economically disadvantaged students as compared to students who are not economically disadvantaged;

(III) children with disabilities as compared to children without disabilities;

(IV) English proficiency status;

(V) gender; and

(VI) migrant status, except that such disaggregation shall not be required in the case of a State, local educational agency, or a school in which the number of students in a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

(xii) enable itemized score analyses to be produced and reported, consistent with clause (iii), to local educational agencies and schools, so that parents, teachers, principals, other school leaders, and administrators can interpret and address the specific academic needs of students as indicated by the students' achievement on assessment items; and

(xiii) be developed, to the extent practicable, using the principles of universal design for learning.

(C) Exception for advanced mathematics in middle school. A State may exempt any 8th grade student from the assessment in mathematics described in subparagraph (B)(v)(I)(aa) if—

(i) such student takes the end-of-course assessment the State typically administers to meet the requirements of subparagraph (B)(v)(I)(bb) in mathematics;

(ii) such student's achievement on such end-of-course assessment is used for purposes of subsection (c)(4)(B)(i), in lieu of such student's achievement on the mathematics assessment required under subparagraph (B)(v)(I)(aa), and such student is counted as participating in the assessment for purposes of subsection (c)(4)(B)(vi) [not enacted]; and

(iii) in high school, such student takes a mathematics assessment pursuant to subparagraph (B)(v)(I)(bb) that—

(I) is any end-of-course assessment or other assessment that is more advanced than the assessment taken by such student under clause (i) of this subparagraph; and

(II) shall be used to measure such student's academic achievement for purposes of subsection (c)(4)(B)(i).

(D) Alternate assessments for students with the most significant cognitive disabilities.

(i) Alternate assessments aligned with alternate academic achievement standards. A State may provide for alternate assessments aligned with the challenging State academic standards and alternate academic achievement standards described in paragraph (1)(E) for students with the most significant cognitive disabilities, if the State—

(I) consistent with clause (ii), ensures that, for each subject, the total number of students assessed in such subject using the alternate assessments does not exceed 1 percent of the total number of all students in the State who are assessed in such subject;

(II) ensures that the parents of such students are clearly informed, as part of the process for developing the individualized education program (as defined in section 614(d)(1)(A) of the Individuals with Disabilities Education Act (*20 U.S.C. 1414(d)(1)(A)*))—

(aa) that their child's academic achievement will be measured based on such alternate standards; and

(bb) how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma;

(III) promotes, consistent with the Individuals with Disabilities Education Act (*20 U.S.C. 1400* et seq.), the involvement and progress of students with the most significant cognitive disabilities in the general education curriculum;

(IV) describes in the State plan the steps the State has taken to incorporate universal design for learning, to the extent feasible, in alternate assessments;

(V) describes in the State plan that general and special education teachers, and other appropriate staff—

(aa) know how to administer the alternate assessments; and

(bb) make appropriate use of accommodations for students with disabilities on all assessments required under this paragraph;

(VI) develops, disseminates information on, and promotes the use of appropriate accommodations to increase the number of students with significant cognitive disabilities—

(aa) participating in academic instruction and assessments for the grade level in which the student is enrolled; and

(bb) who are tested based on challenging State academic standards for the grade level in which the student is enrolled; and

(VII) does not preclude a student with the most significant cognitive disabilities who takes an alternate assessment based on alternate academic achievement standards from attempting to complete the requirements for a regular high school diploma.

(ii) Special rules.

(I) Responsibility under IDEA. Subject to the authority and requirements for the individualized education program team for a child with a disability under section 614(d)(1)(A)(i)(VI)(bb) of the Individuals with Disabilities Education Act (*20 U.S.C. 1414(d)(1)(A)(i)(VI)(bb)*), such team, consistent with the guidelines established by the State and required under section 612(a)(16)(C) of such Act (*20 U.S.C. 1412(c)(16)(C)*) [*20 U.S.C. 1412(a)(16)(C)*] and clause (i)(II) of this subparagraph, shall determine when a child with a significant cognitive disability shall participate in an alternate assessment aligned with the alternate academic achievement standards.

(II) Prohibition on local cap. Nothing in this subparagraph shall be construed to permit the Secretary or a State educational agency to impose on any local educational agency a cap on the percentage of students administered an alternate assessment under this subparagraph, except that a local educational agency exceeding the cap applied to the State under clause (i)(I) shall submit information to the State educational agency justifying the need to exceed such cap.

(III) State support. A State shall provide appropriate oversight, as determined by the State, of any local educational agency that is required to submit information to the State under subclause (II).

(IV) Waiver authority. This subparagraph shall be subject to the waiver authority under section 8401 [*20 USCS § 7861*].

(E) State authority. If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt challenging State academic standards, and academic assessments aligned with such standards, which will be applicable to all students enrolled in the State's public elementary schools and secondary schools, then the State educational agency may meet the requirements of this subsection by—

(i) adopting academic standards and academic assessments that meet the requirements of this subsection, on a statewide basis, and limiting their applicability to students served under this part [*20 USCS §§ 6311* et seq.]; or

(ii) adopting and implementing policies that ensure that each local educational agency in the State that receives grants under this part [*20 USCS §§ 6311* et seq.] will adopt academic content and student academic achievement standards, and academic assessments aligned with such standards, which—

(I) meet all of the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish; and

(II) are applicable to all students served by each such local educational agency.

(F) Language assessments.

(i) In general. Each State plan shall identify the languages other than English that are present to a significant extent in the participating student population of the State and indicate the languages for which annual student academic assessments are not available and are needed.

(ii) Secretarial assistance. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

(G) Assessments of English language proficiency.

(i) In general. Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English

proficiency of all English learners in the schools served by the State educational agency.

(ii) Alignment. The assessments described in clause (i) shall be aligned with the State's English language proficiency standards described in paragraph (1)(F).

(H) Locally-selected assessment.

(i) In general. Nothing in this paragraph shall be construed to prohibit a local educational agency from administering a locally-selected assessment in lieu of the State-designed academic assessment under subclause (I)(bb) and subclause (II)(cc) of subparagraph (B)(v), if the local educational agency selects a nationally-recognized high school academic assessment that has been approved for use by the State as described in clause (iii) or (iv) of this subparagraph.

(ii) State technical criteria. To allow for State approval of nationally-recognized high school academic assessments that are available for local selection under clause (i), a State educational agency shall establish technical criteria to determine if any such assessment meets the requirements of clause (v).

(iii) State approval. If a State educational agency chooses to make a nationally-recognized high school assessment available for selection by a local educational agency under clause (i), which has not already been approved under this clause, such State educational agency shall—

(I) conduct a review of the assessment to determine if such assessment meets or exceeds the technical criteria established by the State educational agency under clause (ii);

(II) submit evidence in accordance with subsection (a)(4) that demonstrates such assessment meets the requirements of clause (v); and

(III) after fulfilling the requirements of subclauses (I) and (II), approve such assessment for selection and use by any local educational agency that requests to use such assessment under clause (i).

(iv) Local educational agency option.

(I) Local educational agency. If a local educational agency chooses to submit a nationally recognized high school academic assessment to the State educational agency, subject to the approval process described in subclause (I) and subclause (II) of clause (iii) to determine if such assessment fulfills the requirements of clause (v), the State educational agency may approve the use of such assessment consistent with clause (i).

(II) State educational agency. Upon such approval, the State educational agency shall approve the use of such assessment in any other local educational agency in the State that subsequently requests to use such assessment without repeating the process described in subclauses (I) and (II) of clause (iii).

(v) Requirements. To receive approval from the State educational agency under clause (iii), a locally-selected assessment shall—

(I) be aligned to the State's academic content standards under paragraph (1), address the depth and breadth of such standards, and be equivalent in its content coverage, difficulty, and quality to the State-designed assessments under this paragraph (and may be more rigorous in its content coverage and difficulty than such State-designed assessments);

(II) provide comparable, valid, and reliable data on academic achievement, as compared to the State-designed assessments, for all students and for each subgroup of students defined in subsection (c)(2), with results expressed in terms consistent with the State's academic achievement standards under paragraph (1), among all local educational agencies within the State;

(III) meet the requirements for the assessments under subparagraph (B) of this paragraph, including technical criteria, except the requirement under clause (i) of such subparagraph; and

(IV) provide unbiased, rational, and consistent differentiation between schools within the State to meet the requirements of subsection (c).

(vi) Parental notification. A local educational agency shall notify the parents of high school students served by the local educational agency—

(I) of its request to the State educational agency for approval to administer a locally selected assessment; and

(II) upon approval, and at the beginning of each subsequent school year during which the locally selected assessment will be administered, that the local educational agency will be administering a different assessment than the State-designed assessments under subclause (I)(bb) and subclause (II)(cc) of subparagraph (B)(v).

(I) Deferral. A State may defer the commencement, or suspend the administration, but not cease the development, of the assessments described in this paragraph, for 1 year for each year for which the amount appropriated for grants under part B is less than $369,100,000.

(J) Adaptive assessments.

(i) In general. Subject to clause (ii), a State retains the right to develop and administer computer adaptive assessments as the assessments described in this paragraph, provided the computer adaptive assessments meet the requirements of this paragraph, except that—

(I) subparagraph (B)(i) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items; and

(II) such assessment—

(aa) shall measure, at a minimum, each student's academic proficiency based on the challenging State academic standards for the student's grade level and growth toward such standards; and

(bb) may measure the student's level of academic proficiency and growth using items above or below the student's grade level, including for use as part of a State's accountability system under subsection (c).

(ii) Students with the most significant cognitive disabilities and English learners. In developing and administering computer adaptive assessments—

(I) as the assessments allowed under subparagraph (D), a State shall ensure that such computer adaptive assessments—

(aa) meet the requirements of this paragraph, including subparagraph (D), except such assessments shall not be required to meet the requirements of clause (i)(II); and

(bb) assess the student's academic achievement to measure, in the subject being assessed, whether the student is performing at the student's grade level; and

(II) as the assessments required under subparagraph (G), a State shall ensure that such computer adaptive assessments—

(aa) meet the requirements of this paragraph, including subparagraph (G), except such assessment shall not be required to meet the requirements of clause (i)(II); and

(bb) assess the student's language proficiency, which may include growth towards such proficiency, in order to measure the student's acquisition of English.

(K) Rule of construction on parent rights. Nothing in this paragraph shall be construed as preempting a State or local law regarding the decision of a parent to not have the parent's child participate in the academic assessments under this paragraph.

(L) Limitation on assessment time. Subject to Federal or State requirements related to assessments, evaluations, and accommodations, each State may, at the sole discretion of such State, set a target limit on the aggregate amount of time devoted to the administration of assessments for each grade, expressed as a percentage of annual instructional hours.

(3) Exception for recently arrived English learners.

(A) Assessments. With respect to recently arrived English learners who have been enrolled in a school in one of the 50 States in the United States or the District of Columbia for less than 12 months, a State may choose to—

(i) exclude—

(I) such an English learner from one administration of the reading or language arts assessment required under paragraph (2); and

(II) such an English learner's results on any of the assessments required under paragraph (2)(B)(v)(I) or (2)(G) for the first year of the English learner's enrollment in such a school for the purposes of the State-determined accountability system under subsection (c); or

(ii)

(I) assess, and report the performance of, such an English learner on the reading or language arts and mathematics assessments required under paragraph (2)(B)(v)(I) in each year of the student's enrollment in such a school; and

(II) for the purposes of the State-determined accountability system—

(aa) for the first year of the student's enrollment in such a school, exclude the results on the assessments described in subclause (I);

(bb) include a measure of student growth on the assessments described in subclause (I) in the second year of the student's enrollment in such a school; and

(cc) include proficiency on the assessments described in subclause (I) in the third year of the student's enrollment in such a school, and each succeeding year of such enrollment.

(B) English learner subgroup. With respect to a student previously identified as an English learner and for not more than 4 years after the student ceases to be identified as an English learner, a State may include the results of the student's assessments under paragraph (2)(B)(v)(I) within the English learner subgroup of the subgroups of students (as defined in subsection (c)(2)(D)) for the purposes of the State-determined accountability system.

(c) Statewide accountability system.

(1) In general. Each State plan shall describe a statewide accountability system that complies with the requirements of this subsection and subsection (d).

(2) Subgroup of students. In this subsection and subsection (d), the term "subgroup of students" means—

(A) economically disadvantaged students;

(B) students from major racial and ethnic groups;

(C) children with disabilities; and

(D) English learners.

(3) Minimum number of students. Each State shall describe—

(A) with respect to any provisions under this part [*20 USCS §§ 6311* et seq.] that require disaggregation of information by each subgroup of students—

(i) the minimum number of students that the State determines are necessary to be included to carry out such requirements and how that number is statistically sound, which shall be the same State-determined number for all students and for each subgroup of students in the State;

(ii) how such minimum number of students was determined by the State, including how the State collaborated with teachers, principals, other school leaders, parents, and other stakeholders when determining such minimum number; and

(iii) how the State ensures that such minimum number is sufficient to not reveal any personally identifiable information.

(4) Description of system. The statewide accountability system described in paragraph (1) shall be based on the challenging State academic standards for reading or language arts and mathematics described in subsection (b)(1) to improve student academic achievement and school success. In designing such system to meet the requirements of this part, the State shall carry out the following:

(A) Establishment of long-term goals. Establish ambitious State-designed long-term goals, which shall include measurements of interim progress toward meeting such goals—

(i) for all students and separately for each subgroup of students in the State—

(I) for, at a minimum, improved—

(aa) academic achievement, as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I); and

(bb) high school graduation rates, including—

(AA) the four-year adjusted cohort graduation rate; and

(BB) at the State's discretion, the extended-year adjusted cohort graduation rate, except that the State shall set a more rigorous long-term goal for such graduation rate, as compared to the long-term goal set for the four-year adjusted cohort graduation rate;

(II) for which the term set by the State for such goals is the same multi-year length of time for all students and for each subgroup of students in the State; and

(III) that, for subgroups of students who are behind on the measures described in items (aa) and (bb) of subclause (I), take into account the improvement necessary on such measures to make significant progress in closing statewide proficiency and graduation rate gaps; and

(ii) for English learners, for increases in the percentage of such students making progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline.

(B) Indicators. Except for the indicator described in clause (iv), annually measure, for all students and separately for each subgroup of students, the following indicators:

(i) For all public schools in the State, based on the long-term goals established under subparagraph (A), academic achievement—

(I) as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I); and

(II) at the State's discretion, for each public high school in the State, student growth, as measured by such annual assessments.

(ii) For public elementary schools and secondary schools that are not high schools in the State—

(I) a measure of student growth, if determined appropriate by the State; or

(II) another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance.

(iii) For public high schools in the State, and based on State-designed long term goals established under subparagraph (A)—

(I) the four-year adjusted cohort graduation rate; and

(II) at the State's discretion, the extended-year adjusted cohort graduation rate.

(iv) For public schools in the State, progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline for all English learners—

(I) in each of the grades 3 through 8; and

(II) in the grade for which such English learners are otherwise assessed under subsection (b)(2)(B)(v)(I) during the grade 9 through grade 12 period, with such progress being measured against the results of the assessments described in subsection (b)(2)(G) taken in the previous grade.

(v)

(I) For all public schools in the State, not less than one indicator of school quality or student success that—

(aa) allows for meaningful differentiation in school performance;

(bb) is valid, reliable, comparable, and statewide (with the same indicator or indicators used for each grade span, as such term is determined by the State); and

(cc) may include one or more of the measures described in subclause (II).

(II) For purposes of subclause (I), the State may include measures of—

(III) [(aa)] student engagement;

(IV) [(bb)] educator engagement;

(V) [(cc)] student access to and completion of advanced coursework;

(VI) [(dd)] postsecondary readiness;

(VII) [(ee)] school climate and safety; and

(VIII) [(ff)] any other indicator the State chooses that meets the requirements of this clause.

(C) Annual meaningful differentiation. Establish a system of meaningfully differentiating, on an annual basis, all public schools in the State, which shall—

(i) be based on all indicators in the State's accountability system under subparagraph (B), for all students and for each [of] subgroup of students, consistent with the requirements of such subparagraph;

(ii) with respect to the indicators described in clauses (i) through (iv) of subparagraph (B) afford—

(I) substantial weight to each such indicator; and

(II) in the aggregate, much greater weight than is afforded to the indicator or indicators utilized by the State and described in subparagraph (B)(v), in the aggregate; and

(iii) include differentiation of any such school in which any subgroup of students is consistently underperforming, as determined by the State, based on all indicators under subparagraph (B) and the system established under this subparagraph.

(D) Identification of schools. Based on the system of meaningful differentiation described in subparagraph (C), establish a State-determined methodology to identify—

(i) beginning with school year 2017–2018, and at least once every three school years thereafter, one statewide category of schools for comprehensive support and improvement, as described in subsection (d)(1), which shall include—

(I) not less than the lowest-performing 5 percent of all schools receiving funds under this part [*20 USCS §§ 6311* et seq.] in the State;

(II) all public high schools in the State failing to graduate one third or more of their students; and

(III) public schools in the State described under subsection (d)(3)(A)(i)(II); and

(ii) at the discretion of the State, additional statewide categories of schools.

(E) Annual measurement of achievement.

(i) Annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools on the assessments described under subsection (b)(2)(v)(I).

(ii) For the purpose of measuring, calculating, and reporting on the indicator described in subparagraph (B)(i), include in the denominator the greater of—

(I) 95 percent of all such students, or 95 percent of all such students in the subgroup, as the case may be; or

(II) the number of students participating in the assessments.

(iii) Provide a clear and understandable explanation of how the State will factor the requirement of clause (i) of this subparagraph into the statewide accountability system.

(F) Partial attendance.

(i) In the case of a student who has not attended the same school within a local educational agency for at least half of a school year, the performance of such student on the indicators described in clauses (i), (ii), (iv), and (v) of subparagraph (B)—

(I) may not be used in the system of meaningful differentiation of all public schools as described in subparagraph (C) for such school year; and

(II) shall be used for the purpose of reporting on the State and local educational agency report cards under subsection (h) for such school year.

(ii) In the case of a high school student who has not attended the same school within a local educational agency for at least half of a school year and has exited high school without a regular high school diploma and without transferring to another high school that grants a regular high school diploma during such school year, the local educational agency shall, in order to calculate the graduation rate pursuant to subparagraph (B)(iii), assign such student to the high school—

(I) at which such student was enrolled for the greatest proportion of school days while enrolled in grades 9 through 12; or

(II) in which the student was most recently enrolled.

(5) Accountability for charter schools. The accountability provisions under this Act [*20 USCS §§ 6301* et seq.] shall be overseen for charter schools in accordance with State charter school law.

(d) School support and improvement activities.

(1) Comprehensive support and improvement.

(A) In general. Each State educational agency receiving funds under this part [*20 USCS §§ 6311* et seq.] shall notify each local educational agency in the State of any school served by the local educational agency that is identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

(B) Local educational agency action. Upon receiving such information from the State, the local educational agency shall, for each school identified by the State and in partnership with stakeholders (including principals and other school leaders, teachers, and parents), locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes, that—

(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against State-determined long-term goals;

(ii) includes evidence-based interventions;

(iii) is based on a school-level needs assessment;

(iv) identifies resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan;

(v) is approved by the school, local educational agency, and State educational agency; and

(vi) upon approval and implementation, is monitored and periodically reviewed by the State educational agency.

(C) State educational agency discretion. With respect to any high school in the State identified under subsection (c)(4)(D)(i)(II), the State educational agency may—

(i) permit differentiated improvement activities that utilize evidence-based interventions in the case of such a school that predominantly serves students—

(I) returning to education after having exited secondary school without a regular high school diploma; or

(II) who, based on their grade or age, are significantly off track to accumulate sufficient academic credits to meet high school graduation requirements, as established by the State; and

(ii) in the case of such a school that has a total enrollment of less than 100 students, permit the local educational agency to forego implementation of improvement activities required under this paragraph.

(D) Public school choice.

(i) In general. A local educational agency may provide all students enrolled in a school identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

(ii) Priority. In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest-achieving children from low-income families, as determined by the local educational agency for the purposes of allocating funds to schools under section 1113(a)(3) [*20 USCS § 6313(a)(3)*].

(iii) Treatment. A student who uses the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the student transfers in the same manner as all other students at the public school.

(iv) Special rule. A local educational agency shall permit a student who transfers to another public school under this paragraph to remain in that school until the student has completed the highest grade in that school.

(v) Funding for transportation. A local educational agency may spend an amount equal to not more than 5 percent of its allocation under subpart 2 of this part [*20 USCS §§ 6331* et seq.] to pay for the provision of transportation for students who transfer under this paragraph to the public schools to which the students transfer.

(2) Targeted support and improvement.

(A) In general. Each State educational agency receiving funds under this part [*20 USCS §§ 6311* et seq.] shall, using the meaningful differentiation of schools described in subsection (c)(4)(C)—

(i) notify each local educational agency in the State of any school served by the local educational agency in which any subgroup of students is consistently underperforming, as described in subsection (c)(4)(C)(iii); and

(ii) ensure such local educational agency provides notification to such school with respect to which subgroup or subgroups of students in such school are consistently underperforming as described in subsection (c)(4)(C)(iii).

(B) Targeted support and improvement plan. Each school receiving a notification described in this paragraph, in partnership with stakeholders (including principals and other school leaders, teachers and parents), shall develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system established under subsection (c)(4), for each subgroup of students that was the subject of notification that—

(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against long-term goals;

(ii) includes evidence-based interventions;

(iii) is approved by the local educational agency prior to implementation of such plan;

(iv) is monitored, upon submission and implementation, by the local educational agency; and

(v) results in additional action following unsuccessful implementation of such plan after a number of years determined by the local educational agency.

(C) Additional targeted support. A plan described in subparagraph (B) that is developed and implemented in any school receiving a notification under this paragraph from the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State's methodology under subsection (c)(4)(D) shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan.

(D) Special rule. The State educational agency, based on the State's differentiation of schools under subsection (c)(4)(C) for school year 2017–2018, shall notify local educational agencies of any schools served by the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State's methodology under subsection (c)(4)(D), after which notification of such schools under this paragraph shall result from differentiation of schools pursuant to subsection (c)(4)(C)(iii).

(3) Continued support for school and local educational agency improvement. To ensure continued progress to improve student academic achievement and school success in the State, the State educational agency—

(A) shall—

(i) establish statewide exit criteria for—

(I) schools identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i), which, if not satisfied within a State-determined number of years (not to exceed four years), shall result in more rigorous State-determined action, such as the implementation of interventions (which may include addressing school-level operations); and

(II) schools described in paragraph (2)(C), which, if not satisfied within a State-determined number of years, shall, in the case of such schools receiving assistance under this part [*20 USCS §§ 6311* et seq.], result in identification of the school by the State for comprehensive support and improvement under subsection (c)(4)(D)(i)(III);

(ii) periodically review resource allocation to support school improvement in each local educational agency in the State serving—

(I) a significant number of schools identified for comprehensive support and improvement under subsection (c)(4)(D)(i); and

(II) a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

(iii) provide technical assistance to each local educational agency in the State serving a significant number of—

(I) schools implementing comprehensive support and improvement plans under paragraph (1); or

(II) schools implementing targeted support and improvement plans under paragraph (2); and

(B) may—

(i) take action to initiate additional improvement in any local educational agency with—

(I) a significant number of schools that are consistently identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) and not meeting exit criteria established by the State under subparagraph (A)(i)(I); or

(II) a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

(ii) consistent with State law, establish alternative evidence-based State determined strategies that can be used by local educational agencies to assist a school identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

(4) Rule of construction for collective bargaining. Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employers and their employees.

(e) Prohibition.

(1) In general. Nothing in this Act [*20 USCS §§ 6301* et seq.] shall be construed to authorize or permit the Secretary—

(A) when promulgating any rule or regulation, to promulgate any rule or regulation on the development or implementation of the statewide accountability system established under this section that would—

(i) add new requirements that are inconsistent with or outside the scope of this part [*20 USCS §§ 6311* et seq.];

(ii) add new criteria that are inconsistent with or outside the scope of this part [*20 USCS §§ 6311* et seq.]; or

(iii) be in excess of statutory authority granted to the Secretary;

(B) as a condition of approval of the State plan, or revisions or amendments to, the State plan, or approval of a waiver request submitted under section 8401 [*20 USCS § 7861*], to—

(i) require a State to add any requirements that are inconsistent with or outside the scope of this part [*20 USCS §§ 6311* et seq.];

(ii) require a State to add or delete one or more specific elements of the challenging State academic standards; or

(iii) prescribe—

(I) numeric long-term goals or measurements of interim progress that States establish for all students, for any subgroups of students, and for English learners with respect to English language proficiency, under this part [*20 USCS §§ 6311* et seq.], including—

(aa) the length of terms set by States in designing such goals; or

(bb) the progress expected from any subgroups of students in meeting such goals;

(II) specific academic assessments or assessment items that States or local educational agencies use to meet the requirements of subsection (b)(2) or otherwise use to measure student academic achievement or student growth under this part [*20 USCS §§ 6311* et seq.];

(III) indicators that States use within the State accountability system under this section, including any requirement to measure student growth, or, if a State chooses to measure student growth, the specific metrics used to measure such growth under this part [*20 USCS §§ 6311* et seq.];

(IV) the weight of any measure or indicator used to identify or meaningfully differentiate schools, under this part [*20 USCS §§ 6311* et seq.];

(V) the specific methodology used by States to meaningfully differentiate or identify schools under this part [*20 USCS §§ 6311* et seq.];

(VI) any specific school support and improvement strategies or activities that State or local educational agencies establish and implement to intervene in, support, and improve schools and improve student outcomes under this part [*20 USCS §§ 6311* et seq.];

(VII) exit criteria established by States under subsection (d)(3)(A)(i);

(VIII) provided that the State meets the requirements in subsection (c)(3), a minimum number of students established by a State under such subsection;

(IX) any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency;

(X) indicators or specific measures of teacher, principal, or other school leader effectiveness or quality; or

(XI) the way in which the State factors the requirement under subsection (c)(4)(E)(i) into the statewide accountability system under this section; or

(C) to issue new non-regulatory guidance that—

(i) in seeking to provide explanation of requirements under this section for State or local educational agencies, either in response to requests for information or in anticipation of such requests, provides a strictly limited or exhaustive list to illustrate successful implementation of provisions under this section; or

(ii) purports to be legally binding; or

(D) to require data collection under this part [*20 USCS §§ 6311* et seq.] beyond data derived from existing Federal, State, and local reporting requirements.

(2) Defining terms. In carrying out this part [*20 USCS §§ 6311* et seq.], the Secretary shall not, through regulation or as a condition of approval of the State plan or revisions or amendments to the State plan, promulgate a definition of any term used in this part [*20 USCS §§ 6311* et seq.], or otherwise prescribe any specification for any such term, that is inconsistent with or outside the scope of this part or is in violation of paragraph (1).

(f) Existing State law. Nothing in this section shall be construed to alter any State law or regulation granting parents authority over schools that repeatedly failed to make adequate yearly progress under this part [*20 USCS §§ 6311* et seq.], as in effect on the day before the date of the enactment of the Every Student Succeeds Act [enacted Dec. 10, 2015].

(g) Other plan provisions.

(1) Descriptions. Each State plan shall describe—

(A) how the State will provide assistance to local educational agencies and individual elementary schools choosing to use funds under this part [*20 USCS §§ 6311* et seq.] to support early childhood education programs;

(B) how low-income and minority children enrolled in schools assisted under this part [*20 USCS §§ 6311* et seq.] are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and the measures the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such description (except that nothing in this subparagraph shall be construed as requiring a State to develop or implement a teacher, principal, or other school leader evaluation system);

(C) how the State educational agency will support local educational agencies receiving assistance under this part [*20 USCS §§ 6311* et seq.] to improve school conditions for student learning, including through reducing—

(i) incidences of bullying and harassment;

(ii) the overuse of discipline practices that remove students from the classroom; and

(iii) the use of aversive behavioral interventions that compromise student health and safety;

(D) how the State will support local educational agencies receiving assistance under this part [*20 USCS §§ 6311* et seq.] in meeting the needs of students at all levels of schooling (particularly students in the middle grades and high school),

including how the State will work with such local educational agencies to provide effective transitions of students to middle grades and high school to decrease the risk of students dropping out;

(E) the steps a State educational agency will take to ensure collaboration with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (*42 U.S.C. 621* et seq. and *670* et seq.) to ensure the educational stability of children in foster care, including assurances that—

(i) any such child enrolls or remains in such child's school of origin, unless a determination is made that it is not in such child's best interest to attend the school of origin, which decision shall be based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

(ii) when a determination is made that it is not in such child's best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment;

(iii) the enrolling school shall immediately contact the school last attended by any such child to obtain relevant academic and other records; and

(iv) the State educational agency will designate an employee to serve as a point of contact for child welfare agencies and to oversee implementation of the State agency responsibilities required under this subparagraph, and such point of contact shall not be the State's Coordinator for Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act (*42 U.S.C. 11432(d)(3)*);

(F) how the State educational agency will provide support to local educational agencies in the identification, enrollment, attendance, and school stability of homeless children and youths; and

(G) such other factors the State educational agency determines appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging State academic standards.

(2) Assurances. Each State plan shall contain assurances that—

(A) the State will make public any methods or criteria the State is using to measure teacher, principal, or other school leader effectiveness for the purpose of meeting the requirements described in paragraph (1)(B);

(B) the State educational agency will notify local educational agencies, Indian tribes and tribal organizations, schools, teachers, parents, and the public of the challenging State academic standards, academic assessments, and State accountability system, developed under this section;

(C) the State educational agency will assist each local educational agency and school affected by the State plan to meet the requirements of this part [*20 USCS §§ 6311* et seq.];

(D) the State will participate in the biennial State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (*20 U.S.C. 9622(b)(3)*) if the Secretary pays the costs of administering such assessments;

(E) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources to improve educational opportunities and reduce unnecessary fiscal and accounting requirements;

(F) the State educational agency will support the collection and dissemination to local educational agencies and schools of effective parent and family engagement strategies, including those included in the parent and family engagement policy under section 1116 [*20 USCS § 6318*];

(G) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part [*20 USCS §§ 6311* et seq.];

(H) the State educational agency will ensure that local educational agencies, in developing and implementing programs under this part [*20 USCS §§ 6311* et seq.], will, to the extent feasible, work in consultation with outside intermediary organizations (such as educational service agencies), or individuals, that have practical expertise in the development or use of evidence-based strategies and programs to improve teaching, learning, and schools;

(I) the State educational agency has appropriate procedures and safeguards in place to ensure the validity of the assessment process;

(J) the State educational agency will ensure that all teachers and paraprofessionals working in a program supported with funds under this part [*20 USCS §§ 6311* et seq.] meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification;

(K) the State educational agency will coordinate activities funded under this part [*20 USCS §§ 6311* et seq.] with other Federal activities as appropriate;

(L) the State educational agency has involved the committee of practitioners established under section 1603(b) [*20 USCS § 6513(b)*] in developing the plan and monitoring its implementation;

(M) the State has professional standards for paraprofessionals working in a program supported with funds under this part [*20 USCS §§ 6311* et seq.], including qualifications that were in place on the day before the date of enactment of the Every Student Succeeds Act [enacted Dec. 10, 2015]; and

(N) the State educational agency will provide the information described in clauses (ii), (iii), and (vii) of subsection (h)(1)(C) to the public in an easily accessible and user-friendly manner that can be cross-tabulated by, at a minimum, each major racial and ethnic group, gender, English proficiency status, and children with or without disabilities, which—

(i) may be accomplished by including such information on the annual State report card described subsection (h)(1)(C); and

(ii) shall be presented in a manner that—

(I) is first anonymized and does not reveal personally identifiable information about an individual student;

(II) does not include a number of students in any subgroup of students that is insufficient to yield statistically reliable information or that would reveal personally identifiable information about an individual student; and

(III) is consistent with the requirements of section 444 of the General Education Provisions Act (*20 U.S.C. 1232g*, commonly known as the "Family Educational Rights and Privacy Act of 1974").

(3) Rules of construction. Nothing in paragraph (2)(N) shall be construed to—

(A) require groups of students obtained by any entity that cross-tabulates the information provided under such paragraph to be considered subgroups of students, as defined in subsection (c)(2), for the purposes of the State accountability system under subsection (c); or

(B) require or prohibit States or local educational agencies from publicly reporting data in a crosstabulated manner, in order to meet the requirements of paragraph (2)(N).

(4) Technical assistance. Upon request by a State educational agency, the Secretary shall provide technical assistance to such agency to—

(A) meet the requirements of paragraph (2)(N); or

(B) in the case of a State educational agency choosing, at its sole discretion, to disaggregate data described in clauses (ii) and (iii)(II) of subsection (h)(1)(C) for Asian and Native Hawaiian or Pacific Islander students using the same race response categories as the decennial census of the population, assist such State educational agency in such disaggregation and in using such data to improve academic outcomes for such students.

(h) Reports.

(1) Annual State report card.

(A) In general. A State that receives assistance under this part [*20 USCS §§ 6311* et seq.] shall prepare and disseminate widely to the public an annual State report card for the State as a whole that meets the requirements of this paragraph.

(B) Implementation. The State report card required under this paragraph shall be—

(i) concise;

(ii) presented in an understandable and uniform format that is developed in consultation with parents and, to the extent practicable, in a language that parents can understand; and

(iii) widely accessible to the public, which shall include making available on a single webpage of the State educational agency's website, the State report card, all local educational agency report cards for each local educational agency in the State required under paragraph (2), and the annual report to the Secretary under paragraph (5).

(C) Minimum requirements. Each State report card required under this subsection shall include the following information:

(i) A clear and concise description of the State's accountability system under subsection (c), including—

(I) the minimum number of students that the State determines are necessary to be included in each of the subgroups of students, as defined in subsection (c)(2), for use in the accountability system;

(II) the long-term goals and measurements of interim progress for all students and for each of the subgroups of students, as defined in subsection (c)(2);

(III) the indicators described in subsection (c)(4)(B) used to meaningfully differentiate all public schools in the State;

(IV) the State's system for meaningfully differentiating all public schools in the State, including—

(aa) the specific weight of the indicators described in subsection (c)(4)(B) in such differentiation;

(bb) the methodology by which the State differentiates all such schools;

(cc) the methodology by which the State differentiates a school as consistently underperforming for any subgroup of students described in section [subsection] (c)(4)(C)(iii), including the time period used by the State to determine consistent underperformance; and

(dd) the methodology by which the State identifies a school for comprehensive support and improvement as required under subsection (c)(4)(D)(i);

(V) the number and names of all public schools in the State identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) or implementing

targeted support and improvement plans under subsection (d)(2); and

(VI) the exit criteria established by the State as required under clause (i) of subsection (d)(3)(A), including the length of years established under clause (i)(II) of such subsection.

(ii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)(xi), homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces (as defined in *section 101(a)(4) of title 10, United States Code*), information on student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1).

(iii) For all students and disaggregated by each of the subgroups of students, as defined in subsection (c)(2), and for purposes of subclause (II) of this clause, homeless status and status as a child in foster care—

(I) information on the performance on the other academic indicator under subsection (c)(4)(B)(ii) for public elementary schools and secondary schools that are not high schools, used by the State in the State accountability system; and

(II) high school graduation rates, including four-year adjusted cohort graduation rates and, at the State's discretion, extended-year adjusted cohort graduation rates.

(iv) Information on the number and percentage of English learners achieving English language proficiency.

(v) For all students and disaggregated by each of the subgroups of students, as defined in subsection (c)(2), information on the performance on the other indicator or indicators of school quality or student success under subsection (c)(4)(B)(v) used by the State in the State accountability system.

(vi) Information on the progress of all students and each subgroup of students, as defined in subsection (c)(2), toward meeting the State-designed long term goals under subsection (c)(4)(A), including the progress of all students and each such subgroup of students against the State measurements of interim progress established under such subsection.

(vii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)(xi), the percentage of students assessed and not assessed.

(viii) Information submitted by the State educational agency and each local educational agency in the State, in accordance with data collection conducted pursuant to section 203(c)(1) of the Department of Education Organization Act (*20 U.S.C. 3413(c)(1)*), on—

(I) measures of school quality, climate, and safety, including rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism (including both excused and unexcused absences), incidences of violence, including bullying and harassment; and

(II) the number and percentage of students enrolled in—

(aa) preschool programs; and

(bb) accelerated coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment programs.

(ix) The professional qualifications of teachers in the State, including information (that shall be presented in the aggregate and disaggregated by high-poverty compared to low-poverty schools) on the number and percentage of—

(I) inexperienced teachers, principals, and other school leaders;

(II) teachers teaching with emergency or provisional credentials; and

(III) teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

(x) The per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures and actual nonpersonnel expenditures of Federal, State, and local funds, disaggregated by source of funds, for each local educational agency and each school in the State for the preceding fiscal year.

(xi) The number and percentages of students with the most significant cognitive disabilities who take an alternate assessment under subsection (b)(2)(D), by grade and subject.

(xii) Results on the State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (*20 U.S.C. 9622(b)(3)*), compared to the national average of such results.

(xiii) Where available, for each high school in the State, and beginning with the report card prepared under this paragraph for 2017, the cohort rate (in the aggregate, and disaggregated for each subgroup of students defined in subsection (c)(2)), at which students who graduate from the high school enroll, for the first academic year that begins after the students' graduation—

(I) in programs of public postsecondary education in the State; and

(II) if data are available and to the extent practicable, in programs of private postsecondary education in the State or programs of postsecondary education outside the State.

(xiv) Any additional information that the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and secondary schools, which may include the number and percentage of students meeting State determined levels of performance for core indicators, as defined by section 113(b)(3)(A) of the Carl D. Perkins Career and Technical Education Act of 2006 (*20 U.S.C. 2323(b)(3)(A)*), and reported by States only in a manner consistent with section 113(b)(3)(C) of such Act (*20 U.S.C. 2323(b)(3)(C)*).

(D) Rules of construction. Nothing in subparagraph (C)(viii) shall be construed as requiring—

(i) reporting of any data that are not collected in accordance with section 203(c)(1) of the Department of Education Organization Act (*20 U.S.C. 3413(c)(1)*; or

(ii) disaggregation of any data other than as required under subsection (b)(2)(B)(xi).

(2) Annual local educational agency report cards.

(A) Preparation and dissemination. A local educational agency that receives assistance under this part [*20 USCS §§ 6311* et seq.] shall prepare and disseminate an annual local educational agency report card that includes information on such agency as a whole and each school served by the agency.

(B) Implementation. Each local educational agency report card shall be—

(i) concise;

(ii) presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and

(iii) accessible to the public, which shall include—

(I) placing such report card on the website of the local educational agency; and

(II) in any case in which a local educational agency does not operate a website, providing the information to the public in another manner determined by the local educational agency.

(C) Minimum requirements. The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C), disaggregated in the same manner as required under such paragraph, except for clause (xii) of such paragraph, as applied to the local educational agency and each school served by the local educational agency, including—

(i) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the academic assessments described in subsection (b)(2) compared to students in the State as a whole;

(ii) in the case of a school, information that shows how the school's students' achievement on the academic assessments described in subsection (b)(2) compared to students served by the local educational agency and the State as a whole; and

(iii) any other information that the local educational agency determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the local educational agency, whether or not such information is included in the annual State report card.

(D) Additional information. In the case of a local educational agency that issues a report card for all students, the local educational agency may include the information under this section as part of such report.

(3) Preexisting report cards. A State educational agency or local educational agency may use public report cards on the performance of students, schools, local educational agencies, or the State, that were in effect prior to the date of enactment of the Every Student Succeeds Act [enacted Dec. 10, 2015] for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection, and protects the privacy of individual students.

(4) Cost reduction. Each State educational agency and local educational agency receiving assistance under this part [*20 USCS §§ 6311* et seq.] shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.

(5) Annual State report to the Secretary. Each State educational agency receiving assistance under this part [*20 USCS §§ 6311* et seq.] shall report annually to the Secretary, and make widely available within the State—

(A) information on the achievement of students on the academic assessments required by subsection (b)(2), including the disaggregated results for the subgroups of students as defined in subsection (c)(2);

(B) information on the acquisition of English proficiency by English learners;

(C) the number and names of each public school in the State—

(i) identified for comprehensive support and improvement under subsection (c)(4)(D)(i); and

(ii) implementing targeted support and improvement plans under subsection (d)(2); and

(D) information on the professional qualifications of teachers in the State, including information on the number and the percentage of the following teachers:

(i) Inexperienced teachers.

(ii) Teachers teaching with emergency or provisional credentials.

(iii) Teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

(6) Report to Congress. The Secretary shall transmit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that provides national and State-level data on the information collected under paragraph (5). Such report shall be submitted through electronic means only.

(i) Privacy.

(1) In general. Information collected or disseminated under this section (including any information collected for or included in the reports described in subsection (h)) shall be collected and disseminated in a manner that protects the privacy of individuals consistent with section 444 of the General Education Provisions Act (*20 U.S.C. 1232g*, commonly known as the "Family Educational Rights and Privacy Act of 1974") and this Act [*20 USCS §§ 6301* et seq.].

(2) Sufficiency. The reports described in subsection (h) shall only include data that are sufficient to yield statistically reliable information.

(3) Disaggregation. Disaggregation under this section shall not be required if such disaggregation will reveal personally identifiable information about any student, teacher, principal, or other school leader, or will provide data that are insufficient to yield statistically reliable information.

(j) Voluntary partnerships. A State retains the right to enter into a voluntary partnership with another State to develop and implement the challenging State academic standards and assessments required under this section, except that the Secretary shall not attempt to influence, incentivize, or coerce State—

(1) adoption of the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, or assessments tied to such standards; or

(2) participation in such partnerships.

(k) Special rule with respect to bureau-funded schools. In determining the assessments to be used by each school operated or funded by the Bureau of Indian Education receiving funds under this part [*20 USCS §§ 6311* et seq.], the following shall apply until the requirements of section 8204(c) [*20 USCS § 7824(c)*] have been met:

(1) Each such school that is accredited by the State in which it is operating shall use the assessments and other academic indicators the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment and academic indicators as approved by the Secretary of the Interior.

(2) Each such school that is accredited by a regional accrediting organization (in consultation with and with the approval of the Secretary of the Interior, and consistent

with assessments and academic indicators adopted by other schools in the same State or region) shall adopt an appropriate assessment and other academic indicators that meet the requirements of this section.

(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment and other academic indicators developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment and academic indicators meet the requirements of this section.

(l) Construction. Nothing in this part [*20 USCS §§ 6311* et seq.] shall be construed to prescribe the use of the academic assessments described in this part [*20 USCS §§ 6311* et seq.] for student promotion or graduation purposes.

HISTORY:

April 11, 1965, *P. L. 89-10*, Title I, Part A, Subpart 1, § 1111, as added Jan. 8, 2002, *P. L. 107-110*, Title I, § 101, *115 Stat. 1444*; Nov. 5, 2002, *P. L. 107-279*, Title IV, § 404(d)(1), 116 Stat. 1985; Dec. 3, 2004, *P. L. 108-446*, Title III, § 305(g)(1), *118 Stat. 2805*; Aug. 12, 2006, *P. L. 109-270*, § 2(f)(1), *120 Stat. 747*; Dec. 10, 2015, *P. L. 114-95*, Title I, Part A, § 1005, *129 Stat. 1820*; July 31, 2018, *P.L. 115-224*, Title III, § 302(1), *132 Stat. 1623*; Dec. 20, 2019, *P.L. 116-92*, Div A, Title V, Subtitle H, § 579, *133 Stat. 1407*.

United States Code Service

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TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION

CHAPTER 15 - REGULATIONS AND PROCEDURES FOR ENGLISH LEARNER PROGRAMS IN NEBRASKA PUBLIC SCHOOLS

001 General Provisions.

001.01 Statutory Authority. This Chapter is adopted pursuant to Sections 79-305, 79-318, 79-703 of the Revised Statutes of Nebraska and 20 U.S.C. §6311.

001.02 Scope and Application of this Chapter. This Chapter contains provisions related to the education of English learners in public schools in grades kindergarten through twelve. This Chapter applies to all accredited public school districts in Nebraska. All of the statements herein, with the exception of the Quality Indicators, are requirements of school districts. Quality Indicators may be used by school districts to help in designing local programs for English learners.

001.03 Purpose. The goal of this Chapter is to enable each English learner to become English proficient in listening, speaking, reading, and writing.

001.04 Implementation of this Chapter. This Chapter will be used in conjunction with 92 NAC 10 (NDE Rule 10) to determine future accreditation status for school districts.

001.05 Related Regulations. The requirements for the accreditation of public school districts are contained in 92 NAC 10. The requirements for teacher certification are contained in 92 NAC 21. The requirements for endorsements on teaching certificates are contained in 92 NAC 24.

002 Definitions as Used in this Chapter.

002.01 Language instruction educational program means an instructional program designed to assist an English learner in developing and attaining English proficiency while meeting state academic standards. It may make use of both English and a student's native language to enable the student to develop and attain English proficiency, and may include, but is not limited to, the participation of English proficient students if the course is designed to enable all participating students to become proficient in English and a second language.

002.02 English learner (EL): The term 'English learner,' when used in this Chapter with respect to a student, means a student:

002.02A Who is enrolled or preparing to enroll in an elementary school or secondary school;

002.02B Who falls into at least one of the following categories:

002.02B1 Who was not born in the United States or whose native language is a language other than English;

002.02B2 Who is a Native American or Alaska Native, or a native resident of the outlying areas and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

002.02B3 Who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

002.02C Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual at least one of the following:

002.02C1 The ability to meet the challenging State academic standards adopted pursuant to 20 U.S.C. §6311(b);

002.02C2 The ability to successfully achieve in classrooms where the language of instruction is English; or

002.02C3 The opportunity to participate fully in society.

002.03 Native language when used with reference to a student of limited English proficiency, means

002.03A the language normally used by such student; or

002.03B the language normally used by the parents of the student.

003 Identification of English learners.

Quality Indicator: A home language survey and a valid and reliable English language proficiency assessment are administered by school district personnel. As a result, districts can appropriately identify and place students in a language instruction educational program so that all students have an equal opportunity to achieve academically, regardless of the student's native language. Timely parental notification allows parents to make an informed decision regarding student program placement.

003.01 Each school district shall administer a home language survey to be completed by the student's parent, guardian, or other person enrolling the student as part of the admission process for all kindergarten students and for all other students new to the district. A student who is emancipated or who has reached the age of majority and who is enrolling himself or herself may complete the survey instead. A

sample survey is contained in Appendix A of this Chapter. The survey shall ask the following questions:

003.01A What language did the student first learn to speak?

003.01B What language is spoken most often by the student?

003.01C What language is primarily used in the student's home regardless of the language spoken by the student?

003.02 If an answer to any one of the home language survey questions in Subsections 003.01A to 003.01C indicates that a student speaks a language other than English, the school district shall administer an English language proficiency assessment to the student in order to determine if the student may be an English learner. The assessment shall assess listening, speaking, reading, and writing. The district shall determine the assessment to be valid and reliable in measuring English language acquisition. The English language proficiency assessment shall yield composite scores or levels that indicate whether the student is proficient or not proficient in English, as defined by the assessment instrument.

003.03 If the home language survey indicates that the student has a home language other than English and the student has a composite score or level on the English language proficiency assessment indicating that the student is not proficient in English, the student shall be determined by the school district to have met the definition of an English learner in Subsection 002.02 of this Chapter.

003.04 On an annual basis, the school district shall notify the parent, or guardian, or other person enrolling the student within thirty (30) calendar days after the beginning of the fall term or within the first two (2) weeks of enrollment if the student was not enrolled at the beginning of the fall term, that the student qualifies for services as an English learner.

003.05 If a student has been identified as an English learner in his or her previous Nebraska school district and has not met the exit requirements in Section 007 of this Chapter, the enrolling school district shall continue to identify the student as EL. The school district shall not be required to administer an English language proficiency assessment upon enrollment. The school district shall obtain documentation of the previous EL determination in order to provide timely notification consistent with provisions in this Chapter.

004 Language Instruction Educational Programs.

Quality Indicator: Language instruction educational programs assist all English learners in acquiring the English language to successfully participate in classrooms where the language of instruction is English. The language instruction educational program is effective and values the cultural and linguistic diversity of the student.

004.01 For each student who is determined to be an English learner pursuant to Subsection 003.03 of this Chapter or who is otherwise determined by the school district to meet the definition of English learner in Subsection 002.02 of this Chapter, the district shall implement a language instruction educational program that meets the following requirements:

004.01A Is designed to provide a systematic approach to teaching the English language to English learners;

004.01B Is educationally sound in theory and effective in practice as recognized by experts in the field of language acquisition;

004.01C Is designed to help English learners increase English proficiency and meet academic standards; and

004.01D Is designed to allow for meaningful access to programs and activities that are available to all students including, if appropriate, special education.

005 Staffing.

Quality Indicator: A comprehensive language instruction educational program assists students in developing literacy and proficiency in the English language. Such programs are directed and taught by professional staff with an appropriate endorsement in English as a Second Language. Ongoing professional development is designed to assist teachers in learning strategies to meet the language and content needs of English learners.

005.01 Each school district shall ensure that all teachers of language instruction educational programs possess valid Nebraska teaching certificates. In addition, the school district shall ensure that each teacher(s) specifically responsible for the English language instruction of English learners regardless of the program model:

005.01A Shall hold an endorsement or a provisional endorsement in English as a Second Language; or

005.01B Shall participate annually in professional development designed to teach skills and strategies for meeting the language and academic needs of the English learners he or she teaches.

005.02 Pursuant to Neb. Rev. Stat. §79-802(3), teacher aides may be assigned duties in connection with English learners that are nonteaching in nature if the employing school district has assured itself that the aides have been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of their work. A teacher aide shall not teach, as defined in Neb. Rev. Stat. §79-101(12).

006 Standards, Assessments and Accommodations for English Learners.

Quality Indicator: All English learners have access to Nebraska standards and participate in the state language proficiency and content assessments so that each student has the opportunity to demonstrate mastery of learning. As a result, parents and school staff address the academic and language needs of the student. The district provides appropriate accommodations to ensure meaningful participation in the assessments.

006.01 Each school district shall ensure that all English learners have meaningful access to academic content standards and participate in the assessments required by Section 005 of 92 NAC 10. Each school district shall provide appropriate linguistic accommodations for English learners participating in the assessments.

006.02 Each school district shall ensure that all English learners have meaningful access to the state's English language proficiency standards and participate in the annual state English language proficiency assessment.

006.03 Each school district shall ensure that all English learners with disabilities be provided with appropriate linguistic accommodations as well as any accommodations as documented in the Individual Education Plan (IEP) or 504 Plan.

007 Exit Requirements.

Quality Indicator: Exit criteria are established to determine that the English learner has attained English language proficiency in speaking, reading, writing, and understanding at a level sufficient to participate successfully in the classroom.

007.01 Each school district shall require a student in grades K-12 to receive a score of proficient on the annual state English language proficiency assessment to exit the language instruction educational program.

008 Language Instruction Program Review.

Quality Indicator: The language instruction program review process focuses on improving student learning. The process includes an annual review by a designated school district team who provides input to the district superintendent in order to guide the planning, implementation, evaluation and modifications of the district's language instruction educational program.

008.01 The school district shall conduct an annual review of the school district's program(s) for English learners and issue an annual report. This review shall be conducted by a designated team of staff. The review may be conducted as part of the district's school improvement process adopted pursuant to Section 009 of 92 NAC 10. The review and report shall include the following:

008.01A An examination of the program implementation practices, including the process for identifying English learners, the implementation of the language instruction educational programs, staffing, standards, assessments, and accommodations and the exit requirements.

008.01B An analysis of data including performance on the annual English language proficiency assessment and performance on state content assessments. Other assessment data may be included.

008.01C An analysis of additional district, school, and program data; which shall include graduation rates, drop-out rates, and years spent receiving language services; and which may include participation in extra-curricular programs, activities, and other relevant data.

008.02 The school district shall monitor the academic progress of former English learners for at least four (4) years to compare their academic performance to non EL students.

008.03 The school district shall make modifications to its language instruction educational program based on the review of the program implementation practices and data analysis when necessary in the judgment of the district to assist students in overcoming any language barriers in order to participate meaningfully in the core curriculum.

008.04 The school district shall ensure that the review team submits the written report of its annual review to the district's Superintendent. The report shall be kept on file and available to the public, with personally identifiable student information redacted, upon request for so long as the report is retained pursuant to the district's records retention schedule.

009 Compliance as a Condition for School Accreditation.

009.01 Each school district shall comply with the provisions of this Chapter as a condition for accreditation under 92 NAC 10. Failure of a school district to comply with this Chapter shall be treated as if it were a violation of a provision of 92 NAC 10, and may subject the district to loss of accreditation as provided in that Chapter.

Appendix A: Sample Home Language Survey

Student Name: _____ Birth Date: _____ Gender: __Male __ Female

Parent/Guardian Name:

_____

Address: _____

Home Telephone: _____ Work Telephone: _____

School: _____ Grade: _____ Date: _____

What language did your child first learn to speak? _____

What language is spoken most often by your child? _____

What language is primarily used in the student's home regardless of the language spoken by the

student?

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION

CHAPTER 15 - REGULATIONS AND PROCEDURES FOR ENGLISH LEARNER PROGRAMS IN NEBRASKA PUBLIC SCHOOLS

001 General Provisions.

001.01 Statutory Authority. This Chapter is adopted pursuant to Sections 79-305, 79-318, 79-703 of the Revised Statutes of Nebraska ~~(R.R.S.),~~ and 20 U.S.C. §6311.

001.02 Scope and Application of this Chapter. This Chapter contains provisions related to the education of English learners in public schools in grades kindergarten through twelve. This Chapter applies to all accredited public school districts in Nebraska. All of the statements herein, with the exception of the Quality Indicators, are requirements of school districts. Quality Indicators may be used by school districts to help in designing local programs for English learners.

001.03 Purpose. The goal of this Chapter is to enable each English learner to become English proficient in listening, speaking, reading, and writing.

001.04 Implementation of this Chapter. This Chapter will be used in conjunction with 92 NAC 10 (NDE Rule 10) to determine future accreditation status for school districts.

001.05 Related Regulations. The requirements for the accreditation of public school districts are contained in 92 NAC 10. The requirements for teacher certification are contained in 92 NAC 21. The requirements for endorsements on teaching certificates are contained in 92 NAC 24.

002 Definitions as Used in this Chapter.

002.01 Language instruction educational program means an instructional program designed to assist an English learner in developing and attaining English proficiency while meeting state academic standards. It may make use of both English and a student s native language to enable the student to develop and attain English proficiency, and may include, but is not limited to, the participation of English proficient students if the course is designed to enable all participating students to become proficient in English and a second language.

002.02 English learner (EL): The term English learner, when used in this Chapter with respect to a student, means a student:

002.02A Who is enrolled or preparing to enroll in an elementary school or secondary school;

002.02B Who falls into at least one of the following categories:

002.02B1 Who was not born in the United States or whose native language is a language other than English;

002.02B2 Who is a Native American or Alaska Native, or a native resident of the outlying areas and who comes from an environment where a language other than English has had a significant impact on the individual s level of English language proficiency; or

002.02B3 Who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

002.02C Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual at least one of the following:

002.02C1 The ability to meet the challenging State academic standards adopted pursuant to 20 U.S.C. §6311(b);

002.02C2 The ability to successfully achieve in classrooms where the language of instruction is English; or

002.02C3 The opportunity to participate fully in society.

002.03 Native language when used with reference to a student of limited English proficiency, means

002.03A the language normally used by such student; or

002.03B the language normally used by the parents of the student.

003 Identification of English learners.

Quality Indicator: A home language survey and a valid and reliable English

language proficiency assessment are administered by school district personnel. As a result, districts can appropriately identify and place students in a language instruction educational program so that all students have an equal opportunity to achieve academically, regardless of the student s native language. Timely parental notification allows parents to make an informed decision regarding student program placement.

003.01 Each school district shall administer a home language survey to be completed by the student s parent, guardian, or other person enrolling the student as part of the admission process for all kindergarten students and for all other students new to the district. A student who is emancipated or who has reached the age of majority and who is enrolling himself or herself may complete the survey instead. A sample survey is contained in Appendix A of this Chapter. The survey shall ask the following questions:

003.01A What language did the student first learn to speak?

003.01B What language is spoken most often by the student?

003.01C What language is primarily used in the student s home regardless of the language spoken by the student?

003.02 If an answer to any one of the home language survey questions in Subsections 003.01A to 003.01C indicates that a student speaks a language other than English, the school district shall administer an English language proficiency assessment to the student in order to determine if the student may be an English learner. The assessment shall assess listening, speaking, reading, and writing. The district shall determine the assessment to be valid and reliable in measuring English language acquisition. The English language proficiency assessment shall yield composite scores or levels that indicate whether the student is proficient or not proficient in English, as defined by the assessment instrument.

003.03 If the home language survey indicates that the student has a home language other than English and the student has a composite score or level on the English language proficiency assessment indicating that the student is not proficient in English, the student shall be determined by the school district to have met the definition of an English learner in Subsection 002.02 of this Chapter.

003.04 On an annual basis, the school district shall notify the parent, or guardian, or other person enrolling the student within thirty (30)

calendar days after the beginning of the fall term or within the first two (2) weeks of enrollment if the student was not enrolled at the beginning of the fall term, that the student qualifies for services as an English learner.

003.05 If a student has been identified as an English learner in his or her previous Nebraska school district and has not met the exit requirements in Section 007 of this Chapter, the enrolling school district shall continue to identify the student as EL. The school district shall not be required to administer an English language proficiency assessment upon enrollment. The school district shall obtain documentation of the previous EL determination in order to provide timely notification consistent with provisions in this Chapter.

004 Language Instruction Educational Programs.

Quality Indicator: Language instruction educational programs assist all English learners in acquiring the English language to successfully participate in classrooms where the language of instruction is English. The language instruction educational program is effective and values the cultural and linguistic diversity of the student.

004.01 For each student who is determined to be an English learner pursuant to Subsection 003.03 of this Chapter or who is otherwise determined by the school district to meet the definition of English learner in Subsection 002.02 of this Chapter, the district shall implement a language instruction educational program that meets the following requirements:

004.01A Is designed to provide a systematic approach to teaching the English language to English learners;

004.01B Is educationally sound in theory and effective in practice as recognized by experts in the field of language acquisition;

004.01C Is designed to help English learners increase English proficiency and meet academic standards; and

004.01D Is designed to allow for meaningful access to programs and activities that are available to all students including, if appropriate, special education.

005 Staffing.

Quality Indicator: A comprehensive language instruction educational program assists students in developing literacy and proficiency in the English language. Such programs are directed and taught by professional staff with an appropriate endorsement in English as a Second Language. Ongoing professional development is designed to assist teachers in learning strategies to meet the language and content needs of English learners.

005.01 Each school district shall ensure that all teachers of language instruction educational programs possess valid Nebraska teaching certificates. In addition, the school district shall ensure that each teacher(s) specifically responsible for the English language instruction of English learners regardless of the program model:

005.01A Shall hold an endorsement or a provisional endorsement in English as a Second Language; or

005.01B Shall participate annually in professional development designed to teach skills and strategies for meeting the language and academic needs of the English learners he or she teaches.

005.02 Pursuant to Neb. Rev. Stat. §79-802(3), teacher aides may be assigned duties in connection with English learners that are nonteaching in nature if the employing school district has assured itself that the aides have been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of their work. A teacher aide shall not teach, as defined in Neb. Rev. Stat. §79-101(12).

006 Standards, Assessments and Accommodations for English Learners.

Quality Indicator: All English learners have access to Nebraska standards and participate in the state language proficiency and content assessments so that each student has the opportunity to demonstrate mastery of learning. As a result, parents and school staff address the academic and language needs of the student. The district provides appropriate accommodations to ensure meaningful participation in the assessments.

006.01 Each school district shall ensure that all English learners have meaningful access to academic content standards and participate in the assessments required by Section 005 of 92 NAC 10. Each school district shall provide appropriate linguistic accommodations for English learners participating in the assessments.

006.02 Each school district shall ensure that all English learners have meaningful access to the state s English language proficiency standards and participate in the annual state English language proficiency assessment.

006.03 Each school district shall ensure that all English learners with disabilities be provided with appropriate linguistic accommodations as well as any accommodations as documented in the Individual Education Plan (IEP) or 504 Plan.

007 Exit Requirements.

Quality Indicator: Exit criteria are established to determine that the English learner has attained English language proficiency in speaking, reading, writing, and understanding at a level sufficient to participate successfully in the classroom.

007.01 Each school district shall require ~~the following in order for~~ a student ~~to exit the language instruction educational program:~~

007.01A ~~The student~~ in grades K-12 to receive ~~receives~~ a score of proficient on the annual state English language proficiency assessment to exit the language instruction educational program.~~;~~ ~~or~~

~~007.01B For English learners with verified disabilities, if a school district committee of assessment and educational personnel determine that the educational needs of a student with verified disabilities are not affected by his or her degree of proficiency in the English language, the committee may recommend that the student exit the language instruction educational program. The committee shall be knowledgeable about the language and educational needs of the student, shall include at least one member of the student s IEP team, and must maintain documentation that the student s educational needs are not affected by his or her degree of proficiency in the English language.~~

008 Language Instruction Program Review.

Quality Indicator: The language instruction program review process focuses on improving student learning. The process includes an annual review by a designated school district team who provides input to the district superintendent in order to guide the planning, implementation, evaluation and modifications of the district s language instruction educational program.

008.01 The school district shall conduct an annual review of the school district s program(s) for English learners and issue an annual report. This review shall be conducted by a designated team of staff. The review may be conducted as part of the district s school improvement process adopted pursuant to Section 009 of 92 NAC 1010-009. The review and report shall include the following:

008.01A An examination of the program implementation practices, including the process for identifying English learners, the implementation of the language instruction educational programs, staffing, standards, assessments, and accommodations and the exit requirements.

008.01B An analysis of data including performance on the annual English language proficiency assessment and performance on state content assessments. Other assessment data may be included.

008.01C An analysis of additional district, school, and program data; which shall include graduation rates, drop-out rates, and years spent receiving language services; and which may include participation in extra-curricular programs, activities, and other relevant data.

008.02 The school district shall monitor the academic progress of former English learners for at least four (4) years to compare their academic performance to non EL students.

008.03 The school district shall make modifications to its language instruction educational program based on the review of the program implementation practices and data analysis when necessary in the judgment of the district to assist students in overcoming any language barriers in order to participate meaningfully in the core curriculum.

008.04 The school district shall ensure that the review team submits the written report of its annual review to the district s Superintendent. The report shall be kept on file and available to the public, with personally identifiable student information redacted, upon request for so long as the report is retained pursuant to the district s records retention schedule.

009 Compliance as a Condition for School Accreditation.

009.01 Each school district shall comply with the provisions of this

Chapter as a condition for accreditation under 92 NAC 10. Failure of a school district to comply with this Chapter shall be treated as if it were a violation of a provision of 92 NAC 10, and may subject the district to loss of accreditation as provided in that Chapter.

Appendix A: Sample Home Language Survey

Student Name: _____ Birth Date: _____ Gender: __Male __ Female

Parent/Guardian Name:

_____

_____

Address:

_____

_____

Home Telephone: _____ Work Telephone:

_____

School: _____ Grade: _____ Date:

_____

What language did your child first learn to speak?

_____

What language is spoken most often by your child?

_____

What language is primarily used in the student s home regardless of the language spoken by the

student?

_____

_____

FISCAL IMPACT
STATEMENT

Agency:	Nebraska Department of Education
Prepared by:	Julie Otero
Date Prepared:	April 9, 2025
Phone:	402-405-5212
Title:	92
Chapter:	15
Name:	Regulations and Procedures for English Learner Programs in Nebraska Public Schools (Rule 15)
Statement Status:	Public Input Draft

Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact	$650	☑	☑
Increase Costs	NA	NA	NA
Decrease Costs	NA	NA	NA
Increased Revenue	NA	NA	NA
Decreased Revenue	NA	NA	NA
Indeterminable	NA	NA	NA

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.

Political Subdivision: NA

Regulated Public: NA

DR. BRIAN L. MAHER, COMMISSIONER
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P.O. Box 94987
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From: Troy L. Hawk, Legal Counsel

Date: June 4, 2025

Re: Summary of Rulemaking Hearing on the Proposed Revisions of 93 *NAC* 15

On June 2, 2025, a hearing on the proposed revision of Title 93, *Nebraska Administrative Code*, Chapter 15 (Rule 15), *Regulations and Procedures for English Learner Programs in Nebraska Public Schools*, was held virtually over Zoom. Legal Counsel Troy Hawk served as the hearing officer.

Summary of Oral Testimony on the Proposed Revision of 92 NAC 15

Troy Hawk called the hearing to order, introduced himself, introduced the subject of the hearing, read into the record information about the legal notice of the hearing, outlined the procedures for the hearing and for receiving written testimony, and received testimony on revisions to Title 93 *Nebraska Administrative Code* Chapter 15.

Julie Otero, Title III and English Learner Specialist for the Nebraska Department of Education, presented a summary of the proposed changes to Rule 15:

- To be compliant with the recently approved Nebraska ESSA plan, Section 007.01B of Rule 15 must be deleted. Section 007 deals with Exit Requirements.

- Since Nebraska offers ELPA21 Summative and Alt ELPA domain exemptions for students who cannot access a domain(s) due to a disability, the previous ability to exit the English Learner programs, due to a verified disability, is not authorized under ESSA. For example, if a student is unable to speak, then the district may request a domain exemption in speaking for that student. If that student scores proficient in the other three domains of the assessment (listening, reading, writing) then the student may EXIT the EL program based on the proficient scores of the domains the student took.

- These changes are necessary for the Rule to be in line with the newly approved Nebraska ESSA Plan. Federal representatives have stated that the language that is being removed is not in compliance with federal requirements. National tests now allow for students to be exempted from domain assessments where a disability exists. For example, they have a disability and cannot speak, in the past they still had to take that domain assessment. Now,

the student would exit from the English Learner Program if they scored a proficient score in the remaining domains of listening, reading, and writing.

- The last revisions to Title 92, Nebraska Administrative Code, Chapter 15, (R*ule Regulations and Procedures for English Learner Programs in Nebraska Public Schools*) to be approved by the State Board of Education became effective in May of 2018. In March of 2025, the Rules and Regulations Committee of the State Board of Education discussed policy issues and the need for additional revisions to Rule 15. The Nebraska Department of Education staff sought input from Federal Programs Community of Practitioners to identify policy issues and explore solutions.

Oral Testimony

There was no oral testimony

Written Testimony

There was no written testimony submitted.

Julie Otero of the Nebraska Department of Education thanked everyone for the assistance in revising Rule 15.

Troy Hawk closed the hearing on Rule 15.

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Tammy Barry, Legal Counsel III, Commissioner's Office

PROPOSED AGENDA ITEM: Action Item: Proposed repeal of Rule 22, *Regulations Governing the Master Teacher Program* (RR.032025.002)

AGENDA ITEM TYPE: Rule

RATIONALE/BACKGROUND INFORMATION:

- Rule 22 currently provides procedures for the Master Teacher Program. However, the statutes authorizing the Master Teacher Program were repealed by the Legislature in LB 705 (2023).
- The program provided bonuses for teachers earning credentials from a credentialing organization meeting certain criteria and to provide financial assistance with registration fees associated with obtaining the credentials.
- A public hearing was held on the repeal of Rule 22 on April 29, 2025, over Zoom. The repeal was introduced by NDE staff. There were no other testifiers. The compiled transcript from the hearing and the hearing officers report are attached.
- Additional information includes the fiscal impact statement, the Master Teacher Act as it existed prior to its repeal, and the relevant portions of LB 705 (2023).

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $0

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: N/A
- New or Renewal: N/A
- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: N/A
- Rationale for method of procurement: N/A

- Rationale for contractor selection: N/A

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

TITLE 92 NEBRASKA DEPARTMENT OF EDUCATION

CHAPTER 22 REGULATIONS GOVERNING THE MASTER TEACHER PROGRAM

001 General Provisions

001.01 Purposes. The purpose of the master teacher program is to build a group of recognized teachers of high achievement in the teaching profession. The Department shall administer the program.

001.02 Regulated Regulations. Throughout this chapter reference is made to other Department regulations relating to teachers, administrators, and special services counselors. Regulations for the issuance of certificates to teach, administer, and counsel in Nebraska schools are contained in TITLE 92, NEBRASKA ADMINISTRATIVE CODE (NAC), CHAPTER 21. 92 NAC 24 contains the regulations for certificate endorsements. Copies of these rules are available from the Department.

002 Definitions. The following definitions apply to this chapter:

002.01 Commissioner shall mean the Nebraska State Commissioner of Education.

002.02 Credentialing organization shall mean a national nonprofit organization:

002.02A Approved by the Department;

002.02B The purpose of which is to establish high and rigorous standards in a broad range of educational areas for what accomplished teachers should know and be able to do; and

002.02C Which issues credentials to teachers who demonstrate that they meet those standards.

002.03 Department shall mean the Nebraska Department of Education, which is comprised of the State Board of Education and the Commissioner.

002.04 Educational Areas shall mean an area of specialization indicated on a certificate issued pursuant to endorsement requirements in 92 NAC 24.

002.05 Master Teacher Status shall mean a title granted to any applicant who submits an application to the Department for recognition based on successful completion of the assessment process from an approved credentialing organization.

002.06 Program shall mean the Master Teacher Program.

002.07 Regular Certificate shall mean an initial, standard or professional certificate or a comparable and equivalent certificate.

002.08 Teacher shall mean a person who holds a valid certificate to teach in Nebraska issued by the Commissioner, who has been employed as a teacher for at least three (3) years in a public or private school accredited or approved by the Department, and who continues to be employed as a teacher in such a school.

003 Credentialing Organization Approval

003.01 Credentialing organization(s) will be considered for approval by the Department if they meet the following requirements:

003.01A Their purpose is to establish high and rigorous standards in a broad range of educational areas for what accomplished teachers should know and be able to do;

003.01B They issue credentials to teachers who demonstrate that they meet those standards;

003.01C They have developed standards and assessments for at least ten separate endorsement areas, as

identified in 92 NAC 24;

003.01D They are governed by a board of directors, the majority of whom were classroom teachers at the time they were elected to the board; and

003.01E They have clearly identified assessment procedures for the applicant which include the following:

003.01E1 documentation of practice through classroom observation;

003.01E2 videotape and other products developed by the teacher and his/her students;

003.01E3 simulation exercises completed at assessment centers approved by the credentialing organization; and

003.01E4 examinations of subject matter and content specific instructional strategies.

003.02 Approval Process. Credentialing organizations meeting the criteria in 003.01 will be approved by the Commissioner on behalf of the Department. Applications for approval that are rejected by the Commissioner may be the subject of an appeal to the State Board of Education pursuant to 92 NAC 61.

004 Registration Award.

004.01 Registration Award. A teacher who applies to a credentialing organization for credentials required for master teacher status shall be eligible for a registration award to pay for application and registration fees associated with obtaining the credentials.

004.02 Partial Registration Award. To receive a partial registration award in the amount of one-half (1/2) of the total associated fees, the teacher shall register with the Department within one (1) year of application to the credentialing organization by submitting the documentation required by Section 004.02A. Up to a maximum of forty (40) eligible teachers shall receive the first half of a registration award each year. The number of awards given will be at the discretion of the Commissioner based on the availability of funds.

004.02A Documentation. Documentation shall mean official notification from the credentialing organization of the receipt of an application and proof of payment of the total fees required for participation in the recognition process.

004.03 Remaining Fee Award. To receive a final registration award in the amount of the remaining fees, the teacher shall notify the Department that the teacher received the credentials and shall submit documentation required by Section 004.03A.

004.03A Documentation. Documentation for the remaining half of the fees shall mean official notification from the credentialing organization that the applicant has successfully completed the assessment process and has been awarded the national recognition. The number of awards for the remaining half of the registration fee will be at the discretion of the Commissioner based on the availability of funds.

004.04 Payment of Registration Awards. Payment of registration awards will not be available for any supplemental fees.

005 Master Teacher Status.

005.01 Funding. Each year Master Teacher Status may be granted to anyone who completes an application for a teaching certificate from the Department and has been awarded national recognition from an approved credentialing organization.

005.01A Application Process. In order to obtain Master Teacher status the applicant must provide the following items:

005.01A1 Official notification from the approved credentialing organization that the applicant has successfully completed the credentialing process;

005.01A2 A sworn affidavit that the applicant is eligible for a regular certificate in Nebraska; and/or

005.01A3 A current Nebraska certificate; and

005.01A4 A request that the applicant be issued a new certificate recognizing achievement of Master Teacher status.

005.02 Approval. Approval of Master Teacher Status shall be granted by the Commissioner when all of the requirements of 005.01A have been satisfied. A denial of Master Teacher Status may be appealed to the State Board of Education pursuant to 92 NAC 61.

005.03 Professional Teaching Certificate. Master Teacher Status will result in issuance of a Professional Teaching Certificate by the Commissioner which is valid for ten years beginning with the school year in which the Master Teacher Status was achieved.

005.04 Reapproval. Reapproval of Master Teacher Status shall be granted by the Commissioner when official notification of reapproval is granted by the approved credentialing organization and upon subsequent completion of the requirements of 005.01A.

006 Annual Salary Bonus

006.01 Annual Salary Bonus. In any year for which an appropriation is made for the program by the Legislature, each teacher in the program shall receive an annual salary bonus of five thousand dollars. If the number of teachers qualifying for the bonus exceeds the number which the appropriation would fully fund at the five-thousand-dollar level, the bonuses shall be reduced such that each teacher in the program receives the same amount and the statewide total does not exceed the amount appropriated.

006.02 Application for Annual Salary Bonus. Master Teachers must apply annually for the salary bonus. The application shall include verification that the teacher is a full time employee in a Nebraska public or private accredited or approved school. Applications must be received by January 15th of each calendar year.

006.03 Allocation and Payment. The Commissioner shall allocate the annual salary bonus to each teacher in the program in March of each fiscal year. Payment of such annual salary bonus shall not exceed the life of the credential and shall be made only upon approval by the Commissioner of an application or upon reapproval each year after receiving the initial salary bonus. Payment will be made only after verifying that the Master Teacher is employed full-time in a Nebraska public or private accredited or approved school during that year. Denial of approval by the Commissioner may be subject to appeal to the State Board of Education under 92 NAC 61.

FISCAL IMPACT
STATEMENT

Agency:	Nebraska Department of Education
Prepared by:	Tammy Barry
Date Prepared:	February 13, 2025
Phone:	402-309-4816
Title:	92
Chapter:	22
Name:	*Regulations Governing the Master Teacher Program*
Statement Status:	Hearing Draft

Type of Fiscal Impact:

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

Description of Impact:

State Agency: It will cost approximately $100 to hold the hearing.

Political Subdivision: There is no fiscal impact for any political subdivisions.

Regulated Public: There is no fiscal impact for the regulated public.

Transcript of the Hearings Conducted on April 29, 2025

For the Revision of Rule 3 and Repeal of Rules 8, 22, 25, and 26

Hearing Officer – Troy Hawk

Good morning. I call this hearing to order. My name is Troy Hawk. I am one of the Legal Counsels for the Nebraska Department of Education, and I will be the presiding officer conducting the hearings virtually today, April 29, 2025, using Zoom on the proposed revisions to:

> Title 92, Nebraska Administrative Code, Chapter 3 (Rule 3), Regulations Governing High Ability Learners;

and the proposed repeals of:

> Title 92, Nebraska Administrative Code, Chapter 8 (Rule 8), Regulations for School Finance and Budgeting/State Funding of Educational Service Units and Learning Communities;
>
> Title 92, Nebraska Administrative Code, Chapter 22 (Rule 22), Regulations Governing the Master Teacher Program;
>
> Title 92, Nebraska Administrative Code, Chapter 25 (Rule 25), Regulations Governing the Excellence in Teaching Act; and
>
> Title 92, Nebraska Administrative Code, Chapter 26 (Rule 26), Regulations and Procedures for Mentor Teacher Programs

The Legal Notice of Hearing was published for this hearing in the Omaha World Herald on March 27, 2025.

The hearing for each rule will be held separately in numerical order. To begin the hearing on each rule, a Nebraska Department of Education Staff member will describe and explain the proposed rule.

This will be followed by testimony by interested persons. Each person presenting written or oral testimony is requested to:

1. State and spell you first and last name and provide a general indication of where you live (city, county, or school district);
2. Indicate if you are testifying on behalf of anyone else, and state the name of such individual, organization, or group;
3. State a concise suggestion or recommendation of what action you would like the Board to take; and
4. State the rationale or reason for your recommendation.

You may reinforce, but please refrain from repeating, previous testimony.

Each person testifying will be limited to five minutes. If additional time is needed, it may be provided at the discretion of the presiding officer.

At the conclusion of all testimony from interested persons on the rule, the Nebraska Department of Education staff member who opened will have the opportunity to respond to the testimony presented today, which will conclude the testimony.

The testimony presented will be recorded and the audio recording will be made available to the State Board of Education and the public via YouTube at the time the State Board considers the adoption of the revision or repeal.

All written testimony must be submitted to the hearing official prior to 5:00 p.m. today in order to be made a part of the record of this hearing. The email for submitting written comments is NDE.RuleHearing@nebraska.gov.

This email address may also be found on the department's website at www.education.ne.gov by following the Rules & Regulations link on the right side of the page. From the Rules and Regulations page, go to the Public Notices of Upcoming Rule Hearings.

At this time, we will begin the hearing on Rule 3, *Regulations Governing High Ability Learners,* with Sheyanne Smith from the Nebraska Department of Education describing and explaining the proposed revisions. Sheyanne, you may begin.

Sheyanne Smith

Good morning, my name is Sheyanne Smith — S-H-E-Y-A-N-N-E S-M-I-T-H. I work for the Nebraska Department of Education as the High Ability Learning Specialist in the Office of Teaching, Learning, and Assessment.

The Nebraska Department of Education has drafted revisions to Title 92, Nebraska Administrative Code, Chapter 3, Regulations Governing High Ability Learners, commonly referred to as Rule 3. A high ability learner is a student who performs — or has the potential to perform — at higher levels in one or more subject areas and who requires specialized or accelerated learning opportunities to fully develop their abilities.

In September of 2023, the State Board of Education's Rules and Regulations Committee identified the need for revisions to Rule 3. In April of 2024, legislative updates to Nebraska Revised Statutes 79-1107, 79-1108.02, and 79-1108.03 further necessitated changes to Rule 3. These statutory updates included:

• Updating the definition of "learner with high ability,"

• Allowing consortium applications for funding, and

• Requiring the adoption of consistent identification methods statewide.

The Department collected feedback from district administrators, High Ability Learning coordinators, teachers, Educational Service Unit staff, parents, and the Nebraska Association for the Gifted, as well as internal NDE staff. A public input period was held in December of 2024, generating feedback from across the state. The results of this feedback were reviewed and discussed at the February 2025 State Board meeting.

The revisions to Rule 3 include:

• Establishing consistent statewide methods for identifying high ability learners, supporting the portability — or transferability — of HAL identification when students move between Nebraska districts,

• Aligning HAL reporting, evaluation, and planning requirements with existing state processes to streamline efforts, and

• Creating parameters for consortium-based funding applications to increase access for districts.

These revisions aim to:

(1) Provide clear, consistent guidelines to support the identification of learners with high ability while maintaining local flexibility,

(2) Align data reporting and evaluation with Nebraska's existing continuous improvement processes to reduce redundancy for school districts,

(3) Offer an alternative funding application option to allow districts to pool resources through consortiums, and

(4) Update definitions and procedures to reflect current educational practices and research.

The revisions reflect a comprehensive effort to modernize and strengthen Rule 3, with the ultimate goal of improving support for high ability learners across Nebraska.

This concludes my testimony.

Hearing Officer – Troy Hawk

Those testifying are asked to state and spell their name and in what capacity they are testifying [individually or associated entity].

Dr. Kristen Job

Thank you for the opportunity to speak today. I am Dr. Kristen Job Executive Director of the Nebraska Association for the Gifted (NeGifted) in LaVista. I am here today to speak in strong support of the proposed revisions to Rule 3, which represent a thoughtful, research-aligned step forward in our state's ongoing commitment to equity, excellence, and educational integrity.

These revisions—especially those that safeguard continuity in High Ability Learner (HAL) identification—are not just regulatory improvements. They are moral imperatives.

Across Nebraska, educators and administrators have long struggled with the dissonance created by fragmented identification systems. A child may be recognized as gifted in one district, only to have that designation stripped upon moving to another. This practice, while administratively convenient, is pedagogically indefensible and deeply harmful to the student. Giftedness is not a local construct—it is a cognitive and affective profile that transcends district boundaries.

Under the current proposal, if a student has been identified as HAL in one Nebraska district, that designation will remain intact when they move. **This shift aligns Nebraska with best practices established in states such as Iowa, Colorado, and Minnesota—states which have embraced a more portable and student-centered model of gifted identification.** In Colorado, for example, gifted identification follows the student throughout their academic journey statewide. Iowa has adopted similar inter-district recognition practices, reducing duplication of services and ensuring continuity of support. Nebraska now has the opportunity—and the responsibility—to do the same.

Let us be clear: revoking a HAL designation based on local performance norms is not supported by research and is antithetical to the very purpose of identification. Identification is not about labeling—it is about locating need. And when we remove the label, we often remove the student's access to essential services such as curriculum compacting, acceleration, or social-emotional support. This is not merely an administrative oversight—it is an educational disservice.

The emotional and academic ramifications are real and measurable. Research from the National Association for Gifted Children (NAGC) shows that inconsistency in gifted services contributes to underachievement, disengagement, and increased levels of anxiety and frustration among students. Moreover, stripping a gifted label can undermine a student's self-concept and sense of potential—particularly when that label was hard-won, or when it served as a rare point of affirmation in an otherwise inequitable educational experience.

Let us also acknowledge the considerable **consensus-building efforts** that informed these revisions. This has not been a top-down imposition; it has been a collaborative undertaking involving educators, administrators, researchers, and families from across the state. The final language reflects a careful balancing of local control and statewide consistency—a balance that respects both district autonomy and student dignity.

As Executive Director of NeGifted, I can tell you firsthand that our association has received overwhelming support for these changes from educators and parents alike. These revisions reflect not only best practice—but also best hope. Hope that no student will have to re-prove their worth. Hope that no child's learning needs will be ignored because they crossed an imaginary line on a map. Hope that Nebraska can and will lead—not lag—in gifted education.

In closing, I urge this board to adopt the revisions to Rule 3. Do so not merely as policymakers, but as champions for children—children whose talents may not always conform to the average, but whose potential demands our recognition, our advocacy, and our consistent support.

Thank you.

Hearing Officer – Troy Hawk

Thank you, Dr. Job. Is there anyone else wishing to testify. Please raise your electronic hand.

Adam Larson, would you like to testify. You may begin.

Dr. Adam Larson

My name is Dr. Adam Larson, I am the assistant director of the professional learning department at ESU3. I am here today to provide input on the proposed changes to Rule 3. I want to express my support for several key revisions:

Data Reporting (007.01 and related sections): I strongly support the inclusion of more explicit data reporting requirements. The specified data points, including individual achievement data, graduation rates, and participation in advanced coursework, are essential for evaluating the effectiveness of high ability programs and ensuring accountability. Furthermore, I believe that much of this data is already being collected by school districts to comply with Rule 10, which should streamline the reporting process for schools and prevent undue burden.

Program Review (008.01 and related sections): I also support the requirement for school districts to conduct comprehensive program reviews at least once every five years. Regular evaluation is crucial for maintaining program quality, identifying areas for improvement, and ensuring that programs are meeting the diverse needs of high-ability learners. The emphasis on input from various stakeholders, including parents, educators, students, and community members, is particularly important.

Portability (002.13, 004.05, and related sections): Finally, I strongly endorse the provisions that ensure the portability of high ability identification across Nebraska school districts. This is essential for minimizing disruptions to the education of highly mobile students and ensuring that identified students receive appropriate services regardless of where they attend school within the state.

Thank you for your time and consideration of my input. I believe that these revisions will strengthen Rule 3 and ultimately improve the quality of education for learners with high ability in Nebraska.

Hearing Officer – Troy Hawk

Thank you, Dr. Larson. Is there anyone else wishing to testify. Please raise your electronic hand.

See no one else, Sheyanne, is there anything you would like to add at this time?

Sheyanne Smith

Thank you for attending and providing testimony for Rule 3. The department appreciates your time and engagement.

This concludes my testimony.

Hearing Officer – Troy Hawk

This closes the hearing on the proposed revisions to Rule 3.

We will now begin the hearing on the proposed repeal of Rule 8, *Regulations for School Finance and Budgeting/State Funding of Educational Service Units and Learning Communities,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed repeal of Rule 8. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 8, Regulations for School Finance and Budgeting and State Funding of Educational Service Units and Learning Communities, otherwise known as Rule 8.

The last revisions to Rule 8 became effective in December of 2016. Since that time there have been many changes to the authorizing statutes, which are not reflected in the current rule.

In a recent review of the rule, it was noted that Rule 8 is, for the most part, simply a restatement of the authorizing statutes without the addition of any substantive requirements or direction.

There have been recent efforts at several levels, including the State Board of Education, to reduce or eliminate this type of restatement of statutory provisions.

Furthermore, the underlying statutes in the areas covered by this rule change frequently, making it difficult to maintain the rule as an accurate statement of the law. For these reasons, the repeal of Rule 8 is being proposed for consideration by the State Board of Education.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed revisions to Rule 8.

We will now begin the hearing on the proposed repeal of Rule 22, *Regulations Governing the Master Teacher Program,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed repeal of Rule 22. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 22, Regulations Governing the Master Teacher Program, otherwise known as Rule 22.

Rule 22 currently provides procedures for the Master Teacher Program. However, the statutes authorizing the Master Teacher Program were repealed by the Legislature in LB 705 (2023).

The program provided bonuses for teachers earning credentials from a credentialing organization meeting certain criteria and provided financial assistance for the associated registration fees.

Since the authorizing statues no longer exist, thus eliminating the Master Teacher Program, the repeal of Rule 22 is being offered for consideration by the State Board of Education.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed revisions to Rule 22.

We will now begin the hearing on the proposed repeal of Rule 25, *Regulations Governing the Excellence in Teaching Act,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed revisions. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 25, Regulations Governing the Excellence in Teaching Act, otherwise known as Rule 25.

In 2009, Neb. Rev. Stat. §79-8,132 established the Excellence in Teaching Act, which includes the Attracting Excellence to Teaching Program, and the Enhancing Excellence in Teaching Program under the authority of the Nebraska Department of Education.

These programs provide aspiring teachers or teachers seeking additional endorsements in shortage areas, forgivable loans to cover their educational expenses. Recipients must work in a Nebraska school upon completion of their studies for a requisite number of years for their loans to be forgiven.

As of July 1, 2024, Neb. Rev. Stat. §85-3102, as amended by LB705 in 2023, transferred all powers, duties, and functions of the Excellence in Teaching programs to the Coordinating Commission on Postsecondary Education. The Commission administers other financial aid and grant programs for students seeking postsecondary opportunities.

The NDE has worked closely with CCPE to facilitate the transfer of this program. As a result, the need for Rule 25 has been eliminated.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed revisions to Rule 25.

We will now begin the hearing on the proposed repeal of Rule 26, *Regulations and Procedures for Mentor Teacher Programs,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed repeal of Rule 26. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 26, Regulations and Procedures for Mentor Teacher Programs, otherwise known as Rule 26.

Rule 26 currently provides procedures for mentor teacher programs related to funding that has since been repealed.

Mentor Teacher Programs were originally adopted as one of the criteria for Quality Education Incentives under the Quality Education Accountability Act. There was also funding for school districts whose first-year teachers participated in mentor teacher programs.

The State Board was required to establish guidelines, not a rule, for such programs.

Up to 10% of the lottery funds allocated to education at the time were dedicated to school districts participating in teacher mentor programs and another 70% of lottery funds went to quality education incentives. Both parts of the funding were repealed with the adoption of LB 1208 in 2006.

The last modification of the mentor teacher program statutes occurred with LB 525 in 2015. Those modifications prohibited mentor teachers from participating in formal evaluations of beginning teachers and required programs to be consistent with the guidelines developed by the State Board.

As guidelines are still required pursuant to Neb. Rev. Stat. § 79-761, it is being suggested to replace the rule and its obsolete provisions with guidelines to be published to the NDE website.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed repeal of Rule 26, the proposed revisions to Rule 3, and the proposed repeal of Rules 8, 22 and 25, and closes the hearings for today. Have a great day.

Master Teacher Act

Repealed LB 705 (2023) – Repeal Operative 7/1/2024

79-8,124. Repealed. Laws 2023, LB705, § 135. Operative date July 1, 2024. Act, how cited.

Sections 79-8,124 to 79-8,131 shall be known and may be cited as the Master Teacher Program Act.

Source:Laws 2000, LB 1399, § 7.

Cross References

- **Attracting Excellence to Teaching Program,** see section 79-8,133.
- **Enhancing Excellence in Teaching Program,** see section 79-8,137.01.

79-8,125. Repealed. Laws 2023, LB705, § 135. Operative date July 1, 2024. Master Teacher Program; created; purpose.

The Master Teacher Program is created. The purpose of the program is to build a group of recognized teachers of high achievement in the teaching profession. The State Department of Education shall administer the program.

Source:Laws 2000, LB 1399, § 8.

79-8,126. Repealed. Laws 2023, LB705, § 135. Operative date July 1, 2024. Terms, defined.

For purposes of the Master Teacher Program Act:

(1) Credentialing organization means a national nonprofit organization (a) approved by the State Department of Education, (b) the purpose of which is to establish high and rigorous standards in a broad range of educational areas for what accomplished teachers should know and be able to do, and (c) which issues credentials to teachers who demonstrate that they meet those standards; and

(2) Teacher means a person who holds a valid certificate to teach in Nebraska issued by the Commissioner of Education, who has been employed as a teacher for at least three years in a public or private school accredited or approved by the State Department of Education, and who continues to be employed as a teacher in such a school.

Source:Laws 2000, LB 1399, § 9.

79-8,127. Repealed. Laws 2023, LB705, § 135. Operative date July 1, 2024. Annual salary bonus.

In any year for which an appropriation is made for the Master Teacher Program, each teacher in the Master Teacher Program shall receive an annual salary bonus of five thousand dollars up to a statewide total of one million dollars. If the number of teachers qualifying for the bonus exceeds the number which the one million dollars would fully fund at the five-thousand-dollar level, the bonuses shall be reduced such that each teacher in the program receives the same amount and the statewide total does not exceed one million dollars. The State Department of Education shall allocate the annual salary bonus to each teacher in the program. Payment of such annual salary bonus shall not exceed the life of the credentials and shall be made only upon approval by the department of an application or upon reapproval each year after receiving the initial salary bonus.

Source:Laws 2000, LB 1399, § 10.

79-8,128. Repealed. Laws 2023, LB705, § 135. Operative date July 1, 2024. Master teacher status.

Teachers may achieve master teacher status by earning credentials from a credentialing organization. To be eligible for the Master Teacher Program, a teacher with master teacher status shall apply to the State Department of Education.

Source:Laws 2000, LB 1399, § 11.

79-8,129. Repealed. Laws 2023, LB705, § 135. Operative date July 1, 2024. Master Teacher Program Fund; created; use; investment.

The Master Teacher Program Fund is created. The fund shall be administered by the State Department of Education to carry out the purposes of the Master Teacher Program Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source:Laws 2000, LB 1399, § 12.

Cross References

- **Nebraska Capital Expansion Act,** see section 72-1269.
- **Nebraska State Funds Investment Act,** see section 72-1260.

79-8,130. Repealed. Laws 2023, LB705, § 135. Operative date July 1, 2024. Registration award.

A teacher who applies to a credentialing organization for credentials required for master teacher status shall be eligible for a registration award to pay for application and registration fees associated with obtaining the credentials. To receive a partial registration award in the amount of one-half of the associated fees, the teacher shall register with the State Department of Education within one year of application to the credentialing organization by submitting any documentation required by rule and regulation. To receive a final registration award in the amount of the remaining fees, the teacher shall notify the department that the teacher received the credentials and shall submit any documentation required by rule and regulation. Up to forty eligible teachers shall receive the first half of a registration award each year.

Source:Laws 2000, LB 1399, § 13.

79-8,131. Repealed. Laws 2023, LB705, § 135. Operative date July 1, 2024. Rules and regulations.

The State Board of Education shall adopt and promulgate rules and regulations to carry out the Master Teacher Program Act.

Source:Laws 2000, LB 1399, § 14.

LB 705 (2023) – Pages 1 and 49

Section 135 outright repealed the Master Teacher Act §§ 79-8,124 through 79-8,131.

LB705
2023

LEGISLATIVE BILL 705

Approved by the Governor June 1, 2023

Introduced by Murman, 38; Walz, 15; Fredrickson, 20; Vargas, 7.

A BILL FOR AN ACT relating to education; to amend sections 9-812, 9-836.01, 79-239, 79-244, 79-254, 79-256, 79-263, 79-265, 79-266, 79-267, 79-268, 79-269, 79-272, 79-276, 79-278, 79-282, 79-283, 79-287, 79-2,146, 79-809, 79-8,132, 79-8,135, 79-8,138, 79-8,139, 79-8,140, 79-2304, 81-145, 81-1118.02, 85-102, 85-328, 85-601, 85-602, 85-603, 85-604, 85-605, 85-1906, and 85-1907, Reissue Revised Statutes of Nebraska, sections 79-101, 79-238, 79-2,136, 79-2,144, 79-703, 79-729, 79-734, 79-760.01, 79-806, 79-807, 79-808, 79-8,133, 79-8,134, 79-8,137, 79-8,137.01, 79-8,137.02, 79-8,137.03, 79-8,137.04, 79-8,137.05, 79-8,143, 79-8,145, 79-1054, 79-1104.02, 79-1142, 79-11,160, 79-1337, 79-2110, 79-2308, 79-2506, 79-2510, 79-3106, 79-3304, 79-3305, 81-161.04, 81-1118, 84-304, 84-612, 85-502.01, 85-1412, 85-1920, and 85-2009, Revised Statutes Cumulative Supplement, 2022, and section 79-1021, Reissue Revised Statutes of Nebraska, as amended by section 22, Legislative Bill 818, One Hundred Eighth Legislature, First Session, 2023; to provide, change, and eliminate definitions; to change and transfer provisions relating to distribution of lottery funds used for education; to adopt the Behavioral Intervention Training and Teacher Support Act, the College Pathway Program Act, the Door to College Scholarship Act, the Extraordinary Increase in Special Education Expenditures Act, and the Nebraska Teacher Recruitment and Retention Act; to create funds and change provisions relating to funds; to transfer and change provisions of the Excellence in Teaching Act; to establish a mental health training grant program and the Nebraska Teacher Apprenticeship Program; to change provisions relating to student enrollment; to provide and change powers and duties of the Coordinating Commission for Postsecondary Education and the State Board of Education; to change provisions of the Alternative Certification for Quality Teachers Act and authorize the Commissioner of Education to issue alternative certificates to teach; to require behavioral and mental health training for certain school personnel and adoption of related policies; to change provisions of the Student Discipline Act and provisions relating to duties of the state school security director, high school graduation requirements, textbooks, academic content standards, and requirements for teacher certification; to provide for a grant program; to change provisions relating to distance education incentives, the Diploma of High School Equivalency Assistance Act, the School Safety and Security Reporting System Act, the Computer Science and Technology Education Act, and state procurement and materiel requirements; to provide for a transfer from the Cash Reserve Fund; to rename the State College Facility Fee Fund and change provisions related thereto; to change provisions relating to residency, student discipline, and termination of employment for certain public postsecondary institutions; to change provisions of the Nebraska Opportunity Grant Act; to provide for data sharing by certain agencies responsible for students under the jurisdiction of juvenile courts; to prohibit consideration of students' and applicants' criminal history and juvenile records by public colleges and universities as prescribed; to establish a grant program for security-related infrastructure projects; to require schools to allow certain youth organizations to provide information, services, and activities and eliminate a related penalty; to eliminate obsolete provisions; to repeal the Master Teacher Program Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to provide for severability; to repeal the original sections; to outright repeal sections 50-425, 50-426, 50-427, 50-428, 79-2,103, 79-8,124, 79-8,125, 79-8,126, 79-8,127, 79-8,128, 79-8,129, 79-8,130, and 79-8,131, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) For fiscal years through fiscal year 2023-24, the money available to be used for education pursuant to subdivision (3)(b) of section 9-812 shall be transferred to the Nebraska Education Improvement Fund.

(2) For fiscal years 2024-25 through 2028-29, the money available to be used for education pursuant to subdivision (3)(b) of section 9-812 shall be transferred as follows:

(a) Eight percent to the Behavioral Training Cash Fund;

(b) Two percent to the College Pathway Program Cash Fund;

(c) Seven percent to the Community College Gap Assistance Program Fund;

(d) Ten percent to the Department of Education Innovative Grant Fund;

(e) Three percent to fund distance education incentives pursuant to section 79-1337;

(f) One percent to the Door to College Scholarship Fund;

(g) Eight percent to the Excellence in Teaching Cash Fund;

(h) One and one-half percent to the Expanded Learning Opportunity Grant

85-604, 85-605, 85-1906, and 85-1907, Reissue Revised Statutes of Nebraska, and sections 79-101, 79-238, 79-2,136, 79-2,144, 79-729, 79-734, 79-760.01, 79-806, 79-807, 79-808, 79-8,143, 79-8,145, 79-2110, 79-3304, 79-3305, 81-161.04, 81-1118, and 84-612, Revised Statutes Cumulative Supplement, 2022, are repealed.

Sec. 133. Original section 79-2304, Reissue Revised Statutes of Nebraska, sections 79-1142 and 79-2308, Revised Statutes Cumulative Supplement, 2022, and section 79-1021, Reissue Revised Statutes of Nebraska, as amended by section 22, Legislative Bill 818, One Hundred Eighth Legislature, First Session, 2023, are repealed.

Sec. 134. The following sections are outright repealed: Sections 50-425, 50-426, 50-427, and 50-428, Reissue Revised Statutes of Nebraska.

Sec. 135. The following sections are outright repealed: Sections 79-8,124, 79-8,125, 79-8,126, 79-8,127, 79-8,128, 79-8,129, 79-8,130, and 79-8,131, Reissue Revised Statutes of Nebraska.

Sec. 136. The following section is outright repealed: Section 79-2,103, Reissue Revised Statutes of Nebraska.

Sec. 137. Since an emergency exists, this act takes effect when passed and approved according to law.

DR. BRIAN L. MAHER, COMMISSIONER
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From: Troy L. Hawk, Legal Counsel

Date: May 20, 2025

Re: Summary of Rulemaking Hearing on the Proposed Repeal of 92 *NAC* 22

On April 29, 2025, a hearing on the proposed repeal of Title 92, *Nebraska Administrative Code*, Chapter 22 (Rule 22), *Regulations Governing the Master Teacher Program*, was held virtually over Zoom in conjunction with a hearing on the revision of Title 92, *Nebraska Administrative Code*, Chapter 3 (Rule 3), *Regulations Governing High Ability Learners*, and the repeal of: Title 92 *Nebraska Administrative Code*, Chapter 8 (Rule 8), *Regulations for School Finance and Budgeting and State Funding of Education Service Unites and Learning Communities*; Title 92 *Nebraska Administrative Code*, Chapter 25 (Rule 25), *Regulations Governing the Excellence in Teaching Act*; and Title 92 *Nebraska Administrative Code*, Chapter 26 (Rule 26), *Regulations and Procedures for Mentor Teacher Programs*. Legal Counsel Troy Hawk served as the hearing officer.

Summary of Oral Testimony on the Proposed Revision of 92 NAC 22

Troy Hawk called the hearing to order, introduced himself, introduced the subject of the hearing, read into the record information about the legal notice of the hearing, outlined the procedures for the hearing and for receiving written testimony, and received testimony on revisions to Rule 3 and the repeal of Rule 8 before receiving testimony on the proposed repeals of Rules 22, 25, and 26.

Tammy Barry, Legal Counsel for the Department of Education, presented a summary of the proposed repeal of Rule 22:

- My name is Tammy Barry, and I am also one of the Legal Counsels at the Nebraska Department of Education.
- I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 22, Regulations Governing the Master Teacher Program, otherwise known as Rule 22.
- Rule 22 currently provides procedures for the Master Teacher Program. However, the statutes authorizing the Master Teacher Program were repealed by the Legislature in LB 705 (2023).

- The program provided bonuses for teachers earning credentials from a credentialing organization meeting certain criteria and provided financial assistance for the associated registration fees.
- Since the authorizing statues no longer exist, thus eliminating the Master Teacher Program, the repeal of Rule 22 is being offered for consideration by the State Board of Education.

Oral Testimony

No oral testimony was offered.

Written Testimony

No written testimony was offered.

Tammy Barry concluded with the following comments:

— She thanked everyone for attending.

Troy Hawk closed the hearing on Rule 22, and then opened the hearing on Rule 25.

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Tammy Barry, Legal Counsel III, Commissioner's Office

PROPOSED AGENDA ITEM: Action Item: Proposed Repeal of Rule 25, *Regulations Governing the Excellence in Teaching Act* (RR.032025.003)

AGENDA ITEM TYPE: Rule

RATIONALE/BACKGROUND INFORMATION:

In 2009, Neb. Rev. Stat. §79-8,132 established the Excellence in Teaching Act (ETA) which includes the Attracting Excellence to Teaching Program (AETP) and the Enhancing Excellence in Teaching Program (EETP) under the authority of the Nebraska Department of Education (NDE). These programs provide aspiring teachers or teachers seeking additional endorsements in shortage areas, forgivable loans to cover their educational expenses. Recipients must work in a Nebraska school upon completion of their studies for a requisite number of years for their loans to be forgiven.

As of July 1, 2024, Neb. Rev. Stat. §85-3101, as amended by LB705 in 2023, transfers all powers, duties, and functions of the ETA program to the Coordinating Commission on Postsecondary Education (CCPE). The CCPE administers other financial aid and grant programs for students seeking postsecondary opportunities. The NDE has worked closely with CCPE throughout the year to facilitate the transfer for this program. As a result, the need for Rule 25 has been eliminated.

A public hearing was held on the repeal of Rule 25 on April 29, 2025, over Zoom. The repeal was introduced by NDE staff. There were no other testifiers. The compiled transcript from the hearing and the hearing officers report are attached.

Additional information includes the fiscal impact statement, Neb. Rev. Stat. § 85-3102, the Excellence in Teaching Act as it exists currently, and the relevant portions of LB 705 (2023).

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $0.

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: N/A

- New or Renewal: N/A
- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: N/A
- Rationale for method of procurement: N/A
- Rationale for contractor selection: N/A

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

TITLE 92 NEBRASKA DEPARTMENT OF EDUCATION

CHAPTER 25 REGULATIONS GOVERNING THE EXCELLENCE IN TEACHING ACT

001 General Provision.

001.01 Statutory Authority. Section 79-8,140 of the Revised Statutes of Nebraska (R.R.S.) provides that the State Board of Education may adopt and promulgate rules and regulations to determine teacher shortage areas and to carry out the Excellence in Teaching Act, which includes the Attracting Excellence to Teaching Program and the Enhancing Excellence in Teaching Program.

001.02 Related Chapters. Title 92, Nebraska Administrative Code, Chapter 24 (92 NAC 24), contains regulations relating to endorsements.

002 Attracting Excellence to Teaching Program.

002.01 Purposes. The purposes of the Attracting Excellence to Teaching Program are to:

002.01A Attract outstanding students to major in shortage areas at the teacher education programs of Nebraska s postsecondary educational institutions;

002.01B Retain resident students and graduates as teachers in the accredited school districts, educational service units, and private schools or approved private schools of Nebraska; and

002.01C Establish a loan contract that requires a borrower to obtain employment as a teacher in this state after graduation.

002.02 Definitions. For purposes of the Attracting Excellence to Teaching Program:

002.02A AETP shall mean the Attracting Excellence to Teaching Program.

002.02B Board shall mean the State Board of Education.

002.02C Borrower shall mean an eligible student who receives a loan pursuant to the AETP.

002.02D Department shall mean the State Department of Education, which is comprised of the Board and the Commissioner of Education.

002.02E Eligible for the AETP shall mean an eligible student who:

002.02E1 graduated in the top quarter of his or her high school class or has a minimum cumulative grade point average of 3.0 on a four-point scale in an eligible institution;

002.02E2 agrees to complete a teacher education program at an eligible institution and, for applicants applying for the first time on or after April 23, 2009, to complete the major on which the applicant s eligibility is based; and

002.02E3 commits to teach in an accredited or approved public or private school in Nebraska upon successful completion of the teacher education program for which the applicant is applying to the AETP and to becoming certified pursuant to Sections 79-806 to 79-815 R.R.S.;

002.02F Eligible institution shall mean a not-for-profit college or university which:

002.02F1 is located in Nebraska;

002.02F2 is accredited by a regional accrediting agency recognized by the United States Department of Education as determined to be acceptable by the Board;

002.02F3 has a teacher education program; and

002.02F4 if a privately funded college or university has not opted out of the program pursuant to Section 002.04C of this Chapter.

002.02G Eligible student shall mean an individual who:

002.02G1 is a full-time student;

002.02G2 is enrolled in an eligible institution in an undergraduate or a graduate teacher education program working toward his or her initial certificate to teach in Nebraska;

002.02G3 if enrolled at a state-funded eligible institution, is a resident student as described in Section 85-502 R.R.S. or, if enrolled in a privately funded eligible institution, would be deemed a resident student if enrolled in a state-funded eligible institution;

002.02G4 for applicants applying for the first time on or after April 23, 2009, is a student majoring in a shortage area; and

002.02G5 for applicants applying to receive a loan during fiscal year 2011-2012 or 2012-2013, is a student who previously received a loan pursuant to the AETP in the fiscal year immediately preceding the fiscal year in which the new loan would be received.

002.02H Employed as a teacher shall mean employment equivalent to 0.5 full-time employment (FTE) or greater under one (1) or more teaching contracts with an approved or accredited Nebraska school throughout the course of one (1) school year or a period of two (2) consecutive school terms that are the equivalent of one (1) school year (e.g., one (1) spring semester and the following fall semester). Substitute teachers who meet this requirement shall be considered employed as a teacher. This term also means employment by an Educational Service Unit (ESU) as a certificated employee as defined in Section 79-1234(2) R.R.S. when the certificated employee will be functioning as a teacher throughout the course of one (1) school year or a period of two (2) consecutive school terms that are the equivalent of one (1) school year (e.g., one (1) spring semester and the following fall semester) in an approved or accredited Nebraska school pursuant to authority provided in the Educational Service Unit Act (Section 79-1201 R.R.S., et seq.).

002.02I Employed as a full-time teacher shall mean full-time employment (FTE) equivalent to 1.0 FTE under one (1) or more teaching contracts with an approved or accredited Nebraska school throughout the course of one (1) school year or a period of two (2) consecutive school terms that are the equivalent of one (1) school year (e.g., one (1) spring semester and the following fall semester). Substitute teachers who meet this requirement shall be considered employed as a full-time teacher. This term also means employment by an Educational Service Unit (ESU) as a certificated employee as defined in Section 79-1234(2) R.R.S. when the certificated employee will be functioning as a teacher equivalent to 1.0 FTE throughout the course of one (1) school year or a period of two (2) consecutive school terms that are the equivalent of one (1) school year (e.g., one (1) spring semester and the following fall semester) in an approved or accredited Nebraska school pursuant to authority provided in the Educational Service Unit Act (Section 79-1201 R.R.S. et seq.).

002.02J Full-time student shall mean, in the aggregate, the equivalent of a student who in a twelve-month (12) period has completed or is enrolled in twenty-four (24) semester credit hours for undergraduate students or eighteen (18) semester credit hours for graduate students of classroom, laboratory, clinical, practicum, or independent study course work.

002.02K Loan shall mean an amount of money advanced under a contract to a borrower pursuant to the AETP.

002.02L Majoring in a shortage area shall mean pursuing a degree which will allow an individual to be properly endorsed to teach in a shortage area.

002.02M Repayment period shall mean the time during which the borrower is required to make payments on the loan or loans.

002.02N Repayment status shall mean when a borrower meets any of the conditions triggering repayment commencement described in Section 002.05A of this Chapter.

002.02O Secular field of teaching shall mean teaching areas covered by teaching endorsements identified in 92 NAC 24 excluding Religious Education.

002.02P Shortage area shall mean a secular field of teaching for which there is a shortage, as determined by the Department, of properly endorsed teachers pursuant to Section 004 of this Chapter, at the time the borrower first receives funds pursuant to the program.

002.02Q Teacher shall mean an individual who holds a valid teaching certificate and who is regularly employed for the instruction of pupils pursuant to Section 79-101 R.R.S. For purposes of this Chapter, this definition does not include administrative or special services certificate holders who are employed in positions requiring these endorsements.

002.02R Teacher education program shall mean a program of study approved by the State Board of Education pursuant to subdivision (5) (g) of Section 79-318 R.R.S.

002.03 Application Process.

002.03A Application. In order to be considered for a loan, an eligible student must complete the appropriate application forms prescribed by the Department.

002.03A1 Incomplete applications will not be considered for a loan.

002.03B Deadlines.

002.03B1 Applications must be submitted to the administrator responsible for the teacher education program in which the applicant is enrolled by a date determined by the administrator. Applications recommended by the institution must be received by the Department on or before December 1 of each year in which funds are available.

002.03B2 Applications recommended by the institution for reallocated funds as described in Section 002.04B of this Chapter must be received by the Department on or before February 1 of each year in which reallocated funds are available.

002.03C Maximum amounts. Eligible students may apply, on an annual basis, for loans in an amount of not more than three thousand dollars ($3,000) per year. Loans awarded to an eligible student shall not exceed a cumulative period exceeding five (5) consecutive years.

002.03D Awards. Loans shall only be awarded through an eligible institution and funded pursuant to Section 79-8,137.05 R.R.S. Prior to receiving any money from a loan pursuant to the AETP, an eligible student shall enter into a contract with the Department.

002.03E Distribution. The Department shall allocate the funds to be distributed for the AETP to all eligible institutions according to the formula set forth in Section 002.04 of this Chapter, except that the distribution of funds for each of fiscal years 2011-2012 and 2012-2013 shall be proportional based on the amounts applied for by eligible students at each eligible institution, and that no more than one hundred percent (100%) of such amounts shall be distributed.

002.03E1 Eligible institutions shall act as agents of the Department in the distribution of funds to borrowers.

002.03E2 Eligible institutions shall disburse funds directly to the borrower in a lump sum unless another manner or method of disbursement or distribution has been authorized, in writing, by the borrower.

002.04 Formula. The formula for the distribution of the appropriated funds to eligible institutions that have not opted out of the AETP according to Section 002.04C of this Chapter, except as provided in Section 002.03E of this Chapter, shall be based on the percentage of the most recent teacher education program completer data generated by each eligible institution. The percentage of funds allocated to each eligible institution will match the institution s percentage of the total teacher education program completers from all eligible institutions.

002.04A The allocation of available funds will be reported to each participating eligible institution at the beginning of the school year, or no later than October 15 of each year.

002.04B Funds not awarded pursuant to Section 002.03B1 of this Chapter will be reallocated to those institutions that notify the Department on or by December 1 of the institution s desire to be considered for the reallocated funds. The reallocation of available funds will be reported to eligible institutions no later than December 15 of each year that those funds are available.

002.04C Opting Out Provisions. An eligible institution may opt out of the AETP by notifying the Commissioner of Education, in writing, postmarked or emailed by May 1 prior to the academic year for which loans are available, of the institution s intent not to participate in the AETP. Such notification will be considered in force until the Commissioner is notified, in writing, of the institution s intent to recommence its participation in the AETP.

002.05 Loan Contract Provisions. Prior to receiving any money from a loan pursuant to the AETP, an eligible student shall enter into a contract with the Department.

002.05A Repayment Commencement.

002.05A1 For eligible students who applied for the first time prior to April 23, 2009:

002.05A1a If the borrower is not employed as a teacher in Nebraska for a time period equal to the number of years required for loan forgiveness and is not enrolled as a full-time student in a graduate program within six (6) months after obtaining an undergraduate degree for which a loan from the AETP was obtained or the borrower does not complete the requirements for graduation within five (5) consecutive years after receiving the initial loan under the AETP, then the loan must be repaid, with interest at the rate fixed pursuant to Section 45-103 R.R.S. accruing as of the date the borrower signed the contract.

002.05A2 For eligible students who applied for the first time on or after April 23, 2009:

002.05A2a If the borrower is not employed as a full-time teacher in an approved or accredited school in Nebraska and teaching at least a portion of the time in the shortage area for which the loan was received for a time period equal to the number of years required for loan forgiveness or is not enrolled as a full-time student in a graduate program within six (6) months after obtaining an undergraduate degree for which a loan from the AETP was obtained or the borrower does not complete the requirements for graduation within five (5) consecutive years after receiving the initial loan under the AETP, then the loan must be repaid, with interest at the rate fixed pursuant to Section 45-103 R.R.S. accruing as of the date the borrower signed the contract and actual collection costs as determined by the Department.

002.05A3 If the borrower fails to remain enrolled at an eligible institution or otherwise fails to meet the requirements of an eligible student, repayment of the loan shall commence within six (6) months after such change in eligibility.

002.05A4 The interest rate for the entire repayment period shall be that which is in effect under Section 45-103 R.R.S. on the date that the borrower signed the contract.

002.05B Repayment Procedures. Repayment will be made on a monthly basis on a schedule which allows up to two (2) years of payments for all loans received. The borrower, at his/her option, may accelerate payment on all or any part of the loan principal plus accrued interest at any time without penalty. Monthly payments must be received at the Department no later than the 15th of each month.

002.05C Penalty. In the event the borrower fails to make a scheduled payment of any installment due, the entire unpaid indebtedness including interest due shall become, at the option of the Commissioner, immediately due and payable.

002.05D Repayment Exceptions.

002.05D1 Cancellation. The repayment obligation shall be cancelled if the Commissioner determines that:

002.05D1a The borrower is unable to teach because s/he is permanently totally disabled, on the basis of verification from the Social Security Administration; or

002.05D1b The borrower has died, on the basis of a death certificate or other evidence conclusive under State law provided by next of kin or personal administrator of the estate.

002.05D2 Deferment. A deferment of the repayment period may be granted by the Commissioner if the borrower is in repayment status and can substantiate that s/he is:

002.05D2a engaging in a full-time course of study at an institution of higher education;

002.05D2b serving on active duty as a member of the Armed Forces of the United States, for a period not in excess of three (3) years;

002.05D2c temporarily totally disabled as established by the sworn affidavit of a qualified physician, for a period not in excess of three (3) years;

002.05D2d unable to secure employment by reason of the care required by a disabled child, spouse, or parent for a period not in excess of twelve (12) months; or

002.05D2e seeking and unable to find full-time employment for a single period not in excess of twelve (12) months.

002.05D3 Qualification for Exceptions. To qualify for a cancellation or deferment, the borrower must notify the Department, in writing, of his or her claim and provide supporting documentation of the claim. If the borrower s claim is accepted, s/he will not be required to make repayments nor will interest accrue on the outstanding balance during the deferment period.

002.05E Loan Forgiveness.

002.05E1 For eligible students who applied for the first time prior to April 23, 2009:

002.05E1a If the borrower successfully completes the teacher education program and becomes certified pursuant to Sections 79-806 to 79-815 R.R.S., becomes employed as a teacher in this state within six (6) months of becoming certified, and otherwise meets the requirements of the contract, payments shall be suspended for the number of years that the borrower is required to remain employed as a teacher in this state under the contract. For each year that the borrower teaches in Nebraska pursuant to the contract, payments shall be forgiven in an amount equal to the amount borrowed for one (1) year, except that if the borrower teaches in a school district that is in a local system classified in the very sparse cost grouping as defined in Section 79-1003 R.R.S. or teaches in a school district in which at least forty percent (40%) of the students are poverty students as provided in Section 79-1003 R.R.S., payments shall be forgiven each year in an amount equal to the amount borrowed for two (2) years.

002.05E2 For eligible students who applied for the first time on or after April 23, 2009:

002.05E2a If the borrower successfully completes the teacher education program and major for which the borrower is receiving a forgivable loan pursuant to the program and becomes certified pursuant to Sections 79-806 to 79-815 R.R.S. with an endorsement in the shortage area for which the loan was received, becomes employed as a full-time teacher teaching at least a portion of the time in the shortage area for which the loan was received in an approved or accredited school in Nebraska within six (6) months of becoming certified, and otherwise meets the requirements of the contract, payments shall be suspended for the number of years that the borrower is required to remain employed as a teacher in this state under the contract. Beginning after the first two (2) years of teaching full-time in Nebraska following graduation for the degree for which the loan was received, for each year that the borrower teaches full-time in Nebraska pursuant to the contract, the loan shall be forgiven in an amount equal to three thousand dollars ($3,000), except that if the borrower teaches full-time in a school district that is in a local system classified as very sparse as defined in Section 79-1003 R.R.S., teaches in a school building that provides free meals to all students pursuant to the community eligibility provision, teaches in a school building in which at least forty percent (40%) of the formula students are poverty students as defined in Section 79-1003 R.R.S., or teaches in an accredited or approved private school in Nebraska in which at least forty percent (40%) of the enrolled students qualified for free lunches as determined by the most recent data available from the Department, payments shall be forgiven each year in an amount equal to six thousand dollars ($6,000).

002.05E3 When a loan has been forgiven pursuant to Section 002.05E of this Chapter, the amount forgiven may be taxable income to the borrower and the Department shall provide notification of the amount forgiven to the borrower, the Department of Revenue, and the United States Internal Revenue Service if required by the Internal Revenue Code.

002.05F Default. Failure of a borrower to either fulfill the terms necessary for loan forgiveness according to Section 002.05E of this Chapter or repay the loan according to Section 002.05A of this Chapter shall constitute a default. Borrowers in default may be referred to a collection agency according to Section 45-623 R.R.S.

003 Enhancing Excellence in Teaching Program.

003.01 Purposes. The purposes of the Enhancing Excellence in Teaching Program are to:

003.01A Retain teachers in the accredited school districts, educational service units, and private schools or approved private schools of Nebraska;

003.01B Improve the skills of existing teachers in Nebraska through the graduate education programs of Nebraska s postsecondary educational institutions; and

003.01C Establish a loan contract that requires a borrower to continue employment as a teacher in this state after completion of the eligible graduate program.

003.02 Definitions. For purposes of the Enhancing Excellence in Teaching Program:

003.02A Board shall mean the State Board of Education.

003.02B Borrower shall mean an eligible student who receives a loan pursuant to the EETP.

003.02C Department shall mean the State Department of Education, which is comprised of the Board and the Commissioner of Education.

003.02D EETP shall mean the Enhancing Excellence in Teaching Program.

003.02E Eligible coursework shall mean those classes included on the Program of Study that begin during the

loan award period.

003.02F Eligible graduate program means a program of study offered by an eligible institution which results in obtaining a graduate degree or a graduate course of study leading to an endorsement in a shortage area specified by the State Board of Education.

003.02G Eligible for the EETP shall mean an eligible student who:

003.02G1 agrees to complete an eligible graduate program at an eligible institution and to complete the program on which the applicant s eligibility is based as determined by the Department; and

003.02G2 commits to teach in an accredited or approved public or private school in Nebraska upon successful completion of the eligible graduate program for which the applicant is applying to the EETP and to maintaining certification pursuant to Sections 79-806 to 79-815 R.R.S.

003.02H Eligible institution shall mean a not-for-profit college or university which:

003.02H1 is located in Nebraska;

003.02H2 is accredited by a regional accrediting agency recognized by the United States Department of Education as determined to be acceptable by the Board;

003.02H3 has a teacher education program as defined in Section 002.02Q of this Chapter; and

003.02H4 if a privately funded college or university has not opted out of the EETP pursuant to Section 003.04B of this Chapter.

003.02I Eligible student shall mean an individual who:

003.02I1 is a certificated teacher employed to teach in an approved or accredited school in Nebraska;

003.02I2 is enrolled in an eligible graduate program;

003.02I3 if enrolled at a state-funded eligible institution, is a resident student as described in Section 85-502 R.R.S. or, if enrolled in a privately funded eligible institution, would be deemed a resident student if enrolled in a state-funded eligible institution;

003.02I4 is majoring in a shortage area, curriculum and instruction, a subject area in which the individual already holds a secular teaching endorsement, or a subject area that will result in an additional secular teaching endorsement which the superintendent of the school district or head administrator of the private, denominational, or parochial school employing the individual believes will be beneficial to the students of such school district or school as evidenced by a statement signed by the superintendent or head administrator; and

003.02I5 is applying for a loan pursuant to the EETP to be received at a time other than during fiscal year 2011-2012 or 2012-2013.

003.02J Employed as a teacher shall mean employment equivalent to 0.5 full-time employment (FTE) or greater under one (1) or more teaching contracts with an approved or accredited Nebraska school throughout the course of one (1) school year or a period of two (2) consecutive school terms that are the equivalent of one (1) school year (e.g., one (1) spring semester and the following fall semester). Substitute teachers who meet this requirement shall be considered employed as a teacher. This term also means employment by an Educational Service Unit (ESU) as a certificated employee as defined in Section 79-1234(2) R.R.S. when the certificated employee will be functioning as a teacher throughout the course of one (1) school year or a period of two (2) consecutive school terms that are the equivalent of one (1) school year (e.g., one (1) spring semester and the following fall semester) in an approved or accredited Nebraska school pursuant to authority provided in

the Educational Service Unit Act (Section 79-1201 R.R.S., et seq.).

003.02K Employed as a full-time teacher shall mean full-time employment (FTE) equivalent to 1.0 FTE under one (1) or more teaching contracts with an approved or accredited Nebraska school throughout the course of one (1) school year or a period of two (2) consecutive school terms that are the equivalent of one (1) school year (e.g., one (1) spring semester and the following fall semester). Substitute teachers who meet this requirement shall be considered employed as a full-time teacher. This term also means employment by an Educational Service Unit (ESU) as a certificated employee as defined in Section 79-1234(2) R.R.S. when the certificated employee will be functioning as a teacher equivalent to 1.0 FTE throughout the course of one (1) school year or a period of two (2) consecutive school terms that are the equivalent of one (1) school year (e.g., one (1) spring semester and the following fall semester) in an approved or accredited Nebraska school pursuant to authority provided in the Educational Service Unit Act (Section 79-1201 R.R.S. et seq.).

003.02L Enrolled shall mean the eligible student is officially admitted into an eligible graduate program at an eligible institution and s/he meets that institution s requirements for continuing enrollment certification purposes or for maintaining graduate student status.

003.02M Loan shall mean an amount of money advanced under a contract to a borrower pursuant to the EETP.

003.02N Loan award period shall mean July 1 – June 30.

003.02O Majoring in a shortage area or subject area shall mean pursuing a degree or graduate course of study which will allow an individual to be properly endorsed to teach in such shortage area or subject area.

003.02P Program of Study shall mean official documentation that verifies enrollment and coursework in an eligible graduate program and must include:

003.02P1 the name of the applicant;

003.02P2 the name of the eligible graduate program to be completed;

003.02P3 a listing of the coursework required to complete the eligible graduate program;

003.02P4 a tentative timeline for completion of the eligible graduate program; and

003.02P5 the signature of the designated representative of the eligible institution.

003.02Q Proof of coursework completion shall mean a grade report or transcript from an eligible institution which verifies that the borrower has completed the eligible coursework for which funds were received during the loan award period.

003.02R Proof of program completion shall mean an official transcript from an eligible institution which verifies that the borrower has completed the eligible graduate program for which the loan was received.

003.02S Proof of registration shall mean a class schedule or transcript from an eligible institution which verifies registration for eligible coursework.

003.02T Repayment period shall mean the time during which the borrower is required to make payments on the loan or loans.

003.02U Repayment status shall mean when a borrower meets any of the conditions triggering repayment commencement described in Section 003.05A of this Chapter.

003.02V Secular field of teaching shall mean teaching areas covered by teaching endorsements identified in 92 NAC 24 excluding Religious Education.

003.02W Shortage area shall mean a secular field of teaching or endorsement area for which there is a shortage, as determined by the Department pursuant to Section 004 of this Chapter, of properly endorsed teachers at the time the borrower first receives funds pursuant to the EETP.

003.02X Teacher shall mean an individual who holds a valid teaching certificate and who is regularly employed for the instruction of pupils pursuant to Section 79-101 R.R.S. For purposes of this Chapter, this definition does not include administrative or special services certificate holders who are employed in positions requiring these endorsements.

003.03 Application Process.

003.03A Application. In order to be considered for a loan, an eligible student must complete the appropriate application forms prescribed by the Department.

003.03A1 Applications must include a Program of Study approved by a designated representative of the eligible institution in which the applicant is enrolled.

003.02A2 Incomplete applications will not be considered for a loan.

003.03B Deadlines. Applications must be submitted to the administrator responsible for the teacher education program, or his/her designated representative, of the eligible institution in which the applicant is enrolled by a date determined by the administrator.

003.03B1 Institutions shall number the applications in the order in which they are received and send all submitted applications to the Department. Applications must be received by the Department on or before June 1 of each year in which funds are available.

003.03C Maximum Amounts. Eligible students may apply on an annual basis for loans in an amount of not more than one hundred seventy-five dollars ($175) per credit hour. Loans awarded to individual students shall not exceed a cumulative period exceeding five (5) consecutive years.

003.03C1 Loans awarded to individual students shall not exceed an annual amount of three thousand dollars ($3,000).

003.03D Distribution. The Department shall allocate the funds to be distributed for the EETP to all eligible institutions according to the formula set forth in Section 003.04A of this Chapter. The Department shall distribute the funds for the EETP directly to the borrower.

003.03E Awards. Loans shall only be awarded through the Department and funded pursuant to Section 79-8,137.05 R.R.S.

003.03E1 The borrower must submit proof of registration for eligible coursework to the Department pursuant to the contract prior to any funds being distributed.

003.03E1a The borrower shall only receive payment one time for each eligible course on his/her Program of Study. Repeated coursework for which a final course grade has been previously assessed is ineligible for payment.

003.03E2 Funds not claimed pursuant to the contract will revert to the Excellence in Teaching Cash Fund.

003.04 Formula.

003.04A Formula for Distribution. The Department shall distribute one-sixth (1/6) of the total funds available pursuant to Section 79-8,137.05 R.R.S. evenly among all eligible institutions. The remaining funds shall be allocated by formula on the basis of the percentage of the total Master s degrees in education awarded by each eligible institution, excluding those awarded in administrative or special services programs. The percentage of

loan funds available to each eligible institution will match the institution s percentage of the state s total Master s degrees in education awarded by all eligible institutions.

003.04A1 The formula will be based on the most current Master s degree in education completer information available from the Nebraska Coordinating Commission for Postsecondary Education.

003.04A2 The allocation of available funds will be reported to the eligible institutions no later than March 15 of each year.

003.04A3 In the event that additional funds for the EETP become available during the current loan award period, the Department may establish an interim distribution process based on the percentage of the state s total Master s degrees in education awarded by each eligible institution.

003.04B Opting Out Provisions. An eligible institution may opt out of the EETP by notifying the Commissioner of Education, in writing, postmarked or emailed by February 1 prior to the academic year for which loans are available, of the institution s intent not to participate in the EETP. Such notification will be considered in force until the Commissioner is notified, in writing, of the institution s intent to recommence its participation in the EETP.

003.05 Loan Contract Provisions. Prior to receiving any money from a loan pursuant to the EETP, an eligible student shall enter into a contract with the Department.

003.05A Repayment Commencement. Section 79-8,137.04(1) R.R.S. requires subsections 003.05A1 and 003.05A2 to be part of the contract. Section 79-8,137.04(2) R.R.S. requires that for a borrower to have payments suspended, the borrower must, in addition, otherwise meet the requirements of the contract. Subsections 003.05A3 and 003.05A4 are such additional provisions.

003.05A1 If the borrower is not employed as a full-time teacher teaching in an approved or accredited school in Nebraska for a time period equal to the number of years required for loan forgiveness pursuant to Section 003.05E of this Chapter or the borrower does not complete the requirements for program completion within five (5) consecutive years after receiving the initial loan under the EETP, then the loan shall be repaid with interest at the rate fixed pursuant to Section 45-103 R.R.S. accruing as of the date the borrower signed the contract and actual collection costs as determined by the Department.

003.05A2 If the borrower fails to remain enrolled at an eligible institution or otherwise fails to meet the requirements of an eligible student, repayment of the loan shall commence within six (6) months after such change in eligibility.

003.05A3 If the borrower fails to provide the Department with proof of coursework completion within sixty (60) days of the completion of all eligible coursework for which the loan was received, repayment of the loan shall commence within six (6) months from the end of the loan award period in which the loan was received.

003.05A4 If the borrower fails to provide the Department with proof of program completion within sixty (60) days of completion of the eligible graduate program, repayment of the loan shall commence within six (6) months of completion of the program.

003.05A5 The interest rate for the entire repayment period shall be that which is in effect under Section 45-103 R.R.S. on the date that the borrower signed the contract.

003.05B Repayment Procedures. Repayment will be made on a monthly basis on a schedule which allows up to two (2) years of payments for all loans received. The borrower, at his/her option, may accelerate payment on all or any part of the loan principal plus accrued interest at any time without penalty. Monthly payments must be received at the Department no later than the 15th of each month.

003.05C Penalty. In the event the borrower fails to make a scheduled payment of any installment due, the entire unpaid indebtedness including interest due shall become, at the option of the Commissioner, immediately due and payable.

003.05D Repayment Exceptions.

003.05D1 Cancellation. The repayment obligation shall be cancelled if the Commissioner determines that:

003.05D1a The borrower is unable to teach because s/he is permanently totally disabled, on the basis of verification from the Social Security Administration; or

003.05D1b The borrower has died, on the basis of a death certificate or other evidence conclusive under State law provided by next of kin or personal administrator of the estate.

003.05D2 Deferment. A deferment of the repayment period may be granted by the Commissioner if the borrower is in repayment status and can substantiate that s/he is:

003.05D2a serving on active duty as a member of the Armed Forces of the United States, for a period not in excess of three (3) years;

003.05D2b temporarily totally disabled as established by the sworn affidavit of a qualified physician, for a period not in excess of three (3) years;

003.05D2c unable to secure employment by reason of the care required by a disabled child, spouse, or parent for a period not in excess of twelve (12) months; or

003.05D2d seeking and unable to find full-time employment for a single period not in excess of twelve (12) months.

003.05D3 Qualification for Exceptions. To qualify for a cancellation or deferment, the borrower must notify the Department, in writing, of his or her claim and provide supporting documentation of the claim. If the borrower s claim is accepted, s/he will not be required to make repayments nor will interest accrue on the outstanding balance during the deferment period.

003.05E Loan Forgiveness. If the borrower successfully completes the eligible graduate program for which the borrower is receiving a forgivable loan pursuant to the EETP, maintains certification pursuant to Sections 79-806 to 79-815 R.R.S., maintains full-time employment as a teacher in an approved or accredited school in this state, and otherwise meets the requirements of the contract, payments shall be suspended for the number of years that the borrower is required to remain employed as a teacher in this state under contract.

003.05E1 For recipients who received funds for the first time prior to July 1, 2016:

003.05E1a Beginning after the first two (2) years of teaching full-time in Nebraska following graduation for the degree for which the loan was received, for each year that the borrower teaches full-time in Nebraska pursuant to the contract, the loan shall be forgiven in an amount equal to three thousand dollars ($3,000), except that if the borrower teaches full-time in a school district that is in a local system classified as very sparse as defined in Section 79-1003 R.R.S., teaches in a school building that provides free meals to all students pursuant to the community eligibility provision, teaches in a school building in which at least forty percent (40%) of the students are poverty students as defined in Section 79-1003 R.R.S., or teaches in an accredited or approved private school in Nebraska in which at least forty percent (40%) of the enrolled students qualified for free lunches as determined by the most recent data available from the Department, payments shall be forgiven each year in an amount equal to six thousand dollars ($6,000).

003.05E2 For recipients who received funds for the first time on or after July 1, 2016:

003.05E2a Beginning after the first two (2) years of teaching full-time in Nebraska following completion of the eligible graduate program for which the loan was received, for each year that the borrower teaches full-time in Nebraska pursuant to the contract, the loan shall be forgiven in an amount equal to one thousand five hundred dollars ($1,500), except that if the borrower teaches full-time in a school district that is in a local system classified as very sparse as defined in Section 79-1003 R.R.S., teaches in a school building in which at least forty percent (40%) of the students are poverty students as defined in Section 79-1003 R.R.S., teaches in a school building that provides free meals to all students pursuant to the community eligibility provision, or teaches in an accredited private school or educational service unit or an approved private school in Nebraska in which at least forty percent (40%) of the enrolled students qualified for free lunches as determined by the most recent data available from the Department, payments shall be forgiven each year in an amount equal to one thousand five hundred dollars ($1,500) for the first year of loan forgiveness and three thousand dollars ($3,000) for each year of loan forgiveness thereafter.

003.05E3 The borrower shall provide the Department with proof of coursework completion within sixty (60) days of the completion of all eligible coursework for which the loan was received.

003.05E4 The borrower shall provide the Department with proof of program completion within sixty (60) days of completion of the eligible graduate program for which the loan was received.

003.05E5 When a loan has been forgiven pursuant to Section 79-8,137.04 R.R.S., the amount forgiven may be taxable income to the borrower and the Department shall provide notification of the amount forgiven to the borrower, the Department of Revenue, and the United States Internal Revenue Service if required by the Internal Revenue Code.

003.06 Default. Failure of a borrower to either fulfill the terms necessary for loan forgiveness according to Section 003.05E of this Chapter or repay the loan according to Section 003.05A of this Chapter shall constitute a default. Borrowers in default may be referred to a collection agency according to Section 45-623 R.R.S.

004 Shortage Areas. Shortage areas will be determined annually by the Department on the basis of an annual teacher supply survey of accredited and approved Nebraska school systems. Shortage areas as defined by the U.S. Department of Education under the Teacher Education Assistance for College and Higher Education (TEACH) Grant will also be considered as qualifying shortage areas. Shortage areas for the current award period are available on the Department s web site (www.education.ne.gov).

005 Reports. The Department shall provide reports on the AETP and the EETP as required by Section 79-8,139 R.R.S.

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005.01 Institutional Reports. Each participating institution shall file an annual report with the Department for the Attracting Excellence to Teaching Program and for the Enhancing Excellence in Teaching Program for any fiscal year in which the eligible institution receives funding to distribute to the students pursuant to either or both of such programs. Reports must be received by October 15 containing the following information:

005.01A The number of borrowers who are currently enrolled as full-time students; and

005.01B The number of borrowers who have completed the program for which the loan was received.

005.02 Department of Education Reports. On or before December 31 of each even-numbered year, the Department shall submit an electronic report to the Governor, the Clerk of the Legislature, and the Education Committee of the Legislature. This report shall include information on an institution-by-institution basis and information on:

005.02A the status of the AETP and the EETP;

005.02B the status of the borrowers;

005.02C the impact of the AETP and the EETP on the number of teachers in shortage areas in Nebraska;

005.02D the number of teachers receiving graduate degrees and added endorsements in teaching areas in Nebraska; and

005.02E a financial statement with a description of the activity of the Excellence in Teaching Cash Fund.

005.03 Confidentiality of Information. Any report which includes information about borrowers shall exclude confidential information or any other information which specifically identifies a borrower.

FISCAL IMPACT
STATEMENT

Agency:	Nebraska Department of Education
Prepared by:	Tammy Barry
Date Prepared:	February 13, 2025
Phone:	402-309-4816
Title:	92
Chapter:	25
Name:	*Regulations Governing the Excellence in Teaching Act*
Statement Status:	Hearing Draft

Type of Fiscal Impact:

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

Description of Impact:

State Agency: It will cost approximately $100 to hold the hearing.

Political Subdivision: There is no fiscal impact for any political subdivisions.

Regulated Public: There is no fiscal impact for the regulated public.

Transcript of the Hearings Conducted on April 29, 2025

For the Revision of Rule 3 and Repeal of Rules 8, 22, 25, and 26

Hearing Officer – Troy Hawk

Good morning. I call this hearing to order. My name is Troy Hawk. I am one of the Legal Counsels for the Nebraska Department of Education, and I will be the presiding officer conducting the hearings virtually today, April 29, 2025, using Zoom on the proposed revisions to:

> Title 92, Nebraska Administrative Code, Chapter 3 (Rule 3), Regulations Governing High Ability Learners;

and the proposed repeals of:

> Title 92, Nebraska Administrative Code, Chapter 8 (Rule 8), Regulations for School Finance and Budgeting/State Funding of Educational Service Units and Learning Communities;
>
> Title 92, Nebraska Administrative Code, Chapter 22 (Rule 22), Regulations Governing the Master Teacher Program;
>
> Title 92, Nebraska Administrative Code, Chapter 25 (Rule 25), Regulations Governing the Excellence in Teaching Act; and
>
> Title 92, Nebraska Administrative Code, Chapter 26 (Rule 26), Regulations and Procedures for Mentor Teacher Programs

The Legal Notice of Hearing was published for this hearing in the Omaha World Herald on March 27, 2025.

The hearing for each rule will be held separately in numerical order. To begin the hearing on each rule, a Nebraska Department of Education Staff member will describe and explain the proposed rule.

This will be followed by testimony by interested persons. Each person presenting written or oral testimony is requested to:

1. State and spell you first and last name and provide a general indication of where you live (city, county, or school district);
2. Indicate if you are testifying on behalf of anyone else, and state the name of such individual, organization, or group;
3. State a concise suggestion or recommendation of what action you would like the Board to take; and
4. State the rationale or reason for your recommendation.

You may reinforce, but please refrain from repeating, previous testimony.

Each person testifying will be limited to five minutes. If additional time is needed, it may be provided at the discretion of the presiding officer.

At the conclusion of all testimony from interested persons on the rule, the Nebraska Department of Education staff member who opened will have the opportunity to respond to the testimony presented today, which will conclude the testimony.

The testimony presented will be recorded and the audio recording will be made available to the State Board of Education and the public via YouTube at the time the State Board considers the adoption of the revision or repeal.

All written testimony must be submitted to the hearing official prior to 5:00 p.m. today in order to be made a part of the record of this hearing. The email for submitting written comments is NDE.RuleHearing@nebraska.gov.

This email address may also be found on the department's website at www.education.ne.gov by following the Rules & Regulations link on the right side of the page. From the Rules and Regulations page, go to the Public Notices of Upcoming Rule Hearings.

At this time, we will begin the hearing on Rule 3, *Regulations Governing High Ability Learners,* with Sheyanne Smith from the Nebraska Department of Education describing and explaining the proposed revisions. Sheyanne, you may begin.

Sheyanne Smith

Good morning, my name is Sheyanne Smith — S-H-E-Y-A-N-N-E S-M-I-T-H. I work for the Nebraska Department of Education as the High Ability Learning Specialist in the Office of Teaching, Learning, and Assessment.

The Nebraska Department of Education has drafted revisions to Title 92, Nebraska Administrative Code, Chapter 3, Regulations Governing High Ability Learners, commonly referred to as Rule 3. A high ability learner is a student who performs — or has the potential to perform — at higher levels in one or more subject areas and who requires specialized or accelerated learning opportunities to fully develop their abilities.

In September of 2023, the State Board of Education's Rules and Regulations Committee identified the need for revisions to Rule 3. In April of 2024, legislative updates to Nebraska Revised Statutes 79-1107, 79-1108.02, and 79-1108.03 further necessitated changes to Rule 3. These statutory updates included:

• Updating the definition of "learner with high ability,"

• Allowing consortium applications for funding, and

• Requiring the adoption of consistent identification methods statewide.

The Department collected feedback from district administrators, High Ability Learning coordinators, teachers, Educational Service Unit staff, parents, and the Nebraska Association for the Gifted, as well as internal NDE staff. A public input period was held in December of 2024, generating feedback from across the state. The results of this feedback were reviewed and discussed at the February 2025 State Board meeting.

The revisions to Rule 3 include:

• Establishing consistent statewide methods for identifying high ability learners, supporting the portability — or transferability — of HAL identification when students move between Nebraska districts,

• Aligning HAL reporting, evaluation, and planning requirements with existing state processes to streamline efforts, and

• Creating parameters for consortium-based funding applications to increase access for districts.

These revisions aim to:

(1) Provide clear, consistent guidelines to support the identification of learners with high ability while maintaining local flexibility,

(2) Align data reporting and evaluation with Nebraska's existing continuous improvement processes to reduce redundancy for school districts,

(3) Offer an alternative funding application option to allow districts to pool resources through consortiums, and

(4) Update definitions and procedures to reflect current educational practices and research.

The revisions reflect a comprehensive effort to modernize and strengthen Rule 3, with the ultimate goal of improving support for high ability learners across Nebraska.

This concludes my testimony.

Hearing Officer – Troy Hawk

Those testifying are asked to state and spell their name and in what capacity they are testifying [individually or associated entity].

Dr. Kristen Job

Thank you for the opportunity to speak today. I am Dr. Kristen Job Executive Director of the Nebraska Association for the Gifted (NeGifted) in LaVista. I am here today to speak in strong support of the proposed revisions to Rule 3, which represent a thoughtful, research-aligned step forward in our state's ongoing commitment to equity, excellence, and educational integrity.

These revisions—especially those that safeguard continuity in High Ability Learner (HAL) identification—are not just regulatory improvements. They are moral imperatives.

Across Nebraska, educators and administrators have long struggled with the dissonance created by fragmented identification systems. A child may be recognized as gifted in one district, only to have that designation stripped upon moving to another. This practice, while administratively convenient, is pedagogically indefensible and deeply harmful to the student. Giftedness is not a local construct—it is a cognitive and affective profile that transcends district boundaries.

Under the current proposal, if a student has been identified as HAL in one Nebraska district, that designation will remain intact when they move. **This shift aligns Nebraska with best practices established in states such as Iowa, Colorado, and Minnesota—states which have embraced a more portable and student-centered model of gifted identification.** In Colorado, for example, gifted identification follows the student throughout their academic journey statewide. Iowa has adopted similar inter-district recognition practices, reducing duplication of services and ensuring continuity of support. Nebraska now has the opportunity—and the responsibility—to do the same.

Let us be clear: revoking a HAL designation based on local performance norms is not supported by research and is antithetical to the very purpose of identification. Identification is not about labeling—it is about locating need. And when we remove the label, we often remove the student's access to essential services such as curriculum compacting, acceleration, or social-emotional support. This is not merely an administrative oversight—it is an educational disservice.

The emotional and academic ramifications are real and measurable. Research from the National Association for Gifted Children (NAGC) shows that inconsistency in gifted services contributes to underachievement, disengagement, and increased levels of anxiety and frustration among students. Moreover, stripping a gifted label can undermine a student's self-concept and sense of potential—particularly when that label was hard-won, or when it served as a rare point of affirmation in an otherwise inequitable educational experience.

Let us also acknowledge the considerable **consensus-building efforts** that informed these revisions. This has not been a top-down imposition; it has been a collaborative undertaking involving educators, administrators, researchers, and families from across the state. The final language reflects a careful balancing of local control and statewide consistency—a balance that respects both district autonomy and student dignity.

As Executive Director of NeGifted, I can tell you firsthand that our association has received overwhelming support for these changes from educators and parents alike. These revisions reflect not only best practice—but also best hope. Hope that no student will have to re-prove their worth. Hope that no child's learning needs will be ignored because they crossed an imaginary line on a map. Hope that Nebraska can and will lead—not lag—in gifted education.

In closing, I urge this board to adopt the revisions to Rule 3. Do so not merely as policymakers, but as champions for children—children whose talents may not always conform to the average, but whose potential demands our recognition, our advocacy, and our consistent support.

Thank you.

Hearing Officer – Troy Hawk

Thank you, Dr. Job. Is there anyone else wishing to testify. Please raise your electronic hand.

Adam Larson, would you like to testify. You may begin.

Dr. Adam Larson

My name is Dr. Adam Larson, I am the assistant director of the professional learning department at ESU3. I am here today to provide input on the proposed changes to Rule 3. I want to express my support for several key revisions:

Data Reporting (007.01 and related sections): I strongly support the inclusion of more explicit data reporting requirements. The specified data points, including individual achievement data, graduation rates, and participation in advanced coursework, are essential for evaluating the effectiveness of high ability programs and ensuring accountability. Furthermore, I believe that much of this data is already being collected by school districts to comply with Rule 10, which should streamline the reporting process for schools and prevent undue burden.

Program Review (008.01 and related sections): I also support the requirement for school districts to conduct comprehensive program reviews at least once every five years. Regular evaluation is crucial for maintaining program quality, identifying areas for improvement, and ensuring that programs are meeting the diverse needs of high-ability learners. The emphasis on input from various stakeholders, including parents, educators, students, and community members, is particularly important.

Portability (002.13, 004.05, and related sections): Finally, I strongly endorse the provisions that ensure the portability of high ability identification across Nebraska school districts. This is essential for minimizing disruptions to the education of highly mobile students and ensuring that identified students receive appropriate services regardless of where they attend school within the state.

Thank you for your time and consideration of my input. I believe that these revisions will strengthen Rule 3 and ultimately improve the quality of education for learners with high ability in Nebraska.

Hearing Officer – Troy Hawk

Thank you, Dr. Larson. Is there anyone else wishing to testify. Please raise your electronic hand.

See no one else, Sheyanne, is there anything you would like to add at this time?

Sheyanne Smith

Thank you for attending and providing testimony for Rule 3. The department appreciates your time and engagement.

This concludes my testimony.

Hearing Officer – Troy Hawk

This closes the hearing on the proposed revisions to Rule 3.

We will now begin the hearing on the proposed repeal of Rule 8, *Regulations for School Finance and Budgeting/State Funding of Educational Service Units and Learning Communities,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed repeal of Rule 8. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 8, Regulations for School Finance and Budgeting and State Funding of Educational Service Units and Learning Communities, otherwise known as Rule 8.

The last revisions to Rule 8 became effective in December of 2016. Since that time there have been many changes to the authorizing statutes, which are not reflected in the current rule.

In a recent review of the rule, it was noted that Rule 8 is, for the most part, simply a restatement of the authorizing statutes without the addition of any substantive requirements or direction.

There have been recent efforts at several levels, including the State Board of Education, to reduce or eliminate this type of restatement of statutory provisions.

Furthermore, the underlying statutes in the areas covered by this rule change frequently, making it difficult to maintain the rule as an accurate statement of the law. For these reasons, the repeal of Rule 8 is being proposed for consideration by the State Board of Education.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed revisions to Rule 8.

We will now begin the hearing on the proposed repeal of Rule 22, *Regulations Governing the Master Teacher Program,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed repeal of Rule 22. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 22, Regulations Governing the Master Teacher Program, otherwise known as Rule 22.

Rule 22 currently provides procedures for the Master Teacher Program. However, the statutes authorizing the Master Teacher Program were repealed by the Legislature in LB 705 (2023).

The program provided bonuses for teachers earning credentials from a credentialing organization meeting certain criteria and provided financial assistance for the associated registration fees.

Since the authorizing statues no longer exist, thus eliminating the Master Teacher Program, the repeal of Rule 22 is being offered for consideration by the State Board of Education.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed revisions to Rule 22.

We will now begin the hearing on the proposed repeal of Rule 25, *Regulations Governing the Excellence in Teaching Act,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed revisions. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 25, Regulations Governing the Excellence in Teaching Act, otherwise known as Rule 25.

In 2009, Neb. Rev. Stat. §79-8,132 established the Excellence in Teaching Act, which includes the Attracting Excellence to Teaching Program, and the Enhancing Excellence in Teaching Program under the authority of the Nebraska Department of Education.

These programs provide aspiring teachers or teachers seeking additional endorsements in shortage areas, forgivable loans to cover their educational expenses. Recipients must work in a Nebraska school upon completion of their studies for a requisite number of years for their loans to be forgiven.

As of July 1, 2024, Neb. Rev. Stat. §85-3102, as amended by LB705 in 2023, transferred all powers, duties, and functions of the Excellence in Teaching programs to the Coordinating Commission on Postsecondary Education. The Commission administers other financial aid and grant programs for students seeking postsecondary opportunities.

The NDE has worked closely with CCPE to facilitate the transfer of this program. As a result, the need for Rule 25 has been eliminated.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed revisions to Rule 25.

We will now begin the hearing on the proposed repeal of Rule 26, *Regulations and Procedures for Mentor Teacher Programs,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed repeal of Rule 26. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 26, Regulations and Procedures for Mentor Teacher Programs, otherwise known as Rule 26.

Rule 26 currently provides procedures for mentor teacher programs related to funding that has since been repealed.

Mentor Teacher Programs were originally adopted as one of the criteria for Quality Education Incentives under the Quality Education Accountability Act. There was also funding for school districts whose first-year teachers participated in mentor teacher programs.

The State Board was required to establish guidelines, not a rule, for such programs.

Up to 10% of the lottery funds allocated to education at the time were dedicated to school districts participating in teacher mentor programs and another 70% of lottery funds went to quality education incentives. Both parts of the funding were repealed with the adoption of LB 1208 in 2006.

The last modification of the mentor teacher program statutes occurred with LB 525 in 2015. Those modifications prohibited mentor teachers from participating in formal evaluations of beginning teachers and required programs to be consistent with the guidelines developed by the State Board.

As guidelines are still required pursuant to Neb. Rev. Stat. § 79-761, it is being suggested to replace the rule and its obsolete provisions with guidelines to be published to the NDE website.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed repeal of Rule 26, the proposed revisions to Rule 3, and the proposed repeal of Rules 8, 22 and 25, and closes the hearings for today. Have a great day.

DR. BRIAN L. MAHER, COMMISSIONER
TEL 402.471.2295
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P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

From: Troy L. Hawk, Legal Counsel

Date: May 20, 2025

Re: Summary of Rulemaking Hearing on the Proposed Repeal of 92 *NAC* 25

On April 29, 2025, a hearing on the proposed repeal of Title 92, *Nebraska Administrative Code*, Chapter 25 (Rule 25), *Regulations Governing the Excellence in Teaching Act*; was held virtually over Zoom in conjunction with a hearing on the revision of Title 92, *Nebraska Administrative Code*, Chapter 3 (Rule 3), *Regulations Governing High Ability Learners*, and the repeal of: Title 92 *Nebraska Administrative Code*, Chapter 8 (Rule 8), *Regulations for School Finance and Budgeting and State Funding of Education Service Unites and Learning Communities*; Title 92 *Nebraska Administrative Code*, Chapter 22 (Rule 22), *Regulations Governing the Master Teacher Program*; and Title 92 *Nebraska Administrative Code*, Chapter 26 (Rule 26), *Regulations and Procedures for Mentor Teacher Programs*. Legal Counsel Troy Hawk served as the hearing officer.

Summary of Oral Testimony on the Proposed Revision of 92 NAC 25

Troy Hawk called the hearing to order, introduced himself, introduced the subject of the hearing, read into the record information about the legal notice of the hearing, outlined the procedures for the hearing and for receiving written testimony, and received testimony on revisions to Rule 3 and the repeal of Rules 8 and 22 before receiving testimony on the proposed repeals of Rules 25, and 26.

Tammy Barry, Legal Counsel for the Department of Education, presented a summary of the proposed repeal of Rule 25:

- My name is Tammy Barry, and I am also one of the Legal Counsels at the Nebraska Department of Education.
- I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 25, Regulations Governing the Excellence in Teaching Act, otherwise known as Rule 25.
- In 2009, Neb. Rev. Stat. §79-8,132 established the Excellence in Teaching Act, which includes the Attracting Excellence to Teaching Program, and the Enhancing Excellence in Teaching Program under the authority of the Nebraska Department of Education.

- These programs provide aspiring teachers or teachers seeking additional endorsements in shortage areas, forgivable loans to cover their educational expenses. Recipients must work in a Nebraska school upon completion of their studies for a requisite number of years for their loans to be forgiven.
- As of July 1, 2024, Neb. Rev. Stat. §85-3102, as amended by LB705 in 2023, transferred all powers, duties, and functions of the Excellence in Teaching programs to the Coordinating Commission on Postsecondary Education. The Commission administers other financial aid and grant programs for students seeking postsecondary opportunities.
- The NDE has worked closely with CCPE to facilitate the transfer of this program. As a result, the need for Rule 25 has been eliminated.

Oral Testimony

No oral testimony was offered.

Written Testimony

No written testimony was offered.

Tammy Barry concluded with the following comments:

— She thanked everyone for attending.

Troy Hawk closed the hearing on Rule 25, and then opened the hearing on Rule 26.

85-3102. Transfer of powers, duties, and functions to Coordinating Commission for Postsecondary Education; financial obligations; contracts; documents; funds; appropriations; suit, action, or other proceeding; records; transfer; effect.

(1) On and after July 1, 2024, all powers, duties, and functions that the State Department of Education had pursuant to the Excellence in Teaching Act prior to such date are transferred to the Coordinating Commission for Postsecondary Education.

(2) Any financial obligations of the State Department of Education relating to the Excellence in Teaching Act that remain unpaid as of July 1, 2024, and that are subsequently certified as valid encumbrances to the accounting division of the Department of Administrative Services pursuant to sections 81-138.01 to 81-138.04, shall be paid by the commission from any unexpended balance in the Excellence in Teaching Cash Fund.

(3) On and after July 1, 2024, whenever the State Department of Education is referred to or designated by any contract or other document in connection with any duties and functions under the Excellence in Teaching Act, such reference or designation shall apply to the commission. All contracts entered into by the State Department of Education prior to July 1, 2024, in connection with any duties and functions under the Excellence in Teaching Act are hereby recognized, with the commission succeeding to all rights and obligations under such contracts. Any cash funds, custodial funds, gifts, trusts, and grants and any appropriations of funds from prior fiscal years available to satisfy obligations incurred under such contracts shall be transferred and appropriated to the commission for the payment of such obligations. All documents and records transferred, or copies of the same, may be authenticated or certified by the commission for all legal purposes.

(4) No suit, action, or other proceeding, judicial or administrative, lawfully commenced prior to July 1, 2024, or which could have been commenced prior to such date, by or against the State Department of Education, the Commissioner of Education, or any employee of the State Department of Education, in relation to the discharge of duties under the Excellence in Teaching Act, shall abate by reason of the transfer of duties and functions under the Excellence in Teaching Act from the State Department of Education to the commission.

(5) On July 1, 2024, all documents and records of the State Department of Education pertaining to duties and functions under the Excellence in Teaching Act shall be transferred to the commission and shall become the property of the commission.

Source: Laws 2023, LB705, § 14.

85-3101. Act, how cited.

Sections 85-3101 to 85-3115 shall be known and may be cited as the Excellence in Teaching Act and shall include the Attracting Excellence to Teaching Program, the Enhancing Excellence in Teaching Program, and the Career-Readiness and Dual-Credit Education Grant Program.

Source: Laws 2000, LB 1399, § 15; Laws 2009, LB547, § 3; R.S.1943, (2014), § 79-8,132; Laws 2023, LB705, § 13.

85-3102. Transfer of powers, duties, and functions to Coordinating Commission for Postsecondary Education; financial obligations; contracts; documents; funds; appropriations; suit, action, or other proceeding; records; transfer; effect.

(1) On and after July 1, 2024, all powers, duties, and functions that the State Department of Education had pursuant to the Excellence in Teaching Act prior to such date are transferred to the Coordinating Commission for Postsecondary Education.

(2) Any financial obligations of the State Department of Education relating to the Excellence in Teaching Act that remain unpaid as of July 1, 2024, and that are subsequently certified as valid encumbrances to the accounting division of the Department of Administrative Services pursuant to sections 81-138.01 to 81-138.04, shall be paid by the commission from any unexpended balance in the Excellence in Teaching Cash Fund.

(3) On and after July 1, 2024, whenever the State Department of Education is referred to or designated by any contract or other document in connection with any duties and functions under the Excellence in Teaching Act, such reference or designation shall apply to the commission. All contracts entered into by the State Department of Education prior to July 1, 2024, in connection with any duties and functions under the Excellence in Teaching Act are hereby recognized, with the commission succeeding to all rights and obligations under such contracts. Any cash funds, custodial funds, gifts, trusts, and grants and any appropriations of funds from prior fiscal years available to satisfy obligations incurred under such contracts shall be transferred and appropriated to the commission for the payment of such obligations. All documents and records transferred, or copies of the same, may be authenticated or certified by the commission for all legal purposes.

(4) No suit, action, or other proceeding, judicial or administrative, lawfully commenced prior to July 1, 2024, or which could have been commenced prior to such date, by or against the State Department of Education, the Commissioner of Education, or any employee of the State Department of Education, in relation to the discharge of duties under the Excellence in Teaching Act, shall abate by reason of the transfer of duties and functions under the Excellence in Teaching Act from the State Department of Education to the commission.

(5) On July 1, 2024, all documents and records of the State Department of Education pertaining to duties and functions under the Excellence in Teaching Act shall be transferred to the commission and shall become the property of the commission.

Source: Laws 2023, LB705, § 14.

85-3103. Attracting Excellence to Teaching Program; created; terms, defined.

The Attracting Excellence to Teaching Program is created. For purposes of the Attracting Excellence to Teaching Program:

(1) Commission means the Coordinating Commission for Postsecondary Education;

(2) Eligible institution means a not-for-profit college or university which (a) is located in Nebraska, (b) is accredited by an accrediting agency recognized by the United States Department of Education as determined to be acceptable by the State Board of Education, (c) has a teacher education program, and (d) if a privately funded college or university, has not opted out of the program pursuant to rules and regulations;

(3) Eligible student means an individual who (a) is a full-time student, (b) is enrolled in an eligible institution in an undergraduate or a graduate teacher education program working toward his or her initial certificate to teach in Nebraska, (c) if enrolled at a state-funded eligible institution, is a resident student as described in section 85-502 or, if enrolled in a privately funded eligible institution, would be deemed a resident student if enrolled in a state-funded eligible institution, and (d) is a student majoring in a shortage area;

(4) Full-time student means, in the aggregate, the equivalent of a student who in a twelve-month period is enrolled in twenty-four semester credit hours for undergraduate students or eighteen semester credit hours for graduate students of classroom, laboratory, clinical, practicum, or independent study course work;

(5) Majoring in a shortage area means pursuing a degree which will allow an individual to be properly endorsed to teach in a shortage area;

(6) Shortage area means a secular field of teaching for which there is a shortage, as determined by the State Department of Education, of properly endorsed teachers at the time the borrower first receives funds pursuant to the program;

(7) Student-teaching semester means a semester of full-time enrollment for clinical practice which provides initial preparation for a student enrolled in an eligible institution and pursuing a certificate to teach that includes a culminating supervised experience to demonstrate competence in the professional teaching role for which such student is applying; and

(8) Teacher education program means a program of study approved by the State Board of Education pursuant to subdivision (5)(g) of section 79-318.

Source: Laws 2000, LB 1399, § 16; Laws 2003, LB 685, § 20; Laws 2009, LB547, § 4; Laws 2011, LB333, § 6; Laws 2014, LB967, § 8; Laws 2021, LB528, § 32; R.S.Supp.,2022, § 79-8,133; Laws 2023, LB705, § 15; Laws 2024, LB1284, § 18.
Operative Date: July 1, 2024

85-3104. Attracting Excellence to Teaching Program; purposes.

The purposes of the Attracting Excellence to Teaching Program are to:

(1) Attract outstanding students to major in shortage areas at the teacher education programs of Nebraska's postsecondary educational institutions;

(2) Retain resident students and graduates as teachers in the accredited school districts, educational service units, and private schools or approved private schools of Nebraska; and

(3) Establish a loan contract that requires a borrower to obtain employment as a teacher in this state after graduation.

Source: Laws 2000, LB 1399, § 17; Laws 2009, LB547, § 5; Laws 2015, LB519, § 3; R.S.Supp.,2022, § 79-8,134; Laws 2023, LB705, § 16.

85-3105. Attracting Excellence to Teaching Program; administration; eligible students.

(1) The commission shall administer the Attracting Excellence to Teaching Program either directly or by contracting with public or private entities.

(2) To be eligible for the program, an eligible student shall:

(a) Graduate in the top quarter of his or her high school class or have a minimum cumulative grade-point average of 3.0 on a four-point scale in an eligible institution;

(b) Agree to complete a teacher education program at an eligible institution and to complete the major on which the applicant's eligibility is based; and

(c) Commit to teach in an accredited or approved public or private school in Nebraska upon (i) successful completion of the teacher education program for which the applicant is applying to the Attracting Excellence to Teaching Program and (ii) becoming certified pursuant to sections 79-806 to 79-815.

(3) An eligible student may apply on an annual basis for a loan in an amount of not more than three thousand dollars per year, except that an eligible student who is enrolling for a student-teaching semester may apply for an additional loan of up to three thousand dollars for the student-teaching semester and receive up to a total of six thousand dollars for the year. Loans awarded to individual students shall not exceed a cumulative period exceeding five consecutive years. Loans shall only be awarded through an eligible institution. Loans shall be funded pursuant to section 85-3112.

Source: Laws 2000, LB 1399, § 18; Laws 2003, LB 685, § 21; Laws 2009, LB547, § 6; R.S.1943, (2014), § 79-8,135; Laws 2023, LB705, § 17; Laws 2024, LB1284, § 19.
Operative Date: July 1, 2024

85-3106. Attracting Excellence to Teaching Program; eligible student; contract requirements; loan payments; suspension; loan forgiveness; amount.

(1)(a) Prior to receiving any money from a loan pursuant to the Attracting Excellence to Teaching Program, an eligible student shall enter into a contract with the commission. Such contract shall be exempt from the requirements of the State Procurement Act.

(b) For eligible students who applied for the first time prior to April 23, 2009, the contract shall require that if (i) the borrower is not employed as a teacher in Nebraska for a time period equal to the number of years required for loan forgiveness pursuant to subsection (2) of this section and is not enrolled as a full-time student in a graduate program within six months after

obtaining an undergraduate degree for which a loan from the program was obtained or (ii) the borrower does not complete the requirements for graduation within five consecutive years after receiving the initial loan under the program, then the loan must be repaid, with interest at the rate fixed pursuant to section 45-103 accruing as of the date the borrower signed the contract, and an appropriate penalty as determined by the commission may be assessed. If a borrower fails to remain enrolled at an eligible institution or otherwise fails to meet the requirements of an eligible student, repayment of the loan shall commence within six months after such change in eligibility. The commission may by rules and regulations provide for exceptions to the conditions of repayment pursuant to this subdivision based upon mitigating circumstances.

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

(2) If the borrower applied for the first time prior to April 23, 2009, and (a) successfully completes the teacher education program and becomes certified pursuant to sections 79-806 to 79-815, (b) becomes employed as a teacher in this state within six months of becoming certified, and (c) otherwise meets the requirements of the contract, payments shall be suspended for the number of years that the borrower is required to remain employed as a teacher in this state under the contract. For each year that the borrower teaches in Nebraska pursuant to the contract, payments shall be forgiven in an amount equal to the amount borrowed for one year, except that if the borrower teaches in a school district that is in a local system classified as very sparse as defined in section 79-1003 or teaches in a school district in which at least forty percent of the students are poverty students as defined in section 79-1003, payments shall be forgiven each year in an amount equal to the amount borrowed for two years.

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

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

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

Source: Laws 2000, LB 1399, § 20; Laws 2003, LB 685, § 22; Laws 2008, LB988, § 7; Laws 2009, LB547, § 7; Laws 2012, LB858, § 14; Laws 2013, LB497, § 4; Laws 2015, LB519, § 4; Laws 2015, LB525, § 15; Laws 2022, LB1218, § 16; R.S.Supp.,2022, § 79-8,137; Laws 2023, LB705, § 18; Laws 2024, LB461, § 49.
Effective Date: July 19, 2024

Cross References

- **State Procurement Act,** see section 73-801.

85-3107. Enhancing Excellence in Teaching Program; created; terms, defined.

The Enhancing Excellence in Teaching Program is created. For purposes of the Enhancing Excellence in Teaching Program:

(1) Approval to teach postsecondary courses by a Nebraska postsecondary educational institution means official documentation issued by a Nebraska postsecondary educational institution declaring that an individual has met the graduate degree or course requirements necessary to teach courses in a specific subject or subjects offered by the Nebraska postsecondary educational institution for postsecondary degree credit;

(2) Commission means the Coordinating Commission for Postsecondary Education;

(3) Eligible graduate program means (a) a program of study offered by an eligible institution which results in obtaining a graduate degree, (b) a graduate course of study leading to an endorsement in a shortage area specified by the State Department of Education, or (c) a graduate course of study leading to approval to teach postsecondary courses by a Nebraska postsecondary educational institution;

(4) Eligible institution means a not-for-profit college or university which (a) is located in Nebraska, (b) is accredited by an accrediting agency recognized by the United States Department

of Education as determined to be acceptable by the State Board of Education, (c) has a teacher education program, and (d) if a privately funded college or university, has not opted out of the Enhancing Excellence in Teaching Program pursuant to rules and regulations;

(5) Eligible student means an individual who (a) is a certificated teacher employed to teach in an approved or accredited school in Nebraska, (b) is enrolled in an eligible graduate program, (c) if enrolled at a state-funded eligible institution, is a resident student as described in section 85-502 or, if enrolled in a privately funded eligible institution, would be deemed a resident student if enrolled in a state-funded eligible institution, (d)(i) is majoring in a shortage area, curriculum and instruction, a subject area in which the individual already holds a secular teaching endorsement, or a subject area that will result in an additional secular teaching endorsement or (ii) is applying for approval to teach postsecondary courses by a Nebraska postsecondary educational institution, which the superintendent of the school district or head administrator of the private, denominational, or parochial school employing the individual believes will be beneficial to the students of such school district or school as evidenced by a statement signed by the superintendent or head administrator, and (e) is applying for a loan pursuant to the Enhancing Excellence in Teaching Program to be received at a time other than during fiscal year 2011-12 or 2012-13;

(6) Majoring in a shortage area or subject area means pursuing a degree or course of study which will allow an individual to be properly endorsed to teach in such shortage area or subject area;

(7) Nebraska postsecondary educational institution means any Nebraska public postsecondary institution as defined in section 85-2403 and any private, nonprofit postsecondary institution with a principal facility in Nebraska that is exempt from the Private Postsecondary Career School Act; and

(8) Shortage area means a secular field of teaching or endorsement area for which there is a shortage, as determined by the State Department of Education, of properly endorsed teachers at the time the borrower first receives funds pursuant to the Enhancing Excellence in Teaching Program.

Source: Laws 2009, LB547, § 8; Laws 2010, LB1071, § 8; Laws 2011, LB333, § 7; Laws 2014, LB967, § 9; Laws 2015, LB519, § 5; Laws 2016, LB1066, § 13; Laws 2021, LB528, § 33; R.S.Supp.,2022, § 79-8,137.01; Laws 2023, LB705, § 19.

Cross References

- **Private Postsecondary Career School Act,** see section 85-1601.

85-3108. Enhancing Excellence in Teaching Program; purposes.

The purposes of the Enhancing Excellence in Teaching Program are to:

(1) Retain teachers in the accredited school districts, educational service units, and private schools or approved private schools of Nebraska;

(2) Improve the skills of existing teachers in Nebraska through the graduate education or endorsement programs of Nebraska's postsecondary educational institutions; and

(3) Establish a loan contract that requires a borrower to continue employment as a teacher in this state after graduation from an eligible graduate or endorsement program.

Source: Laws 2009, LB547, § 9; Laws 2010, LB1071, § 9; Laws 2015, LB519, § 6; R.S.Supp.,2022, § 79-8,137.02; Laws 2023, LB705, § 20.

85-3109. Enhancing Excellence in Teaching Program; administration; eligible student; loans.

(1) The commission shall administer the Enhancing Excellence in Teaching Program either directly or by contracting with public or private entities.

(2) To be eligible for the program, an eligible student shall:

(a) Agree to complete an eligible graduate program at an eligible institution and to complete the program on which the applicant's eligibility is based as determined by the State Department of Education; and

(b) Commit to teach in an accredited or approved public or private school in Nebraska upon successful completion of the eligible graduate program for which the applicant is applying to the Enhancing Excellence in Teaching Program and to maintaining certification pursuant to sections 79-806 to 79-815.

(3) Eligible students may apply on an annual basis for loans in an amount of not more than one hundred seventy-five dollars per credit hour. Loans awarded to individual students shall not exceed a cumulative period exceeding five consecutive years. Loans shall only be awarded through the commission. Loans shall be funded pursuant to section 85-3112.

Source: Laws 2009, LB547, § 10; Laws 2010, LB1071, § 10; Laws 2015, LB519, § 7; Laws 2016, LB1066, § 14; R.S.Supp.,2022, § 79-8,137.03; Laws 2023, LB705, § 21.

85-3110. Enhancing Excellence in Teaching Program; contract requirements; loan payments; suspension; loan forgiveness; amount.

(1) Prior to receiving any money from a loan pursuant to the Enhancing Excellence in Teaching Program, an eligible student shall enter into a contract with the commission. Such contract shall be exempt from the requirements of the State Procurement Act. The contract shall require that if (a) the borrower is not employed as a full-time teacher teaching in an approved or accredited school in Nebraska for a time period equal to the number of years required for loan forgiveness pursuant to subsection (2) of this section or (b) the borrower does not complete the requirements for graduation, for the additional secular teaching endorsement, or for the approval to teach postsecondary courses by a Nebraska postsecondary educational institution within five consecutive years after receiving the initial loan under the program, then the loan shall be repaid, with interest at the rate fixed pursuant to section 45-103 accruing as of the date the borrower signed the contract and actual collection costs as determined by the commission. If a borrower fails to remain enrolled at an eligible institution or otherwise fails to meet the requirements of an eligible student, repayment of the loan shall commence within six months after such change in

eligibility. The commission may by rules and regulations provide for exceptions to the conditions of repayment pursuant to this subsection based upon mitigating circumstances.

(2)(a) If the borrower (i) successfully completes the eligible graduate program for which the borrower is receiving a forgivable loan pursuant to the Enhancing Excellence in Teaching Program and maintains certification pursuant to sections 79-806 to 79-815, (ii) maintains employment as a teacher in an approved or accredited school in this state, and (iii) otherwise meets the requirements of the contract, payments shall be suspended for the number of years that the borrower is required to remain employed as a teacher in this state under the contract.

(b) For recipients who received funds for the first time prior to July 1, 2016, beginning after the first two years of teaching full-time in Nebraska following graduation for the degree for which the loan was received, for each year that the borrower teaches full-time in Nebraska pursuant to the contract, the loan shall be forgiven in an amount equal to three thousand dollars, except that if the borrower teaches full-time in a school district that is in a local system classified as very sparse as defined in section 79-1003, teaches in a school building that provides free meals to all students pursuant to the community eligibility provision, teaches in a school building in which at least forty percent of the students are poverty students as defined in section 79-1003, or teaches in an accredited or approved private school in Nebraska in which at least forty percent of the enrolled students qualified for free lunches as determined by the most recent data available from the State Department of Education, payments shall be forgiven each year in an amount equal to six thousand dollars.

(c) For recipients who received funds for the first time on or after July 1, 2016, beginning after the first two years of teaching full-time in Nebraska following completion of the eligible graduate program for which the loan was received, for each year that the borrower teaches full-time in Nebraska pursuant to the contract, the loan shall be forgiven in an amount equal to one thousand five hundred dollars, except that if the borrower teaches full-time in a school district that is in a local system classified as very sparse as defined in section 79-1003, teaches in a school building in which at least forty percent of the students are poverty students as defined in section 79-1003, teaches in a school building that provides free meals to all students pursuant to the community eligibility provision, or teaches in an accredited private school or educational service unit or an approved private school in Nebraska in which at least forty percent of the enrolled students qualified for free lunches as determined by the most recent data available from the State Department of Education, payments shall be forgiven each year in an amount equal to one thousand five hundred dollars for the first year of loan forgiveness and three thousand dollars for each year of loan forgiveness thereafter.

Source: Laws 2009, LB547, § 11; Laws 2010, LB1071, § 11; Laws 2012, LB858, § 15; Laws 2013, LB497, § 5; Laws 2015, LB519, § 8; Laws 2015, LB525, § 16; Laws 2016, LB1066, § 15; R.S.Supp.,2022, § 79-8,137.04; Laws 2023, LB705, § 22; Laws 2024, LB461, § 50.
Effective Date: July 19, 2024

Cross References

- **State Procurement Act,** see section 73-801.

85-3111. Career-Readiness and Dual-Credit Education Grant Program; established; Coordinating Commission for Postsecondary Education; State Department of Education; duties; commission; rules and regulations.

(1) The Career-Readiness and Dual-Credit Education Grant Program is established. The program shall be administered by the Coordinating Commission for Postsecondary Education. The commission, in consultation with the State Department of Education, the Department of Labor, and any advisory committee established by the commission for such purpose, shall:

(a) Create and establish teacher education pathways enabling the instruction of dual-credit courses and career and technical education courses;

(b) Correlate and prioritize teacher education pathways with Nebraska workforce demand;

(c) Establish a grant program beginning on or after July 1, 2024, to distribute money from the Excellence in Teaching Cash Fund to teachers enrolled in education pathways leading to qualification to teach dual-credit courses and career and technical education courses;

(d) Establish a directory of available teacher education pathways in Nebraska identified by sequence and location; and

(e) On December 31, 2025, and each December 31 thereafter, electronically submit an annual report on grants awarded pursuant to the Career-Readiness and Dual-Credit Education Grant Program to the Clerk of the Legislature. The report shall include, but not be limited to, the number and amount of grants awarded, the postsecondary educational institutions attended by grant recipients, and information regarding the completion of instructor requirements to teach dual-credit courses and career and technical education courses.

(2) The Coordinating Commission for Postsecondary Education may adopt and promulgate rules and regulations to carry out the Career-Readiness and Dual-Credit Education Grant Program.

Source: Laws 2023, LB705, § 23.

85-3112. Excellence in Teaching Cash Fund; created; use; investment.

(1) The Excellence in Teaching Cash Fund is created. The fund shall consist of transfers by the Legislature, transfers pursuant to section 79-3501, and loan repayments, penalties, and interest payments received in the course of administering the Attracting Excellence to Teaching Program and the Enhancing Excellence in Teaching Program.

(2)(a) For all fiscal years beginning on and after July 1, 2024, the commission shall allocate on an annual basis up to two hundred fifty thousand dollars of the funds transferred pursuant to section 79-3501 for grants to teachers pursuant to the Career-Readiness and Dual-Credit Education Grant Program.

(b) For all fiscal years beginning on and after July 1, 2024, the commission shall allocate on an annual basis up to five hundred thousand dollars of the funds transferred pursuant to section 79-3501 exclusively for loans to any eligible student who is enrolling in a student-teaching semester during the award year pursuant to the Attracting Excellence to Teaching

Program. The funds shall be distributed to all eligible institutions according to the distribution formula as determined by rule and regulation. The eligible institutions shall act as agents of the commission in the distribution of the funds to any eligible student for a student-teaching semester.

(c) Of the funds remaining in the Excellence in Teaching Cash Fund after the distributions pursuant to subdivisions (a) and (b) of this subsection, for all fiscal years, the commission shall allocate on an annual basis up to four hundred thousand dollars in the aggregate of the funds to be distributed for the Attracting Excellence to Teaching Program to all eligible institutions according to the distribution formula as determined by rule and regulation. The eligible institutions shall act as agents of the commission in the distribution of the funds for the Attracting Excellence to Teaching Program to eligible students. The commission shall allocate on an annual basis up to eight hundred thousand dollars of the remaining available funds to be distributed to eligible students for the Enhancing Excellence in Teaching Program. Funding amounts granted in excess of one million two hundred thousand dollars shall be evenly divided for distribution between the two programs.

(3) Any money in the Excellence in Teaching Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source: Laws 2000, LB 1399, § 19; Laws 2001, Spec. Sess., LB 3, § 6; R.S.1943, (2008), § 79-8,136; Laws 2009, LB547, § 12; Laws 2011, LB333, § 8; Laws 2014, LB967, § 10; Laws 2015, LB519, § 9; Laws 2021, LB528, § 34; R.S.Supp.,2022, § 79-8,137.05; Laws 2023, LB705, § 24; Laws 2024, LB1284, § 20.
Operative Date: July 1, 2024

Cross References

- **Nebraska Capital Expansion Act,** see section 72-1269.
- **Nebraska State Funds Investment Act,** see section 72-1260.

85-3113. Repayment tracking.

The commission has the administrative responsibility to track borrowers and to develop repayment tracking and collection mechanisms for the Attracting Excellence to Teaching Program and the Enhancing Excellence in Teaching Program. The commission may contract for such services. When a loan has been forgiven pursuant to section 85-3106 or 85-3110, the amount forgiven may be taxable income to the borrower and the commission shall provide notification of the amount forgiven to the borrower, the Department of Revenue, and the United States Internal Revenue Service if required by the Internal Revenue Code.

Source: Laws 2000, LB 1399, § 21; Laws 2009, LB547, § 13; R.S.1943, (2014), § 79-8,138; Laws 2023, LB705, § 25.

85-3114. Attracting Excellence to Teaching Program; Enhancing Excellence in Teaching Program; reports.

(1) Each eligible institution shall file an annual report with the commission for the Attracting Excellence to Teaching Program and the Enhancing Excellence in Teaching Program for any fiscal year in which the eligible institution receives funding to distribute to students pursuant to either or both of such programs containing such information as required by rule and regulation. On or before December 31 of each even-numbered year, the commission shall submit a report to the Governor, the Clerk of the Legislature, and the Education Committee of the Legislature on the status of the programs, the status of the borrowers, and the impact of the programs on the number of teachers in shortage areas in Nebraska and on the number of teachers receiving graduate degrees in teaching endorsement areas in Nebraska or receiving approval to teach postsecondary courses by a Nebraska postsecondary educational institution. The report submitted to the Clerk of the Legislature and the committee shall be submitted electronically. Each report shall include information on an institution-by-institution basis, the status of borrowers, and a financial statement with a description of the activity of the Excellence in Teaching Cash Fund.

(2) Any report pursuant to this section which includes information about borrowers shall exclude confidential information or any other information which specifically identifies a borrower.

Source: Laws 2000, LB 1399, § 22; Laws 2009, LB547, § 14; Laws 2011, LB333, § 9; Laws 2012, LB782, § 154; R.S.1943, (2014), § 79-8,139; Laws 2023, LB705, § 26.

85-3115. Teacher shortage area; Excellence in Teaching Act; rules and regulations.

The State Board of Education may adopt and promulgate rules and regulations to determine teacher shortage areas. The commission may adopt and promulgate rules and regulations to carry out the Excellence in Teaching Act.

Source: Laws 2000, LB 1399, § 23; Laws 2009, LB547, § 15; R.S.1943, (2014), § 79-8,140; Laws 2023, LB705, § 27.

LB 705 (2023) – Pages 1, 4 - 10, 45, and 48

Sections 13 – 27, 117, and 127 transfer the Excellence in Teaching Act from the State Department of Education to the Coordinating Commission for Postsecondary Education.

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LEGISLATIVE BILL 705

Approved by the Governor June 1, 2023

Introduced by Murman, 38; Walz, 15; Fredrickson, 20; Vargas, 7.

A BILL FOR AN ACT relating to education; to amend sections 9-812, 9-836.01, 79-239, 79-244, 79-254, 79-256, 79-263, 79-265, 79-266, 79-267, 79-268, 79-269, 79-272, 79-276, 79-278, 79-282, 79-283, 79-287, 79-2,146, 79-809, 79-8,132, 79-8,135, 79-8,138, 79-8,139, 79-8,140, 79-2304, 81-145, 81-1118.02, 85-102, 85-328, 85-601, 85-602, 85-603, 85-604, 85-605, 85-1906, and 85-1907, Reissue Revised Statutes of Nebraska, sections 79-101, 79-238, 79-2,136, 79-2,144, 79-703, 79-729, 79-734, 79-760.01, 79-806, 79-807, 79-808, 79-8,133, 79-8,134, 79-8,137, 79-8,137.01, 79-8,137.02, 79-8,137.03, 79-8,137.04, 79-8,137.05, 79-8,143, 79-8,145, 79-1054, 79-1104.02, 79-1142, 79-11,160, 79-1337, 79-2110, 79-2308, 79-2506, 79-2510, 79-3106, 79-3304, 79-3305, 81-161.04, 81-1118, 84-304, 84-612, 85-502.01, 85-1412, 85-1920, and 85-2009, Revised Statutes Cumulative Supplement, 2022, and section 79-1021, Reissue Revised Statutes of Nebraska, as amended by section 22, Legislative Bill 818, One Hundred Eighth Legislature, First Session, 2023; to provide, change, and eliminate definitions; to change and transfer provisions relating to distribution of lottery funds used for education; to adopt the Behavioral Intervention Training and Teacher Support Act, the College Pathway Program Act, the Door to College Scholarship Act, the Extraordinary Increase in Special Education Expenditures Act, and the Nebraska Teacher Recruitment and Retention Act; to create funds and change provisions relating to funds; to transfer and change provisions of the Excellence in Teaching Act; to establish a mental health training grant program and the Nebraska Teacher Apprenticeship Program; to change provisions relating to student enrollment; to provide and change powers and duties of the Coordinating Commission for Postsecondary Education and the State Board of Education; to change provisions of the Alternative Certification for Quality Teachers Act and authorize the Commissioner of Education to issue alternative certificates to teach; to require behavioral and mental health training for certain school personnel and adoption of related policies; to change provisions of the Student Discipline Act and provisions relating to duties of the state school security director, high school graduation requirements, textbooks, academic content standards, and requirements for teacher certification; to provide for a grant program; to change provisions relating to distance education incentives, the Diploma of High School Equivalency Assistance Act, the School Safety and Security Reporting System Act, the Computer Science and Technology Education Act, and state procurement and materiel requirements; to provide for a transfer from the Cash Reserve Fund; to rename the State College Facility Fee Fund and change provisions related thereto; to change provisions relating to residency, student discipline, and termination of employment for certain public postsecondary institutions; to change provisions of the Nebraska Opportunity Grant Act; to provide for data sharing by certain agencies responsible for students under the jurisdiction of juvenile courts; to prohibit consideration of students' and applicants' criminal history and juvenile records by public colleges and universities as prescribed; to establish a grant program for security-related infrastructure projects; to require schools to allow certain youth organizations to provide information, services, and activities and eliminate a related penalty; to eliminate obsolete provisions; to repeal the Master Teacher Program Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to provide for severability; to repeal the original sections; to outright repeal sections 50-425, 50-426, 50-427, 50-428, 79-2,103, 79-8,124, 79-8,125, 79-8,126, 79-8,127, 79-8,128, 79-8,129, 79-8,130, and 79-8,131, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) For fiscal years through fiscal year 2023-24, the money available to be used for education pursuant to subdivision (3)(b) of section 9-812 shall be transferred to the Nebraska Education Improvement Fund.

(2) For fiscal years 2024-25 through 2028-29, the money available to be used for education pursuant to subdivision (3)(b) of section 9-812 shall be transferred as follows:

(a) Eight percent to the Behavioral Training Cash Fund;

(b) Two percent to the College Pathway Program Cash Fund;

(c) Seven percent to the Community College Gap Assistance Program Fund;

(d) Ten percent to the Department of Education Innovative Grant Fund;

(e) Three percent to fund distance education incentives pursuant to section 79-1337;

(f) One percent to the Door to College Scholarship Fund;

(g) Eight percent to the Excellence in Teaching Cash Fund;

(h) One and one-half percent to the Expanded Learning Opportunity Grant

health services.

(4) The State Board of Education may adopt and promulgate rules and regulations to carry out this section, including, but not limited to, application procedures, selection procedures, and annual reporting procedures.

(5) Grants received pursuant to this section shall be considered special grant funds under section 79-1003.

Sec. 7. The Mental Health Training Cash Fund is created. The fund shall be administered by the State Department of Education and shall consist of money transferred pursuant to section 1 of this act and any money transferred by the Legislature. The department shall use money in the fund for mental health training grants pursuant to section 6 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 8. Sections 8 to 12 of this act shall be known and may be cited as the College Pathway Program Act.

Sec. 9. For purposes of the College Pathway Program Act:

(1) Eligible provider means a provider who meets the requirements of section 10 of this act;

(2) Low-income student means a student eligible for free or reduced-price lunches in high school or a student whose family's taxable income for the preceding year did not exceed one hundred fifty percent of the federal poverty level; and

(3) Underrepresented student means a student whose race is not proportionately represented at the institution at which the student is enrolled or applying for admission as the representation of such race in the population of Nebraska.

Sec. 10. (1) The State Department of Education shall develop and administer the College Pathway Program to provide grants on or after July 1, 2024, to eligible providers to provide services in accordance with subsection (2) of this section to underrepresented and low-income students in high school and postsecondary education.

(2) A provider is eligible for a grant pursuant to the College Pathway Program Act if the provider offers, exclusively to underrepresented and low-income students, educational services that provide materials, services, and supports to help a student graduate from high school, apply for admission to a postsecondary institution, and complete the requirements to receive an associate degree or a baccalaureate degree. Such educational services may include:

(a) Assistance and tutorials which help students in completing applications for a college or university, including applying for aid through the Free Application for Federal Student Aid or other scholarships;

(b) Assistance and materials which help students take the appropriate high school classes in an area or field of study a student is interested in and any classes necessary for a student to gain acceptance at a postsecondary institution or complete the requirements and take the appropriate postsecondary education classes to receive an associate degree or a baccalaureate degree; and

(c) Any other services specified pursuant to rules and regulations adopted and promulgated by the State Board of Education.

(3) Eligible providers may apply to the State Department of Education for a grant on forms and in a manner prescribed by the department.

Sec. 11. (1) On or before December 1, 2024, and each December 1 thereafter, the State Department of Education shall electronically submit a report to the Clerk of the Legislature regarding the College Pathway Program Act, including, but not limited to, the recipients of grants and evaluations of the effectiveness of the grant program.

(2) The State Board of Education may adopt and promulgate rules and regulations to carry out the College Pathway Program Act.

Sec. 12. The College Pathway Program Cash Fund is created. The fund shall be administered by the State Department of Education and shall consist of money transferred pursuant to section 1 of this act and any money transferred by the Legislature. The department shall use the fund to carry out the College Pathway Program Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 13. Section 79-8,132, Reissue Revised Statutes of Nebraska, is amended to read:

~~79-8,132~~ Sections 13 to 27 of this act ~~79-8,132 to 79-8,140~~ shall be known and may be cited as the Excellence in Teaching Act and shall include the Attracting Excellence to Teaching Program, ~~and~~ the Enhancing Excellence in Teaching Program, and the Career-Readiness and Dual-Credit Education Grant Program.

Sec. 14. (1) On and after July 1, 2024, all powers, duties, and functions that the State Department of Education had pursuant to the Excellence in Teaching Act prior to such date are transferred to the Coordinating Commission for Postsecondary Education.

(2) Any financial obligations of the State Department of Education relating to the Excellence in Teaching Act that remain unpaid as of July 1, 2024, and that are subsequently certified as valid encumbrances to the accounting division of the Department of Administrative Services pursuant to sections 81-138.01 to 81-138.04, shall be paid by the commission from any unexpended balance in the Excellence in Teaching Cash Fund.

(3) On and after July 1, 2024, whenever the State Department of Education

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is referred to or designated by any contract or other document in connection with any duties and functions under the Excellence in Teaching Act, such reference or designation shall apply to the commission. All contracts entered into by the State Department of Education prior to July 1, 2024, in connection with any duties and functions under the Excellence in Teaching Act are hereby recognized, with the commission succeeding to all rights and obligations under such contracts. Any cash funds, custodial funds, gifts, trusts, and grants and any appropriations of funds from prior fiscal years available to satisfy obligations incurred under such contracts shall be transferred and appropriated to the commission for the payment of such obligations. All documents and records transferred, or copies of the same, may be authenticated or certified by the commission for all legal purposes.

(4) No suit, action, or other proceeding, judicial or administrative, lawfully commenced prior to July 1, 2024, or which could have been commenced prior to such date, by or against the State Department of Education, the Commissioner of Education, or any employee of the State Department of Education, in relation to the discharge of duties under the Excellence in Teaching Act, shall abate by reason of the transfer of duties and functions under the Excellence in Teaching Act from the State Department of Education to the commission.

(5) On July 1, 2024, all documents and records of the State Department of Education pertaining to duties and functions under the Excellence in Teaching Act shall be transferred to the commission and shall become the property of the commission.

Sec. 15. Section 79-8,133, Revised Statutes Cumulative Supplement, 2022, is amended to read:

~~79-8,133~~ The Attracting Excellence to Teaching Program is created. For purposes of the Attracting Excellence to Teaching Program:

(1) Commission means the Coordinating Commission for Postsecondary ~~Department means the State Department of~~ Education;

(2) Eligible institution means a not-for-profit college or university which (a) is located in Nebraska, (b) is accredited by an accrediting agency recognized by the United States Department of Education as determined to be acceptable by the State Board of Education, (c) has a teacher education program, and (d) if a privately funded college or university, has not opted out of the program pursuant to rules and regulations;

(3) Eligible student means an individual who (a) is a full-time student, (b) is enrolled in an eligible institution in an undergraduate or a graduate teacher education program working toward his or her initial certificate to teach in Nebraska, (c) if enrolled at a state-funded eligible institution, is a resident student as described in section 85-502 or, if enrolled in a privately funded eligible institution, would be deemed a resident student if enrolled in a state-funded eligible institution, and (d) ~~for applicants applying for the first time on or after April 23, 2009,~~ is a student majoring in a shortage area~~, and (e) for applicants applying to receive a loan during fiscal year 2011-12 or 2012-13, is a student who previously received a loan pursuant to the Attracting Excellence to Teaching Program in the fiscal year immediately preceding the fiscal year in which the new loan would be received~~;

(4) Full-time student means, in the aggregate, the equivalent of a student who in a twelve-month period is enrolled in twenty-four semester credit hours for undergraduate students or eighteen semester credit hours for graduate students of classroom, laboratory, clinical, practicum, or independent study course work;

(5) Majoring in a shortage area means pursuing a degree which will allow an individual to be properly endorsed to teach in a shortage area;

(6) Shortage area means a secular field of teaching for which there is a shortage, as determined by the State Department of Education ~~department~~, of properly endorsed teachers at the time the borrower first receives funds pursuant to the program; and

(7) Teacher education program means a program of study approved by the State Board of Education pursuant to subdivision (5)(g) of section 79-318.

Sec. 16. Section 79-8,134, Revised Statutes Cumulative Supplement, 2022, is amended to read:

~~79-8,134~~ The purposes of the Attracting Excellence to Teaching Program are to:

(1) Attract outstanding students to major in shortage areas at the teacher education programs of Nebraska's postsecondary educational institutions;

(2) Retain resident students and graduates as teachers in the accredited school districts, educational service units, and private schools or approved private schools of Nebraska; and

(3) Establish a loan contract that requires a borrower to obtain employment as a teacher in this state after graduation.

Sec. 17. Section 79-8,135, Reissue Revised Statutes of Nebraska, is amended to read:

~~79-8,135~~ (1) The commission ~~department~~ shall administer the Attracting Excellence to Teaching Program either directly or by contracting with public or private entities.

(2) To be eligible for the program, an eligible student shall:

(a) Graduate in the top quarter of his or her high school class or have a minimum cumulative grade-point average of 3.0 on a four-point scale in an eligible institution;

(b) Agree to complete a teacher education program at an eligible institution and~~, for applicants applying for the first time on or after April~~

~~23, 2009,~~ to complete the major on which the applicant's eligibility is based; and

(c) Commit to teach in an accredited or approved public or private school in Nebraska upon (i) successful completion of the teacher education program for which the applicant is applying to the Attracting Excellence to Teaching Program and (ii) becoming certified pursuant to sections 79-806 to 79-815.

(3) Eligible students may apply on an annual basis for loans in an amount of not more than three thousand dollars per year. Loans awarded to individual students shall not exceed a cumulative period exceeding five consecutive years. Loans shall only be awarded through an eligible institution. Loans shall be funded pursuant to section 24 of this act ~~79-8,137.05~~.

Sec. 18. Section 79-8,137, Revised Statutes Cumulative Supplement, 2022, is amended to read:

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

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

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

(2) If the borrower applied for the first time prior to April 23, 2009, and (a) successfully completes the teacher education program and becomes certified pursuant to sections 79-806 to 79-815, (b) becomes employed as a teacher in this state within six months of becoming certified, and (c) otherwise meets the requirements of the contract, payments shall be suspended for the number of years that the borrower is required to remain employed as a teacher in this state under the contract. For each year that the borrower teaches in Nebraska pursuant to the contract, payments shall be forgiven in an amount equal to the amount borrowed for one year, except that if the borrower teaches in a school district that is in a local system classified as very sparse as defined in section 79-1003 or teaches in a school district in which at least forty percent of the students are poverty students as defined in section 79-1003, payments shall be forgiven each year in an amount equal to the amount borrowed for two years.

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

(b) Beginning after the first two years of teaching full-time in Nebraska following graduation for the degree for which the loan was received, for each year that the borrower teaches full-time in Nebraska pursuant to the contract, the loan shall be forgiven in an amount equal to three thousand dollars, except that if the borrower teaches full-time in a school district that is in a local system classified as very sparse as defined in section 79-1003, teaches in a

school building that provides free meals to all students pursuant to the community eligibility provision, teaches in a school building in which at least forty percent of the formula students are poverty students as defined in section 79-1003, or teaches in an accredited or approved private school in Nebraska in which at least forty percent of the enrolled students qualified for free lunches as determined by the most recent data available from the commission ~~department~~, payments shall be forgiven each year in an amount equal to six thousand dollars.

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

Sec. 19. Section 79-8,137.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

~~79-8,137.01~~ The Enhancing Excellence in Teaching Program is created. For purposes of the Enhancing Excellence in Teaching Program:

(1) Approval to teach postsecondary courses by a Nebraska postsecondary educational institution means official documentation issued by a Nebraska postsecondary educational institution declaring that an individual has met the graduate degree or course requirements necessary to teach courses in a specific subject or subjects offered by the Nebraska postsecondary educational institution for postsecondary degree credit;

(2) Commission ~~(1) Department~~ means the Coordinating Commission for Postsecondary ~~State Department of~~ Education;

(3) ~~(2)~~ Eligible graduate program means (a) a program of study offered by an eligible institution which results in obtaining a graduate degree, (b) ~~or~~ a graduate course of study leading to an endorsement in a shortage area specified by the State Department ~~Board~~ of Education, or (c) a graduate course of study leading to approval to teach postsecondary courses by a Nebraska postsecondary educational institution;

(4) ~~(3)~~ Eligible institution means a not-for-profit college or university which (a) is located in Nebraska, (b) is accredited by an accrediting agency recognized by the United States Department of Education as determined to be acceptable by the State Board of Education, (c) has a teacher education program, and (d) if a privately funded college or university, has not opted out of the Enhancing Excellence in Teaching Program pursuant to rules and regulations;

(5) ~~(4)~~ Eligible student means an individual who (a) is a certificated teacher employed to teach in an approved or accredited school in Nebraska, (b) is enrolled in an eligible graduate program, (c) if enrolled at a state-funded eligible institution, is a resident student as described in section 85-502 or, if enrolled in a privately funded eligible institution, would be deemed a resident student if enrolled in a state-funded eligible institution, (d)(i) ~~(d)~~ is majoring in a shortage area, curriculum and instruction, a subject area in which the individual already holds a secular teaching endorsement, or a subject area that will result in an additional secular teaching endorsement or (ii) is applying for approval to teach postsecondary courses by a Nebraska postsecondary educational institution, which the superintendent of the school district or head administrator of the private, denominational, or parochial school employing the individual believes will be beneficial to the students of such school district or school as evidenced by a statement signed by the superintendent or head administrator, and (e) is applying for a loan pursuant to the Enhancing Excellence in Teaching Program to be received at a time other than during fiscal year 2011-12 or 2012-13;

(6) ~~(5)~~ Majoring in a shortage area or subject area means pursuing a degree or course of study which will allow an individual to be properly endorsed to teach in such shortage area or subject area; ~~and~~

(7) Nebraska postsecondary educational institution means any Nebraska public postsecondary institution as defined in section 85-2403 and any private, nonprofit postsecondary institution with a principal facility in Nebraska that is exempt from the Private Postsecondary Career School Act; and

(8) ~~(6)~~ Shortage area means a secular field of teaching or endorsement area for which there is a shortage, as determined by the State Department of Education ~~department~~, of properly endorsed teachers at the time the borrower first receives funds pursuant to the Enhancing Excellence in Teaching Program.

Sec. 20. Section 79-8,137.02, Revised Statutes Cumulative Supplement, 2022, is amended to read:

~~79-8,137.02~~ The purposes of the Enhancing Excellence in Teaching Program are to:

(1) Retain teachers in the accredited school districts, educational service units, and private schools or approved private schools of Nebraska;

(2) Improve the skills of existing teachers in Nebraska through the graduate education or endorsement programs of Nebraska's postsecondary educational institutions; and

(3) Establish a loan contract that requires a borrower to continue employment as a teacher in this state after graduation from an eligible graduate or endorsement program.

Sec. 21. Section 79-8,137.03, Revised Statutes Cumulative Supplement, 2022, is amended to read:

~~79-8,137.03~~ (1) The commission ~~department~~ shall administer the Enhancing Excellence in Teaching Program either directly or by contracting with public or

private entities.

(2) To be eligible for the program, an eligible student shall:

(a) Agree to complete an eligible graduate program at an eligible institution and to complete the program on which the applicant's eligibility is based as determined by the State Department of Education ~~department~~; and

(b) Commit to teach in an accredited or approved public or private school in Nebraska upon successful completion of the eligible graduate program for which the applicant is applying to the Enhancing Excellence in Teaching Program and to maintaining certification pursuant to sections 79-806 to 79-815.

(3) Eligible students may apply on an annual basis for loans in an amount of not more than one hundred seventy-five dollars per credit hour. Loans awarded to individual students shall not exceed a cumulative period exceeding five consecutive years. Loans shall only be awarded through the commission ~~department~~. Loans shall be funded pursuant to section 24 of this act ~~79-8,137.05~~.

Sec. 22. Section 79-8,137.04, Revised Statutes Cumulative Supplement, 2022, is amended to read:

~~79-8,137.04~~ (1) Prior to receiving any money from a loan pursuant to the Enhancing Excellence in Teaching Program, an eligible student shall enter into a contract with the commission ~~department~~. Such contract shall be exempt from the requirements of sections 73-501 to 73-510. The contract shall require that if (a) the borrower is not employed as a full-time teacher teaching in an approved or accredited school in Nebraska for a time period equal to the number of years required for loan forgiveness pursuant to subsection (2) of this section or (b) the borrower does not complete the requirements for graduation, for the additional secular teaching endorsement, or for the approval to teach postsecondary courses by a Nebraska postsecondary educational institution within five consecutive years after receiving the initial loan under the program, then the loan shall be repaid, with interest at the rate fixed pursuant to section 45-103 accruing as of the date the borrower signed the contract and actual collection costs as determined by the commission ~~department~~. If a borrower fails to remain enrolled at an eligible institution or otherwise fails to meet the requirements of an eligible student, repayment of the loan shall commence within six months after such change in eligibility. The commission ~~State Board of Education~~ may by rules and regulations provide for exceptions to the conditions of repayment pursuant to this subsection based upon mitigating circumstances.

(2)(a) If the borrower (i) successfully completes the eligible graduate program for which the borrower is receiving a forgivable loan pursuant to the Enhancing Excellence in Teaching Program and maintains certification pursuant to sections 79-806 to 79-815, (ii) maintains employment as a teacher in an approved or accredited school in this state, and (iii) otherwise meets the requirements of the contract, payments shall be suspended for the number of years that the borrower is required to remain employed as a teacher in this state under the contract.

(b) For recipients who received funds for the first time prior to July 1, 2016, beginning after the first two years of teaching full-time in Nebraska following graduation for the degree for which the loan was received, for each year that the borrower teaches full-time in Nebraska pursuant to the contract, the loan shall be forgiven in an amount equal to three thousand dollars, except that if the borrower teaches full-time in a school district that is in a local system classified as very sparse as defined in section 79-1003, teaches in a school building that provides free meals to all students pursuant to the community eligibility provision, teaches in a school building in which at least forty percent of the students are poverty students as defined in section 79-1003, or teaches in an accredited or approved private school in Nebraska in which at least forty percent of the enrolled students qualified for free lunches as determined by the most recent data available from the State Department of Education ~~department~~, payments shall be forgiven each year in an amount equal to six thousand dollars.

(c) For recipients who received funds for the first time on or after July 1, 2016, beginning after the first two years of teaching full-time in Nebraska following completion of the eligible graduate program for which the loan was received, for each year that the borrower teaches full-time in Nebraska pursuant to the contract, the loan shall be forgiven in an amount equal to one thousand five hundred dollars, except that if the borrower teaches full-time in a school district that is in a local system classified as very sparse as defined in section 79-1003, teaches in a school building in which at least forty percent of the students are poverty students as defined in section 79-1003, teaches in a school building that provides free meals to all students pursuant to the community eligibility provision, or teaches in an accredited private school or educational service unit or an approved private school in Nebraska in which at least forty percent of the enrolled students qualified for free lunches as determined by the most recent data available from the State Department of Education ~~department~~, payments shall be forgiven each year in an amount equal to one thousand five hundred dollars for the first year of loan forgiveness and three thousand dollars for each year of loan forgiveness thereafter.

Sec. 23. (1) The Career-Readiness and Dual-Credit Education Grant Program is established. The program shall be administered by the Coordinating Commission for Postsecondary Education. The commission, in consultation with the State Department of Education, the Department of Labor, and any advisory committee established by the commission for such purpose, shall:

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(a) Create and establish teacher education pathways enabling the instruction of dual-credit courses and career and technical education courses;

(b) Correlate and prioritize teacher education pathways with Nebraska workforce demand;

(c) Establish a grant program beginning on or after July 1, 2024, to distribute money from the Excellence in Teaching Cash Fund to teachers enrolled in education pathways leading to qualification to teach dual-credit courses and career and technical education courses;

(d) Establish a directory of available teacher education pathways in Nebraska identified by sequence and location; and

(e) On December 31, 2025, and each December 31 thereafter, electronically submit an annual report on grants awarded pursuant to the Career-Readiness and Dual-Credit Education Grant Program to the Clerk of the Legislature. The report shall include, but not be limited to, the number and amount of grants awarded, the postsecondary educational institutions attended by grant recipients, and information regarding the completion of instructor requirements to teach dual-credit courses and career and technical education courses.

(2) The Coordinating Commission for Postsecondary Education may adopt and promulgate rules and regulations to carry out the Career-Readiness and Dual-Credit Education Grant Program.

Sec. 24. Section 79-8,137.05, Revised Statutes Cumulative Supplement, 2022, is amended to read:

~~79-8,137.05~~ (1) The Excellence in Teaching Cash Fund is created. The fund shall consist of transfers ~~appropriations~~ by the Legislature, transfers pursuant to section 1 of this act ~~9-812~~, and loan repayments, penalties, and interest payments received in the course of administering the Attracting Excellence to Teaching Program and the Enhancing Excellence in Teaching Program.

~~(2)~~ (2)(a) For all fiscal years beginning on and after July 1, 2024, the commission shall allocate on an annual basis up to two hundred fifty thousand dollars of the funds transferred pursuant to section 1 of this act for grants to teachers pursuant to the Career-Readiness and Dual-Credit Education Grant Program.

(b) For all fiscal years beginning on and after July 1, 2024, the commission shall allocate on an annual basis up to five hundred thousand dollars of the funds transferred pursuant to section 1 of this act for grants and loans to students enrolled in a teacher education program for student-teaching semesters.

(c) Of the funds remaining in the Excellence in Teaching Cash Fund after the distributions pursuant to subdivisions (a) and (b) of this subsection, for ~~For~~ all fiscal years, the commission ~~department~~ shall allocate on an annual basis up to four hundred thousand dollars in the aggregate of the funds to be distributed for the Attracting Excellence to Teaching Program to all eligible institutions according to the distribution formula as determined by rule and regulation. The eligible institutions shall act as agents of the commission ~~department~~ in the distribution of the funds for the Attracting Excellence to Teaching Program to eligible students. The commission ~~department~~ shall allocate on an annual basis up to eight hundred thousand dollars of the remaining available funds to be distributed to eligible students for the Enhancing Excellence in Teaching Program. Funding amounts granted in excess of one million two hundred thousand dollars shall be evenly divided for distribution between the two programs.

(3) Any money in the Excellence in Teaching Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 25. Section 79-8,138, Reissue Revised Statutes of Nebraska, is amended to read:

~~79-8,138~~ The commission ~~department~~ has the administrative responsibility to track borrowers and to develop repayment tracking and collection mechanisms for the Attracting Excellence to Teaching Program and the Enhancing Excellence in Teaching Program. The commission ~~department~~ may contract for such services. When a loan has been forgiven pursuant to section 18 ~~79-8,137~~ or 22 of this act ~~79-8,137.04~~, the amount forgiven may be taxable income to the borrower and the commission ~~department~~ shall provide notification of the amount forgiven to the borrower, the Department of Revenue, and the United States Internal Revenue Service if required by the Internal Revenue Code.

Sec. 26. Section 79-8,139, Reissue Revised Statutes of Nebraska, is amended to read:

~~79-8,139~~ (1) Each eligible institution shall file an annual report with the commission ~~department~~ for the Attracting Excellence to Teaching Program and the Enhancing Excellence in Teaching Program for any fiscal year in which the eligible institution receives funding to distribute to students pursuant to either or both of such programs containing such information as required by rule and regulation. On or before December 31 of each even-numbered year, the commission ~~department~~ shall submit a report to the Governor, the Clerk of the Legislature, and the Education Committee of the Legislature on the status of the programs, the status of the borrowers, and the impact of the programs on the number of teachers in shortage areas in Nebraska and on the number of teachers receiving graduate degrees in teaching endorsement areas in Nebraska or receiving approval to teach postsecondary courses by a Nebraska postsecondary educational institution. The report submitted to the Clerk of the Legislature and the committee shall be submitted electronically. Each report shall include information on an institution-by-institution basis, the status of

borrowers, and a financial statement with a description of the activity of the Excellence in Teaching Cash Fund.

(2) Any report pursuant to this section which includes information about borrowers shall exclude confidential information or any other information which specifically identifies a borrower.

Sec. 27. Section 79-8,140, Reissue Revised Statutes of Nebraska, is amended to read:

~~79-8,140~~ The State Board of Education may adopt and promulgate rules and regulations to determine teacher shortage areas. The commission may adopt and promulgate rules and regulations ~~and~~ to carry out the Excellence in Teaching Act.

Sec. 28. Sections 28 to 38 of this act shall be known and may be cited as the Door to College Scholarship Act.

Sec. 29. For purposes of the Door to College Scholarship Act:

(1) Award means a grant of money under the act by the commission in the form of a Door to College Scholarship to an eligible student for educational expenses;

(2) Award year means the period beginning on July 1 through the following June 30;

(3) Commission means the Coordinating Commission for Postsecondary Education;

(4) Educational expenses means student costs for tuition, mandatory fees, other education-related fees, room and board, books, and other costs related to a student's education;

(5) Eligible postsecondary educational institution means a public or private postsecondary educational institution:

(a) Located in Nebraska;

(b) Primarily engaged in the instruction of students;

(c) Satisfying state statutory requirements relating to the approval and licensure of schools, colleges, and universities and maintaining accreditation by an accrediting organization recognized by the United States Department of Education;

(d) Offering courses of instruction in regularly scheduled classes to regularly enrolled undergraduate students who reside in Nebraska and have received a high school diploma or the equivalent; and

(e) Which has adopted, and has available for inspection, award refund and repayment policies;

(6) Eligible student means an undergraduate student who:

(a) Graduated from high school from an accredited education program at a youth rehabilitation and treatment center operated and utilized in compliance with state law or graduated from an approved or accredited public, private, denominational, or parochial school within one year after being discharged from a youth rehabilitation and treatment center operated and utilized in compliance with state law;

(b) Is enrolled in an eligible postsecondary educational institution;

(c) Has applied for federal financial aid through the Free Application for Federal Student Aid for the applicable award year;

(d) Is a resident student who is domiciled in Nebraska as provided by section 85-502; and

(e) Complies with all other provisions of the Door to College Scholarship Act and any rules and regulations adopted and promulgated pursuant to the act;

(7) Full-time status means enrollment in at least twenty-four semester credit hours, thirty-six quarter credit hours, or nine hundred clock hours per award year;

(8) Part-time status means enrollment in at least twelve semester credit hours, eighteen quarter credit hours, or four hundred fifty clock hours per award year; and

(9) Undergraduate student means an individual who has not earned a first baccalaureate or professional degree and is enrolled in a postsecondary educational program which leads to, or is creditable toward, a first baccalaureate degree, associate degree, certificate, diploma, or the equivalent.

Sec. 30. The commission shall, as provided in the Door to College Scholarship Act, provide for awards to be made directly to eligible students beginning with the 2024-25 school year. An award shall not exceed a maximum of five thousand dollars annually to an eligible student with a full-time status and shall be prorated for eligible students with a part-time status. The commission may adjust the value of awards annually to make awards to all eligible applicants who apply by the application deadline set by the commission.

Sec. 31. (1) Eligible postsecondary educational institutions, acting as agents of the commission, shall:

(a) Receive and process applications for awards under the Door to College Scholarship Act;

(b) Determine eligibility of students based on criteria set forth in the act; and

(c) No later than the application deadline set by the commission, make recommendations to the commission for awards to eligible students, including the name and social security number of each eligible student.

(2) An award under the Door to College Scholarship Act shall not be used by a postsecondary educational institution to reduce institutional scholarships, grants, or tuition or fee waivers that a student would otherwise be eligible to receive if such student did not receive an award under the act.

Sec. 116. Section 85-605, Reissue Revised Statutes of Nebraska, is amended to read:

85-605 For purposes of sections 85-601 to 85-605, (1) dismissal does ~~shall~~ not include the failure to renew a probationary appointment of any faculty member or administrative staff member and (2) governing body means the Board of Regents of the University of Nebraska or the Community College Board of Governors, as applicable ~~public institution of higher education shall include the University of Nebraska, the state colleges, and the community colleges~~.

Sec. 117. Section 85-1412, Revised Statutes Cumulative Supplement, 2022, is amended to read:

85-1412 The commission shall have the following additional powers and duties:

(1) Conduct surveys and studies as may be necessary to undertake the coordination function of the commission pursuant to section 85-1403 and request information from governing boards and appropriate administrators of public institutions and other governmental agencies for research projects. All public institutions and governmental agencies receiving state funds shall comply with reasonable requests for information under this subdivision. Public institutions may comply with such requests pursuant to section 85-1417;

(2) Recommend to the Legislature and the Governor legislation it deems necessary or appropriate to improve postsecondary education in Nebraska and any other legislation it deems appropriate to change the role and mission provisions in sections 85-917 to 85-966.01. The recommendations submitted to the Legislature shall be submitted electronically;

(3) Establish any advisory committees as may be necessary to undertake the coordination function of the commission pursuant to section 85-1403 or to solicit input from affected parties such as students, faculty, governing boards, administrators of the public institutions, administrators of the private nonprofit institutions of postsecondary education and proprietary institutions in the state, and community and business leaders regarding the coordination function of the commission;

(4) Participate in or designate an employee or employees to participate in any committee which may be created to prepare a coordinated plan for the delivery of educational programs and services in Nebraska through the telecommunications system;

(5) Seek a close liaison with the State Board of Education and the State Department of Education in recognition of the need for close coordination of activities between elementary and secondary education and postsecondary education;

(6) Administer the Integrated Postsecondary Education Data System or other information system or systems to provide the commission with timely, comprehensive, and meaningful information pertinent to the exercise of its duties. The information system shall be designed to provide comparable data on each public institution. The commission shall also administer the uniform information system prescribed in sections 85-1421 to 85-1427 known as the Nebraska Educational Data System. Public institutions shall supply the appropriate data for the information system or systems required by the commission;

(7) Administer (a) the Access College Early Scholarship Program Act, (b) the Community College Aid Act, (c) the Door to College Scholarship Act and the Door to College Scholarship Fund, (d) the Nebraska Community College Student Performance and Occupational Education Grant Fund under the direction of the Nebraska Community College Student Performance and Occupational Education Grant Committee, (e) ~~(d)~~ the Nebraska Opportunity Grant Act and the Nebraska Opportunity Grant Fund, (f) ~~(e)~~ the Postsecondary Institution Act, (g) ~~and (f)~~ the community college gap assistance program and the Community College Gap Assistance Program Fund, and (h) the Excellence in Teaching Act and the Excellence in Teaching Cash Fund;

(8) Accept and administer loans, grants, and programs from the federal or state government and from other sources, public and private, for carrying out any of its functions, including the administration of privately endowed scholarship programs. Such loans and grants shall not be expended for any other purposes than those for which the loans and grants were provided. The commission shall determine eligibility for such loans, grants, and programs, and such loans and grants shall not be expended unless approved by the Governor;

(9) On or before December 1 of each even-numbered year, submit to the Legislature and the Governor a report of its objectives and activities and any new private colleges in Nebraska and the implementation of any recommendations of the commission for the preceding two calendar years. The report submitted to the Legislature shall be submitted electronically;

(10) Provide staff support for interstate compacts on postsecondary education; and

(11) Request inclusion of the commission in any existing grant review process and information system.

Sec. 118. Section 85-1906, Reissue Revised Statutes of Nebraska, is amended to read:

85-1906 (1) Eligible postsecondary educational institution means a public or private postsecondary educational institution:

(a) ~~(1)~~ Located in Nebraska;

(b) ~~(2)~~ Primarily engaged in the instruction of students;

(c) ~~(3)~~ Satisfying the provisions of Nebraska law relating to the approval and licensure of schools, colleges, and universities and maintaining

(iii) The average amount of grant funds received by schools broken down by school student population size;

(iv) The number of schools that were denied grant funding and why; and

(v) Any other information the State Department of Education deems necessary.

(b) The report provided pursuant to subdivision (a) of this subsection shall not identify any particular school.

(4) The State Board of Education may adopt and promulgate rules and regulations to carry out this section.

(5) It is the intent of the Legislature to appropriate ten million dollars from the School Safety and Security Fund to the State Department of Education to administer the grant program pursuant to this section.

Sec. 125. The School Safety and Security Fund is created. The fund shall be administered by the State Department of Education and shall consist of any money transferred by the Legislature and any gifts, grants, or bequests. The department shall use money in the fund for grants for security-related infrastructure projects pursuant to section 124 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 126. (1) For purposes of this section:

(a) School has the same meaning as in section 79-101;

(b) School district has the same meaning as in section 79-101; and

(c) Youth organization means a corporation chartered by Congress and listed in 36 U.S.C. Subtitle II, Part B, as of January 1, 2023.

(2)(a) Each school district shall, upon request, allow a representative of any youth organization to provide (i) oral or written information to the students of such school district regarding the youth organization and how such youth organization furthers the educational interests and civic involvement of students in a manner consistent with good citizenship and (ii) services and activities to any student of such school district who is a member of such youth organization.

(b) Each requesting youth organization shall be permitted to provide such information, services, and activities in a school building or on the school grounds of a school in each school district at least once during each school year.

(3) Each school district shall make a good faith effort to select a date, time, and location for each requesting youth organization to provide such information, services, or activities that is mutually agreeable to the school district and to the youth organization. Oral information provided under subdivision (2)(a)(i) of this section may only be provided during noninstructional time.

(4) Prior to allowing a representative of a youth organization to provide information, services, or activities at a school pursuant to this section, such representative shall be subject to a background check. Except as otherwise provided by this section or by the rules and regulations of the Nebraska State Patrol, the parameters of the background check shall be determined by the relevant school district. A school district may prohibit any representative of a youth organization that has been convicted of a felony from providing information, services, or activities pursuant to this section at any school in such school district. Each representative of a youth organization is responsible for all costs associated with obtaining such background check.

(5) Nothing in this section shall be construed to supersede a parent's ability to exercise any rights such parent has under a school district policy established pursuant to section 79-531.

Sec. 127. The Revisor of Statutes shall assign sections 13 to 38 of this act within Chapter 85.

Sec. 128. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 52, 53, 58, 59, 78, 90, 91, 94, 98, 99, 100, 107, 111, 117, 120, 121, 130, and 134 of this act become operative on July 1, 2023. Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 93, 131, and 135 of this act become operative on July 1, 2024. Sections 54, 55, 56, 57, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 95, 101, 102, 103, 104, 105, 106, 108, 109, 110, 112, 113, 114, 115, 116, 118, 119, 123, 124, 125, 126, 132, and 136 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 129. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 130. Original sections 9-812, 9-836.01, and 79-254, Reissue Revised Statutes of Nebraska, and sections 79-703, 79-1054, 79-1104.02, 79-1337, 79-2506, 79-2510, 79-3106, 84-304, 85-502.01, 85-1412, 85-1920, and 85-2009, Revised Statutes Cumulative Supplement, 2022, are repealed.

Sec. 131. Original sections 79-8,132, 79-8,135, 79-8,138, 79-8,139, and 79-8,140, Reissue Revised Statutes of Nebraska, and sections 79-8,133, 79-8,134, 79-8,137, 79-8,137.01, 79-8,137.02, 79-8,137.03, 79-8,137.04, 79-8,137.05, and 79-11,160, Revised Statutes Cumulative Supplement, 2022, are repealed.

Sec. 132. Original sections 79-239, 79-244, 79-256, 79-263, 79-265, 79-266, 79-267, 79-268, 79-269, 79-272, 79-276, 79-278, 79-282, 79-283, 79-287, 79-2,146, 79-809, 81-145, 81-1118.02, 85-102, 85-328, 85-601, 85-602, 85-603,

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Tammy Barry, Legal Counsel III, Commissioner's Office

PROPOSED AGENDA ITEM: Action Item: Proposed Repeal of Rule 26, *Regulations and Procedures for Mentor Teacher Programs* (RR.032025.004)

AGENDA ITEM TYPE: Rule

RATIONALE/BACKGROUND INFORMATION:

- Rule 26 was adopted in 1999 to provide procedures for mentor teacher programs related to funding that has since been repealed.
- Mentor Teacher Programs were originally adopted as one of the criteria for Quality Education Incentives under the Quality Education Accountability Act. There was also funding for school districts whose first year teachers participated in mentor teacher programs. The State Board was required to establish guidelines, not a rule, for such programs. Up to 10% of the lottery funds allocated to education at the time were dedicated to school districts participating in teacher mentor programs and another 70% of lottery funds went to quality education incentives. Both parts of the funding were repealed with the adoption of LB 1208 in 2006.
- The last modification of the mentor teacher program statutes occurred with LB 525 in 2015. Those modifications prohibited mentor teachers from participating in formal evaluations of beginning teachers and required programs to be consistent with the guidelines developed by the State Board.
- As guidelines are still required pursuant to Neb. Rev. Stat. § 79-761, it would be appropriate to replace the rule and its obsolete provisions with guidelines to be published to the NDE website.
- A public hearing was held on the repeal of Rule 26 on April 29, 2025, over Zoom. The repeal was introduced by NDE staff. There were no other testifiers. The compiled transcript from the hearing and the hearing officers report are attached.
- Additional information includes the fiscal impact statement, Neb. Rev. Stat. § 79-761, and the relevant portions of LB 1208 (2006).

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: $0.

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: N/A

- New or Renewal: N/A
- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: N/A
- Rationale for method of procurement: N/A
- Rationale for contractor selection: N/A

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

TITLE 92- NEBRASKA DEPARTMENT OF EDUCATION

CHAPTER 26- REGULATIONS AND PROCEDURES FOR MENTOR TEACHER PROGRAMS

001 General Provisions

001.01 Scope of This Chapter. This chapter provides the criteria, standards, and procedures for the administration of the Mentor Teacher Program funded by the Education Innovation Fund and also the requirements for approval by the Board of Mentor Teacher Programs established by a district in the local system for purposes of qualifying for Quality Education Incentive Payment premier quality factors pursuant to Section 79-758(3)(c) of the Revised Statutes of Nebraska (R.R.S.).

001.01A Local school systems seeking funding for Mentor Teacher Programs under the Education Innovation Fund pursuant to Section 79-761 R.R.S. shall meet all the criteria in Sections 003, 004, 006 and 007 of this Chapter.

001.01B Local school systems seeking Quality Education Incentive payments under Section 79-758 R.R.S. by virtue of having met the "premier quality factor" of providing a mentor teacher program pursuant to Section 79-761 R.R.S. or a mentor teacher program which has been established by a district in the local system and approved by the Board shall meet the requirements of Section 008 of this Chapter.

001.02 Statutory Authority. This chapter is adopted pursuant to Sections 9-812, 79-758(3)(c) and 79-761 R.R.S.:

Section 9-812 R.R.S. which provides in part:

"The Education Innovation Fund shall be allocated in the following manner:

Up to ten percent to fund the Mentor Teacher Program pursuant to the Quality Education Accountability Act;" and that "to assist the Council in carrying out its duties, the State Board of Education shall, in consultation with the Council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of programs funded from the Education Innovation Fund, including the Quality Education Accountability Act."

Section 79-758 R.R.S. which provides in part:

"(1) Quality education incentive payments shall be provided to local systems, as defined in Section 79-1003, each year the local system meets the qualifications described in this Section. The first two years a local system qualifies for quality education incentives, the system shall meet all of the primary quality factors in Subsection (2) of this Section. The third and fourth years a local system qualifies for quality education incentives, the system shall meet all of the primary quality factors in Subsection (2) of this Section and at least two of the premier quality factors in Subsection (3) of this Section. The fifth and sixth years a local system qualifies for quality education incentives, the system shall meet all of the primary quality factors in Subsection (2) of this Section and at least three of the premier quality factors in Subsection (3) of this Section. The seventh year and each year thereafter a local system qualifies for quality education incentives, the system shall meet all of the primary quality factors in Subsection (2) of this Section and at least four of the premier quality factors in Subsection (3) of this Section except as provided in Subsection (4) of this Section."

Section 79-758(3)(c) R.R.S. which provides that one of the premier quality factors is:

"Each first-year teacher in a local system is provided with a mentor participating in the mentor teacher program pursuant to Section 79-761 or a mentor teacher program has been established by a district in the local system and approved by the State Board;"

Section 79-761 R.R.S. which provides:

The State Board of Education shall develop guidelines for mentor teacher programs in local systems in order to provide ongoing support for individuals entering the teaching profession. Funding for the mentor teacher programs shall be provided to local systems which provide each first-year teacher in the local system with a mentor. The mentor teacher program shall be funded by the Education Innovation Fund pursuant to Subsection (2) of Section 9-812 and shall identify criteria for selecting excellent, experienced, and qualified teachers to be participants. The State Board shall report to the Legislature on or before December 1, 1998, on its progress in implementing this Section.

002 Definitions. As used in this chapter:

002.01 Academic year shall mean the school year which consists of two consecutive semesters that occur from fall through spring.

002.02 Board shall mean the State Board of Education.

002.03 Commissioner shall mean the State Commissioner of Education.

002.04 Council shall mean the Excellence in Education Council of eleven members appointed by the Governor pursuant to Section 9-812 R.R.S.

002.05 Department shall mean the State Department of Education, which is comprised of the Board and the Commissioner.

002.06 Endorsement shall mean an area of specialization indicated on a certificate issued pursuant to 92 NAC 21 signifying that the individual has met specific requirements.

002.07 Field (used as a descriptor of an endorsement) shall mean two or more subjects which, considered as a single area of study, represent a wider and broader scope than that of a subject.

002.08 First-year teacher shall mean individuals entering the K-12 teaching profession in their first year of contracted service in any school, public or private, in this or any other state. Individuals who have only taught as substitute teachers shall not be considered to have had a previous year of contracted service. Individuals whose previous contracted teaching experience is less than one full academic year shall not be considered to have had a previous year of contracted service.

002.09 Fund shall mean the Education Innovation Fund created pursuant to Section 9-812 R.R.S.

002.10 Grade level preparation shall mean the grade levels an individual is prepared to teach as indicated on a teaching certificate.

002.11 Local school system shall mean a Class VI district and the associated Class I districts or a Class II, III, IV, or V district and any affiliated Class I districts or portions of Class I districts. The membership, expenditures, and resources of Class I districts that are affiliated with multiple high school districts will be attributed to local systems based on the percent of the Class I valuation that is affiliated with each high school district.

002.12 Mentor shall mean a permanent certificated teacher (i.e. tenured), as defined in 79-824 R.R.S., who has demonstrated the competencies necessary for successful teaching and who initially assists certified persons toward mastery of those competencies.

002.13 Mentor Teacher Program Grant shall mean a grant provided to a local system pursuant to the provisions of Sections 003, 004 and 006 to support an individual(s) entering the teaching profession pursuant to rules and regulations promulgated by the Department under the authority of Section 79-761 R.R.S.

002.14 Non-profit educational organization shall mean a Nebraska non-profit corporation, duly incorporated and in good standing pursuant to Section 21-1901 R.R.S. et seq., which has a current tax-exempt status pursuant to IRS Code 501(c)(3), and which is organized for educational purposes.

002.15 Supervisor shall mean any individual who performs evaluations, and pursuant to Section 48-801(9) R.R.S., shall mean any employee having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not a merely routine or clerical nature, but requires the use of independent judgment, pursuant to Section 48-801(9) R.R.S.

002.16 Teacher shall mean any certified employee who is regularly employed for the instruction of pupils in the public schools pursuant to Section 79-101 R.R.S.

003 Mentor Teacher Program Requirements. All systems applying for funding pursuant to Section 79-761 R.R.S. and this Chapter shall meet the following requirements:

003.01 All first-year teachers, as defined in Section 002.08, must be provided a mentor and mentoring support from a permanent, certificated teacher. The first-year teacher must be matched with a mentor in compliance with at least one of the following (in order of most to least desirable):

003.01A Match both endorsement field (e.g. social science) and grade level preparation (e.g. 7-12 all schools) within the same school district or building.

003.01B Match endorsement field only (e.g. social science) or grade level preparation only (e.g. 7-12 all schools) within the same school district or building.

003.01C Match only school district (e.g. ABC Public Schools) or building (XYZ Elementary).

003.01D Match endorsement field or grade level preparation by using a mentor outside of the school building or district.

003.02 Participation must be voluntary for the mentor.

003.03 The program must include structured or planned contacts between the mentor and first-year teacher.

003.04 The program must include a written plan for mentoring developed by the mentor and first-year teacher including activities, a timeline, and provisions for mentor preparation and support.

003.05 The program must provide time for the mentor and first-year teacher to meet, observe one another s classroom teaching as well as classroom teaching of other teachers, and to analyze and discuss the teaching of students.

003.06 The program must have a needs assessment component for determining the needs of the first-year teacher.

003.07 The program must have an evaluation component to measure the effectiveness of the mentoring program.

003.08 All funds received by the local school system pursuant to this program must be spent to further the mentor teacher program as provided in Section 006.

003.09 Mentor teachers must meet the criteria in Section 004.

003.10 The applicant system must have a written policy explaining how administrators and the districts in the school system will support the mentor teacher program.

004 Mentor Teacher Qualifications. The following criteria must be used in selecting excellent, experienced, and qualified mentor teachers:

004.01 Mentor teachers must hold a valid Nebraska teaching or administrative certificate.

004.02 Mentor teachers must not be the first-year teacher s supervisor or an administrator in the local school system as defined in Section 79-101 R.R.S.

004.03 Mentor teachers must be regularly employed for the instruction of pupils in the public schools pursuant to Section 79-101 R.R.S. and be permanent, certificated employees (i.e. tenured) as defined in Section 79-824 R.R.S.

005 Mentor Teacher Program Promising Practice Guidelines. Mentor teacher programs may benefit from using any of the following promising practices which are suggested, but not required:

005.01 May use a support team approach for the first-year teacher that could include administrators, mentor teacher program coordinators, district curriculum coordinators, and external consultants.

005.02 May utilize mentor teachers from within or outside of the local system (e.g. other school systems, educational service units, or professional organization pools).

005.03 May assign first-year teachers more than one mentor, depending upon mentor availability and first-year teacher needs. For example, if a mentor in the first-year teacher s field of endorsement is not available within the building, the first-year teacher may benefit from both a mentor within the building and a mentor outside of the building who is endorsed in the same field as the first-year teacher.

005.04 May include orientation and training for first-year teachers. Training for mentors is allowable only if associated expenses are the responsibility of the local system or other entities.

005.05 May include a coordinator of the mentor teacher program responsible for initial matches, periodic checks of the suitability of the matches as well as the progress/benefits of the mentoring relationship and activities.

005.06 May include benefits or incentives for mentors for their services to the mentor teacher program including, but not limited to, the following:

005.06A Release time.

005.06B Stipends for mentoring activities conducted outside of the normal contracted teaching day.

005.06C College credit.

005.06D Professional growth points.

005.06E Classroom materials.

005.07 May include benefits or incentives for first-year teachers for their participation in the mentor teacher program including, but not limited to, the following:

005.07A Release time.

005.07B Stipends for mentor teacher program training attended outside of the normal contracted teaching year.

005.07C Professional growth points.

005.08 May design mentor teacher programs which:

005.08A Are differentiated in design to accommodate a variety of learners.

005.08B Are focused on improved student learning.

005.08C Address first-year teacher needs based on individual needs assessment. Examples of first-year teacher needs may include more information or guidance with the following: building/district policy and

procedures orientation, assessment of student learning, evaluation of student work, classroom management, classroom discipline, instructional techniques, design of instruction appropriate to individual differences, student motivation, techniques for assisting students with personal problems, time management, classroom observation and the provision or reception of feedback regarding such observation, development or enhancement of curricular content expertise, course work planning, adaptation of plans to limited instructional resources, and methods to enhance positive relationships with parents of students.

005.08D Address mentor needs based on needs assessment.

005.09 May include, but are not limited to, the following mentoring activities:

005.09A Meetings between mentors and first-year teachers.

005.09B Classroom observations with accompanying feedback.

005.09C Discussion groups related to first-year teaching experiences.

005.09D On-site and off-site training for first-year teachers.

005.09E Provision of supplementary materials related to the mentoring needs of first-year teachers such as those listed in 005.08C.

005.10 May include documentation of services provided by the mentor teacher program including, but not limited to, the following: logs of mentor/first-year teacher contacts including such information as date, time, topics discussed, concerns of first-year teacher, concerns as a mentor, perception of the role of the mentor for that contact (e.g. responder, colleague, initiator).

006 Mentor Teacher Program Grant Funds. The following provisions apply to the mentor teacher program grant:

006.01 Special Grant Fund. A mentor teacher program grant is considered a special grant fund and, therefore, school systems receiving mentor teacher program grant funds will be eligible for exclusion/additional budget authority under the provisions of Section 79-1003 R.R.S. et seq., the Tax Equity and Educational Opportunities Support Act.

006.02 Use of Funds. Fifty percent (50%) of the mentor teacher program grant funds received by the local school system must be used to pay stipends to mentors. The remaining portion of the mentor teacher program grant may be used for:

006.02A Substitute teacher salaries to enable release time for mentors or first-year teachers in conjunction with mentor program activities.

006.02B Professional development materials (e.g. books, journals, video and audio tapes) intended to increase the first-year teacher s knowledge, skills or abilities.

006.02C Mileage reimbursement to mentors and first-year teachers for travel to and from mentor teacher program activities.

006.02D Workshops to enhance first-year teacher teaching skills.

006.02E Salaries for coordinators of mentor teacher programs per Section 005.05.

006.03 Restrictions on the Use of Grant Funds. The following uses of grant funds are not allowed:

006.03A Salaries/benefits for permanent staff whose duties are unrelated to grant activities.

006.03B Furniture.

006.03C Equipment and/or computer hardware.

006.03D Buildings, building modification, or physical structures.

006.03E Payment to consultants or staff to develop proposals.

006.03F Supplanting of federal funds.

006.03G Training/workshops for mentors.

006.03H Stipends or salaries/benefits for public school district administrators.

006.03I Any expenses for goods or services which are unrelated to the mentoring of first-year teachers by mentor teachers.

006.04 Duration of Funding. Mentor teacher program grants are funded on a one-year basis and may be applied for every year the local school system has qualifying teachers and a qualifying mentor program, as provided in Sections 003 and 004.

006.05 Funding of Projects.

006.05A Mentor teacher program grants will be funded in two payments. The final disbursement shall be based on actual expenditures.

006.05B Mentor teacher program grant amounts shall be based upon the number of first-year teachers employed by the local systems at the time of application. If the unobligated balance in the mentor teacher program fund at the time of the application deadline is less than the amount calculated for mentor teacher program grants due to qualified local systems, each qualified local system shall receive a pro rata amount such that the total amount of mentor teacher program grants equals the unobligated balance in the mentor teacher program fund as of the grant application deadline.

006.05C The funding cycle and fiscal year for mentor teacher program grants will be September 1 through August 31.

006.06 Contracting for Services. While only individual school systems are eligible to receive mentor teacher program grants, school systems may contract, as allowed by law, with third parties such as educational service units, postsecondary institutions, and private parties to administer mentor teacher programs.

006.07 Cooperatives. Cooperatives of school systems may pool grant resources to provide mentoring services to first-year teachers.

006.08 Fiscal Agents. Mentor teacher program grant funds shall be paid to the high school district of the school system. The high school district of the school system or an educational service unit shall act as the fiscal agent for mentor teacher program grants. The high school district or the educational service unit, as fiscal agent, shall be responsible for reporting and auditing mentor teacher program grant expenses.

007 Mentor Teacher Program Application and Grant Process

007.01 Initial Application. The application shall identify the applicant system, the names of first-year teachers, and a brief description of the mentor teacher program to be conducted. Proposals for mentor teacher programs must incorporate the provisions of Sections 003, 004 and 006. The Council shall develop forms that it will require for use by applicants. The Council may develop such general guidelines for submitting applications as it deems appropriate.

007.02 Assurances. A statement of assurances by grant recipients of compliance with applicable state and federal non-discrimination laws and regulations shall be required for all grant applications.

007.03 Grant Approval Document. The complete terms of the grants shall be contained in a written contract which shall be signed by authorized representatives of the grant recipient, including evidence of approval by the applicant's governing board (if applicable), and a designated representative of the Council.

007.04 Public Records. Project proposals are public records. The Council and Department shall each receive a copy of all materials developed using grant funds and such copies shall be public records. The State of Nebraska retains the right to the copyright of any materials produced under a grant unless otherwise specified in the grant. The Council and Department reserve the right to reproduce and distribute any materials produced in whole or in part with grant funds.

007.05 Reports. Final reports may be required by the Council, as specified in the grant approval document. Recipients of mentor teacher grants shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Council or Department deem necessary.

007.06 Audits. All grants from the Education Innovation Fund may require an annual audit by an independent auditor in accordance with the appropriate auditing standards for that entity (i.e. governmental, non-profit educational organizations) and any additional auditing criteria specified in the grant award. The State of Nebraska shall have access to the financial records for funded projects of all grantees for a period of five complete fiscal years, as defined in 006.05C, after the conclusion of the project period. The Council may audit the use of mentor teacher program grant payments at the discretion of the Council.

007.07 Terminations of Grants. Terminations of grants, by grant recipients, and/or the Council before the completion of the grant period requires written notice to the other parties to the grant and the return of unexpended and unencumbered funds effective on the date of the receipt of the termination notice.

007.07A The authorized applicant representative, as designated by the grant recipient on the initial application or as amended in writing, may terminate a grant at any time. Such a termination request must be in writing and will become effective when received by the Excecutive Director of the Council.

007.07B A grant may be terminated by the Council when the Council determines that the grant activities are outside the approved application, conditions of the grant award notification are not met, there is fraud or fiscal mismanagement, or there is lack of adequate funding. In the event the Council proposes to terminate the grant funding, it shall provide the authorized applicant representative of the grant recipient with written notice of the reasons for such action and an opportunity for hearing. Any such hearing shall be conducted by the Council using the procedures for hearing that the Board has adopted pursuant to 92 NAC 61, except that all filings with and references to the Board shall be with and before the Council. All requests for hearings must be filed with the Executive Director of the Council within 30 days of the authorized applicant representative s receipt of the proposal to terminate. If no such request for a hearing is filed, the Council may take final action to terminate the grant at the next regularly scheduled Council meeting without further proceedings before the Council.

007.07C There is no appeal of any action of the Council to the State Board of Education.

008 Premier Quality Factor Mentor Teacher Program Requirements for Quality Education Incentive Payments Under Section 79-758 R.R.S. A local system will be found to have met the requirements for the Quality Education Incentive Payment program, pursuant to Section 79-758(3)(c) R.R.S. if the system meets one of the following requirements:

008.01 A local system, at the time of application for Quality Education Incentive Payments, has been determined by the Council as eligible for funding for the mentor teacher program under this Chapter; or,

008.02 A local system has a mentor teacher program established by a district in the local system which is approved by the Board. In considering the granting of approval, the Board shall require that such a program include all the requirements of Sections 003 and 004 of the Chapter as determined by such information as the Department may require to be submitted by such systems.

FISCAL IMPACT
STATEMENT

Agency:	Nebraska Department of Education
Prepared by:	Tammy Barry
Date Prepared:	February 13, 2025
Phone:	402-309-4816
Title:	92
Chapter:	26
Name:	*Regulations and Procedures for Mentor Teacher Programs*
Statement Status:	Hearing Draft

Type of Fiscal Impact:

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

Description of Impact:

State Agency: It will cost approximately $100 to hold the hearing.

Political Subdivision: There is no fiscal impact for any political subdivisions.

Regulated Public: There is no fiscal impact for the regulated public.

Transcript of the Hearings Conducted on April 29, 2025

For the Revision of Rule 3 and Repeal of Rules 8, 22, 25, and 26

Hearing Officer – Troy Hawk

Good morning. I call this hearing to order. My name is Troy Hawk. I am one of the Legal Counsels for the Nebraska Department of Education, and I will be the presiding officer conducting the hearings virtually today, April 29, 2025, using Zoom on the proposed revisions to:

> Title 92, Nebraska Administrative Code, Chapter 3 (Rule 3), Regulations Governing High Ability Learners;

and the proposed repeals of:

> Title 92, Nebraska Administrative Code, Chapter 8 (Rule 8), Regulations for School Finance and Budgeting/State Funding of Educational Service Units and Learning Communities;
>
> Title 92, Nebraska Administrative Code, Chapter 22 (Rule 22), Regulations Governing the Master Teacher Program;
>
> Title 92, Nebraska Administrative Code, Chapter 25 (Rule 25), Regulations Governing the Excellence in Teaching Act; and
>
> Title 92, Nebraska Administrative Code, Chapter 26 (Rule 26), Regulations and Procedures for Mentor Teacher Programs

The Legal Notice of Hearing was published for this hearing in the Omaha World Herald on March 27, 2025.

The hearing for each rule will be held separately in numerical order. To begin the hearing on each rule, a Nebraska Department of Education Staff member will describe and explain the proposed rule.

This will be followed by testimony by interested persons. Each person presenting written or oral testimony is requested to:

1. State and spell you first and last name and provide a general indication of where you live (city, county, or school district);
2. Indicate if you are testifying on behalf of anyone else, and state the name of such individual, organization, or group;
3. State a concise suggestion or recommendation of what action you would like the Board to take; and
4. State the rationale or reason for your recommendation.

You may reinforce, but please refrain from repeating, previous testimony.

Each person testifying will be limited to five minutes. If additional time is needed, it may be provided at the discretion of the presiding officer.

At the conclusion of all testimony from interested persons on the rule, the Nebraska Department of Education staff member who opened will have the opportunity to respond to the testimony presented today, which will conclude the testimony.

The testimony presented will be recorded and the audio recording will be made available to the State Board of Education and the public via YouTube at the time the State Board considers the adoption of the revision or repeal.

All written testimony must be submitted to the hearing official prior to 5:00 p.m. today in order to be made a part of the record of this hearing. The email for submitting written comments is NDE.RuleHearing@nebraska.gov.

This email address may also be found on the department's website at www.education.ne.gov by following the Rules & Regulations link on the right side of the page. From the Rules and Regulations page, go to the Public Notices of Upcoming Rule Hearings.

At this time, we will begin the hearing on Rule 3, *Regulations Governing High Ability Learners,* with Sheyanne Smith from the Nebraska Department of Education describing and explaining the proposed revisions. Sheyanne, you may begin.

Sheyanne Smith

Good morning, my name is Sheyanne Smith — S-H-E-Y-A-N-N-E S-M-I-T-H. I work for the Nebraska Department of Education as the High Ability Learning Specialist in the Office of Teaching, Learning, and Assessment.

The Nebraska Department of Education has drafted revisions to Title 92, Nebraska Administrative Code, Chapter 3, Regulations Governing High Ability Learners, commonly referred to as Rule 3. A high ability learner is a student who performs — or has the potential to perform — at higher levels in one or more subject areas and who requires specialized or accelerated learning opportunities to fully develop their abilities.

In September of 2023, the State Board of Education's Rules and Regulations Committee identified the need for revisions to Rule 3. In April of 2024, legislative updates to Nebraska Revised Statutes 79-1107, 79-1108.02, and 79-1108.03 further necessitated changes to Rule 3. These statutory updates included:

• Updating the definition of "learner with high ability,"

• Allowing consortium applications for funding, and

• Requiring the adoption of consistent identification methods statewide.

The Department collected feedback from district administrators, High Ability Learning coordinators, teachers, Educational Service Unit staff, parents, and the Nebraska Association for the Gifted, as well as internal NDE staff. A public input period was held in December of 2024, generating feedback from across the state. The results of this feedback were reviewed and discussed at the February 2025 State Board meeting.

The revisions to Rule 3 include:

• Establishing consistent statewide methods for identifying high ability learners, supporting the portability — or transferability — of HAL identification when students move between Nebraska districts,

• Aligning HAL reporting, evaluation, and planning requirements with existing state processes to streamline efforts, and

• Creating parameters for consortium-based funding applications to increase access for districts.

These revisions aim to:

(1) Provide clear, consistent guidelines to support the identification of learners with high ability while maintaining local flexibility,

(2) Align data reporting and evaluation with Nebraska's existing continuous improvement processes to reduce redundancy for school districts,

(3) Offer an alternative funding application option to allow districts to pool resources through consortiums, and

(4) Update definitions and procedures to reflect current educational practices and research.

The revisions reflect a comprehensive effort to modernize and strengthen Rule 3, with the ultimate goal of improving support for high ability learners across Nebraska.

This concludes my testimony.

Hearing Officer – Troy Hawk

Those testifying are asked to state and spell their name and in what capacity they are testifying [individually or associated entity].

Dr. Kristen Job

Thank you for the opportunity to speak today. I am Dr. Kristen Job Executive Director of the Nebraska Association for the Gifted (NeGifted) in LaVista. I am here today to speak in strong support of the proposed revisions to Rule 3, which represent a thoughtful, research-aligned step forward in our state's ongoing commitment to equity, excellence, and educational integrity.

These revisions—especially those that safeguard continuity in High Ability Learner (HAL) identification—are not just regulatory improvements. They are moral imperatives.

Across Nebraska, educators and administrators have long struggled with the dissonance created by fragmented identification systems. A child may be recognized as gifted in one district, only to have that designation stripped upon moving to another. This practice, while administratively convenient, is pedagogically indefensible and deeply harmful to the student. Giftedness is not a local construct—it is a cognitive and affective profile that transcends district boundaries.

Under the current proposal, if a student has been identified as HAL in one Nebraska district, that designation will remain intact when they move. **This shift aligns Nebraska with best practices established in states such as Iowa, Colorado, and Minnesota—states which have embraced a more portable and student-centered model of gifted identification.** In Colorado, for example, gifted identification follows the student throughout their academic journey statewide. Iowa has adopted similar inter-district recognition practices, reducing duplication of services and ensuring continuity of support. Nebraska now has the opportunity—and the responsibility—to do the same.

Let us be clear: revoking a HAL designation based on local performance norms is not supported by research and is antithetical to the very purpose of identification. Identification is not about labeling—it is about locating need. And when we remove the label, we often remove the student's access to essential services such as curriculum compacting, acceleration, or social-emotional support. This is not merely an administrative oversight—it is an educational disservice.

The emotional and academic ramifications are real and measurable. Research from the National Association for Gifted Children (NAGC) shows that inconsistency in gifted services contributes to underachievement, disengagement, and increased levels of anxiety and frustration among students. Moreover, stripping a gifted label can undermine a student's self-concept and sense of potential—particularly when that label was hard-won, or when it served as a rare point of affirmation in an otherwise inequitable educational experience.

Let us also acknowledge the considerable **consensus-building efforts** that informed these revisions. This has not been a top-down imposition; it has been a collaborative undertaking involving educators, administrators, researchers, and families from across the state. The final language reflects a careful balancing of local control and statewide consistency—a balance that respects both district autonomy and student dignity.

As Executive Director of NeGifted, I can tell you firsthand that our association has received overwhelming support for these changes from educators and parents alike. These revisions reflect not only best practice—but also best hope. Hope that no student will have to re-prove their worth. Hope that no child's learning needs will be ignored because they crossed an imaginary line on a map. Hope that Nebraska can and will lead—not lag—in gifted education.

In closing, I urge this board to adopt the revisions to Rule 3. Do so not merely as policymakers, but as champions for children—children whose talents may not always conform to the average, but whose potential demands our recognition, our advocacy, and our consistent support.

Thank you.

Hearing Officer – Troy Hawk

Thank you, Dr. Job. Is there anyone else wishing to testify. Please raise your electronic hand.

Adam Larson, would you like to testify. You may begin.

Dr. Adam Larson

My name is Dr. Adam Larson, I am the assistant director of the professional learning department at ESU3. I am here today to provide input on the proposed changes to Rule 3. I want to express my support for several key revisions:

Data Reporting (007.01 and related sections): I strongly support the inclusion of more explicit data reporting requirements. The specified data points, including individual achievement data, graduation rates, and participation in advanced coursework, are essential for evaluating the effectiveness of high ability programs and ensuring accountability. Furthermore, I believe that much of this data is already being collected by school districts to comply with Rule 10, which should streamline the reporting process for schools and prevent undue burden.

Program Review (008.01 and related sections): I also support the requirement for school districts to conduct comprehensive program reviews at least once every five years. Regular evaluation is crucial for maintaining program quality, identifying areas for improvement, and ensuring that programs are meeting the diverse needs of high-ability learners. The emphasis on input from various stakeholders, including parents, educators, students, and community members, is particularly important.

Portability (002.13, 004.05, and related sections): Finally, I strongly endorse the provisions that ensure the portability of high ability identification across Nebraska school districts. This is essential for minimizing disruptions to the education of highly mobile students and ensuring that identified students receive appropriate services regardless of where they attend school within the state.

Thank you for your time and consideration of my input. I believe that these revisions will strengthen Rule 3 and ultimately improve the quality of education for learners with high ability in Nebraska.

Hearing Officer – Troy Hawk

Thank you, Dr. Larson. Is there anyone else wishing to testify. Please raise your electronic hand.

See no one else, Sheyanne, is there anything you would like to add at this time?

Sheyanne Smith

Thank you for attending and providing testimony for Rule 3. The department appreciates your time and engagement.

This concludes my testimony.

Hearing Officer – Troy Hawk

This closes the hearing on the proposed revisions to Rule 3.

We will now begin the hearing on the proposed repeal of Rule 8, *Regulations for School Finance and Budgeting/State Funding of Educational Service Units and Learning Communities,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed repeal of Rule 8. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 8, Regulations for School Finance and Budgeting and State Funding of Educational Service Units and Learning Communities, otherwise known as Rule 8.

The last revisions to Rule 8 became effective in December of 2016. Since that time there have been many changes to the authorizing statutes, which are not reflected in the current rule.

In a recent review of the rule, it was noted that Rule 8 is, for the most part, simply a restatement of the authorizing statutes without the addition of any substantive requirements or direction.

There have been recent efforts at several levels, including the State Board of Education, to reduce or eliminate this type of restatement of statutory provisions.

Furthermore, the underlying statutes in the areas covered by this rule change frequently, making it difficult to maintain the rule as an accurate statement of the law. For these reasons, the repeal of Rule 8 is being proposed for consideration by the State Board of Education.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed revisions to Rule 8.

We will now begin the hearing on the proposed repeal of Rule 22, *Regulations Governing the Master Teacher Program,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed repeal of Rule 22. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 22, Regulations Governing the Master Teacher Program, otherwise known as Rule 22.

Rule 22 currently provides procedures for the Master Teacher Program. However, the statutes authorizing the Master Teacher Program were repealed by the Legislature in LB 705 (2023).

The program provided bonuses for teachers earning credentials from a credentialing organization meeting certain criteria and provided financial assistance for the associated registration fees.

Since the authorizing statues no longer exist, thus eliminating the Master Teacher Program, the repeal of Rule 22 is being offered for consideration by the State Board of Education.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed revisions to Rule 22.

We will now begin the hearing on the proposed repeal of Rule 25, *Regulations Governing the Excellence in Teaching Act,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed revisions. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 25, Regulations Governing the Excellence in Teaching Act, otherwise known as Rule 25.

In 2009, Neb. Rev. Stat. §79-8,132 established the Excellence in Teaching Act, which includes the Attracting Excellence to Teaching Program, and the Enhancing Excellence in Teaching Program under the authority of the Nebraska Department of Education.

These programs provide aspiring teachers or teachers seeking additional endorsements in shortage areas, forgivable loans to cover their educational expenses. Recipients must work in a Nebraska school upon completion of their studies for a requisite number of years for their loans to be forgiven.

As of July 1, 2024, Neb. Rev. Stat. §85-3102, as amended by LB705 in 2023, transferred all powers, duties, and functions of the Excellence in Teaching programs to the Coordinating Commission on Postsecondary Education. The Commission administers other financial aid and grant programs for students seeking postsecondary opportunities.

The NDE has worked closely with CCPE to facilitate the transfer of this program. As a result, the need for Rule 25 has been eliminated.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed revisions to Rule 25.

We will now begin the hearing on the proposed repeal of Rule 26, *Regulations and Procedures for Mentor Teacher Programs,* with Tammy Barry from the Nebraska Department of Education again describing and explaining the proposed repeal of Rule 26. Tammy, you may begin.

Tammy Barry

Thank you, Troy. My name is Tammy Barry, spelled T A M M Y B A R R Y. I am also one of the Legal Counsels at the Nebraska Department of Education.

I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 26, Regulations and Procedures for Mentor Teacher Programs, otherwise known as Rule 26.

Rule 26 currently provides procedures for mentor teacher programs related to funding that has since been repealed.

Mentor Teacher Programs were originally adopted as one of the criteria for Quality Education Incentives under the Quality Education Accountability Act. There was also funding for school districts whose first-year teachers participated in mentor teacher programs.

The State Board was required to establish guidelines, not a rule, for such programs.

Up to 10% of the lottery funds allocated to education at the time were dedicated to school districts participating in teacher mentor programs and another 70% of lottery funds went to quality education incentives. Both parts of the funding were repealed with the adoption of LB 1208 in 2006.

The last modification of the mentor teacher program statutes occurred with LB 525 in 2015. Those modifications prohibited mentor teachers from participating in formal evaluations of beginning teachers and required programs to be consistent with the guidelines developed by the State Board.

As guidelines are still required pursuant to Neb. Rev. Stat. § 79-761, it is being suggested to replace the rule and its obsolete provisions with guidelines to be published to the NDE website.

Thank you for your time and attention to this matter.

Hearing Officer – Troy Hawk

Thank you, Tammy. Is there anyone else wishing to testify. Please raise your electronic hand.

Seeing no one else, this closes the hearing on the proposed repeal of Rule 26, the proposed revisions to Rule 3, and the proposed repeal of Rules 8, 22 and 25, and closes the hearings for today. Have a great day.

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From: Troy L. Hawk, Legal Counsel

Date: May 20, 2025

Re: Summary of Rulemaking Hearing on the Proposed Repeal of 92 *NAC* 26

On December 3, 2024, a hearing on the proposed repeal of Title 92 *Nebraska Administrative Code*, Chapter 26 (Rule 26), *Regulations and Procedures for Mentor Teacher Programs* was held virtually over Zoom in conjunction with a hearing on the revision of Title 92, *Nebraska Administrative Code*, Chapter 3 (Rule 3), *Regulations Governing High Ability Learners*, and the repeal of: Title 92 *Nebraska Administrative Code*, Chapter 8 (Rule 8), *Regulations for School Finance and Budgeting and State Funding of Education Service Unites and Learning Communities*; Title 92 *Nebraska Administrative Code*, Chapter 22 (Rule 22), *Regulations Governing the Master Teacher Program;* and Title 92, *Nebraska Administrative Code*, Chapter 25 (Rule 25), *Regulations Governing the Excellence in Teaching Act*. Legal Counsel Troy Hawk served as the hearing officer.

Summary of Oral Testimony on the Proposed Revision of 92 NAC 26

Troy Hawk called the hearing to order, introduced himself, introduced the subject of the hearing, read into the record information about the legal notice of the hearing, outlined the procedures for the hearing and for receiving written testimony, and received testimony on revisions to Rule 3 and the repeal of Rules 8, 22, and 25 before receiving testimony on the proposed repeals of Rule 26.

Tammy Barry, Legal Counsel for the Department of Education, presented a summary of the proposed repeal of Rule 26:

- My name is Tammy Barry, and I am also one of the Legal Counsels at the Nebraska Department of Education.
- I am here to introduce the proposed repeal of Title 92, Nebraska Administrative Code, Chapter 26, Regulations and Procedures for Mentor Teacher Programs, otherwise known as Rule 26.
- Rule 26 currently provides procedures for mentor teacher programs related to funding that has since been repealed.

- Mentor Teacher Programs were originally adopted as one of the criteria for Quality Education Incentives under the Quality Education Accountability Act. There was also funding for school districts whose first-year teachers participated in mentor teacher programs.
- The State Board was required to establish guidelines, not a rule, for such programs.
- Up to 10% of the lottery funds allocated to education at the time were dedicated to school districts participating in teacher mentor programs and another 70% of lottery funds went to quality education incentives. Both parts of the funding were repealed with the adoption of LB 1208 in 2006.
- The last modification of the mentor teacher program statutes occurred with LB 525 in 2015. Those modifications prohibited mentor teachers from participating in formal evaluations of beginning teachers and required programs to be consistent with the guidelines developed by the State Board.
- As guidelines are still required pursuant to Neb. Rev. Stat. § 79-761, it is being suggested to replace the rule and its obsolete provisions with guidelines to be published to the NDE website.

Oral Testimony

No oral testimony was offered.

Written Testimony

No written testimony was offered.

Tammy Barry concluded with the following comments:

— She thanked everyone for attending.

Troy Hawk closed the hearing on Rule 26, and then closed the hearings.

Mentor Teacher Statute

79-761. Mentor teacher programs; State Board of Education; duties.

The State Board of Education shall develop guidelines for mentor teacher programs in local systems in order to provide ongoing support for individuals entering the teaching profession. Mentor teachers shall not participate in the formal evaluation of beginning teachers which shall be the responsibility of school administrators. Local systems shall identify criteria for selecting excellent, experienced, and qualified teachers to be participants in the local system mentor teacher program which are consistent with the guidelines developed by the State Board of Education.

Source: Laws 1998, LB 1228, § 5; Laws 2006, LB 1208, § 3; Laws 2015, LB525, § 14.

LB 1208 (2006) – Pages 1 - 5

Sections 1 and 3 eliminated funding for mentor teacher programs.

LEGISLATIVE BILL 1208

Approved by the Governor April 11, 2006

Introduced by Raikes, 25; Baker, 44; D. Pederson, 42; Stuhr, 24; Erdman, 47; Price, 26

AN ACT relating to education; to amend sections 79-704, 79-761, 79-1018.01, 79-1204, 79-1223, 79-1233, 79-1241.01, 79-1241.02, 79-1243, 79-1302, 79-1303, 79-1304, 79-1319, and 79-1325, Reissue Revised Statutes of Nebraska, sections 9-812, 81-1634, 86-515, and 86-520, Revised Statutes Cumulative Supplement, 2004, and sections 79-1003, 79-1007.02, 79-1028, and 86-516, Revised Statutes Supplement, 2005; to harmonize language relating to state lottery proceeds with the 2004 constitutional amendment to Article III, section 24; to change provisions relating to distribution of the Education Innovation Fund, course offerings, mentor teacher programs, allowances and allowable growth rates under the Tax Equity and Educational Opportunities Support Act, telecommunications facilities, educational service units, and educational technology; to create a council; to define terms; to provide for and eliminate distance education programs and related incentives; to eliminate a consortium, a task force, technology programs, and funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1301, 79-1305, 79-1306, 79-1307, 79-1310, and 79-1328, Reissue Revised Statutes of Nebraska, and sections 79-1329 and 79-1330, Revised Statutes Supplement, 2005.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 9-812, Revised Statutes Cumulative Supplement, 2004, is amended to read:

9-812 (1) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in Nebraska shall be credited to the State Lottery Operation Trust Fund, which fund is hereby created. All payments of ~~expenses of the operation of~~ the costs of establishing and maintaining the lottery games shall be made from the State Lottery Operation Cash Fund. In accordance with legislative appropriations, money for payments for expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Cash Fund, which fund is hereby created. All money necessary for the payment of lottery prizes shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold. ~~The State Treasurer shall transfer five million dollars from the State Lottery Operation Trust Fund to the General Fund within fifteen days after July 1, 2004. Until October 1, 2003, at least twenty-five percent and beginning~~

(2)(a) Beginning October 1, 2003, and until January 1, 2008, a portion of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred from the State Lottery Operation Trust Fund to the Education Innovation Fund, the Nebraska Scholarship Fund, the Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and the Compulsive Gamblers Assistance Fund, except that the dollar amount transferred shall not be less than the dollar amount transferred to the funds in fiscal year 2002-03.

(b) On and after January 1, 2008, at least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred from the State Lottery Operation Trust Fund to the Education Innovation Fund, the Nebraska Scholarship Fund, the Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and the Compulsive Gamblers Assistance Fund.

(3) Of the money available to be transferred to the Education Innovation Fund, the Nebraska Scholarship Fund, the Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and the Compulsive Gamblers Assistance Fund:

(a) The ~~,~~ ~~the~~ first five hundred thousand dollars shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in section 71-817;

(b) Nineteen ~~.~~ ~~Twenty-four~~ and three-fourths percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Education Innovation Fund; ~~.~~

(c) Twenty-four and three-fourths percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Scholarship Fund; . ~~Forty-nine~~

(d) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act; .

(e) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(f) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in section 71-817.

~~(2)~~ (4)(a) The Education Innovation Fund is ~~hereby~~ created. At least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement. ~~For each fiscal year except fiscal years 2003-04, 2004-05, 2005-06, and 2006-07, the Education Innovation Fund shall be allocated in the following manner: Up to twenty percent to fund the mentor teacher program pursuant to the Quality Education Accountability Act; up to forty percent to the Attracting Excellence to Teaching Program Cash Fund to fund the Attracting Excellence to Teaching Program Act; and up to forty percent of the fund shall be allocated by the Governor. For fiscal years 2003-04 and 2004-05, the Education Innovation Fund shall be allocated to the General Fund after operating expenses for the Excellence in Education Council are deducted. For fiscal years 2005-06 and 2006-07~~

(b) For fiscal year 2005-06, the Education Innovation Fund shall be allocated as follows: The first one million dollars ~~each fiscal year~~ shall be transferred to the School District Reorganization Fund, and the remaining amount shall be allocated to the General Fund after operating expenses for the Excellence in Education Council are deducted.

(c) For fiscal year 2006-07, the Education Innovation Fund shall be allocated as follows: The first two hundred fifty thousand dollars shall be transferred to the Attracting Excellence to Teaching Program Cash Fund to fund the Attracting Excellence to Teaching Program Act, the next one million dollars shall be transferred to the School District Reorganization Fund, and the amount remaining in the Education Innovation Fund shall be allocated, after administrative expenses, for distance education equipment and incentives pursuant to sections 22 and 23 of this act.

(d) For fiscal year 2007-08, the Education Innovation Fund shall be allocated as follows: The first five hundred thousand dollars shall be transferred to the Attracting Excellence to Teaching Program Cash Fund to fund the Attracting Excellence to Teaching Program Act, and the amount remaining in the Education Innovation Fund shall be allocated, after administrative expenses, for distance education equipment and incentives pursuant to sections 22 and 23 of this act.

(e) For fiscal year 2008-09, the Education Innovation Fund shall be allocated as follows: The first seven hundred fifty thousand dollars shall be transferred to the Attracting Excellence to Teaching Program Cash Fund to fund the Attracting Excellence to Teaching Program Act, and the amount remaining in the Education Innovation Fund shall be allocated, after administrative expenses, for distance education equipment and incentives pursuant to sections 22 and 23 of this act.

(f) For fiscal years 2009-10 through 2015-16, the Education Innovation Fund shall be allocated as follows: The first one million dollars shall be transferred to the Attracting Excellence to Teaching Program Cash Fund to fund the Attracting Excellence to Teaching Program Act, and the amount remaining in the Education Innovation Fund shall be allocated, after administrative expenses, for distance education equipment and incentives pursuant to sections 22 and 23 of this act.

(g) For fiscal year 2016-17 and each fiscal year thereafter, the

Education Innovation Fund shall be allocated, after administrative expenses, for education purposes as provided by the Legislature.

~~At the direction of the budget administrator of the Department of Administrative Services, the State Treasurer shall transfer available unobligated balances existing in the Education Innovation Fund to the General Fund on or before July 15, 2005, in such amounts as determined by the budget administrator, to include: Any unobligated money remaining as of June 30, 2004, and June 30, 2005, in the Education Innovation Fund, appropriated for the Excellence in Education Council; investment income credited to the fund; and unobligated grant fund money returned to the state for credit to the Education Innovation Fund.~~

~~Allocations by the Governor shall be through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such incentive grants allocated by the Governor are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs.~~

~~From the funds allocated by the Governor, minigrants shall be available to school districts to support the development of strategic school improvement plans which shall include statements of purposes and goals for the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.~~

~~In addition to the minigrants granted for the development of strategic school improvement plans, school districts with annual budget expenditures of three hundred fifty thousand dollars or less are eligible for minigrants from the funds allocated by the Governor for the purposes allowed in subdivisions (2)(a) through (q) of this section. The amount of this type of minigrant shall not exceed five thousand dollars. The school district shall present a curriculum support plan with its application for the grant. The curriculum support plan must show how the district is working to achieve one or more of the allowed purposes and how the grant will be used to directly advance the plan to achieve one or more of these purposes. The plan must be signed by the school administrator and a school board representative. The application for the grant shall be brief. The Excellence in Education Council shall select the recipients of this type of minigrant and shall administer such minigrants.~~

~~From the funds allocated by the Governor, major competitive grants shall be available to support innovative programs which are directly related to the strategic school improvement plans. The development of a strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of the program in improving the quality of education as designed in the strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which such major competitive grants would be offered shall include:~~

~~(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;~~

~~(b) The development of strategic school improvement plans by school districts;~~

~~(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration. Telecommunications equipment, services, and forms of technical innovation shall be approved only after review by the technical panel created in section 86-521;~~

~~(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;~~

~~(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;~~

~~(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;~~

~~(g) Early childhood and parent education which emphasizes child development;~~

~~(h) Programs using decisionmaking models that increase involvement of parents, teachers, and students in school management;~~

~~(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;~~

~~(j) Development of magnet or model programs designed to facilitate desegregation;~~

~~(k) Programs that address family and social issues impairing the learning productivity of students;~~

~~(l) Programs enhancing critical and higher-order thinking capabilities;~~

~~(m) Programs which produce the quality of education necessary to guarantee a competitive work force;~~

~~(n) Programs designed to increase productivity of staff and students through innovative use of time;~~

~~(o) Training programs designed to benefit teachers at all levels of education by increasing their ability to work with educational technology in the classroom;~~

~~(p) Approved accelerated or differentiated curriculum programs under sections 79-1106 to 79-1108.03; and~~

~~(q) Programs for children from birth to age twenty-one years with disabilities receiving special education under the Special Education Act and children from birth to age twenty-one years needing support services as defined in section 79-1125.01, which programs demonstrate improved outcomes for children from birth to age twenty-one years through emphasis on prevention and collaborative planning.~~

~~The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in classroom teaching. The State Department of Education shall provide staff support for the council to administer the Education Innovation Fund, including the Quality Education Accountability Act. The council shall have the following powers and duties:~~

~~(i) In consultation with the department, develop and publish criteria for the awarding of incentive grants allocated by the Governor for programs pursuant to this subsection, including minigrants;~~

~~(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding;~~

~~(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by incentive grants allocated by the Governor from the Education Innovation Fund;~~

~~(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;~~

~~(v) Consider the reasonable distribution of funds across the state and all classes of school districts;~~

~~(vi) Carry out its duties pursuant to the Quality Education Accountability Act; and~~

~~(vii) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.~~

~~To assist the council in carrying out its duties, the State Board of Education shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of programs funded from the Education Innovation Fund, including the Quality Education Accountability Act.~~

~~(3) Recipients of incentive grants allocated by the Governor from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.~~

~~(4)~~ (5) Any money in the State Lottery Operation Trust Fund, the State Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, or the Education Innovation Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

~~(5)~~ (6) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by rules and regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for any of the purposes prescribed in this section.

Sec. 2. Section 79-704, Reissue Revised Statutes of Nebraska, is

amended to read:

79-704 ~~Any~~ (1) Except as otherwise provided in subsection (2) of this section, any school board ~~or board of education~~ of a school district or any governing authority of a private school may establish alternating biennial secondary course offerings, not to exceed one course in each of four subject fields as designated by such board or governing authority, as part of the total instructional units provided each school term for the purpose of meeting minimum annual criteria for accreditation under sections 79-318 and 79-703. Reporting of biennial course offerings which are to receive annual instructional unit credit in meeting accreditation standards shall be on forms prescribed by the State Department of Education.

(2) For school year 2009-10 and each school year thereafter, a school board of a school district shall not establish an alternating biennial secondary course offering in any subject area for which the State Board of Education has adopted content standards pursuant to section 79-760.01.

Sec. 3. Section 79-761, Reissue Revised Statutes of Nebraska, is amended to read:

79-761 The State Board of Education shall develop guidelines for mentor teacher programs in local systems in order to provide ongoing support for individuals entering the teaching profession. ~~Funding for mentor teacher programs shall be provided to local systems which provide each first-year teacher in the local system with a mentor.~~ The mentor teacher programs shall ~~be funded by the Education Innovation Fund pursuant to subsection (2) of section 9-812 and shall~~ identify criteria for selecting excellent, experienced, and qualified teachers to be participants. ~~The state board shall report to the Legislature on or before December 1, 1998, on its progress in implementing this section.~~

Sec. 4. Section 79-1003, Revised Statutes Supplement, 2005, is amended to read:

79-1003 For purposes of the Tax Equity and Educational Opportunities Support Act:

(1) Adjusted general fund operating expenditures means general fund operating expenditures as calculated pursuant to subdivision ~~(23)~~ (24) of this section minus (a) for school fiscal years before school fiscal year 2007-08, the transportation allowance and minus the special receipts allowance and (b) for school fiscal year 2007-08 and each school fiscal year thereafter, the sum of the transportation, special receipts, and distance education and telecommunications allowances;

(2) Adjusted valuation means the assessed valuation of taxable property of each local system in the state, adjusted pursuant to the adjustment factors described in section 79-1016. Adjusted valuation means the adjusted valuation for the property tax year ending during the school fiscal year immediately preceding the school fiscal year in which the aid based upon that value is to be paid. For purposes of determining the local effort rate yield pursuant to section 79-1015.01, adjusted valuation does not include the value of any property which a court, by a final judgment from which no appeal is taken, has declared to be nontaxable or exempt from taxation;

(3) Allocated income tax funds means the amount of assistance paid to a local system pursuant to section 79-1005.01 or 79-1005.02 as adjusted by the minimum levy adjustment pursuant to section 79-1008.02;

(4) Average daily attendance of a student who resides on Indian land means average daily attendance of a student who resides on Indian land from the most recent data available on November 1 preceding the school fiscal year in which aid is to be paid;

(5) Average daily membership means the average daily membership for grades kindergarten through twelve attributable to the local system, as provided in each district's annual statistical summary, and includes the proportionate share of students enrolled in a public school instructional program on less than a full-time basis;

(6) Base fiscal year means the first school fiscal year following the school fiscal year in which the reorganization or unification occurred;

(7) Board means the school board of each school district;

(8) Categorical funds means funds limited to a specific purpose by federal or state law, including, but not limited to, Title I funds, Title VI funds, federal vocational education funds, federal school lunch funds, Indian education funds, Head Start funds, and funds from the Education Innovation Fund; ~~, and funds from the School Technology Fund;~~

(9) Consolidate means to voluntarily reduce the number of school districts providing education to a grade group and does not include dissolution pursuant to section 79-498;

(10) Converted contract means an expired contract that was in effect for at least fifteen years for the education of students in a

NDE CONTRACTS

DATE REC'D	CONTRACT #	AMENDMENT #	CONTRACT NAME	MAXIMUM CONTRACT AMOUNT	START DATE	ENDING DATE	FUNDING SOURCE	SCOPE OF SERVICES	CONTACT PERSON
1/2/2025	45217		Share Collaborative	$10,000	2/3/2025	12/19/2025	Federal	Provide training.	Lindy Foley
1/2/2025	45187	AM#1	Security Equipment Incorporated					Increase amoumt/scope.	Joel Scherling
1/2/2025	44316	AM#1	Office Innovations					Extend date.	Joel Scherling
1/6/2025	45219		Hendrickson Leadership Group	$4,450	4/1/2025	6/5/2025	General	Conduct training.	Katie Graham
1/6/2025	44245	AM#2	ESU 4					Increase amoumt/scope.	Zainab Rida
1/6/2025	45216		Abigail Fiske	$23,000	1/1/2025	12/31/2025	Federal`	Serve as 2025 FCCLA State Officer Coordinator.	Katie Graham
1/7/2025	45199		Peru State College	$83,997	11/15/2024	6/30/2027	Federal	Lower finance barrier for teaching candidates.	Brad Dirksen
1/13/2025	45213		UNL	$700,000	11/15/2024	6/30/2027	Federal/General	Carry out Nebraska Teacher Apprenticeship Act & administer State Apprenticeship Expansion Formula Grant.	Brad Dirksen
1/15/2025	42127	AM#3	UNL					Extend date.	Zainab Rida
1/17/2025	45212		Chadron State College	$100,000	11/15/2024	6/30/2027	Federal/General	Carry out Nebraska Teacher Apprenticeship Act & administer State Apprenticeship Expansion Formula Grant.	Brad Dirksen
1/22/2025	45225		Kimberly Sanderson	$15,000	1/15/2025	1/14/2026	Federal/General	Coaching/training services.	Melody Hobson
1/23/2025	45220		Hayes & Associates	$54,848	1/152025	9/30/2025	Federal	Child & Adult Care Foo Program auits of for-profit centers.	Zainab Rida
1/23/2025	45223		Dick Meyer	$15,000	1/24/2025	6/30/2025	General	Provide consultation/facilitation.	Shirley Vargas
1/23/2025	45224		HHS	$29,406	1/21/2025	1/20/2026	Federal	Provide information on TBI individuals.	Lindy Foley
1/24/2025	45222		UNL	$6,414	2/1/2025	1/31/2026	Federal	Support NDE transition program by maintaining website.	Amy Rhone
1/30/2025	45227		Smarter Learning Group	$20,000	1/21/2025	3/31/2025	Federal	Develop Family Literacy Implementation Guide for schools.	Zainab Rida
1/31/2025	45226		Brain & Body Balancing	$17,000	2/1/2025	1/31/2026	Federal/General	Provide coaching/training services.	Melody Hobson
2/3/2025	45221		Renner's Cleaning Service	$2,130	2/1/2025	4/30/2025	Federal	Cleaning service for Norfolk VR office.	Lindy Foley
2/3/2025	45075	AM#2	ESUCC					Reduce amount.	Zainab Rida
2/4/2025	45214		Nebraska Appleseed	$9,500	1/31/2025	1/30/2026	Federal	Support Nebraska School Breakfast Challenge.	Zainab Rida
2/4/2025	45195		Wayne State College	$200,000	11/15/2024	6/30/2027	Federal	Lower finance barrier for teaching candidates.	Brad Dirksen
2/10/2025	44054	AM#2	NE State College System					Extend date.	Lane Carr
2/10/2025	45110	AM#1	ESU 2					Adjust contract amount.	Lindy Foley
2/10/2025	45231		Lrene Jo Smith	$9,000	3/1/2025	2/28/2026	Federal/General	Provide coaching/training services.	Melody Hobson
2/13/2025	45175	AM#1	K Crom Saunders					Funding change.	Amy Rhone
2/13/2025	45234		Say Hey There	$9,000	3/1/2025	8/31/2025	General	Create advertising campaigns and posts for Safe2Help NE social media platforms.	Zainab Rida
2/13/2025	45236		Emspace	$49,500	2/10/2025	2/9/2026	Federal/General	Assist NDE in expanding the awareness and use of local specialty crops with materials development as part of a Dept of Agriculature grant as well as educational and culinary resourses.	Zainab Rida
2/13/2025	45199	AM#1	Peru State College					Scope/consideration.	Brad Dirksen
2/14/2025	45065	AM#1	NE Children & Families Foundation					Increase amount.	Zainab Rida
2/14/2025	45202	AM#1	College of Saint Mary					Scope/consideration.	Brad Dirksen
2/14/2025	45196	AM#1	Midland University					Increase amoumt/scope.	Brad Dirksen
2/14/2025	45240		Tanya's Childcare	$3,000	3/1/2025	2/27/2026	General	Use of classroom.	Melody Hobson
2/14/2025	44370	AM#1	ESU 7					Scope.	Zainab Rida
2/14/2025	45195	AM#1	Wayne State College					Scope/consideration.	Brad Dirksen
2/14/2025	45235		ESU 9	$25,000	2/14/2025	4/30/2025	Federal	Execute Deaf & Hard of Hearing Statewide Conference.	Amy Rhone
2/18/2025	45239		Easter Seals of NE	$7,860.70	3/1/2025	12/31/2025	Federal	Provide training.	Lindy Foley
2/18/2025	45241		Creative Press & Design	$15,000	3/1/2025	2/28/2026	General	Produce and ship signage for Step Up to Quality.	Melody Hobson
2/18/2025	45229		UNL	$48,591	4/1/2025	3/31/2026	Federal	Assist with meeting Federal post-school outcome data reporting requirements.	Amy Rhone
2/18/2025	45185		Children's Hospital & Medical Center	$83,500	12/1/2024	11/30/2025	Federal	Provide technical assistance with School Mental Health.	Zainab Rida
2/18/2025	45237		Heather Schmidt	$10,000	3/1/2025	2/28/2026	Federal/General	Provide coaching services.	Melody Hobson
2/20/2025	45238		Kansas State School for the Deaf	$10,000	1/8/2025	5/22/2025	General	Pay for residential costs associated with the student enrollment.	Amy Rhone
2/20/2025	45232		Kids Can Community Center	$3,000	2/15/2025	2/14/2026	General	Use of classroom.	Melody Hobson
2/24/2025	45194	AM#1	UNO					Scope/consideration.	Brad Dirksen
2/25/2025	45233		Partners for Insightful Evaluation	$49,650	2/5/2025	2/4/2026	Federal	Summarize findings, create report, analyze after-school pre and post surveys.	Zainab Rida
2/25/2025	45243		Black Chick Farm	$15,000	3/7/2025	3/6/2026	Federal	Assist in development and evaluation of Farm to School and Early Care Education and Harvest of the Month resources.	Zainab Rida
2/25/2025	45242		NCBVI	$24,999.99	3/1/2025	2/28/2026	Federal	Provide installation of equipment and individualized consumer training.	Lindy Foley
2/27/2025	45192		A1 Media	$49,999	1/17/2025	1/16/2027	Federal	Provide simple and efficient video captain for virtual NDE conferences.	Kristin Yates
2/28/2025	45050	AM#1	Center for Rural Affairs					Increase amount.	Zainab Rida
2/28/2025	45188	AM#1	UNK					Scope/consideration.	Brad Dirksen
2/28/2025	45244		Tasha Jedlicka	$13,000	3/1/2025	2/28/2026	Federal/General	Conduct rating reviews for Step Up to Quality.	Melody Hobson
3/3/2025	45027	AM#1	Saffron Buettner					Consideration.	Melody Hobson
3/3/2025	45245		Susan Borcher	$4,500	3/1/2025	2/28/2026	General	Provide training.	Melody Hobson
3/3/2025	45247		Janice Lee	$4,500	3/1/2025	2/28/2026	General	Provide training.	Melody Hobson
3/3/2025	45248		Suzanne Schneider	$5,000	4/1/2025	3/31/2026	Federal/General	Provide coaching and training services.	Melody Hobson
3/3/2025	45250		UNL	$30,683	3/17/2025	3/16/2026	Federal	Assist schools in increasing awareness of the MyPlate symbol, resources and the nutritional quality of schoolmeals among key audiences.	Zainab Rida
3/5/2025	45228		UNL	$49,634.50	1/27/2025	5/30/2026	General	Establish a Networked Improvement Community with pilot rural high schools with high rates of chronic absenteeism.	Shirley Vargas

NDE CONTRACTS

DATE REC'D	CONTRACT #	AMENDMENT #	CONTRACT NAME	MAXIMUM CONTRACT AMOUNT	START DATE	ENDING DATE	FUNDING SOURCE	SCOPE OF SERVICES	CONTACT PERSON
3/5/2025	45252		Amara Munoz	$15,000	3/15/2025	3/14/2026	General	Provide spanish translation of trainings and other documents.	Melody Hobson
3/5/2025	45254		Primrose School of Lincoln	$3,000	4/1/2025	3/31/2026	General	Provide classrooms for program quality assessment observations.	Melody Hobson
3/6/2025	46000		Eagle Delivery Service	$17,446.08	7/1/2025	6/30/2026	Federal	Mail services.	Krysti Michl
3/6/2025	45253		Missouri Rehab Association	$2,700	5/1/2025	7/31/2025	Federal	Mail services.	Krysti Michl
3/7/2025	45246		Jeanne Fielder	$4,500	3/1/2025	2/28/2026	General	Provide training.	Melody Hobson
3/7/2025	45149	AM#2	LINQ					Increase amount/scope.	Zainab Rida
3/10/2025	45251		Jennifer Snyder	$4,500	3/1/2025	2/28/2026	General	Provide training.	Melody Hobson
3/12/2025	45255		Monarch Psychological Svcs	$33,000	3/25/2025	6/30/2025	Federal	Medical consultative services.	Krysti Michl
3/18/2025	45258		Smarter Learning Group	$48,000	3/17/2025	9/15/2025	Federal/General	Support the development of Nebraska attendance action plan.	Zainab Rida
3/19/2025	45275		CodeHS Inc	$1,275,000	3/14/2025	6/30/2026	General	Develop computer science and technology education teacher professional learning.	Katie Graham
3/19/2025	45256		Margaret Donovan	$33,000	3/25/2025	6/30/2025	Federal	Medical consultative services.	Krysti Michl
3/19/2025	45264		ESU 1	$37,525.37	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/19/2025	45259		World Speaks	$33,660	3/15/2025	3/14/2026	Federal/General	Provide oral interpretation and written translation for NDE Early Childhood training and training materials.	Melody Hobson
3/20/2025	45265		ESU 6	$23,044.68	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/20/2025	45162	AM#1	NE Children & Families Foundation					Extend date.	Lane Carr
3/202025	45263		Beatrice YMCA	$7,457.98	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/21/2025	45276		Madonna School & Comm Based Svcs	$22,736.56	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/21/2025	45277		Omaha Goodwill	$46,556.64	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/21/2025	45271		Norris Public Schools	$16,246.43	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/21/2025	45279		Cambridge Public Schools	$48,156.17	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/21/2025	45268		The Arc of Lincoln	$20,554.08	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/21/2025	45270		Grand Island Public Schools	$48,885.34	4/1/2025	7/31/2025	Federeal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/21/2025	45283		Transunion Risk & Alternative Data Solutions	$2,040	4/1/2025	3/31/2026	General	Subscription service to proprietary public record databases.	Ami Huff
3/25/2025	45037	AM#1	Donelle Wolters					Extend date/increase amount/scope.	Katie Graham
3/25/2025	45107	AM#1	District Management Group					Consideration.	Shirley Vargas
3/25/2025	45186		Dyslexico	$499,985.12	3/21/2025	6/30/2025	Federal	Conduct research to design a new method leveraging A1 technology to identify, correct and categorize errors and patterns in student writing.	Allyson DenBeste
3/25/2025	45262		ESU 13	$16,424.02	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/25/2025	45274		ESUCC	$250,000	6/6/2025	11/15/2026	Federal	Develop pilot program to make menstrual products available to each school district.	Zainab Rida
3/25/2025	45269		District OR1 Public School	$18,312.25	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/25/2025	45267		Angel Guardians	$48,984.97	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/25/2025	45278		CASA of South Central NE	$48,999.99	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/25/2025	45273		Diller O'Dell Public Schools	$10,811.97	4/1/2025	7/31/2025	Fedreal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/26/2025	45258	AM#1	Smarter Learning Group					Other	Zainab Rida
3/26/2025	45285		Community Language Cooperative	$48,000	5/13/2025	5/12/2026	Federal/General	Translation of materials.	Melody Hobson
3/26/2025	45230		HHS	$10,500	4/5/2025	4/4/2026	Federal	Conduct facilitation/presentation.	Amy Rhone
3/27/2025	45257		Green School Farms	$16,800	3/26/2025	3/25/2026	Federal	Assist with planning and implementation of the Heartland Farm to School & ECE Institute.	Zainab Rida
3/27/2025	45281		LPS	$34,871.23	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/27/2025	45266		Whisperng Acres Tails & Treasures	$46,175.90	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/27/2025	45280		Novak Educational Consulting	$7,000	6/3/2025	6/3/2025	Federal	Keynote speaker.	Allyson DenBeste
3/28/2025	45287		Linda Villagomez	$9,000	5/1/2025	4/30/2026	Federal/General	Provide training in Spanish.	Melody Hobson
3/28/2025	45272		Seward Public Schools	$20,081.44	4/1/2025	7/31/2025	Federal	Provide summer transition program for youth ages 14-21.	Lindy Foley
3/28/2025	45282		Linda Meyers	$19,500	5/1/2025	4/30/2026	General	Provide training and classroom quality observations.	Melody Hobson
3/28/2025	45261		Corinne Combs	$10,335.25	3/26/2025	7/1/2025	Federal	Serve as SkillsUSA Nebraska State Leadership & Skills Conference Coordinator.	Katie Graham
3/28/2025	45260		Delivery Associates	$49,000	3/10/2025	6/30/2025	Federal	Strategic planning with apprenticeship stakeholders to grow registered apprenticesips in Nebraska.	Brad Dirksen
3/28/2025	45289		ESUCC	$2,750	3/1/2025	3/1/2026	Federal	Pay for annual renewal of the Nebraska OER Commons site which is a shared expense.	Allyson DenBeste
3/31/2025	42127	AM#4	UNL					Extend date.	Zainab Rida
3/31/2025	44323	AM#2	OCIO-Sreekanth Pall					Extend date/increase amount.	Kristin Yates
4/1/2025	45227	AM#1	Smarter Learning Group					Extend date/increase amount.	Zainab Rida
4/3/2025	45290		Value-Up	$39,000	4/1/2025	12/17/2025	Federal	Provide training.	Zainab Rida
4/9/2025	45284		National Financial Educators	$8,500	3/20/2025	9/30/2025	Federal	Provide opening keynote at Nebraska Get Connected conference.	Zainab Rida
4/9/2025	45070	AM#1	District Management Group					Scope.	Shirley Vargas
4/9/2025	45114	AM#1	Avenue Scholars					Amount change.	Shirley Vargas
4/9/2025	45115	AM#1	Central Plains Center for Services					Amount change.	Shirley Vargas
4/9/2025	45116	AM#1	College Possible					Amount change.	Shirley Vargas
4/9/2025	45294		Campbell Cleaning Svc	$11,560	4/1/2025	3/31/2026	Federal	Cleaning service for Kearney VR Office.	Lindy Foley
4/9/2025	45292		Rapport International	$10,000	5/1/2025	4/30/2026	Federal	Interpreting Services.	Lindy Foley
4/9/2025	45286		Cynthia Villanueva	$9,000	5/1/2025	4/30/2026	Federal/General	Provide training in Spanish.	Melody Hobson
4/9/2025	45249		UNL	$12,100	4/1/2025	3/31/2026	Federal/General	Provide training and CDA observations.	Melody Hobson

NDE CONTRACTS

DATE REC'D	CONTRACT #	AMENDMENT #	CONTRACT NAME	MAXIMUM CONTRACT AMOUNT	START DATE	ENDING DATE	FUNDING SOURCE	SCOPE OF SERVICES	CONTACT PERSON
4/9/2025	46003		Kathryn Benes	$126,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46001		Kathleen Barrett	$126,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46015		Kevin Coughlin	$151,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46010		Helen Montoya	$91,000	7/1/225	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46008		Surgical Care	$176,000	7/1/2025	6/30/2025	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46017		Lee Branham	$61,000	7/1/2025	6/30/2025	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46009		Patricia Newman Consulting	$205,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46018		Margaret Donovan	$126,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46012		Kevin Wycoff	$151,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46014		Daniel Cronk	$205,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46019		Monarch Psychological Svcs	$126,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46005		Alexandra Suslow-Geditz	$181,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46002		Bradford Brabec	$205,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46016		Dianna Clyne	$136,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46007		Joanell Wheeler	$126,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46011		Jerry Tanner	$205,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46013		Thomas Martin	$126,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46006		Terri Vontz	$61,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/9/2025	46004		Child & Family Services	$176,000	7/1/2025	6/30/2026	Federal	Medical consultative services.	Krysti Michl
4/10/2025	45293		Michelle Rupiper	$16,000	5/1/2025	4/30/026	Federal	Provide coaching/training and curriculum development.	Melody Hobson
4/14/2025	45189	AM#1	Geonasha Agbeletey					Increase amount/scope.	Lane Carr
4/14/2025	45291		TNTP	$36,193	4/1/2025	6/1/2025	General	Design/present professional learning session.	Shirley Vargas
4/14/2025	45288		Fremont YMCA	$3,000	5/1/2025	4/30/2026	Federal/General	Provide classrooms.	Melody Hobson
4/14/2025	45296		Meghan Gibbons	$12,000	5/1/2025	4/30/2026	Federal/General	Provide coaching/training services.	Melody Hobson
4/15/2025	45300		Vivayic	$22,500	4/7/2025	9/30/2025	Federal	Build online learning module.	Zainab Rida
4/16/2025	46020		Lorenzo Brown	$11,000	7/15/2025	7/16/2025	Federal	Provide keynote presentation for VR's 2025 State Staff Conference.	Lindy Foley
4/16/2025	45298		Danielle Bettmann	$8,000	6/7/2025	6/6/2026	Federal	Review and approve independent study documentaton via NECPRS.	Melody Hobson
4/17/2025	45297		Mobility Motoring	$115,290	4/1/2025	12/31/2025	Federal	Provide installation of an ATC Accessibility Vehicle Modification.	Lindy Foley
4/17/2025	45304		Dyane Smokorowski	$2,500	6/2/2025	6/3/2025	Federal	Speaker at Future Ready conference.	Allyson DenBeste
4/17/2025	45301		Megan Shepherd	$48,900	6/1/2025	5/31/2026	Federal	Make changes/edits to Early Childhood online course on the Learning Management System.	Melody Hobson
4/17/2025	45303		ESU 9	$37,705	4/21/2025	9/30/2025	Federal	Deliver high quality professional development to teachers and school leaders.	Katie Graham
4/21/2025	45076	AM#1	Emspace					Scope/consideration.	Melody Hobson
4/21/2025	45299		Emily Aksamit	$14,500	5/1/2025	4/30/2026	Federal/General	Provide CLASS and ERS observations for Step Up to Quality.	Melody Hobson
4/21/2025	45306		Student1	$40,000	5/1/2025	8/31/2025	Federal	Maintain and transfer the Early Childhood resource and referral website.	Melody Hobson
4/21/2025	44036	AM#1	Utah State University					Other.	Amy Rhone
4/21/2025	45213	AM#1	UNL					Amount change/scope/consideration.	Brad Dirksen
4/22/2025	45305		Taryn Brown	$25,557	4/21/2025	3/31/2026	Federal	Serve as HOSA State Officer Coordinator.	Katie Graham
4/22/2025	45308		Ali Hearn Coaching & Consulting	$49,500	5/20/2025	5/19/2026	Federal	Provide training and support in the implementation of advanced restorative practices.	Amy Rhone
4/22/2025	46021		Barbara Davidson	$5,000	8/4/2025	8/5/2025	Federal	Keynote speaker.	Allyson DenBeste
4/28/2025	44379	AM#1	Kristi Albrecht					Increase amount.	Melody Hobson
4/30/2025	44314	AM#3	Edwise					Increase amount.	Kristin Yates
5/1/2025	45312		Vivayic	$30,000	4/28/2025	9/15/2025	Federal	Update psychological safety and suicide prevention toolkits.	Zainab Rida
5/1/2025	46022		Illumination Group	$11,500	7/14/2025	7/16/2025	Federal	Provide keynote presentation for VR's 2025 State Staff Conference.	Lindy Foley
5/1/2025	45201	AM#1	Teachstone					Scope/consideration.	Melody Hobson
5/1/2025	45313		NE Dept of Environment and Energy	$12,000	6/1/2025	8/31/2025	Federal	Conduct health inspections.	Zainab Rida
5/2/2025	45310		Reed Family Learning Academy	$3,000	5/1/2025	4/30/2026	Federal/General	Provide classrooms used for ERS/CLASS observations.	Melody Hobson
5/5/2025	45309		NE Chamber of Commerce	$42,000	4/25/2025	7/31/2025	Federal	Coordinate efforts surrounding education and the workforce.	Ryan Foor
5/5/2025	45311		ESU 2	$49,800	3/12/2025	9/11/2025	Federal	Conduct training.	Zainab Rida
5/5/2025	45316		ESU 9	$12,000	4/28/2025	9/15/2025	Federal	Conduct training.	Zainab Rida
5/6/2025	45307		Sparq Data Solutions	$2,600	4/23/2025	3/31/2026	General	Electronic meeting service.	Elizabeth Tegtmeier
5/7/2025	45295		Douglas Co Health Dept	$8,000	6/1/2025	9/30/2025	Federal	Conduct health inspections.	Zainab Rida
5/7/2025	45302		Lori Chleborad	$7,000	5/1/2025	4/30/2026	Federal/General	Provide coaching and training services.	Melody Hobson
5/7/2025	45034	AM#1	State of Iowa-Dept of Ed					Other.	Amy Rhone
5/12/2025	45318		ESU 6	$15,120	5/5/2025	9/15/2025	Federal	Conduct training.	Zainab Rida
5/12/2025	46023		Teaching Strategies	$48,258	7/1/2025	6/30/2026	Federal/General	Provide training.	Melody Hobson
5/13/2025	45317		Brenda Saxe	$14,000	6/1/2025	5/31/2026	Federal/General	Provide coaching/training services.	Melody Hobson
5/14/2025	45324		Eric Knoll	$6,000	5/15/2025	7/31/2025	Federal	Plan and conduct CTE Jumpstart Summer professional development workshop.	Katie Graham
5/15/2025	45315		Nikki Robertson-Griffin	$5,500	6/2/2025	6/3/2025	Federal	Present at Future Ready conference.	Allyson DenBeste
5/16/2025	45062	AM#1	Nicole Long					Increase amount.	Melody Hobson
5/16/2025	45321		Southesat Comm College	$18,368	5/31/2025	6/26/2025	Federal	Deliver high qualty technical skill workshops.	Katie Graham
5/19/2025	45314		John Mlinar	$11,976	5/19/2025	9/30/2025	General	Process application and communicate with applicants.	Brad Dirksen
5/19/2025	45239	AM#1	Easter Seals of NE					Consideration.	Lindy Foley

NDE CONTRACTS

DATE REC'D	CONTRACT #	AMENDMENT #	CONTRACT NAME	MAXIMUM CONTRACT AMOUNT	START DATE	ENDING DATE	FUNDING SOURCE	SCOPE OF SERVICES	CONTACT PERSON
5/19/2025	45320		Central Comm College	$15,211	5/15/2025	6/30/2025	Federal	Deliver high quality technical skill workshops.	Katie Graham
5/19/2025	45325		ESU 6	$13,500	6/1/2025	5/31/2026	Federal/General	Provide 1/2 price Early Learning Guidelines training registrations.	Melody Hobson
5/19/2025	46024		ESU 4	$4,445,600	7/1/2025	6/30/2027	General	Operate NCECBVI.	Amy Rhone
5/19/2025	46027		NWEA	$7,598,321.97	7/1/2025	6/30/2026	General	Provide statewide assessments.	Allyson DenBeste
5/19/2025	45328		Student1	$45,000	5/15/2025	6/30/2025	General	Technical assistance for systems-involved youth data system planning.	Kristin Yates
5/19/2025	45326		Foundry Community	$2,600	5/15/2025	6/30/2025	Federal	System alignment for apprenticeship expansion in partnership with NDOL and other stakehlders.	Lane Carr
5/19/2025	45323		Paula Thompson	$3,000	6/1/2025	7/31/2025	Federal	Complete Nebraska Head Start Collaboration Office needs assessment and 5-year strategic plan development.	Melody Hobson
5/20/2025	45040	AM#2	Bartle & Geier Law Firm					Increase amount.	Amy Rhone
5/20/2025	45052	AM#1	Sandra Miller					Consideration.	Melody Hobson
5/20/2025	46029		Teaching Strategies	$40,000	8/1/2025	7/31/2027	Federal	Provide access and technical support to NDE as well as subscripton programs for the Teaching Strategic GOLD online platform.	Amy Rhone
5/20/2025	46028		UNMC	$78,484	7/1/2025	6/30/2026	Federal	Support NDE in working with the child outcomes process for Results Matter.	Amy Rhone
5/22/2025	45189	AM#2	Geonasha Agbeletey					Increase amount/scope/consideration.	Lane Carr
5/22/2025	45330		ESU 3	$15,000	6/1/2025	5/31/2026	Federal/General	Provide training.	Melody Hobson

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Jim Kent, Director of Educator Preparation Program Approval
Brad Dirksen, Office of Accreditation, Certification, & Approval Administrator

PROPOSED AGENDA ITEM: Notice of Vacancy for the Nebraska Council on Teacher Education

AGENDA ITEM TYPE (contract/grant/rule/program/other): other

RATIONALE/BACKGROUND INFORMATION:

The Nebraska Council on Teacher Education (NCTE) is an advisory body to the State Board of Education. The NCTE develops and makes recommendations to the State Board regarding approval of Nebraska teacher education programs, certificate endorsements, issuance of educator certificates, and other matters related to educator preparation and certification.

Member and alternate appointments are specified in the Organizational Policies of the Nebraska Council on Teacher Education, section 4.00 and 5.00.

4.00 MEMBERSHIP
The State Board of Education shall appoint all members of the NCTE. Membership shall include equal representation of Higher Education, School Governance, and Teachers as specified in Sections 4.01, 4.02, and 4.03. Terms shall begin August 1 in the year in which the members are appointed and shall continue until July 31 in the year in which their terms expire.

Members are expected to act as liaisons between the NCTE and the groups they represent.

Organizations submitting nominations for members and alternates shall give consideration to balancing the representation with regard to geographic location and state board district, gender, ethnicity, grade level, academic subject area, and school enrollment size.

5.00 ALTERNATES
Each category of membership shall nominate alternates to the Council. The alternates may serve as voting members when members of the official delegation are unable to attend. Names of alternates shall be submitted at the same time as proposed NCTE nominations.

For 2025-2026 there are no Board nominated positions open on the NCTE. Vacancies are listed on the attached NCTE Membership Directory document and noted with Term Expires date of 2025. NDE staff will collect vacancy nominations from the respective organizations and present the membership list to the

Board at the August 2025 Board meeting.

PROPOSED BOARD MEETING (MONTH/YEAR):
Informational: June 2025
Action: August 2025

ESTIMATED COST: $0

FOR CONTRACTS AND GRANTS: NA

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: NA

FOR GRANT SUBAWARDS: NA

**Updated 08.15.2023*

ORGANIZATIONAL POLICIES
OF THE
NEBRASKA COUNCIL ON TEACHER EDUCATION

1.00 THE NEBRASKA COUNCIL ON TEACHER EDUCATION

The Nebraska Council on Teacher Education (NCTE) is an advisory body to the Nebraska State Board of Education. The membership is appointed by the State Board of Education from representatives of state-wide organizations which have a direct involvement or interest in teacher and administrative preparation, and from higher education institutions in Nebraska which are approved by the State Board of Education to prepare and recommend for certification teachers, administrators, and counselors; and those people recommended for special services endorsements. The State Board of Education reserves unto itself sole authority over college program approval and certification.

2.00 PURPOSE

As an advisory body to the State Board of Education (Board), NCTE will develop and recommend for State Board approval and adoption:

2.01 Standards relating to state approval of higher education institutions providing teacher and/or administrative preparatory programs; and programs leading to special services certification.

2.02 Standards relating to admission into and retention in an approved professional education program leading to teacher, administrative, or special services certification.

2.03 Standards relating to the issuance of teacher, administrative, and special services certification.

2.04 Standards relating to certification endorsements.

2.05 Standards relating to the relationships of Nebraska teacher, administrator, and special services certification with other states and national bodies.

Further, NCTE members will, at the request of the Nebraska Department of Education (NDE), and pursuant to NDE regulations, participate in educator program approval reviews and associated campus visits to those institutions seeking approval for their programs leading to teacher, administrative, and/or special services certification and endorsements, and may recommend approval or non-approval of those programs in compliance with regulations adopted by the State for such purposes.

Additionally, NCTE, through its regular meetings, will provide a forum where representatives of educator preparation, practicing educators, the Nebraska Department of Education, and other educator preparation and certification stakeholders can meet and discuss those issues affecting professional preparation, and seek solutions to problems impacting on the quality of preparation of certified professionals in school settings. The goal of the college approval and professional certification process is to ensure the citizens of Nebraska, in particular, and citizens of the United States, in general, that the teachers and administrators in this state are well qualified and meet all state laws governing certification.

3.00 STATUTORY AUTHORITY
Appointments to the NCTE are made by the Board pursuant to its authorization. Sections 79-318(9), R.R.S., 1943, and 79-808, R.R.S., 1943.

4.00 MEMBERSHIP
The State Board of Education shall appoint all members of the NCTE. Membership shall include equal representation of Higher Education, School Governance, and Teachers as specified in Sections 4.01, 4.02, and 4.03. Terms shall begin August 1 in the year in which the members are appointed and shall continue until July 31 in the year in which their terms expire.

Members are expected to act as liaisons between the NCTE and the groups they represent.

Organizations submitting nominations for members and alternates shall give consideration to balancing the representation with regard to geographic location and state board district, gender, ethnicity, grade level, academic subject area, and school enrollment size. Selection of members shall be in accordance with the following provisions:

4.01 Higher Education
One (1) representative shall be nominated from each Board approved teacher preparation college or university. The representatives shall be nominated by the university or college chancellor or president.

4.02 School Governance
The number of persons representing School Governance shall equal the number of Board approved teacher preparation institutions, and nominated as follows:

4.02A NCAPE Representative. One (1) administrator shall be nominated by the Nebraska Council of American Private Education (NCAPE) to represent private schools.

4.02B School Board Membership. Two (2) School Governance members shall be nominated by the Nebraska Association of School Boards (NASB).

4.02C Administrative/Supervisory Membership. Those nominated and appointed shall include individuals who perform in administrative or supervisory roles in public school or agency settings and include School Administrators, Curriculum Directors, Human Resources and ESU personnel.

4.02Ci Nine (9) members shall be nominated by the Nebraska Council on School Administrators (NCSA).

4.02Cii One (1) Administrative/Supervisory member shall by appointed by the State Board of Education.

4.02D Community College Representative. One (1) individual representing Community Colleges shall be nominated by the Nebraska Community College Association.

4.02E Nebraska Department of Education (NDE). Two (2) representatives of the Nebraska Department of Education shall be nominated by the Nebraska Commissioner of Education.

4.03 Teachers

The number of persons representing practicing teachers shall equal the number of Board approved teacher preparation institutions, and shall be nominated as follows:

4.03A Two (2) shall be nominated by the State Board of Education, and

4.03B The remaining shall be nominated by the Nebraska State Education Association (NSEA).

5.00 ALTERNATES

Each category of membership shall nominate alternates to the Council. The alternates may serve as voting members when members of the official delegation are unable to attend. Names of alternates shall be submitted at the same time as proposed NCTE nominations.

5.01 The NCSA may nominate six (6) alternates; NASB, one (1); NSEA, eight (8); NDE, one (1); NCAPE, one (1); State Board of Education, two (2); and Educator Preparation institutions, one (1) each.

5.02 Alternates may attend meetings of NCTE at times other than when serving as an official delegate but under such circumstances shall not have voting privileges. When not replacing an official delegate, expenses of alternates in attendance are not eligible for state reimbursement.

6.00 METHOD OF SELECTING MEMBERS AND ALTERNATES

Nominations for members and alternates shall be submitted to the Executive Committee of NCTE, which shall review the nominees to determine if the requirements are achieved as described in Section 4.00. If necessary, the Executive Committee will ask a nominating group to modify its list so that the requirements are achieved. The Executive Committee shall submit the final list of nominees to the Commissioner of Education for State Board action prior to the first meeting of the membership year.

When NCTE members are no longer in the position which qualified them for appointment to NCTE, they shall immediately resign from the NCTE. If an approved alternate cannot be utilized for the remaining membership year, the Executive Committee will ask the nominating group or institution for an immediate replacement. Interim replacements made after the annual State Board of Education approval will be approved by NDE staff and formally approved by the State Board if they continue to serve as an NCTE member in the next membership year.

7.00 LENGTH OF TERM

Representatives from the School Governance and the Teachers categories shall serve a term of four years. Representatives of Higher Education and the Department of Education shall be appointed annually.

8.00 NCTE OFFICERS

NCTE officers shall consist of President and President-Elect, who shall serve for a term of two years. Nominations for President-Elect shall be presented at the spring semester meeting of odd numbered years and elected by the membership of NCTE at the summer meeting. The President-Elect shall serve two years as President-Elect and two years as President. The President and President-Elect shall assume office August 1 of the odd numbered years. A representative of the Nebraska Department of Education or his/her designee shall serve as the recording secretary in a non-voting capacity.

The President and President-Elect shall be representative of different membership groups, i.e.,

Governance, Higher Education, Teachers.

The President or the President's designee shall serve as the presiding officer of NCTE and liaison to the Board.

The President and/or the President's designee, will attend regularly, and present a report, at least annually, to the State Board of Education as part of the Board agenda or public comment period.

9.00 EXECUTIVE COMMITTEE

The President, President-Elect, Chairpersons of the Standing Committees, and the two NDE representatives shall constitute the Executive Committee. In the event that any of the following groups: Governance, Higher Education, or Teachers are not represented on the Executive Committee by virtue of office or serving on a Standing Committee, the Executive Committee shall appoint a representative of that unrepresented group to serve for a one-year term.

9.01 Duties. The duties of the Executive Committee shall include the following:

9.01A Meet at least thirty (30) days prior to each regular meeting of the NCTE to prepare an agenda.

9.01B Provide guidance and leadership in conducting the business of NCTE.

9.01C Coordinate the work of the Standing Committees and *ad hoc* committees.

9.01D Review the list of nominees and alternates for appointment to NCTE as provided under the provisions governing membership (Section 6.00) and transmit a final list of nominees to the Commissioner of Education for Board action. The Executive Committee is responsible for determining reasonable balance in the NCTE as described in Section 4.00.

9.01E Appoint a nominating committee of three members: one each from school governance, higher education, and teacher delegates who shall seek candidates for the office of President-Elect. This committee will prepare a slate of nominees to be presented at the March meeting of the odd numbered years and voted on at the June meeting. Nominations may also be made from the floor.

9.01F Appoint the President-Elect as President if the President fails to complete his/her term. The Executive Committee shall then appoint, from the membership of NCTE, an individual to fill the office of President-Elect until the office can be filled by election at the next June meeting.

9.01G Appoint the President and President-Elect if both offices should simultaneously become vacant, until the offices can be filled by election at the next June meeting.

9.01H Assign members of NCTE to Standing Committees of NCTE and make reassignments to fill vacancies as they occur.

9.01I Annually approve a calendar of anticipated endorsement reviews.

9.01J Review proposed endorsements as presented by the *ad hoc* committee chair. The Executive Committee may return the proposed endorsement to the *ad*

hoc committee with recommendations for modification, make minor changes in the proposed endorsement with the approval of the *ad hoc* committee chair, and/or forward it to the appropriate Standing Committee

9.01K Review every proposed endorsement as presented by the *ad hoc* committee chair for requests to change the number of semester credit hours, grade levels, and undergraduate or graduate status. Any changes in these three areas must be approved by the Executive Committee.

9.01L Initiate, receive, and/or evaluate proposals for new endorsements. The Executive Committee will refer any proposed new endorsement to the full Council. The full Council will decide whether such a proposed endorsement shall be recommended for addition to Rule 24. If the Council decides favorably, an *ad hoc* committee will be set up under the normal procedures.

9.01M The Executive Committee may initiate, receive and/or evaluate proposals for endorsement revisions and will refer those proposals to the appropriate *ad hoc* or Standing Committee for action under the normal procedures.

9.01N Act on behalf of the full Council when there is a need for a decision which cannot be postponed to a subsequent regular meeting of the full Council. When such action is taken, a report will be made to the membership at the next regular meeting. The Executive Committee may make a decision on any topic except to reverse a recent decision of the Council.

10.00 STANDING COMMITTEE OFFICERS.

During the spring semester meeting of each even numbered year, each Standing Committee, from its membership, shall elect a Chairperson, Vice Chairperson, and Secretary who shall serve for a term of two years. The officers may be re-elected once. Succeeding officers for each position must be elected from a different representational group. The term shall begin August 1st of the same year. In the event of a resignation or vacancy, the Standing Committee shall elect a successor at the next regularly scheduled meeting.

The Secretary shall provide a copy of the minutes to NDE within 14 days of the meeting for inclusion in the published minutes of the Council.

11.00 STANDING COMMITTEES

There shall be three Standing Committees with membership drawn from the members of NCTE. Membership on each Standing Committee shall consist of one-third of the NCTE membership, and each committee shall include a balanced number of representatives from Higher Education, Governance, and Teachers. The Executive Committee will determine, to the extent possible, the priority agenda items for the membership year for each Standing Committee at their meeting preceding the first annual NCTE meeting. Additional agenda items may be identified throughout the membership year.

11.01 Responsibilities of the Standing Committees shall be to:

Conduct periodic review of educator certification requirements and recommend changes to NCTE for consideration and adoption. Such recommendations, when approved, shall constitute recommendations to the Board for revision in applicable educator preparation and certification Rules.

Deliberate and make recommendations to the full Council on such special issues as assigned.

Review the requirements for endorsements on a schedule determined by the Executive Committee in collaboration with NDE staff and shall recommend revisions in such requirements to the full Council. Action taken by the full Council shall constitute a recommendation to the Board. The committee, in conducting such reviews, shall utilize the expertise of *ad hoc* committees which shall meet the requirements set forth under Section 17.00. Recommend the names and addresses of appropriate persons to serve on the *ad hoc* committees according to the categories stipulated in the *Ad Hoc* Committee Guidelines. Such names will be submitted to the Nebraska Department of Education who will create a balanced *ad hoc* committee according to the guidelines in Section 17.00.

If, in the opinion of the Executive Committee, extra meetings of a Standing Committee need to occur in order to process the endorsements in an expeditious manner, special meetings may be called. In such cases, the State of Nebraska will cover the usual expenses as described in Section 16.00.

12.00 COLLEGE APPROVAL

The full Council shall act as a committee of the whole to recommend college approval. Using the standards adopted by the Board for approval of educator preparation programs, the Department of Education shall schedule and provide for folio review teams and college visits. The visitation teams will include NCTE representatives who have participated in NDE-sponsored college approval process training.

A. The number of persons serving on State folio review and visitation teams will be determined by the size of the institution.

B. Areas of expertise for persons nominated to serve on state approval teams will be reviewed by NDE prior to appointment to a review team.

C. Persons selected to serve on visitation teams must verify that they do not have a conflict of interest with that institution.

D. The Nebraska Department of Education shall coordinate college program approval training and updates on a schedule recommended by the Executive Committee.

E. NDE staff will report the results of the state program approval to NCTE. The unit head, or his/her designee, shall be afforded an opportunity to respond to a visitation report before a recommendation is made by the full Council to the Department of Education. The rejoinder will be made to the Executive Committee prior to the commencement of the morning business meeting. A recommendation for action by the NCTE will be made by the Executive Committee during the afternoon business meeting.

F. NCTE executive committee representatives shall forward NCTE recommendations to the Commissioner of Education for State Board of Education action.

13.00 MEETINGS OF NCTE

There shall be three regular meetings of NCTE – one during the fall semester, one during the spring semester, and one during the summer. Meetings of the NCTE shall be subject to the open meetings law and public notice of said meetings shall be made by NDE.

The meeting agenda and associated materials for Council action will be posted to the website thirty (30) days prior to the meeting date.

Special meetings of the Council may be called by the President when authorized by the Executive Committee and approved by the Commissioner of Education.

All meetings will be in compliance with the Nebraska Open Meetings Act, Nebraska Revised State Statute 85-1401 through 84-1414.

14.00 VISITORS COMMENT PERIOD

In conjunction with each meeting of NCTE, there shall be a public comment period at which time those members of the public wishing to address NCTE shall have an opportunity to do so, subject to procedures adopted by NCTE. The presiding officer shall have the right to limit discussion in order to facilitate the work of NCTE.

In conjunction with debate on specific recommendations being considered by NCTE, the Chairperson of a Standing Committee or the President may request that a non-member be allowed to address the membership regarding that issue. The request shall be granted unless there is an objection. In such event, the non-member shall be granted speaking privileges only by an affirmative vote of a majority of the membership present.

15.00 AMENDMENTS TO THESE ORGANIZATIONAL POLICIES

These Organizational Policies may be recommended for changes by majority vote of the membership present provided that such recommended changes shall have been provided to the membership at least 30 days prior to the date of the business meeting at which a vote to amend is taken. The NCTE President, or his/her designee, shall present the recommendations to the State Board of Education. Such recommended changes shall become effective when approved by the State Board of Education.

16.00 EXPENSES

Expenses for Program Reviews, Approval Visits; NCTE, Executive Committee, Task Force, and *ad hoc* committee meetings; and NCTE member and alternate (when serving as a delegate) expenses for such meetings shall be borne by the State of Nebraska in accordance with state approved expense guidelines.

Members of *ad hoc* committees will be reimbursed for expenses by the State of Nebraska in accordance with state approved expense guidelines. School districts may be reimbursed for the cost of a substitute for teachers serving on *ad hoc* committees.

17.00 PROCEDURES FOR ENDORSEMENT REVISION

17.01 Ad Hoc Committee Overview. The *ad hoc* committee membership is selected to give representation to professional teacher educators; scholars in the field; PK-12 educators; the general public; administrators; and the Nebraska Department of Education. Members are selected to reflect balanced representation with regard to geographic location and state board district, gender, ethnicity, grade level, academic subject area, and school enrollment size. It is the responsibility of the *ad hoc* committee to review and update the criteria for endorsement in the specified area, such that

teacher, administrator, and special services educator requirements reflect the best of current knowledge and are responsive to special needs in Nebraska.

17.02 Ad Hoc Chairs. Chairs of the *ad hoc* committees shall be collaboratively determined by the NDE Team Leader responsible for the endorsement area, and the NDE designee with responsibilities for NCTE coordination.

17.03 Ad Hoc Membership. The membership of an *ad hoc* committee shall include representation from the categories below. *Ad hoc* committees will generally include 10-12 members. Members may fulfill more than one of the categories listed below:

17.03A Practitioners currently endorsed and employed in approved or accredited public or private schools in the endorsement area at the grade levels under consideration.

17.03B Faculty members from a college or department of education who are teaching professional education courses or serve as the certification official at an approved educator preparation institution.

17.03C Specialists in the content area which might include Arts and Science college faculty or persons drawn from professional practice in the endorsement area.

17.03D Administrative or supervisory personnel from approved or accredited public or private schools with responsibility for supervision, leadership or personnel functions at the grade levels and/or in the content area.

17.03E Representation from the NCTE Standing Committee to which the endorsement has been assigned.

17.03F A Nebraska Department of Education representative who has responsibilities related to the endorsement area and who may also serve as the *Ad Hoc Committee* chair.

17.03G Representatives of national/state specialty professional associations or professionals drawn from areas of employment related to the content areas.

17.03H Additional PK-12 school practitioners or higher education faculty members to equalize the representation between these two groups.

17.03I A Nebraska Department of Education designee, who will be a non-voting member and serve as a consultant for the *ad hoc* committee.

17.04 Ad Hoc Procedures

Designated Nebraska Department of Education staff will coordinate with Ad Hoc committee:

17.04A Review Nebraska endorsement requirements for the specific area.

17.04B Review guidelines from other regulating bodies such as learned societies/specialty professional associations, national accrediting bodies, Nebraska K-12 Content Standards/Frameworks and the National Board for

Professional Teaching Standards.

17.04C Review Nebraska and national supply and demand data.

17.04D Review current trends and research for educator preparation in the specified areas.

17.04E Determine if there is a need to continue the endorsement area.

17.04F Act as liaison persons between *ad hoc* committee deliberations and the groups they represent.

17.04G Present endorsement revisions to the NCTE Executive Committee.

17.05 NCTE Endorsement Approval. Upon approval by the Executive Committee, the revised endorsement will move through NCTE utilizing the following process.

17.05A First Hearing. The proposed endorsement (Rule 24 and Guidelines) is presented to the full Council at the general session. The *ad hoc* committee chair (or the individual(s) proposing a revision) presents the proposed endorsement and also leads discussion from the NCTE membership regarding questions and concerns identified by the membership, including those submitted prior to the meeting.

17.05B Second Hearing. The Standing Committee assigned to the endorsement continues discussion of the endorsement immediately following the 1st general session of the NCTE meeting. The Standing Committee may:

1. Recommend changes before the next regularly scheduled NCTE meeting. If major changes are needed before the Standing Committees will approve the endorsement, it is usually sent back to the ad *hoc* committee. However, the appropriate Standing Committee reserves the right to make any and all final changes before presentation to the full Council. If substantive changes or further clarification or discussion is needed prior to a final vote, the proposed endorsement will be moved to consideration at the next NCTE full Council meeting;

2. Accept the proposed endorsement at this second reading, and if no changes are needed, recommend a final vote at the 2nd General Session; or

3. Recommend the endorsement be held for final vote until the next full Council meeting.

17.05C Presentation to the Full Council. The proposed endorsement with the approval of the Standing Committee is presented to the full Council by the Chair of the Standing Committee for a roll call vote. If a majority vote to accept the endorsement is not achieved, the endorsement will remain in Second Hearing and return to the Standing Committee for additional discussion and revision. Upon approval by the full Council, the recommendations are forwarded to the State Board.

Membership Category	Name	Street	City	State/Zip	Phone	Email	Term Expires	State Board	Category	Standing Committee	Status
Higher Education (16/16)											
Bellevue University											
	Susan Alford	1000 Galvin Road South	Bellevue	NE 68005	402-227-7131	salford@bellevue.edu	2025	2	HED	A	Voting
	Joseph Anson	1000 Galvin Road South	Bellevue	NE 68005	402-557-7184	janson@bellevue.edu	2025		HED		Alternate
Chadron State College											
	Catherine Rust	1000 Main St.	Chadron	NE 69337	308.432.6337	crust@csc.edu	2025	7	HED	B	Voting
	Adam Fette	1000 Main St.	Chadron	NE 69337	402-557-7184	afette@csc.edu	2025		HED		Alternate
College of Saint Mary											
	Lisa Nelson	7000 Mercy Rd.	Omaha	NE 68106	308.432.6337	lnelson@csm.edu	2025	4	HED	C	Voting
	Melanie Felton	7000 Mercy Rd.	Omaha	NE 68106	308.432.6337	mfelton@csm.edu	2025		HED		Alternate
Concordia University											
	Lorinda Sankey	800 N. Columbia	Seward	NE 68434	402.643.7385	Lorinda.Sankey@cune.edu	2025	5	HED	A	Voting
	Amanda Geidel	800 N. Columbia	Seward	NE 68434	402.643.7235	amanda.geidel@cune.edu	2025		HED		Alternate
Creighton University											
	April Buschelman	2500 California Plaza	Omaha	NE 68178	402.280.3583	aprilbuschelman@creighton.	2025	4	HED	C	Voting
	Jean Hearn	2500 California Plaza	Omaha	NE 68178	402.280.4905	jeanhearn@creighton.edu	2025		HED		Alternate
Doane University											
	Tim Frey	1014 Boswell	Crete	NE 68333	402.826.8648	timothy.frey@doane.edu	2025	5	HED	B	Voting
	Emily Greisch	1014 Boswell	Crete	NE 68333	402.826.8538	emily.griesch@doane.edu	2025		HED		Alternate
Hastings College											
	Darci Karr	710 N. Turner Ave.	Hastings	NE 68901	402.461.7304	dkarr@hastings.edu	2025	6	HED	C	Voting
	Jessica Allen-Picket	710 N. Turner Ave.	Hastings	NE 68901	402-461-7409	jessica.allen-pickett@hastin	2025		HED		Alternate
Midland University											
	Nancy Christensen	Clarkson	Fremont	NE 68025	402.941.6331	christensen@midlandu.edu	2025	3	HED	A	Voting
	Cammy Romanuck-Murphy	11213 Davenport St #100	Omaha	NE 68154	402.941.6355	romanuckmurphy@midlandu	2025		HED		Alternate
Nebraska Wesleyan University											
	Diane Mickey	5000 St. Paul Ave.	Lincoln	NE 68504	402.465.2308	dmickey@nebrwesleyan.edu	2025	1	HED	B	Voting

	Tanya Martin	5000 St. Paul Ave.	Lincoln	NE 68504	402.465.2307	tmartin@NebrWesleyan.edu	2025		HED		Alternate
Peru State College											
	John Jones	P.O. Box 10	Peru	NE 68421	402.872.2244	jjones@peru.edu	2025	2	HED	C	Voting
	Gina Bittner	P.O. Box 10	Peru	NE 68421	402.872.2244	gbittner@peru.edu	2025		HED		Alternate
Union Adventist University											
	Peter Adams	St. Dick Building 406-A	Lincoln	NE 68506	402.486.2600 ext. 2173	peter.adams@ucollege.edu	2025	1	HED	A	Voting
	Susan Byers	3800 South 48th St.Dick Building 403-E	Lincoln	NE 68506	402.486.2522 ext. 2158	susan.byers@ucollege.edu	2025		HED		Alternate
University of Nebraska - Kearney											
	Jenny Jansky	1615 W. 24th	Kearney	NE 68849	308.865.8266	janskyjl@unk.edu	2025	6	HED	C	Voting
	Miechelle McKelvey	1615 W. 24th	Kearney	NE 68849	308.865.8266	mckelveyml@unk.edu	2025		HED		Alternate
University of Nebraska - Lincoln											
	Sara Skretta	116 Henzlik Hall	Lincoln	NE 68588-0355	402.472.8626	sskretta2@unl.edu	2025	1	HED	B	Voting
	Suzanne Kemp	BKC 353	Lincoln	NE 68588-0355	402.472.0084	skemp2@unl.edu	2025		HED		Alternate
University of Nebraska - Omaha											
	Kris Swain	6005 Dodge Street	Omaha	NE 68182-0163	402.554.3119	kswain@unomaha.edu	2025	4	HED	A	Voting
	Kelly Gomez-Johnson	6005 Dodge Street	Omaha	NE 68182-0163	402.554.4140	kgomezjohnson@unomaha.e	2025		HED		Alternate
Wayne State College											
	Brook Jech	1111 Main St., Benthack Hall	Wayne	NE 68787	402.375.7373	brjech1@wsc.edu	2025	6	HED	A	Voting
	Christian Legler	1111 Main St., Benthack Hall 205H	Wayne	NE 68787	402.375.7387	chlegle1@wsc.edu	2025		HED		Alternate
York University											
	Erin Dehart	Middlebrook Hall, 1125 E. 8th	York	NE 68467	402.363.5684	edehart@york.edu	2025	5	HED	B	Voting
	Cheryl Couch	Sack Hall, 1125 E. 8th	York	NE 68467	402-363-5696	ccouch@york.edu	2025		HED		Alternate
Governance (16/11)											
NCCA (1/1)											

	Paul Illich	Southeast Community NCCA	Lincoln	NE 68520	402.471.3333	pillich@southeast.edu	2028	1	NCCA	C	Voting
	Courtney Wittstruck	1320 Lincoln Mall	Lincoln	NE 68508	402.471.4685	cwittstruck@nccaneb.org	2025		NCCA		Alternate
NASB (2/1)											
	Dana Blakely	1204 S. 99 St.	Omaha	NE 68124	402.598.0816	blakely.dana@westside66.n	2027	8	NASB	A	Voting
	Lisa Wagner	1802 10th Road	Archer	NE 68816	308.940.0228	lisa.wagner@centralcityps.o	2028	6	NASB	A	Voting
	Stephanie Summers	580 G Street	David City	NE 68632	402.367.7811	meteachmath@yahoo.com	2025		NASB		Alternate
NCAPE (1/1)											
	Bob Ziegler	152 S. Columbia Ave. P.O. Box 407	Seward	NE 68434	888.643.2961, Ext. 1010	bobz@ndlcms.org	2025		NCAPE		Alternate
	Vickie K. Kauffold	2222 N. 111th St.	Omaha	NE 68164-3817	402.557.5600 Ext. 2002	vkkauffold@archomaha.org	2028	8	NCAPE	A	Voting
NCSA (9/6)											
	Chad Boyer	PO Box 580	Wisner	NE 68791	402-529-3249	cboyer@igators.org	2027	3	NCSA	B	Voting
	Chris Prososki	115 South 11th Street	Wymore	NE 68466	402-645-3326	cprososki@southernschools.	2027	5	NCSA	B	Voting
	Jason Harris	2508 27th St.	Columbus	NE 68601	402.563.7000	harrisj@discoverers.org	2027	3	NCSA	B	Voting
	Ashley Tomjack	PO Box 430	Cairo	NE 68824	308.485.4258	atomjack@centuraps.org	2027	6	NCSA	C	Voting
	Brenda McNiff	900 W. Court	Beatrice	NE 68310	402.223.5277	bmcniff@esu5.org	2027	5	NCSA	B	Voting
	Mark Lenihan	611 W. 7th St.	Wayne	NE 68787	402.375.3150	malenih1@wayneblueddevils.	2027	6	NCSA	C	Voting
	Sharra Smith	2600 Arboretum Drive	Bellevue	NE 68005	402.293.4032	sharra.smith@bpsne.net	2025	2	NCSA	B	Voting
	Mitch Mollring	5606 S. 147th St.	Omaha	NE 68137	402.715.8200	msmollring@mpsomaha.org	2027	8	NCSA	A	Voting
	Jim Widdifield	PO Box 301	Minden	NE 68959	308.832.2440	james.widdifield@mindenwh	2027	7	NCSA	C	Voting
	Violet Glasshoff	PO Box 288	Blair	NE 68008	402.426.2610	violet.glasshoff@blairschool	2027		NCSA		Alternate
	Mitch Kubicek	724 238th Road	Milford	NE 68405	402-761-3321	mitch.kubicek@milfordps.or	2027		NCSA		Alternate
	Jen Madison	2301 Dahlke Avenue	Auburn	NE 68305	402.274.4353	jmadison@esu4.net	2027		NCSA		Alternate
	Kami Jessop	909 S. 76th St.	Omaha	NE 68114	402.390.2110	jessop.kami@westside66.ne	2027		NCSA		Alternate
	Takako Olson	PO Box 82889	Lincoln	NE 68501	402.436.1634	tolson@lps.org	2027		NCSA		Alternate
	Jerry Beach	11720 So. 110th Ave.	Papillion	NE 68046	402.709.2735	beachsj@hotmail.com	2025		NCSA		Alternate
Governance Board Appointed (1/1)	**LaTasha Muhammad**	3215 Cuming St.	Omaha	NE 68131	(531) 299-9479	latasha.muhammad@ops.or	2028	4	BA	B	Voting
	Daniel McMurtry	3910 Bretwood Ct	North Platte	NE 69151	(308) 582-4585	dmcmurtry@maxwellschool	2028	7	BA		Alternate

NDE Commissioner Recommended (2/1)											
	Brad Dirksen	500 S 84TH ST	Lincoln	NE 68510	402.430.0267	brad.dirksen@nebraska.gov	2025	1	NDE	A	Voting
	Katelyn Larsen	500 S 84TH ST	Lincoln	NE 68510	402.471.0738	katelyn.larsen@nebraska.go	2025	1	NDE	C	Voting
	Jim Kent	500 S 84TH ST	Lincoln	NE 68510	402.314.4432	jim.kent@Nebraska.gov	2025		NDE		Alternate
						Teachers (16/9)					
NSEA (14/8)	**Jenni Benson**	7110 S 70th St	Lincoln	NE 68516	402.475.7611	jenni.benson@nsea.org	2026	1	TCH	B	Voting
	Marsha Edquist	14820 Mary Street	Omaha	NE 68116	402.660.4282	maedquist@cox.net	2026	8	TCH	B	Voting
	Diana Casey	1524 Cuming Street, #414	Omaha	NE 68102	531.299.1480	diana.casey@ops.org	2025	4	TCH	A	Voting
	Devin Garcia	P.O. Box 115	Diller	NE 68342	402.239.6551	devin.garcia307@gmail.com	2027	5	TCH	A	Voting
	Ben Welsch	5615 S. 115th Cir	Omaha	NE 68137	402.516.2018	benwelsch5@gmail.com	2028	8	TCH	C	Voting
	Shannon Heng	216 Elm St.	Louisville	NE 68037	402.541.2219	shannon.heng@outlook.com	2026	2	TCH	B	Voting
	Susan Loney	4107 N. 162nd Ave.	Omaha	NE 68116-2966	402.898.1697	susan.loney@ops.org	2026	4	TCH	B	Voting
	Lee Perez	1502 Pasadena Ave.	Omaha	NE 68107-2114	402.301.1252	lee.perez@ops.org	2025	4	TCH	C	Voting
	Susan Stake	6615 Shenandoah Ct.	Lincoln	NE 68510	402.786.2348	susan.stake@district145.org	2027	1	TCH	A	Voting
	Megan Simsic	6717 So. 33rd St.	Lincoln	NE 68516	402.314.7363	teachermegsimsic@gmail.co	2026	1	TCH	C	Voting
	Michelle Tebbe	1301 W. Stolley Park Rd.	Grand Island	NE 68801	402.880.1698	mtebbe8000@gmail.com	2027	6	TCH	C	Voting
	Tanishia Jacobs	2600 Arboretum Drive	Bellevue	NE 68005	402.293.4510	butlertanishia@gmail.com	2028	2	TCH	C	Voting
	Dashiell Rohan	441 Frank St.	Harrison	NE 69346	308.668.2177	drohan00@hotmail.com	2025	7	TCH	C	Voting
	Edward Ventura	7800 S. 25th St.	Omaha	NE 68147-2125	531.299.3020	Edward.ventura@ops.org	2028	4	TCH	B	Voting
	Stacie Blackmore	1710 Cleveland St.	Lexington	NE 68850	308.325.7324	stacie.blackmore@gmail.com	2027		TCH		Alternate
	Donna Moss	13410 South 35th Ave.	Bellevue	NE 68123	402.670.1611	donnajean.moss@gmail.com	2027		TCH		Alternate
	Kimberly Brandenburg	311 James Ave.	North Platte	NE 69101	308-535-7136	Kimberly.brandenburg@out	2026		TCH		Alternate
	Shelli Muggli	2540 Settler Dr.	Gering	NE 69341	308.672.5232	mugglishelly@gmail.com	2027		TCH		Alternate
	Katie Cameron	8134 S. 69th St.	La Vista	NE 68128	402.312.4457	kaitlincam@gmail.com	2027		TCH		Alternate

	Paul Schulte	5615 S. 115th Cir	Omaha	NE 68137	402.516.2018	paul.schulte@nsea.org	2027		TCH		Alternate
	Trish Lanning	5931 Wolff Ln	Lincoln	NE 68521	402.429.2555	trish.lanning@gmail.com	2027		TCH		Alternate
	Tim Royers	15927 O Circle	Omaha	NE 68135	402. 214.6948	tim.royers@nesa.org	2028		TCH		Alternate
Teachers Board Appointed (2/1)	**Paul C. Timm**	1731 County Road 16	Lyons	NE 68038	402.870.1338	ptimm@ldne.org	2028	3	BA	A	Voting
	Michelle Fouts	PO Box 99	Wilcox	NE 68982	308-478-5265	michellefouts1@gmail.com	2026	7	BA	A	Voting
	Katie Mace	580 CR 19	Hooper	NE 68031	402.659.5518	kmace@lyonsdecaturschool	2026		BA		Alternate

DR. BRIAN L. MAHER, COMMISSIONER
TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

PROPOSED AGENDA ITEM RATIONALE

DATE: May 21, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Amy R. Rhone – Office of Special Education

PROPOSED AGENDA ITEM: Notification of Vacancies on the Special Education Advisory Council (SEAC)

AGENDA ITEM TYPE (contract/grant/rule/program/other): Other

RATIONALE/BACKGROUND INFORMATION: The federally mandated Special Education Advisory Council (SEAC) is composed of 30 members who serve staggered four-year terms, with roughly one-fourth of the members' terms expiring each August. In the summer of 2025, seven members will complete their terms. Three have chosen to renew for a second term, while the remaining four are either ineligible or have declined to continue. Additionally, one member is retiring in May, and one seat remains unfilled, bringing the total number of vacancies to five.

All SEAC members must be approved by the State Board of Education. Securing Board approval for new and returning members in August will allow sufficient time for orientation and training ahead of the Council's first meeting in early fall 2025. The Office of Special Education continues to recruit new SEAC members through an application process that ensures compliance with federal requirements for categorical representation, maintains geographic diversity across State Board districts, and reflects the rich diversity of Nebraska's population.

These vacancies will require new representation specifically for State Board Districts 3 and 6, as well as a teacher per membership representation requirements. All other State Board Districts and required representative categories are currently represented.

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: N/A

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: *(--e.g., Federal, State)*
- New or Renewal:
- If renewal, date of first approval:

(--Following the funding source, include a statement that indicates if/how the activity is part of an annual budget or allocation, or, approved as an activity for a grant. For example, "The funds for this contract are budgeted in the Office's annual allocation of state funds." Another example, "The funds for this activity are included in the grant award for this program.")

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: May 27, 2025

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Bryce Wilson, Administrator, Office of Financial & Administrative Services

PROPOSED AGENDA ITEM: Notice of an opening on the State Committee for the Reorganization of School Districts.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Information

This notice of an opening for a new Committee member due to the expiring term for Dale Fornander. This member opening is for a Lay person to serve on the committee. Appointment of committee member made by August 2025.

Per State Statute §79-435, "…The State committee shall be composed of six members …Three members of the state committee shall at all times be laypersons, and two members shall at all times be persons holding teachers' certificates issued by the authority of the State of Nebraska…"
The membership and terms of office of the State Committee for the Reorganization of School Districts are as follows:

Dale Fornander, Chappell, Lay person	12/31/2025
Chris Prososki, Blue Springs, Educator	12/31/2026
Ted DeTurk, Papillion, Educator	12/31/2027
Shad Stamm, Benkelman, Lay person	12/31/2028
Dave Welsch, Milford, Lay person	12/31/2029

Interested individuals should contact Micki Iverson at Micki.iverson@nebraska.gov

PROPOSED BOARD MEETING (MONTH/YEAR): June 2025

ESTIMATED COST: None.

FOR CONTRACTS AND GRANTS: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: N/A

FOR GRANT SUBAWARDS: N/A