
EDUCATION COMMITTEE

OCCUPATIONAL LICENSING REPORT: CAREER EDUCATION TEACHING PERMITS & POSTSECONDARY TEACHING PERMITS



DECEMBER 15, 2020

Committee Members

Chair Mike Groene, District 42
Vice-Chair Lynne Walz, District 15
Senator Tom Brewer, District 43
Senator Rick Kolowski, District 31
Senator Lou Ann Linehan, District 39
Senator Adam Morfeld, District 46
Senator Dave Murman, District 38
Senator Patty Pansing Brooks, District 28

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	ii
POLICY ANALYSIS AND RECOMMENDATIONS	1
Career Education Teaching Permits	1
Postsecondary Teaching Permits	1
CHAPTER I: RESPONSIBILITY FOR EDUCATION CERTIFICATES AND PERMITS.....	3
CHAPTER II: ENTITY INFORMATION.....	4
State Board of Education.....	4
Commissioner of Education and Nebraska Department of Education.....	4
Nebraska Professional Practices Commission.....	5
CHAPTER III: CAREER EDUCATION TEACHING PERMITS.....	6
CHAPTER IV: POSTSECONDARY TEACHING PERMITS	7
CHAPTER V: COMPARISON OF OTHER STATES.....	8
Career Education Teaching Permits	8
Postsecondary Teaching Permits	9
CHAPTER VI: CURRENT LAWS.....	11
Constitutional Provisions.....	11
Statutory Provisions.....	11
Rules and Regulatory Provisions.....	21
APPENDIX A: NEBRASKA DEPARTMENT OF EDUCATION’S STATEMENT OF EFFECTIVENESS OF THE CAREER EDUCATION TEACHING PERMIT	27
APPENDIX B: NEBRASKA DEPARTMENT OF EDUCATION’S STATEMENT OF EFFECTIVENESS OF THE POSTSECONDARY TEACHING PERMIT	28
ENDNOTES.....	29

ACKNOWLEDGEMENTS

The Education Committee would like to thank the following for their assistance with this report:

- Greg Adams, Executive Director of the Nebraska Community College Association, along with its Council of Chief Executive Officers;
- Dr. Michael Baumgartner, Executive Director of the Coordinating Commission for Postsecondary Education, along with the Commission staff;
- Tom Bergquist, Director of the Legislative Fiscal Office, along with the Division staff;
- Dr. Matthew Blomstedt, Commissioner of Education, along with the staff of the Nebraska Department of Education;
- Kelly Muthersbaugh, Clerk of the Nebraska Professional Practices Commission; and
- Deven Scott, State Relations Strategist at the Education Commission of the States, along with the Commission's Education Policy Team.

For questions, please contact:

Nicole Barrett, JD
nbarrett@leg.ne.gov
(402) 471-0755

POLICY ANALYSIS AND RECOMMENDATIONS

The Education Committee of the Legislature has a joint responsibility of protecting students and teachers, and it doesn't take that role lightly. Ensuring that Nebraska's students are educated by qualified, law-abiding teachers of good moral character is of the utmost concern while, at the same time, ensuring that certification requirements are enacted in a way to increase opportunities for teachers across the state. Simultaneous to these considerations is ensuring that all school districts in Nebraska are able to hire the faculty necessary to provide robust education opportunities for its students to best prepare them for postsecondary education and/or to enter Nebraska's workforce, ideally, in those career fields where the state is experiencing a workforce shortage.

Although the Committee is interested in hearing other proposals that may be introduced, with its multifaceted responsibilities in mind, for the subsequently discussed reasons, and based on the data presented in this report, the Education Committee recommends that the State Board of Education make the changes herein to its rules and regulations.

Absent action by the State Board, or as alternative measure, the Committee recommends the Legislature enact legislation to accomplish these objectives.

Career Education Teaching Permits

Because the Career Education Teaching Permit application includes processes to ensure student safety in the same manner that all other educator certification applications do, the Committee recommends keeping the current aspects of both the initial and renewal application.

To expand workforce opportunities for future educators and increase the potential applicant pool for school districts, the Committee recommends eliminating the requirement for school district verification on an initial or renewal application, as well as allowing a permitted educator to teach in any school district in the state. These changes would also allow greater flexibility to career education teachers, which has a direct benefit to students and districts across Nebraska. This change is consistent with licensing trends across the country; only eight other states have employment verification as part of the career education licensing process.

The Committee further recommends changing the permit duration from three to five years, to match Standard Teaching Certificates and to make the frequency of renewals less onerous.

Finally, to ensure that students across the state are educated by qualified industry professionals, and to assist in addressing Nebraska's workforce shortage areas, the Committee recommends keeping the regulations in place regarding the areas of endorsement and the related qualification criterion.

Postsecondary Teaching Permits

Because all dual-credit educators must already meet the qualified faculty requirements set forth by the Higher Learning Commission, the Committee recommends eliminating the Postsecondary Teaching Permit altogether and replacing it with a requirement for a written agreement between the partnership school district and the postsecondary institution offering course(s). The agreement shall include, but not be limited to, a requirement that all dual-credit faculty have a background check and delineate which party shall be responsible for its completion.

The Committee expects that each dual-credit educator’s hiring institution, whether secondary or postsecondary, have employment policies requiring that its dual-credit educators shall not have any felony conviction; shall not have any misdemeanor conviction involving abuse, neglect, or sexual misconduct; be of good moral character; and not have an emotional or mental incapacity to practice the profession. These requirements preserve the safety and protection of students that exist in the current Postsecondary Teaching Permit.

The recommendation to eliminate the permit will expand opportunities and ease regulatory challenges for faculty at Nebraska’s postsecondary institutions making dual-credit courses more readily available to school districts and students across the state. It is consistent with policies across the country, where Nebraska is one of only two states with a state licensure requirement for postsecondary faculty members teaching dual-credit courses.

CHAPTER I: RESPONSIBILITY FOR EDUCATION

CERTIFICATES AND PERMITS

The Legislature has delineated the responsibilities for educational certificates and permits across three entities. The Commissioner of Education (“Commissioner”) is responsible for issuing, reissuing, and denying certificates and permits,¹ as well as filing petitions, when applicable, with the Nebraska Professional Practices Commission (“PPC”) for sanctions of certificate or permit holders.² The responsibilities of the Commissioner may be carried out by the Nebraska Department of Education (“NDE”) staff.

The State Board of Education (“Board”) has the authority to adopt and promulgate rules and regulations related to the issuance, renewal, denial, revocation, and suspension of the certificates and permits.³ The Board has the authority to also issue temporary permits, valid for up to two years, to any applicant for certification who has not completed the requisite human relations training.⁴ Similarly, the Commissioner has the authority to issue conditional permits, valid for up to one year, while an applicant is waiting for criminal history record information checks if other requirements outlined in statute are satisfied.⁵

In addition to certificates, which authorize a qualified individual to engage in teaching, administration, or providing special services,⁶ the Board has created permits that provide restricted authorization to an individual who does not yet meet the qualifications for a regular certificate to engage in teaching, administration, or providing of special services.⁷ This report, in accordance with the requirements set forth in the Occupational Board Reform Act,⁸ is examining two of the six such teaching permits: the Career Education Teaching Permit and the Postsecondary Teaching Permit.

The PPC has the authority to adopt and promulgate rules and regulations related to the private admonishments and public reprimands of certificate or permit holders, as well as the hearing process for petitions filed by the Commissioner and the reinstatement process for certificates and permits.⁹

Procedurally, the Board requests the PPC conduct hearings on petitions filed by the Commissioner, and, when deemed necessary, the PPC makes recommendations to the Board regarding appropriate action to be taken. Private admonishments and public reprimands are handled exclusively by the PPC, while recommendations for suspension or revocation are given to the Board to take action upon.¹⁰ The Board is granted the sole authority to revoke, suspend or reinstate a license or permit.¹¹

CHAPTER II: ENTITY INFORMATION

State Board of Education

The State Board of Education, created by Nebraska Constitution, consists of eight members elected on a nonpartisan ballot representing districts of substantially equal population as provided by the Legislature.¹² Board members are required to be United States citizens and Nebraska residents in the district from which he or she is elected for at least six months immediately prior to his or her election.¹³ Furthermore, board members shall not be actively engaged in the teaching profession nor shall they be currently holding any state office.¹⁴ Finally, board members shall not be the member of any state board or commission unless the entity is limited to an advisory capacity.¹⁵

The Board is required to meet regularly and periodically at least four times per year.¹⁶ In 2020, the Board met 11 times, which included 10 regularly scheduled meetings and one special meeting.¹⁷ The November 2020 meeting was canceled due to the COVID-19 pandemic.¹⁸

The annual budget for the Board for the past five years is as follows:¹⁹

Fiscal Year	Annual Budget Amount
2015-16	\$85,099
2016-17	\$85,099
2017-18	\$85,099
2018-19	\$85,099
2019-20	\$85,099

Commissioner of Education and Nebraska Department of Education

The position of Commissioner and the Nebraska State Department of Education were also both created by the Nebraska Constitution with the Commissioner being hired by the Board.²⁰

The Commissioner, or a designated representative, is required to attend all Board meetings except when the Board is selecting a Commissioner.²¹ Commissioner Matt Blomstedt was present at all but the August 2020 meeting.²² Deputy Commissioner Deborah Frison was designated by the Commissioner to serve as his representative for that meeting.²³

The Educator Certification division of NDE is self-funded by fees deposited in the Certification Fund.²⁴ The annual budget for the division, which accounts for all certification activities, for the past five years is as follows:²⁵

Fiscal Year	Annual Budget Amount
2015-16	\$561,263
2016-17	\$591,651
2017-18	\$619,038
2018-19	\$603,883
2019-20	\$589,635

Nebraska Professional Practices Commission

The Professional Practices Commission was legislatively created and consists of 12 members appointed by the Governor and shall be representative of elementary classroom teachers, secondary classroom teachers, school administrators, and postsecondary education.²⁶

Meetings are held when called by the chairperson and are not required to be held in any specific frequency.²⁷ The PPC typically meets four times per year and did so in 2020.²⁸

The PPC is completely cash funded from the Professional Practices Commission Fund,²⁹ which receives \$13.00 from each fee paid for the issuance of a certificate or permit.³⁰ The annual budget for the PPC for the past five years is as follows:

Fiscal Year	Annual Budget Amount
2015-16 ³¹	\$136,955
2016-17 ³²	\$138,166
2017-18 ³³	\$137,561
2018-19 ³⁴	\$138,224
2019-20 ³⁵	\$140,486

CHAPTER III: CAREER EDUCATION TEACHING PERMITS

The Career Education Teaching Permit, created in 1977 and most recently modified in 2015, is for applicants who do not meet the requirements for a regular teaching certificate, but want to teach career education course(s).³⁶ This permit replaces several of its predecessors, including the Provisional Trades Certificate, the Trades Teaching Certificate, and the Career Education Teaching Certificate.³⁷

The Board has adopted specific rules for this permit in Nebraska Administrative Code Title 92 Chapter 21 § 005.15 through 005.17.³⁸ Current areas of endorsement for Career Education Teaching Permits are:³⁹

1. Agriculture, Food & Natural Resources
2. Architecture and Construction
3. Arts, A/V Technology and Communications
4. Business Management and Administration
5. Education and Training
6. Energy and Engineering
7. Finance
8. Government and Public Administration
9. Health Sciences
10. Hospitality and Tourism
11. Human Services
12. Information Technology
13. Law, Public Safety and Security
14. Manufacture
15. Marketing
16. Transportation, Distribution and Logistics

An applicant qualifies for a career education endorsement by completing a prescribed course of study in the area at the postsecondary level, completing an apprenticeship in the area, or demonstrating proficiency in the area either based on five or more years of practice in the career or by passing a competency test approved by the industry or career area.⁴⁰

In addition to the human relations training and a background check, which are required for all education certificates or permits, the Career Education Teaching Permit application requires a written request for issuance from the Superintendent or governing body which identifies the career education course to be taught by the applicant. Once issued, a Career Education Teaching Permit is valid for three years, only in the endorsed career area, only in the school system(s) identified on the permit, and only for regular teaching in grades nine through twelve.⁴¹ Renewals require school system verification that the applicant has taught in their Nebraska school system within the last five years.⁴²

For the five most recent certification years (September 16, 2015 to August 31, 2020), 106 have been issued and none have been denied. There have been no revocations nor any penalties assessed against permit holders.⁴³

CHAPTER IV: POSTSECONDARY TEACHING PERMITS

The Postsecondary Teaching Permit, created in 2010 and most recently modified in 2015, is for applicants who do not meet the requirements for a regular teaching certificate, but want to teach dual-credit course (where a student earns both high school and college credit) in the applicant's postsecondary subject area.⁴⁴ The Board has adopted specific rules for this permit in Nebraska Administrative Code Title 92 Chapter 21 § 005.18 through 005.20.⁴⁵

This permit had a somewhat similar predecessor, the Dual Credit Teaching Certificate.⁴⁶ A key difference; however, between the two is that the Dual Credit Teaching Certificate was used for certificated teachers who wanted to teach a college class, whereas the Postsecondary Teaching Permit is for those who may not qualify for a teaching certificate but want to teach a dual-credit high school class.⁴⁷ Nebraska Administrative Code Title 92 Chapter 21 no longer authorizes a Dual Credit Teaching Certificate, and there are no educators currently holding this certificate.⁴⁸

In addition to the human relations training and a background check, which are required for all education certificates or permits, the Postsecondary Teaching Permit requires an applicant be employed by a Nebraska postsecondary educational entity and be approved by a local school board to teach high school student courses.⁴⁹ Once issued, a Postsecondary Teaching Permit is valid for three years and only for teaching dual-credit courses to high school students.⁵⁰ Renewals require postsecondary employment verification, as well as verification that the applicant has either taught a dual-credit course for Nebraska high school students in two semesters/quarters within the last three years or official transcripts demonstrating three semester hours of graduate credit earned in education-related coursework in the prior three years.⁵¹

It is important to note that, while not part of the permitting process, Postsecondary Teaching Permit holders are also required to meet the qualified faculty requirements set forth by the Higher Learning Commission (HLC).⁵² The postsecondary institution awarding the course credit is responsible for determining the qualifications of its faculty. Anecdotally, most questions and complaints received in the Education Committee office by school districts regarding a need for changes to dual-credit teaching requirements are related to the HLC requirements for qualified faculty, which are beyond the scope of this report and beyond the authority of this Committee, the Legislature or the Board. Meanwhile, all of the community college presidents report no complaints with the permitting or licensing process (the majority, but not all, of dual-credit courses in Nebraska come through the community colleges).⁵³

For the five most recent certification years (September 16, 2015 to August 31, 2020), 440 have been issued and none have been denied. There have been no revocations nor any penalties assessed against permit holders.⁵⁴

CHAPTER V: COMPARISON OF OTHER STATES

Career Education Teaching Permits

Nebraska’s Career Education Teaching Permits are designed to increase Career and Technical Education (CTE) teachers in the state. This is a continual conversation on the national level, as well.

In April 2020, the Education Commission of the States (ECS) released a report on the topic along with a 50-State Comparison on certification and license requirements for teachers.⁵⁵ In a blog article accompanying the report’s release, authors Tom Keily and Zeke Perez, Jr. opined that, “As states continue to enact policy that expands CTE, ensuring there are paths for trained and qualified individuals to support student learning is an important consideration.”⁵⁶ They summarized the report findings, stating that:

At face value, CTE teacher licensure and certification is similar across states, at least in terms of the requirement areas broadly. However, what it takes to become a CTE teacher in one state may be vastly different than what it takes in another. Some require more hours of work experience, while others focus more on educational background. Further, requirements can vary within a state depending on the CTE area that an individual seeks to work in or on their experience.⁵⁷

A closer look at the 50-State Comparison reveals that 14 states do not have formal licensure requirements for CTE instructors, while on the opposite end of the spectrum six states require, either initially or eventually, the same level of educator certification requirement for CTE instructors as all other teachers.⁵⁸ Of the remaining 30 states, six vary the certificate or licensure requirements based on the CTE subject area, five offer several options for obtaining a certification or license, and 19, including Nebraska, have an alternative certification option for CTE educators.⁵⁹

Of the 19 with alternative certifications, only seven other states require a local superintendent, school system or school board to provide employment verification as part of the application process.⁶⁰ Two of the states that offer multiple options for certification have a similar requirement.⁶¹

In addition to looking at CTE teacher licensure and certification requirements, the 50-State Comparison analyzed the factors in an applicant’s background that would qualify them to teach. A summary of this analysis reveals:⁶²

	Education	Work experience	Certifications	Assessments
Nebraska accepts	Yes	Yes	Yes	Yes
States with alternative certifications (inc. Nebraska)	69%	69%	38%	19%
States with several options	100%	100%	40%	20%
States where formal license or certification not required	71%	100%	57%	21%

The categories in the report, and summarized in the table, utilized the following definitions:⁶³

- Education, including high school diplomas or an equivalent, postsecondary degrees and completion of postsecondary coursework.

- Work experience, including specified hours or years of work or apprenticeship experience in the occupational area.
- Certification, including industry-recognized licenses.
- Assessments, including completion of testing in CTE subject matter, content area expertise or other relevant knowledge.

A state may allow any of the categories to demonstrate proficiency to meet the requirement, an approach that Nebraska utilizes, or it may require a combination of the various factors.⁶⁴

Postsecondary Teaching Permits

Nebraska’s Postsecondary Teaching Permits are designed to allow faculty members of postsecondary institutions to teach dual-credit courses to high school students. This, too, continues to be a conversation at the national level.

In April 2019, ECS released a report on the topic along with a 50-state Comparison on the instructor qualifications for dual and concurrent enrollment courses.⁶⁵ Its comparison shows that all but two states, Nevada and New York, have instructor qualification requirements in policy. In practice in Nevada; however, “postsecondary faculty primarily teach dual enrollment courses.”⁶⁶

The remaining 48 states have, at a minimum, requirements that the instructor be qualified to teach at the postsecondary level.⁶⁷ According to ECS, this “ensures a collegiate level of instruction is provided to students.”⁶⁸ For the 19 states in the North Central region, including Nebraska, the accrediting body is the HLC.⁶⁹ As indicated in the previous chapter, it has set forth qualified faculty requirements.⁷⁰

Having the instructor qualifications handled at the postsecondary level is also consistent with the National Concurrent Enrollment Partnership (NACEP) standards, which “serve as model standards that have been adapted or incorporated into state policy in 20 states and recognized by multiple disciplinary professional associations and regional institutional accreditors.”⁷¹ The standards require:⁷²

- All concurrent enrollment instructors are approved by the appropriate college/university academic leadership and must meet the minimum qualifications for instructors teaching the course on campus.
- Faculty liaisons at the college/university provide all new concurrent enrollment instructors with course-specific training in course philosophy, curriculum, pedagogy, and assessment prior to the instructor teaching the course.
- Concurrent enrollment instructors participate in college/university provided annual discipline-specific professional development and ongoing collegial interaction to further enhance instructors’ pedagogy and breadth of knowledge in the discipline.
- The concurrent enrollment program ensures instructors are informed of and adhere to program policies and procedures.

While Nebraska has not used these standards in its statewide policymaking, three community colleges, two universities, and one high school in the state are members of the NACEP.⁷³

Only Montana and Nebraska have an additional state licensure requirements for postsecondary faculty teaching dual-credit courses.⁷⁴ Similar to Nebraska’s Postsecondary Teaching Permit, faculty members at postsecondary institutions in Montana that are not eligible for traditional licensure are required to hold a Class 8 Dual Credit License.⁷⁵ This license requires employment verification from the postsecondary institution, but does not require approval by the secondary school district.⁷⁶

Two states, Colorado and Idaho, actually specify in state statute that postsecondary instructors teaching dual-credit courses do not need to be licensed.⁷⁷

Nebraska’s Postsecondary Teaching Permit requirement for applicant approval by a local school board to teach high school student courses is also fairly unique. While some states, like Alabama, Alaska, and Arizona, require agreements between the two educational institutions awarding dual-credit that must include, among other things, a specification of faculty qualifications, only Tennessee has a similar requirement to that in Nebraska.⁷⁸ ECS reports that Tennessee requires “college-level courses offered at the high school during the regular school day must be taught by licensed teachers or credentialed postsecondary faculty members approved by the local school system and the postsecondary institution.”⁷⁹

A few other states have other noteworthy requirements. For example, Oregon has a certification process, done by the postsecondary institution, for high school instructors, and Tennessee requires the postsecondary faculty to participate in State Department of Education training.⁸⁰

CHAPTER VI: CURRENT LAWS

The following constitutional, statutory and regulatory provisions reflect the current law as it relates to this study, all of which are referenced or discussed in previous chapters. (*Specific subsections related to this report are indicated with a bold line on the left.*)

Constitutional Provisions

Neb. Const. art. VII § 2. State Department of Education; general supervision of school system.⁸¹

The State Department of Education shall be comprised of a State Board of Education and a Commissioner of Education. The State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct.

Neb. Const. art. VII § 3. State Board of Education; members; election; manner of election; term of office.⁸²

The State Board of Education shall be composed of eight members, who shall be elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession and they shall be elected on a nonpartisan ballot.

Neb. Const. art. VII § 4. State Board of Education; Commissioner of Education; appointment; powers; duties.⁸³

The State Board of Education shall appoint and fix the compensation of the Commissioner of Education, who shall be the executive officer of the State Board of Education and the administrative head of the State Department of Education, and who shall have such powers and duties as the Legislature may direct. The board shall appoint all employees of the State Department of Education on the recommendation of the Commissioner of Education.

Statutory Provisions

Neb. Rev. Stat. § 79-313. State Board of Education; members; qualifications.⁸⁴

No person shall be eligible to membership on the State Board of Education (1) who is actively engaged in the teaching profession, (2) who is a holder of any state office or a member of a state board or commission unless the board or commission is limited to an advisory capacity, or (3) unless he or she is a citizen of the United States, a resident of the state for a period of at least six months, and a resident of the district from which he or she is elected for a period of at least six months immediately preceding his or her election.

Neb. Rev. Stat. § 79-317. State Board of Education; meetings; open to public; exceptions; compensation and expenses.⁸⁵

(1) The State Board of Education shall meet regularly and periodically in the office of the State Department of Education at least four times annually and at such other times and places as it may determine necessary for the proper and efficient conduct of its duties. All meetings shall be called in accordance with this section and the Open Meetings Act. Five members of the board shall constitute a quorum.

(2) The public shall be admitted to all meetings of the State Board of Education except to such closed sessions as the board may direct in accordance with the Open Meetings Act. The board shall cause to be kept a record of all public meetings and proceedings of the board. The commissioner, or his or her designated representative, shall be present at all meetings except when the order of business for the board is the selection of a Commissioner of Education.

(3) The members of the State Board of Education shall receive no compensation for their services but shall be reimbursed for expenses incurred in attending meetings or incurred in the performance of duties as directed by the board as provided in sections 81-1174 to 81-1177.

Neb. Rev. Stat. § 79-318. State Board of Education; powers; duties.⁸⁶

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 certifying teachers and administrators;

(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.

Neb. Rev. Stat. § 79-808. Teachers and administrators; certificates and permits; requirements; board; duties; advisory committees; expenses.⁸⁷

(1) The board shall establish, adopt, and promulgate appropriate rules, regulations, and procedures governing the issuance, renewal, conversion, suspension, and revocation of certificates and permits to teach, provide special services, and administer based upon

(a) earned college credit in humanities, social and natural sciences, mathematics, or career and technical education,

(b) earned college credit, or its equivalent in professional education, for particular teaching, special services, or administrative assignments,

(c) criminal history record information if the applicant has not been a continuous Nebraska resident for five years immediately preceding application for the first issuance of a certificate,

(d) human relations training,

(e) successful teaching, administration, or provision of special services, and

(f) moral, mental, and physical fitness for teaching, all in accordance with sound educational practices. Such rules, regulations, and procedures shall also provide for endorsement requirements to indicate areas of specialization on such certificates and permits.

(2) The board may issue a temporary certificate, valid for a period not to exceed two years, to any applicant for certification who has not completed the human relations training requirement.

(3) Members of any advisory committee established by the board to assist the board in teacher education and certification matters shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. Each school district which has an employee who serves as a member of such committee and which is required to hire a person to replace such member during the member's attendance at meetings or activities of the committee or any subcommittee thereof shall be reimbursed from the Certification Fund for the expense it incurs from hiring a replacement. School districts may excuse employees who serve on such advisory committees from certain duties which conflict with any advisory committee duties.

Neb. Rev. Stat. § 79-810. Certificates or permits; issuance by Commissioner of Education; fee; disposition; contents of certificate or permit; endorsements; Certification Fund; Professional Practices Commission Fund; created; use; investment.⁸⁸

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

(2) Each certificate or permit issued by the commissioner shall indicate the area of authorization to teach, provide special services, or administer and any areas of endorsement for which the holder qualifies. During the term of any certificate or permit issued by the commissioner, additional endorsements may be made on the certificate or permit if the holder submits an application, meets the requirements for issuance of the additional endorsements, and pays a nonrefundable fee of forty dollars.

(3) The Certification Fund is created. Any fee received by the department under sections 79-806 to 79-815 shall be remitted to the State Treasurer for credit to the fund. The fund shall be used by the department in paying the costs of certifying educators pursuant to such sections and to carry out subsection (3) of section 79-808. For issuance of a certificate or permit valid in all schools, the nonrefundable fee shall be fifty-five dollars, except that thirteen dollars of the fifty-five-dollar fee shall be credited to the Professional Practices Commission Fund which is created for use by the department to pay for the provisions of sections 79-859 to 79-871, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. For issuance of a certificate or permit valid only in nonpublic schools, the nonrefundable fee shall be forty dollars. Any money in the Certification Fund or the Professional Practices Commission 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.

Neb. Rev. Stat. § 79-814.01. Criminal history record information search; denial of certificate or permit; when; costs; confidentiality.⁸⁹

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

(2) The commissioner may deny issuance of a certificate or permit to any applicant who has a felony conviction or who has any misdemeanor conviction involving abuse, neglect, or sexual misconduct. In reviewing an applicant's criminal history record information, the commissioner shall take into consideration any information, including information submitted by the applicant, regarding

- (a) the facts and circumstances surrounding a conviction,
- (b) the type of offense and the sentence imposed,
- (c) whether the conduct resulting in a conviction would constitute a crime in Nebraska,
- (d) the date of the offense,
- (e) the age of the applicant at the time of the offense, and
- (f) the applicant's conduct and positive social contributions since the offense.

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

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

Neb. Rev. Stat. § 79-814.02. Conditional permit; when.⁹⁰

An applicant subject to a criminal history record information check shall be issued a conditional permit prior to receipt by the commissioner of criminal history record information of the applicant, which conditional permit shall be valid for up to one year, if the applicant signs a statement that identifies all crimes of which the applicant has been convicted and the commissioner determines the applicant to be of good moral character and meets all other certification requirements. An applicant's conditional permit is void upon a final determination that the applicant does not meet the requirements for issuance of a certificate. The applicant may request a hearing regarding the denial of a certificate or permit as provided by the rules and regulations adopted pursuant to section 79-808.

For purposes of this section, a determination is final upon issuance of a final decision on appeal or upon expiration of the time in which the applicant may request a hearing without such hearing being requested.

Neb. Rev. Stat. § 79-861. Professional Practices Commission; members; appointment; qualifications; terms; compensation; expenses; meetings; chairperson; quorum.⁹¹

(1) The Governor shall appoint a Professional Practices Commission of twelve members nominated by the teaching profession and existing teachers professional organizations. Members shall be representative of elementary classroom teachers, secondary classroom teachers, school administrators, and postsecondary education. Members shall be appointed for staggered terms of three years. No member may succeed himself or herself more than once. Members shall be reimbursed for expenses as provided in sections 81-1174 to 81-1177. Compensation of members who are public employees shall not be reduced by the agency or body by which they are regularly employed for any absence from service occasioned by attendance upon the business of the commission or any panel, committee, or subcommittee of the commission. Each school district which employs a member of the commission and which is required to employ a person to replace such member during his or her attendance at meetings of the commission or any panel, committee, or subcommittee of the commission shall be reimbursed from the Professional Practices Commission Fund for the expense the district incurs from employing a replacement.

(2) The members of the commission shall elect a chairperson pursuant to the working rules of the commission. The chairperson shall call meetings of the commission, preside at all meetings of the commission en banc, assign the work of the commission to the members, and perform such other supervisory duties as required.

(3) A majority of the commission members shall constitute a quorum to transact business. A hearing panel of not less than seven commission members shall hear cases brought before the

commission. Members of the hearing panel shall be assigned on a rotating basis. For purposes of hearings, the act or decision of a majority of the commission members sitting on the hearing panel shall in all cases be deemed the final act or decision of the commission.

Neb. Rev. Stat. § 79-866. Board; powers and duties.⁹²

(1) The board shall adopt and promulgate rules and regulations establishing standards of professional practices for teachers and administrators holding certificates in areas including, but not limited to:

(a) Ethical and professional performance;

(b) competency;

(c) continuance in professional service; and

(d) contractual obligations. The board shall receive the advice and counsel of the commission in the adoption of such standards as the standards apply to the holders of public school certificates.

(2) The board may, for just cause, revoke or suspend any teacher's or administrator's certificate.

Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board. The revocation or suspension of a certificate shall terminate the employment of such teacher or administrator. The board shall immediately notify the secretary or the school board or board of education of the school district where such teacher or administrator is employed of such revocation or suspension, shall notify the teacher or administrator of such revocation or suspension, and shall record the action in the matter in the books or records of the State Board of Education.

Neb. Rev. Stat. § 79-867. Teacher's or administrator's certificate; revocation; suspension; effect.⁹³

The revocation of a person's teacher's or administrator's certificate by the board shall automatically revoke any and all Nebraska teachers' certificates held by the person. A teacher's or administrator's certificate which has been suspended shall be automatically reinstated at the end of the suspension if such certificate did not expire during the period of suspension. If the certificate expired during the period of suspension, the holder of the expired certificate may secure a new certificate by applying for and by meeting the certification requirements at the time of application for the new certificate. A person whose teacher's or administrator's certificate has been revoked may apply for a new certificate at the expiration of any period of ineligibility fixed by the board by applying for and by meeting the certification requirements at the time of application for the new certificate.

Neb. Rev. Stat. § 79-868. Board; standards violation; investigations; procedure.⁹⁴

The board may request the commission to hold hearings and make recommendations to the board concerning alleged violations of standards of professional ethics and practices by holders of public school certificates. The board may employ hearing officers to hold hearings and make

recommendations to the board concerning alleged violations of standards of professional ethics and practices by holders of nonpublic school certificates. The recommendations of the commission shall be made a part of the record of the board in all cases of public school certificate revocation or suspension and reinstatement of a revoked public school certificate. The commission may privately admonish or warn or publicly reprimand teachers and administrators holding public school certificates for violation of the standards established pursuant to section 79-866. Any public reprimand by the commission shall be reported to the State Department of Education. Any recommendation for the revocation or suspension of a public school certificate by the commission shall be reported to the board.

The commissioner may employ persons to investigate and prosecute cases of alleged violations of standards of professional ethics and practices before the commission or before the board and its hearing officers. The commissioner shall cause to be investigated expeditiously any complaint which is filed with him or her or which is otherwise called to his or her attention and which if legally sufficient constitutes grounds for the revocation or suspension of a certificate or any other appropriate penalty set forth in section 79-866 or in the rules and regulations adopted and promulgated pursuant to such section. If following an investigation the commissioner determines that legally sufficient grounds exist for revocation or suspension of a certificate or for any other appropriate penalty set forth in such section or rules and regulations, the commissioner may, in his or her discretion, file a petition with the commission for adjudication of the matter or may reach an agreement for the appropriate sanction as allowed by the rules and regulations.

Neb. Rev. Stat. § 79-869. Commission and board; rules and regulations.⁹⁵

The commission and the board shall adopt and promulgate rules and regulations for the performance of their functions under sections 79-859 to 79-871. Recommendations may be made by the commission to the State Board of Education, to school boards or boards of education, and to postsecondary educational institutions which will promote improvement of education and the teaching profession.

Neb. Rev. Stat. § 84-948. Standing committee of Legislature; duties; report; contents.⁹⁶

(1) Beginning in 2019, each standing committee of the Legislature shall annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report electronically to the Clerk of the Legislature by December 15 of each year as provided in this section. Each committee shall complete this process for all occupational regulations within its jurisdiction within five years and every five years thereafter. Each report shall include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified.

(2) Each committee may require the submission of information by the affected occupational board and other affected or interested parties.

(3) A committee's report shall include, but not be limited to, the following:

(a) The title of the regulated occupation and the name of the occupational board responsible for enforcement of the occupational regulations;

(b) The statutory citation or other authorization for the creation of the occupational regulations and occupational board;

(c) The number of members of the occupational board and how the members are appointed;

(d) The qualifications for membership on the occupational board;

(e) The number of times the occupational board is required to meet during the year and the number of times it actually met;

(f) Annual budget information for the occupational board for the five most recently completed fiscal years;

(g) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoked, denied, or assessed penalties against, listed anonymously and separately per type of credential, and the reasons for such revocations, denials, and other penalties;

(h) A review of the basic assumptions underlying the creation of the occupational regulations;

(i) A statement from the occupational board on the effectiveness of the occupational regulations; and

(j) A comparison of whether and how other states regulate the occupation.

(4) Subject to subsection (5) of this section, each committee shall also analyze, and include in its report, whether the occupational regulations meet the policies stated in section 84-946 considering the following recommended courses of action for meeting such policies:

(a) If the need is to protect consumers against fraud, the likely recommendation will be to strengthen powers under the Uniform Deceptive Trade Practices Act or require disclosures that will reduce misleading attributes of the specific goods or services;

(b) If the need is to protect consumers against unclean facilities or to promote general health and safety, the likely recommendation will be to require periodic inspections of such facilities;

(c) If the need is to protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the likely recommendation will be to require that providers be bonded;

(d) If the need is to protect a person who is not party to a contract between the provider and consumer, the likely recommendation will be to require that the provider have insurance;

(e) If the need is to protect consumers against potential damages by transient providers, the likely recommendation will be to require that providers register their businesses with the Secretary of State;

(f) If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers' knowledge, the likely recommendation will be to enact government certification; and

(g) If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance allows for undue risk of present, significant, and substantiated harms, the likely recommendation will be to enact an occupational license.

(5) If a lawful occupation is subject to the Nebraska Regulation of Health Professions Act, the analysis under subsection (4) of this section shall be made using the least restrictive method of regulation as set out in section 71-6222.

(6) In developing recommendations under this section, the committee shall review any report issued to the Legislature pursuant to the Nebraska Regulation of Health Professions Act, if applicable, and consider any findings or recommendations of such report related to the occupational regulations under review.

(7) If the committee finds that it is necessary to change occupational regulations, the committee shall recommend the least restrictive regulation consistent with the public interest and the policies in this section and section 84-946.

Rules and Regulatory Provisions

Title 92 – Nebraska Department of Education

Chapter 21 – Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools

002 Definitions. As used in this chapter:⁹⁷

002.01 Administer means to manage or direct one or more of the offices, departments, or services of a Nebraska school system, or a comparable school system in another state.

002.02 Application means the Application for a Nebraska Educator Certificate or Permit Form, found in Appendix A, which is properly signed by the applicant, all professional conduct and professional fitness questions are completed with answers that allow the issuance of a Nebraska certificate or permit under this chapter, is accompanied by the payment of the certification fee, and is filed and recorded by the Department.

002.03 Approved program means a teacher education or educator preparation program approved pursuant to 92 NAC 20, approved in another state or country pursuant to standards which are comparable and equivalent to 92 NAC 20, or a program capable of meeting such standards.

002.04 Basic skills competency means either a proficiency in (i) the written use of the English language, (ii) reading, comprehending, and interpreting professional writing and other written materials, and (iii) working with fundamental mathematical computations as demonstrated by successful completion of an examination designated by the Board in 92 NAC 23 or (b) successful employment experiences of two (2) or more consecutive years in an approved, accredited or otherwise legally operated school in another state (i) while holding or qualifying to hold a regular Initial, Standard, or Professional certificate or a comparable certificate based on the completion of

an approved program, or (ii) holding current credentials from a credentialing organization approved pursuant to 92 NAC 22 (master teacher Program) as referenced in this chapter.

002.05 Board means the Nebraska State Board of Education.

002.06 Certificate means authorization issued by the Commissioner to an individual who meets the qualifications to engage in teaching, administration, or providing of special services as required by law.

002.07 Certification Officer means an employee designated by the chief academic officer or unit administrator of each standard institution of higher education with an approved program to receive correspondence regarding this chapter from the Department and to provide certified records, transcripts, reports, and/or recommendations to the Department, as required, for the purpose of certification and/or endorsement.

002.08 Commissioner means the Nebraska State Commissioner of Education.

002.09 Comparable and equivalent certificate means a certificate issued by another state, by the U. S. Department of Defense, or by a foreign country pursuant to standards comparable and equivalent to those in 92 NAC 21. The certificate, for the purpose of supporting or justifying the initial issuance of a Nebraska certificate or permit, will be given the same consideration as if it were a Nebraska certificate.

002.10 Content area means college coursework taken by an individual for the purpose of gaining a college recommended endorsement on their Administrative, Teaching or Special Services certificate or permit.

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

002.12 Education-related coursework means any education preparation course from a standard institution of higher education, or coursework in an applicant's content area.

002.13 Employment experiences means work by an individual as an employee (a) in an approved, accredited, or otherwise legally operated school while holding or qualifying to hold a regular certificate issued by another state, by the U. S. Department of Defense, or by a foreign country based upon the successful completion of an approved program (b) in postsecondary education; or (c) in a community organization or agency that provides services to students.

002.14 Endorsement means an area of specialization indicated on a certificate issued pursuant to this chapter signifying that the individual has met specific requirements contained in 92 NAC 24.

002.15 Entry Level Certificate means the first regular certificate acquired in Nebraska by an applicant.

002.16 Faculty member means a person who is employed half-time or more to teach professional education courses in an approved program.

002.17 Governing body means the school board of a public school district, a board elected or appointed to provide direction to a nonpublic school, or an individual or corporate owner of a nonpublic school.

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

002.19 Local Substitute Teaching Consortium means a group of school systems that have an agreement for the purpose of managing the placement of a group of Local Substitute Teaching Certificate or permit holders. A list of the school systems included in the consortium shall be provided to the Teacher Certification office when applications for Local Substitute Teaching certificates or permits are submitted for use in the consortium.

002.20 Nebraska school system means an institution that is accredited or approved by the Department to provide instruction at any grade level prekindergarten through grade twelve (12), an educational service unit accredited by the Department, or a special education service agency approved by the Department.

002.21 Permit means restricted authorization issued by the Commissioner to an individual who does not yet meet the qualifications for a regular certificate to engage in teaching, administration, or providing of special services as required by this chapter.

002.22 Postsecondary educational entity means a community college, a state college or university, or a regionally accredited nonprofit private postsecondary educational institution.

002.23 Regular certificate means an Initial, Standard, or Professional Nebraska certificate, or a comparable and equivalent certificate from another state.

002.24 Resident means an individual who has established a home where the individual is habitually present and to which having departed there from, intends to return.

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

002.26 Standard institution of higher education means any college or university whose educator preparation program is fully approved by the Board, or by a comparable agency in any other state or country.

002.27 Teaching means, but is 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.

002.28 Teach or Administer full-time day means any day during which more than three (3) hours is spent teaching or in administration.

002.29 Teach or Administer half-time day means any day during which three (3) hours or less is spent teaching or in administration. For computation under this chapter, two (2) half-time days equal one (1) full-time day.

005 Teaching Certificates and Permits

005.01 Teaching Certificates and Permits. Types. General Requirements.⁹⁸ The Department may issue Initial, Standard and Professional teaching certificates. The Department may also issue Alternative Program, Postsecondary, Provisional, Career Education, State Substitute, Local Substitute, Military, and Transitional teaching permits. Each applicant for any such teaching certificate or permit is required to:

005.01A Complete the application, found in Appendix A, and meet the requirements of lawful presence in the United States as set forth in Sections 4-108 through 4-112 R.R.S. including completion of the United States Citizenship Attestation Form if necessary, found in Appendix C;

005.01B Submit an official transcript of all college credit earned in fulfillment of the requirements of 92 NAC 21;

005.01C Pay the prescribed fee as provided in Section 003.05 of this chapter;

005.01D Not have an application for a certificate denied or currently have a certificate suspended or revoked by another jurisdiction, and not have any felony conviction, or any misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.11 through 003.14 of this chapter;

005.01E Be of good moral character;

005.01F Not have an emotional or mental incapacity to practice the profession as defined in Section 003.10 of this chapter;

005.01G Submit a complete, legible set of the applicant's fingerprints and pay a fee of fifty (50) dollars to the Department for processing a criminal history record check if the applicant is seeking the first issuance of a Nebraska certificate or permit and has not been a resident of Nebraska for at least five (5) continuous years immediately preceding the date of application;

005.01H Submit evidence of human relations training as defined by this chapter;

005.01I Submit evidence of basic skills competency if applying for an entry-level Nebraska teaching certificate or permit after July 31, 1989;

005.01J Submit evidence of special education training if applying for an entry-level teaching certificate or permit after September 1, 1992; and

005.01K Submit evidence of qualifying for or be eligible to have placed on a certificate or permit one (1) or more endorsements pursuant to 92 NAC 24.

005.15 Career Education Teaching Permit. The Career Education teaching permit may be issued to applicants who do not meet the Nebraska requirements for a regular certificate and shall be valid in the Nebraska school system requesting the issuance of such permit and only in the career education endorsement areas described in 92 NAC 24. The Career Education teaching permit expires August 31 in the third year following the year of issuance.⁹⁹

005.16 Career Education Teaching Permit Requirements. Each applicant for a Career Education teaching permit must:

005.16A Fulfill the requirements in Sections 005.01A through 005.01I of this chapter; and,

005.16B Submit verification from the Superintendent of Schools or the governing body of a school system in which the applicant intends to teach. The recommended form (*Career Education Permit Verification*) is available on the Teacher Certification website.

005.17 Career Education Teaching Permit Renewal Requirements. Each applicant for renewal of a Career Education teaching permit must:

005.17A Fulfill the requirements in Sections 005.01A through 005.01F of this chapter;

005.17B Submit verification for the renewal of such permit from the Superintendent of Schools or the governing body of the school system in which the applicant intends to teach. A recommended form (*Career Education Permit Verification*) is available on the Teacher Certification website; and

005.17C Hold or have held a Nebraska Career Education teaching certificate or permit.

005.18 Postsecondary Teaching Permit. The Postsecondary teaching permit is valid only for teaching courses for college credit offered by a Nebraska postsecondary educational entity that have also been approved for high school credit in Nebraska school systems requesting the delivery of such courses and only in the applicant's postsecondary subject area. The Postsecondary teaching permit expires August 31 in the third year following the year of issuance.¹⁰⁰

005.19 Postsecondary Teaching Permit Requirements. Each applicant for a Postsecondary teaching permit must:

005.19A Fulfill the requirements in Sections 005.01A through 005.01H of this chapter; and

005.19B Be eligible to teach courses for college credit offered by a Nebraska postsecondary educational entity that have also been approved for high school credit in Nebraska school systems

requesting the delivery of such courses as documented by the Nebraska postsecondary educational entity. A recommended form (*Postsecondary Permit Verification*) is available on the Teacher Certification website.

005.20 Postsecondary Teaching Permit Renewal Requirements. Each applicant for renewal of a Postsecondary teaching permit must:

005.20A Fulfill the requirements in Sections 005.01A through 005.01F of this chapter;

005.20B Hold or have held a Postsecondary teaching permit;

005.20C Continue to be eligible to teach courses for college credit offered by a Nebraska postsecondary educational entity that have also been approved for high school credit in Nebraska school systems requesting the delivery of such courses as documented by the Nebraska postsecondary educational entity. A recommended form (*Postsecondary Employment Verification*) is available on the Teacher Certification website; and

005.20C1 Within three (3) years prior to the date of application, have taught one (1) or more courses that generate college credit and have been approved for high school credit in Nebraska school systems requesting the delivery of such; or

005.20C2 Within three (3) years prior to the date of application, have received three (3) semester hours of graduate credit in the applicant's postsecondary content area.

Matthew L. Blomstedt, Ph.D., Commissioner

www.education.ne.gov

301 Centennial Mall South

P.O. Box 94987

Lincoln, NE 68509-4987

TEL 402.471.2295

FAX 402.471.0117



NEBRASKA

DEPARTMENT OF EDUCATION

Appendix A

September 23, 2020

To Whom It May Concern:

The purpose of this letter is to explain why it is believed that career education permits are effective. The Career Education teaching permit may be issued to applicants who do not meet the Nebraska requirements for a regular certificate and shall be valid in the Nebraska school system requesting the issuance of such permit and only in the career education endorsement areas described in 92 NAC 24.

A career education permit is issued for a term of three years and is renewable.

Please feel free to contact me if you have any questions on this certificate type. I can be reached at 402-471-0738 or at clayton.waddle@nebraska.gov.

Sincerely,

A handwritten signature in black ink that reads "Clayton L. Waddle".

Clayton L. Waddle
Director – Educator Certification



NEBRASKA

DEPARTMENT OF EDUCATION

Appendix B

September 23, 2020

To Whom It May Concern:

The purpose of this letter is to explain why it is believed that postsecondary permits are effective. The postsecondary teaching permit is valid only for teaching courses for college credit offered by a Nebraska postsecondary educational entity that have also been approved for high school credit in Nebraska school systems requesting the delivery of such courses and only in the applicant's postsecondary subject area.

The postsecondary teaching permit expires August 31 in the third year following the year of issuance.

Please feel free to contact me if you have any questions on this certificate type. I can be reached at 402-471-0738 or at clayton.waddle@nebraska.gov.

Sincerely,

A handwritten signature in black ink that reads "Clayton L. Waddle".

Clayton L. Waddle
Director – Educator Certification

ENDNOTES

¹ Neb. Rev. Stat. § 79-810(1), *infra* note 88. *See also*, Neb. Rev. Stat. § 79-814.01(2), *infra* note 89.

² Neb. Rev. Stat. § 79-868, *infra* note 94.

³ Neb. Rev. Stat. § 79-808(1), *infra* note 87. *See also*, Neb. Rev. Stat. § 79-318(5), *infra* note 86; Neb. Rev. Stat. § 79-866(1), *infra* note 92; Neb. Rev. Stat. § 79-869; *infra* note 95; Nebraska Administrative Code Title 92 Chapter 21, *and* Nebraska Department of Labor (2019) *Licensed occupations in Nebraska*, p. 341 [concise summary of teacher certification requirements].

⁴ Neb. Rev. Stat. § 79-808(2), *infra* note 87.

⁵ Neb. Rev. Stat. § 79-814.02, *infra* note 90.

⁶ 92 NAC 21.002.06, *infra* note 97.

⁷ 92 NAC 21.002.21, *infra* note 97.

⁸ Neb. Rev. Stat. § 84-948, *infra* note 96.

⁹ Neb. Rev. Stat. § 79-869, *infra* note 95. *See also*, Nebraska Administrative Code Title 95 Chapters 1 and 2.

¹⁰ Professional Practices Commission: Boards and Commissions Report. (2020). Retrieved November 20, 2020, from Nebraska Legislature: https://nebraskalegislature.gov/reports/bcsurvey_view.php?id=510.

¹¹ Neb. Rev. Stat. § 79-866, *infra* note 92. *See also*, Neb. Rev. Stat. § 79-867, *infra* note 93; *and* Neb. Rev. Stat. § 79-808, *infra* note 87.

¹² Neb. Const. art. VII, § 3, *infra* note 82.

¹³ Neb. Rev. Stat. § 79-313, *infra* note 84.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Neb. Rev. Stat. § 79-317(1), *infra* note 85.

¹⁷ Meeting minutes. (2020, December 14). Retrieved December 15, 2020, from State Board of Education: <https://www.education.ne.gov/stateboard/2020-state-board-minutes/>.

¹⁸ Meetings. (2020, November 10). Retrieved November 20, 2020, from State Board of Education: <https://www.education.ne.gov/stateboard/>.

¹⁹ Nebraska Department of Education. (2020, September 15). *State of Nebraska agency: 013 – Dept. of Education 2021-20203 biennial budget request* [via e-mail to Education Committee staff from Legislative Fiscal Office staff].

²⁰ Neb. Const. art. VII, § 2, *infra* note 81. *See also*, Neb. Const. art. VII, § 4, *infra* note 83.

²¹ Neb. Rev. Stat. § 79-317(2), *infra* note 85.

²² Meeting minutes, *supra* note 17. *See also*, State Board of Education minutes of business meeting. (2020, August 7). Retrieved November 24, 2020, from: <https://cdn.education.ne.gov/wp-content/uploads/2020/09/Final-Minutes-August.7.2020.pdf>.

²³ State Board of Education minutes of business meeting, *supra* note 22.

²⁴ Neb. Rev. Stat. § 79-810(3), *infra* note 88. *See also*, Education survey: Postsecondary Teaching Permits (2020, September 23, 12:29:39). Retrieved September 28, 2020, from Nebraska Legislature: Occupational Board Reform Act: https://nebraskalegislature.gov/reports/committeesurvey_view.php.

²⁵ Education survey: Postsecondary Teaching Permits, *supra* note 24.

²⁶ Neb. Rev. Stat. § 79-861(1), *infra* note 91.

²⁷ Neb. Rev. Stat. § 79-861(2), *infra* note 91.

²⁸ Professional Practices Commission. (2020, November 19 & December 15). Phone calls with Education Committee staff.

²⁹ Professional Practices Commission, *supra* note 10.

³⁰ Neb. Rev. Stat. § 79-810(3), *infra* note 88.

³¹ Professional Practices Commission: Boards and commissions report. (2016). Retrieved November 20, 2020, from Nebraska Legislature: https://nebraskalegislature.gov/reports/bcsurvey_view.php?id=all&year=2016.

³² Legislative Fiscal Office. *State government cash and revolving funds report December 2017*, page 46. Retrieved November 20, 2020, from Nebraska Legislature: https://nebraskalegislature.gov/pdf/reports/fiscal/funddescriptions_2017.pdf.

³³ Professional Practices Commission, *supra* note 10.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Education survey: Career Education Teaching Permits (2020, September 23, 12:15:43). Retrieved September 28, 2020, from Nebraska Legislature: Occupational Board Reform Act:

https://nebraskalegislature.gov/reports/committeesurvey_view.php. *See also*, Nebraska Administrative Code Title 92 Chapter 24.

³⁷ Nebraska Department of Education. (2020, September 29). Postsecondary Teaching Permits [E-mail to Education Committee staff].

³⁸ 92 NAC 21.005.15 to 005.17, *infra* note 99.

³⁹ Nebraska Department of Education. *Career Education Teaching Permit*. Retrieved November 20, 2020, from: <https://cdn.education.ne.gov/wp-content/uploads/2018/12/Career-Permit-Web.docx.pdf>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Nebraska Department of Education. *Career Education Permit renewal*. Retrieved November 20, 2020, from <https://www.education.ne.gov/wp-content/uploads/2017/07/CareerEdRenew-web2.pdf>.

⁴³ Education survey: Career Education Teaching Permits, *supra* note 36. *See also*, Nebraska Department of Education. (2020, November 23). Regulated professionals [E-mail to Education Committee staff].

⁴⁴ Education survey: Postsecondary Teaching Permits, *supra* note 24.

⁴⁵ 92 NAC 21.005.18 to 005.20, *infra* note 100.

⁴⁶ Nebraska Department of Education, *supra* note 43.

⁴⁷ *Id.*

⁴⁸ *Id.* *See also*, Nebraska Administrative Code Title 92 Chapter 21.

⁴⁹ Nebraska Department of Education. *Postsecondary Teaching Permit*. Retrieved November 20, 2020, from <https://cdn.education.ne.gov/wp-content/uploads/2017/07/Postsecond-Permit2-web.pdf>.

⁵⁰ *Id.*

⁵¹ Nebraska Department of Education. *Postsecondary Permit renewal*. Retrieved November 20, 2020, from: <https://www.education.ne.gov/wp-content/uploads/2017/07/PostSecondaryRenew-web.pdf>.

⁵² Higher Learning Commission. (2020, September). *Determining qualified faculty through HLC's criteria for accreditation and assumed practices: Guidelines for institutions and peer reviewers*. Retrieved November 20, 2020, from: https://download.hlcommission.org/FacultyGuidelines_OPB.pdf.

⁵³ Nebraska Community College Association. (2020, October 26). Community colleges [E-mail to Education Committee staff]. *See also*, Coordinating Commission for Postsecondary Education (2020, October) *Delivering courses beyond campus walls: A focus on high schools*, p. 3.

⁵⁴ Education Survey: Postsecondary Teaching Permits, *supra* note 24. *See also*, Nebraska Department of Education, *supra* note 43.

⁵⁵ Pechota, D., Keily, T., & Perez, Z., Jr. (2020, April 1). *50-state comparison: Secondary career and technical education*. Retrieved November 23, 2020, from: <https://www.ecs.org/50-state-comparison-secondary-career-and-technical-education/>. *See also*, Education Commission of the States. (2020, April). *50-state comparison secondary career and technical education: What are the certification and licensure requirements for CTE teachers?* Retrieved November 23, 2020, from: <https://c0arw235.caspio.com/dp/b7f93000c2712824c25449a58038>.

⁵⁶ Keily, T., & Perez, Z., Jr. (2020, April 22). What's required to become a CTE teacher? *Ed note*. <https://ednote.ecs.org/whats-required-to-become-a-cte-teacher/>.

⁵⁷ *Id.*

⁵⁸ Education Commission of the States, *supra* note 55. *See also*, Ariz. Admin. Code § R7-2-612.01, 05 071 Me. Code R. 6 § 3.1, Mich. Admin. Code r. 395.244(1)(b), N.D. Cent. Code § 61.1-02-03-08, Okla. Admin. Code § 780:20-3-4(a)(1), and Wash. Admin. Code § 181-77-014(3)(b).

⁵⁹ Education Commission of the States, *supra* note 55.

⁶⁰ Ala. Admin. Code 290-3-2-.18(2)(a)1. *See also*, Alaska Admin. Code tit. 4, § 12.372(3), Iowa Admin. Code r. 282-22.9(3)b, Minn. Stat. § 122A.181, subd. 1(2) - subd. 1(3), Mo. Code Regs. tit. 5, § 20-400.190(4), Ohio Rev. Code § 3319.229(C)(1), and Wis. Admin. Code PI. § 34.037(3)(b).

⁶¹ Kan. Admin. Regs. § 91-1-220(c)(1). *See also*, Miss. Code R. § 07-000-004.

⁶² Education Commission of the States, *supra* note 55. *See also*, Nebraska Department of Education. (2020, December 15). Ed Committee Occupational Licensing Report [E-mail to Education Committee staff].

⁶³ Keily, T., & Perez, Z., Jr., *supra* note 56.

⁶⁴ Education Commission of the States, *supra* note 55. *See also*, Nebraska Department of Education, *supra* note 40.

⁶⁵ Kelley, B., & Woods, R. (2019, August 6). *50-state comparison: Dual/concurrent enrollment policies*. Retrieved November 23, 2020, from: <https://www.ecs.org/dual-concurrent-enrollment-policies/>. *See also*, Education Commission of the States. (2020, April). *50-state comparison: Dual/concurrent enrollment: Instructor qualification component*. Retrieved November 23, 2020, from: <http://ecs.force.com/mbdata/MBQuest2RTanw?Rep=DE1913>.

⁶⁶ Education Commission of the States, *supra* note 65.

⁶⁷ *Id.*

⁶⁸ Evans, A. (2020, October 5). *Teacher Licensure for Dual Enrollment_NE*. [Education Commission of the States policy paper].

⁶⁹ *About the Higher Learning Commission*. Retrieved November 24, 2020, from: <https://www.hlcommission.org/About-HLC/about-hlc.html>.

⁷⁰ Higher Learning Commission, *supra* note 52.

⁷¹ NACEP. *Standards*. Retrieved November 24, 2020, from: <http://www.nacep.org/accreditation/standards/>.

⁷² NACEP. (2017, May). *2017 National concurrent enrollment partnership standards*. Retrieved November 24, 2020, from: http://www.nacep.org/docs/accreditation/NACEP_Standards_2017.pdf.

⁷³ NACEP. *Nebraska membership directory*. Retrieved November 24, 2020, from: <http://www.nacep.org/membership-directory/nebraska/>.

⁷⁴ Education Commission of the States, *supra* note 55.

⁷⁵ Mont. Admin. R. 10.57.437.

⁷⁶ *Id.*

⁷⁷ Education Commission of the States, *supra* note 55. *See also*, Colo. Rev. Stat. § 22-35-104(7), *and* Idaho Code Ann. § 33-5109(5).

⁷⁸ Education Commission of the States, *supra* note 55.

⁷⁹ Evans, *supra* note 68.

⁸⁰ Education Commission of the States, *supra* note 55.

⁸¹ Neb. Const. art. VII, § 2.

⁸² Neb. Const. art. VII, § 3.

⁸³ Neb. Const. art. VII, § 4.

⁸⁴ Neb. Rev. Stat. § 79-313.

⁸⁵ Neb. Rev. Stat. § 79-317.

⁸⁶ Neb. Rev. Stat. § 79-318.

⁸⁷ Neb. Rev. Stat. § 79-808.

⁸⁸ Neb. Rev. Stat. § 79-810.

⁸⁹ Neb. Rev. Stat. § 79-814.01.

⁹⁰ Neb. Rev. Stat. § 79-814.02.

⁹¹ Neb. Rev. Stat. § 79-861.

⁹² Neb. Rev. Stat. § 79-866.

⁹³ Neb. Rev. Stat. § 79-867.

⁹⁴ Neb. Rev. Stat. § 79-868.

⁹⁵ Neb. Rev. Stat. § 79-869.

⁹⁶ Neb. Rev. Stat. § 84-948.

⁹⁷ 92 NAC 21.002.

⁹⁸ 92 NAC 21.005.01. Appendices referenced herein are not included in the report.

⁹⁹ 92 NAC 21.005.15 to 21.005.17.

¹⁰⁰ 92 NAC 21.005.18 to 21.005.20.