

NEBRASKA LEGISLATURE  
EDUCATION COMMITTEE

THE 106<sup>TH</sup> NEBRASKA LEGISLATURE FIRST SESSION

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2019 OCCUPATIONAL  
LICENSING REVIEW

- Administrative Professional Certificate
- Administrative Standard Certificate
- Administrative Provisional Certificate
- Temporary Administrative Certificate

December 15, 2019

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# EXECUTIVE SUMMARY

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This review is undertaken as a requirement of the Neb. Rev. Stat. §§ [84-933 to 84-948](#), 2017 (known as the “Occupational Board Reform Act” or, hereafter, OBRA). This review examines the following occupational regulations, and includes a recommendation of whether or not they conform to the policy and requirements of OBRA:

OCCUPATIONAL REGULATION	OCCUPATIONAL BOARD AUTHORITY	STATUTORY AUTHORITY
Administrative Professional Certificate	Nebraska Department of Education	Neb. Rev. Stat. § <a href="#">79-802</a>
Administrative Standard Certificate	Nebraska Department of Education	Neb. Rev. Stat. § <a href="#">79-802</a>
Administrative Provisional Certificate	Nebraska Department of Education	Neb. Rev. Stat. § <a href="#">79-802</a>
Temporary Administrative Certificate	Nebraska Department of Education	Neb. Rev. Stat. § <a href="#">79-802</a>

For each of the above regulations, this review includes:

- (1) The statutory authority of the regulating occupational board;
- (2) The number, qualifications, and procedure of the members of the regulating occupational board;
- (3) The annual budget information of the regulating occupational board for the five most recent years;
- (4) The number of government certifications, occupational licenses, and registrations the regulating occupational board has issued, revoked, denied, or assessed penalties against, and reasons for any such negative actions;
- (5) An examination of the policy goals and interests underlying the occupational regulations;
- (6) A statement from the regulating occupational board on the effectiveness of the regulations in question; and
- (7) A comparison of how other states regulate the occupation.

In addition, this review analyzes whether the occupational regulations in question conform to the policies and requirements of OBRA, and gives a recommendation in accordance with Neb. Rev. Stat. § [84-948](#).

The goal of OBRA is to foster a “least restrictive” certification structure. This report notes that several other states have structured their certification processes to include a path for those with “comparable experience,” as determined by their respective state school boards.

Upon review, the Nebraska Education Committee formally recommends that the Nebraska Department of Education explore the viability of creating a certification path for candidates with comparable experience for both the Standard and Professional Certificate. The Committee believes that such a structure could fall within the “least restrictive” mandate as codified in OBRA, since implementing this path could increase competition and enable more individuals to pursue this occupation, while still helping ensure that only high-quality candidates are entrusted to lead schools.

# CERTIFICATE DATA

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The following presents the data as required by the Occupational Board Reform Act (OBRA), Neb. Rev. Stat. §§ [84-933 to 84-948](#), with regards to the Administrative Professional Certificate, Administrative Standard Certificate, Administrative Provisional Certificate, and the Temporary Administrative Certificate.<sup>1</sup>

## I. Statutory Authority

Each of these certificates are regulated by the Nebraska State Board of Education, per the statutory authority granted in Neb. Rev. Stat. § [79-802](#)<sup>2 3</sup>.

## II. Regulating Occupational Board

The Nebraska State Board of Education is composed of eight members, and the Commissioner of Education as the Executive Officer<sup>4</sup>. As of December 2019, the members are as follows<sup>5</sup>:

- Patsy Koch Johns
- Lisa Fricke
- Rachel Wise
- John Witzel, President
- Patricia Timm
- Maureen Nickels, Vice President
- Robin Stevens
- Deborah Neary
- Matthew L. Blomstedt, Ph.D., Commissioner of Education

From the Nebraska Department of Education (NDE) [website](#):

The State Board of Education is an elected, constitutional body that sets policy and ensures that the State Department of Education functions effectively within the framework developed by the state Legislature and the

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<sup>1</sup> Per OBRA, each committee is required to annually examine 20% of certificates within their jurisdiction, resulting in 100% of the certificates being examined every five years. For more information, or a general overview of all certificates that NDE administers, see: <https://cdn.education.ne.gov/wp-content/uploads/2018/10/TCERT-Manual.pdf> (Accessed December 2019). Committee jurisdiction was determined by the Legislature following the passage of OBRA.

<sup>2</sup> Neb. Rev. Stat. § [79-802\(1\)](#) states that such certificates are issued “by the Commissioner of Education.” See also Neb. Rev. Stat. § [79-810](#). However, the Commissioner of Education acts as the “executive officer of the State Board of Education” and acts “under the authority” of the Board. Neb. Rev. Stat. § [79-301](#). The standards for these certificates are also directly set by the Board, per Neb. Rev. Stat. § [79-808](#).

<sup>3</sup> Note that the Board of Education is statutorily empowered by many various statutes; however, the section cited here pertains specifically to their authority to regulate the relevant certificates.

<sup>4</sup> Note that the Commissioner is *not* considered a member of the board of education, per Neb. Rev. Stat. § [79-310](#). The Board chooses the Commissioner. § [79-318](#). The Board and the Commissioner (as head of the staff at NDE) together comprise the Nebraska Department of Education. § [79-301](#).

<sup>5</sup> Data from: <https://www.education.ne.gov/stateboard/members/#commissionerofeducation> (Accessed December 2019)

board. By law, the board and the department have broad leadership functions to carry out certain regulatory and service activities. . .

The board is elected on a non-partisan ballot, with one member from each district. Board members serve four-year terms. Board members are not paid, but are reimbursed for their expenses.

Note that the term expirations are rotational: Board members representing Districts 1, 2, 3, and 4 are elected in presidential election years, while board members representing Districts 5, 6, 7, and 8 are elected in midterm election years.

The Board is required to meet “regularly and periodically” at least four times annually. Five members shall constitute a quorum. § [79-317](#).

The Board primarily draws its procedural authority from Neb. Rev. Stat. §§ [79-310 – 79-320](#). Qualifications for board members are enumerated in § [79-313](#)<sup>6</sup>:

- They may not be an active teacher
- They may not be a holder of any state office or state board or commission (unless they are only in advisory capacity)
- They must be a citizen of the U.S. and a resident for more than six months prior to the election

The Board of Education has been in place as Nebraska’s education authority since the mid 1950’s.<sup>7 8</sup>

### **III. Certificate Overview**

A general description of each is as follows:

The Administrative Professional Certificate is the highest level of administrative certificate. In order to receive this certificate, one must have completed additional graduate study in school administration (and usually thereby receive an endorsement for superintendent) from a standard institution of higher education approved by the State Board of Education.

The Standard Administrative Certificate is the basic administrative certificate. In order to receive this certificate, one must have completed graduate study for school administration at a standard institution of higher education approved by the Board.

The Provisional Administrative Certificate is available to those who have completed at least 50% of the graduate credit hours for school administration as a principal or curriculum supervisor, or at least 75% of the graduate credit hours for superintendent. The Provisional Administrative Certificate allows individuals to be employed as an administrator in a Nebraska school while continuing to take graduate courses at a standard institution of higher education. The individuals can then later apply for and receive a standard administrative certificate.

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<sup>6</sup> See also Nebraska State Constitution, [Neb. Const. Art. VII-3](#).

<sup>7</sup> Although, note that Administrative certificates were required as a result of §[79-801](#) which became law in 1937. The last several modifications of this section were in 2003, 1996, 1994, and then 1957.

<sup>8</sup> For more information on the history of Nebraska Department of Education, see: <https://history.nebraska.gov/sites/history.nebraska.gov/files/doc/publications/NH1971JrNormalSchool.pdf> (Accessed December 2019).

The Temporary Administrative Certificate is available for any applicant who completed graduate study for school administration that did not include human relations training as defined by the Legislature. In 1988, when the Legislature established a human relations training requirement, it created the “temporary certificate” now found in §79-808(2). Since all Nebraska standard institutions of higher education now provide human relations training as part of their education program, approved by the State Board of Education under §79-318(5)(g) (which all students must complete before graduating), this temporary certificate is only relevant for individuals who did not attend a Nebraska standard institution of higher education.

There are no federal policies or federal funding with stipulations that appear to directly affect the procedures surrounding Administrative Certificates in Nebraska.

The Nebraska Department of Education lists the following requirements for each:<sup>9</sup>

Occupational Regulation	Requirements per NDE <a href="#">website</a>
Administrative Professional Certificate	<ul style="list-style-type: none"> <li>• Completion of a Baccalaureate Degree</li> <li>• Completion of a Teacher Education Program at a state approved college or university</li> <li>• Completion of a Masters degree and an Education Administrative Program at a state approved college or university</li> <li>• Have completed sixty (60) graduate hours of Educational Administration or Educational Leadership coursework in an approved program for school administration</li> <li>• Two years of Administrative Work Experience</li> <li>• Completion of the Human Relations Training Requirement</li> <li>• Completion of the Special Education Training Requirement</li> <li>• Praxis – CORE Academic Skills (Basic Skills)</li> <li>• Praxis Subject Assessment – (Content Test)</li> <li>• Recent college credits or employment experience within the past immediate 5 years</li> </ul>
Administrative Standard Certificate	<ul style="list-style-type: none"> <li>• Completion of a Baccalaureate Degree</li> <li>• Completion of a Teacher Education Program at a state approved college or university</li> <li>• Completion of a Masters degree and an Education Administrative Program at a state approved college or university</li> <li>• Have taught for two years</li> <li>• Completion of the Human Relations Training Requirement</li> <li>• Completion of the Special Education Training Requirement</li> <li>• Praxis – CORE Academic Skills (Basic Skills)</li> <li>• Praxis Subject Assessment – (Content Test)</li> <li>• Recent college credits or employment experience within the past immediate 5 years</li> </ul>
Administrative Provisional Certificate	<ul style="list-style-type: none"> <li>• Completion of a Baccalaureate Degree</li> </ul>

<sup>9</sup> Per NDE’s website: <https://nebraskaLegislature.gov/laws/statutes.php?statute=79-318> (Accessed December 2019)

	<ul style="list-style-type: none"> <li>• Completion of a Teacher Education Program at a state approved college or university</li> <li>• Have taught for two years</li> <li>• Completion of the Human Relations Training Requirement</li> <li>• Completion of the Special Education Training Requirement</li> <li>• Praxis – CORE Academic Skills (Basic Skills)</li> <li>• Recent college credits or teaching employment experience within the past immediate 5 years</li> <li>• Submit written request from Superintendent of Schools or the governing body of Nebraska School systems in which the applicant intends to administer</li> <li>• Have completed at least fifty (50) percent of the credit hours required for completion of an approved program for the endorsement of curriculum supervisor or principal, or seventy five (75) percent of an approved program for an endorsement as superintendent sought by the applicant</li> </ul>
Temporary Administrative Certificate	<i>See description of Temporary Certificate above.</i>

Note that the Professional Certificate differs from the Standard Certificate in that the standard only requires two years of teaching experience, while the Professional Certificate requires two years of administrative work experience as well as sixty graduate hours of Educational Administration coursework.

The following table includes the number of licenses issued for each of the four categories, and how long each certificate is valid:

<b>Occupational Regulation</b>	<b>Number Issued Between 01/2014 To 12/2019</b>	<b>Approximate Annual Average Issued</b>	<b>Cert. Valid For</b>	<b>Number Revoked in past 5 years</b>
Administrative Professional Cert.	442	89-90	10 years	0
Administrative Standard Cert.	3795	750-775	5 years	5
Administrative Provisional Cert.	78	12-18	2 years (non-renewable)	0
Temporary Administrative Cert.	2	<1	6 mo. (non-renewable)	0

Certificates are revoked by the Board pursuant to §§ [79-866](#), [79-867](#).<sup>10</sup>

In the past five years, five licenses have been revoked, and one suspended.

<b>CASE NO.</b>	<b>DATE</b>	<b>TYPE</b>	<b>DESCRIPTION</b>
No. <a href="#">14-01</a>	09/05/14	Revoked	Teacher had a sexual relationship with student
No. <a href="#">16-11</a>	05/08/16	Revoked	Teacher had a sexual relationship with student
No. <a href="#">18-14</a>	07/08/18	Revoked	Principle engaged in sexual harassment and intimidation
No. <a href="#">19-04</a>	10/06/19	Revoked	Principal was inebriated at work
No. <a href="#">19-12</a>	09/08/19	Revoked	Special education teacher sexually assaulted a student
No. <a href="#">19-15</a>	09/08/19	Suspended	School psychologist suspended per <a href="#">§79-866(2)</a>

<sup>10</sup> Note that the regulations and standards for professional practices case determinations can be found in [92 NAC 27](#), [92 NAC 28](#) and [92 NAC 29](#), and NDE [Regs Title 92 ch. 21](#).



#### IV. Annual Budget Information

The below table includes the Board’s budget information<sup>11 12</sup>for the previous five years:

2018-19 Budget	\$603,883
2017-18 Budget	\$619,035
2016-17 Budget	\$591,651
2015-16 Budget	\$561,263
2014-15 Budget	\$561,263

Note that the Educator Certification is self-funded by fees.

#### V. Policy Interests

Nebraska is required per Article VII of its Constitution to provide “free instruction in the common schools of this state of all persons between the ages of five and twenty-one years.” [Neb. Const. Art. VII-1](#). The Constitution states that the State Department of Education (comprised of the State Board of Education and the Commissioner) shall have “general supervision and administration of the school system.” [Neb. Const. Art. VII-2](#). Their duties explicitly flow from the Legislature. [Neb. Const. Art. VII-3](#).

As such, the policy interests of the certification are directed firstly by the Constitution, secondly the Legislature, then finally the Nebraska Department of Education. Ergo, NDE looks to the Legislature to determine policy priorities to carry out its duty to provide free public education.

[Nebraska Revised Statute 79-701](#) states:

The Legislature hereby finds and declares that the mission of the State of Nebraska, through its public school system, is to:

- (1) Offer each individual the opportunity to develop competence in the basic skills of communications, computations, and knowledge of basic facts concerning the environment, history, and society;
- (2) Offer each individual the opportunity to develop higher order thinking and problem-solving skills by means of adequate preparation in mathematics, science, the social sciences, and foreign languages and by means of appropriate and progressive use of technology;
- (3) Instill in each individual the ability and desire to continue learning throughout his or her life;
- (4) Encourage knowledge and understanding of political society and democracy in order to foster active participation;
- (5) Encourage the creative potential of each individual through exposure to the fine arts and humanities;
- (6) Encourage a basic understanding of and aid the development of good health habits; and

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<sup>11</sup> As listed in the 2019 NDE OBRA survey response: [https://nebraskaLegislature.gov/reports/committeesurvey\\_view.php](https://nebraskaLegislature.gov/reports/committeesurvey_view.php) (accessed December 2019). Budget information was generated from an inquiry via the NDE Accounting Division as to the Teacher Certification program.

<sup>12</sup> For general budget amounts, see this document: <https://budget.nebraska.gov/assets/agency-funding-all-funds.pdf> (Accessed December 2019)

(7) Offer each individual the opportunity for career exploration and awareness.

Naturally, the goal of “effective education” as found in §79-701 is a shared priority of all citizens of Nebraska.<sup>13</sup> Administrative Certification is a way for potential applicants to train in practical skills, while demonstrating to the licensing body that they possess the necessary leadership abilities.

So too, in order to maintain public confidence and trust in the role, and prevent harm to the formation of schoolchildren, it is patently desirable that candidates for this leadership role are vetted for anything that would fall short of ethical, moral, or prudent conduct.

Again, because NDE is tasked with administering the funding, standards, and practices associated with public education, a licensing procedure allows NDE to standardize what they believe are best practices.

Since the Administrative Professional Certificate contains all the requirements of the certificates below it, by analyzing the policy interests pertinent to the Administrative Professional Certificate, all elements of the required prerequisites are illustrated.

- Completion of a Baccalaureate Degree: *this requirement is a basic formal competency requirement that is standard for many professional licenses.*
- Completion of a Teacher Education Program at a state approved college or university: *this requirement is to ensure that the applicant has teacher-specific training, so that they understand the practical needs and challenges of the teachers within their schools.*
- Completion of a Masters degree and an Education Administrative Program at a state approved college or university: *this requirement is to ensure that the applicant has advanced administrative-specific training.*
- Have completed sixty (60) graduate hours of Educational Administration or Educational Leadership coursework in an approved program for school administration: *this requirement is to ensure that the applicant has further administrative-specific training.*
- Two years of Administrative Work Experience: *this requirement is to ensure that the applicant has demonstrated practical experience in day to day administration.*
- Completion of the Human Relations Training Requirement: *this requirement is to ensure that the applicant understands the HR dimension of administration.*
- Completion of the Special Education Training Requirement: *this requirement is to ensure that the applicant understands Special Education systems within their schools.*
- Praxis – CORE Academic Skills (Basic Skills)<sup>14</sup>: *this requirement is an industry certification test that teachers and administrators are required to take to be licensed.*
- Praxis Subject Assessment – (Content Test): *see the latter element for description.*
- Recent college credits or employment experience within the past immediate 5 years: *this requirement is to ensure that the applicant’s skills and experience are not dormant.*

Certificate requirements are promulgated by NDE in [92 Neb. Admin. Code Ch. 21, 004](#). In addition to the requirements above cited on NDE’s website, Title 92 Regulations also require an applicant to be:

- Lawfully present in the United States
- Submit an official college transcript
- Pay the prescribed fee provided in § 003.05
- Not have a felony conviction, or a misdemeanor conviction of abuse, neglect, or sexual misconduct
- Be of good moral character

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<sup>13</sup> Nebraska Branch of the National Conference of School Administrators [Constitution](#), Article II.

<sup>14</sup> See <https://www.ets.org/praxis/ne/requirements/> (Accessed November 2019).

- Possess sufficient emotional and mental capacity
- Not have had an application for certificate denied and have a certificate currently suspended or revoked
- Submit fingerprints and background check
- Standard Certificates expire every 5 years, while Professional Certificates expire every 10 years

In sum, the policy interests at play here could be characterized as enabling an education opportunity for every child in Nebraska, to allow that child to grow into their responsibilities and excel as a wholesome citizen. In order to live up to this, candidates for education leadership must be competent, qualified, honorable, and trained to meet or exceed best practice standards.

## VI. Comparison with Other States

The following section of this report compares<sup>15</sup> current Nebraska Administrative Certificate requirements to surrounding states<sup>16</sup> and states that have unique or notable differences<sup>17</sup>. The Nebraska requirements (listed above) are reproduced here for reference:

- Completion of a Baccalaureate Degree
- Completion of a Teacher Education Program at a state approved college or university
- Completion of a Masters degree and an Education Administrative Program at a state approved college or university
- Have completed sixty (60) graduate hours of Educational Administration or Educational Leadership coursework in an approved program for school administration (Professional Only)
- Two years of Administrative Work Experience (Professional Only)
- Two years of Teaching Experience (Standard Only)
- Completion of the Human Relations Training Requirement
- Completion of the Special Education Training Requirement
- Praxis – CORE Academic Skills (Basic Skills)
- Praxis Subject Assessment – (Content Test)
- Recent college credits or employment experience within the past immediate 5 years

STATE	CITATION	REQUIREMENTS	COMMENTS
South Dakota	<a href="#">Ch. 24:28:07</a>	<ul style="list-style-type: none"> <li>• Bachelor’s degree<sup>18</sup></li> <li>• Superintendent program</li> <li>• Indian Studies program</li> <li>• An endorsement from a postgraduate program</li> <li>• Education Specialist Degree (Advanced Only)</li> </ul>	SD has two levels of Administrative Certification: Professional and Advanced.
Iowa	<a href="#">IA Admin. Code r. 282-18.4(272)</a>	<ul style="list-style-type: none"> <li>• Attain requirements for teacher prep program</li> <li>• Special Education program</li> <li>• Evaluator Approval program</li> <li>• An endorsement from a postgraduate program</li> <li>• Professional Service License (Professional Only)</li> <li>• 3 years of administrative experience</li> <li>• IA administrative Special Education program (Professional Only)</li> </ul>	IA has two levels of Administrative Certification: General and Professional.

<sup>15</sup> For a state-by-state “report-card” comparison in reading and mathematics, see <https://www.nationsreportcard.gov/reading/states/scores/?grade=4> (Accessed November 2019).

<sup>16</sup> For a more extensive 50-state bullet-point summary comparison, see: <http://ecs.force.com/mbdata/MBQuest2RTANW?rep=SLC1806> (Accessed November 2019). Likewise, for a more in-depth summary of each specific state, see: <https://www.teaching-certification.com/principal-certification.html> (Accessed November 2019).

<sup>17</sup> Given that the statutory intention of this report to evaluate less restrictive regulation, this report includes comparisons with non-adjacent states that are chosen on the basis of having generally less restrictive requirements.

<sup>18</sup> Note: South Dakota requires courses from *only* regionally-accredited schools. See [Rule 24:28:07:03](#).

		<ul style="list-style-type: none"> <li>• IA HR program (Professional Only)</li> <li>• IA Cultural Competency Program (Professional Only)</li> <li>• Diverse learners and reading instructional program (Professional Only)</li> <li>• Professional Ed. Core (Professional Only)</li> <li>• Evaluator Approval program (Professional Only)</li> <li>• At least one year of Administrative Experience (Professional Only)</li> </ul>	
Kansas	<a href="#">Kan. Admin. Regs. 91-1-203</a>	<ul style="list-style-type: none"> <li>• Graduate-level leadership program</li> <li>• Building leadership (i.e. principal) program</li> <li>• Minimum 3.25 GPA</li> <li>• School leadership assessment test</li> <li>• At least one year of recent experience or recent credit</li> <li>• Five years of experience while holding a teaching license</li> </ul>	KS terms their licensure as “district leadership license,” and requires a prior-obtained “initial teaching license.”
Colorado	<a href="#">1 Colo. Code Regs. § 301-37:2260.5-R-3.04</a>	<ul style="list-style-type: none"> <li>• Bachelor’s degree</li> <li>• School administration program</li> <li>• EITHER 3 years of professional administrative experience OR passing the State Board Administrator Assessment test</li> </ul>	
Wyoming	<a href="#">Wyo. Admin. Rules 019.0001.3.12102015</a>	<ul style="list-style-type: none"> <li>• Wyoming Teaching License</li> <li>• Educational leadership program and endorsement form that institution</li> <li>• OR “Proof of extensive training or experience related to” administrative work (to receive Administrator’s endorsement)<sup>19</sup> (“Exception” authorization for when the applicant pool is limited)</li> </ul>	WY has an “endorsement” system, whereby those with teacher’s licenses can obtain a school administrator’s endorsement from the Professional Teaching Standards Board, which granularly licenses specific education endorsements from teaching (including subjects) to administration.
New Hampshire	<a href="#">NH ADC ED 506.06</a>	<ul style="list-style-type: none"> <li>• 3 years’ experience as a principal, and continue to meet the requirements</li> <li>• Education Administrator post-Master’s program</li> </ul>	

<sup>19</sup> See Wyo. Admin. Rules. 019.0001.5.10112018

		<ul style="list-style-type: none"> <li>• OR, demonstrate<sup>20</sup> that they have obtained “equivalent experience” in either education or other professions that qualifies them for the position; and undergo a review and interview by the board.</li> </ul>	
Tennessee	<a href="#">State Board Policy 5.502</a>	<ul style="list-style-type: none"> <li>• At least 3 years’ experience as an educator</li> <li>• Education Administrator program, and receive an endorsement from the same</li> <li>• Pass the assessment test</li> <li>• 2 years of experience as an administrator and an endorsement from the Director of Schools and the State Administrator’s Academy (TASL) (Professional Only)</li> <li>• 2 years of experience as an administrator and an endorsement from the Director of Schools and complete a TASL learning plan (Professional Only)</li> </ul>	TN terms their administrator license “Instructional Leader License.” TN has three levels – “Aspiring,” Standard, and “Professional.” (Note that “Professional” has two routes – per TASL certification, and per “individual” certification).
Mississippi	<a href="#">Miss. Code. 37, ch. 3, § 37-3-2(7)</a>	<ul style="list-style-type: none"> <li>• An MBA, MPA, MPP</li> <li>• Praxis CORE and Praxis II testing</li> <li>• 5 years of supervisory experience</li> <li>• School Leaders Licensure (SLLA) test</li> <li>• Alternative Route Training</li> </ul>	Mississippi has four types of administrative licensure – “Nonpracticing,” “Entry-Level,” “Career Level,” “Nontraditional Route.” The “Nontraditional Router” allows those with certain Master’s degrees who have supervisory experience to qualify for superintendent positions. <sup>21</sup> Note that here, only the requirements for “Nontraditional Route” are enumerated. <sup>22</sup>

<sup>20</sup> See NH ADC ED 505.03. For a summary, see [here](#).

<sup>21</sup> Miss. Code 37 ch.3 §37-3-2(7)(d) states: “[The Board may establish a] nontraditional route for administrative licensure shall be available for persons holding, but not limited to, a master of business administration degree, a master of public administration degree, a master of public planning and policy degree or a doctor of jurisprudence degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.”

<sup>22</sup> See MS Department of Education’s “Licensure Guidelines K-12” manual ([link](#)) for a complete list of elements required in each category.

District of Columbia	<a href="#">D.C. Mun. Regs. tit. 5-A, § 1603</a> <sup>23</sup>	<ul style="list-style-type: none"> <li>• Bachelor’s degree</li> <li>• School leadership program OR master’s degree OR (Initial only) principal’s license</li> <li>• Four years of teaching or school pupil services</li> <li>• DC school leadership license exam</li> </ul>	DC refers to their license as “Administrative Services Credential.” DC has two levels – “Initial” and “Standard.”
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In general, compared to the above states, Nebraska is similar insofar as it requires a undergraduate degree and some form of teaching perquisites before the applicant can advance to an administrator application.

Like most of the surrounding states, Nebraska also requires some experiential time, as well as training that is specific to the Administrator position, although Nebraska does appear to require more Administrator-specific training programs than many of the examined states.

Nebraska does not have an avenue allowing other types of non-education supervision experience to qualify an applicant for an Administrator Certificate.

NDE’s statement evaluating the effectiveness of the current certification process can be found at: [https://nebraskaLegislature.gov/reports/committeesurvey\\_view.php](https://nebraskaLegislature.gov/reports/committeesurvey_view.php).

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<sup>23</sup> For detailed requirements as set by the department, see <https://osse.dc.gov/page/principal-and-assistant-principal-certification> (Accessed November 2019).

# REVIEW & RECOMMENDATION

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Neb. Rev. Statutes §§ [84-933](#), [84-948](#), 2017 (OBRA) requires that, 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.” Neb. Rev. Statutes § [84-948](#). The statute requires committees to research and evaluate whether existing license certificates conform to Nebraska’s policy as outlined in Neb. Rev. Statute § [84-946\(1\)-\(6\)](#):

- (1) To protect the fundamental right of an individual to pursue a lawful occupation;
- (2) To use the least restrictive regulation which is necessary to protect consumers from undue risk of present, significant, and substantiated harms that clearly threaten or endanger the health, safety, or welfare of the public when competition alone is not sufficient and which is consistent with the public interest;
- (3) To enforce an occupational regulation against an individual only to the extent that the individual sells goods or services that are included explicitly in the statutes that govern the occupation;
- (4) To construe and apply occupational regulations to increase opportunities, promote competition, and encourage innovation;
- (5) To use the least restrictive method of regulation as set out in section 71-6222 for lawful occupations subject to the Nebraska Regulation of Health Professions Act; and
- (6) To provide ongoing legislative review of occupational regulations.

“Least restrictive regulation,” in order of least to most restrictive, is defined in § [84-937](#) as:

- (1) Market competition;
- (2) Third-party or consumer-created ratings and reviews;
- (3) Private certification;
- (4) Specific private civil cause of action to remedy consumer harm;
- (5) Deceptive trade practices under the Uniform Deceptive Trade Practices Act;
- (6) Mandatory disclosure of attributes of the specific goods or services;
- (7) Regulation of the process of providing the specific goods or services to consumers;
- (8) Inspection;
- (9) Bonding or insurance;
- (10) Registration;
- (11) Government certification; and
- (12) Occupational license.

Thus, if an agency finds (or the Legislature determines through statute) that the policy benefits of an occupational license, certificate, or registration can be obtained by a less restrictive method, agencies must change their procedures accordingly.

This report annually examines approximately 20% of occupational regulations under the jurisdiction of the Committee and thereby examines all such regulations within its jurisdiction in a quinquennial cycle. The Committee includes a recommendation on each certificate as to whether or not they appear to conform with the policy and requirements of OBRA. The Committee’s recommendation is not determinative of



compliance with OBRA; an agency may still choose to make, or refrain from making, a change based on the recommendation.

Since the goal of OBRA is to foster a “least restrictive” certification structure, this report has reviewed the current posture of administrative education certification in Nebraska, evaluated it in light of the desired policy considerations, and compared it with various other state structures. Of note was the fact that several other states have structured their certification processes to include a path for applicants with “comparable experience,” as determined by the respective state school boards. Such an allowance could result in more flexibility and options for applicants, as well as diversify the experiential perspectives within schools.

The policy interests underlying Administrative Certification, as discussed above, are determined by the Legislature. Ultimately aimed at equipping each Nebraska child with the formation they need to be wholesome citizens, the administration certificate helps verify that those leading schools are competent, qualified, honorable, and well versed in best practice standards.

Upon review, the Nebraska Education Committee formally recommends that the Nebraska Department of Education explore the viability of creating a certification path for candidates with comparable experience for both the Standard and Professional Certificate. The Committee believes that the flexibility and options made available by such a structure could fall within the “least restrictive” mandate as codified in OBRA, since implementing this path could increase competition and enable more individuals to pursue this occupation, while still safeguarding underlying policy interests.