

EDUCATION COMMITTEE

OCCUPATIONAL LICENSING REPORT:

ALTERNATIVE, TRANSITIONAL, PROVISIONAL, AND MILITARY TEACHING PERMITS



NOVEMBER 2022

Committee Members

Chairwoman Lynne Walz, District 15
Vice-Chair Adam Morfeld, District 46
Senator Jen Day, District 49
Senator Lou Ann Linehan, District 39
Senator Terrell McKinney, District 11
Senator Dave Murman, District 38
Senator Patty Pansing Brooks, District 28
Senator Rita Sanders, District 45

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The Committee would like to further thank the many teachers, aspiring teachers, administrators, school board members, faculty in our teacher education programs, and education policy groups that are working hard to support students across Nebraska and simultaneously help address the teacher workforce shortage. Your dedication to the profession is tremendous, and your generosity of time to this Committee and its staff as we work to understand the challenges you are facing is unparalleled.

For questions, please contact:

Elsa Knight, Esq.

eknight@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 makes the following recommendations:

That the State Board of Education strengthen academic requirements in admission to the Alternative Program Teaching Permit by implementing a minimum GPA requirement. Currently, Title 92, Nebraska Administrative Code, Section 20 (Rule 20) section 004.06E1 requires a GPA of 2.5 on a 4.0 scale for admission to a teacher education program. Section 004.06E2 requires a GPA of 2.75 for admission to clinical practice.

That the Commissioner of Education exercise his authority and look for ways to improve equivalency for licensed teachers in other states. Such efforts should explore agreements with specific states whose standards are equivocal to those in Nebraska, as well as processes that streamline the application approval from individual licensed teachers with a proven track record of high-quality performance in the classroom.

That the Nebraska Department of Education utilize all possible techniques for determining such applicant's qualifications prior to determining such approval requires additional college coursework. This would be a slight change in process and wouldn't require any legislative change.

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,ⁱ as well as filing petitions, when applicable, with the Nebraska Professional Practices Commission (“PPC”) for sanctions of certificate or permit holders.ⁱⁱ 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.ⁱⁱⁱ 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.^{iv} 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.^v

This report, in accordance with the requirements set forth in the Occupational Board Reform Act,^{vi} is examining four teaching permits: Alternative, Transactional, Provisional, and Military.

In order to supplement teaching certificates, which authorize a qualified individual to engage in teaching, administration, or providing special services,^{vii} the Board 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.^{viii}

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.^{ix}

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.^x The Board is granted the sole authority to revoke, suspend or reinstate a license or permit.^{xi}

CHAPTER II: ENTITY INFORMATION

State Board of Education

The State Board of Education, created in the Nebraska Constitution, consists of eight members elected on a nonpartisan ballot representing districts of substantially equal population as provided by the Legislature.^{xiii} 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.^{xiii} Furthermore, board members shall not be actively engaged in the teaching profession nor shall they be currently holding any state office.^{xiv} Finally, board members shall not be the member of any state board or commission unless the entity is limited to an advisory capacity.^{xv}

The Board is required to meet regularly and periodically at least four times per year.^{xvi} In 2022, the Board held 11 regularly scheduled meetings.^{xvii}

The annual budget for the Board for the past five fiscal years, as well as the current fiscal year, is as follows:^{xviii}

Fiscal Year	Annual Budget Amount
2016-17	\$85,099
2017-18	\$85,099
2018-19	\$85,099
2019-20	\$85,099
2020-21	\$85,099
2021-22	\$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 in the Nebraska Constitution with the Commissioner being hired by the Board.^{xix}

The Commissioner, or a designated representative, is required to attend all Board meetings except when the Board is selecting a Commissioner.^{xx} Commissioner Matt Blomstedt was present at all meetings.^{xxi}

The Educator Certification division of NDE is self-funded by fees.^{xxii} The annual budget for the division, which accounts for all certification activities, for the past five fiscal years, as well as the current fiscal year, is as follows:^{xxiii}

Fiscal Year	Annual Budget Amount
2017-18	\$619,938
2018-19	\$603,883
2019-20	\$635,902
2020-21	\$872,864
2021-22	\$635,902

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.^{xxiv}

Meetings are held when called by the chairperson and are not required to be held in any specific frequency.^{xxv} The PPC typically meets four times per year.^{xxvi}

The PPC is completely cash funded from the Professional Practices Commission Fund,^{xxvii} which receives \$13.00 from each fee paid for the issuance of a certificate or permit.^{xxviii} The annual budget for the PPC for the past five fiscal years, as well as the current fiscal year, is as follows^{xxix}:

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
2020-21 ³⁶	\$145,235
2021-22 ³⁷	\$144,181

CHAPTER III: TYPES OF TEACHING CERTIFICATES

Teaching certificates reviewed in this report are statutorily authorized in Neb. Rev. Stat. § 79-808.^{xxx} The Board has adopted specific rules for these certificates in Nebraska Administrative Code Title 92 Chapter 21 §§ 005.^{xxxi} Statements from the NDE on the effectiveness of the licenses can be found in Appendices A, B, C and D.

The fee associated with a teaching certificate or permit valid in both public and nonpublic school districts is \$55 or \$105 with fingerprint costs. Certificates or permits valid online in nonpublic school districts are \$40 or \$90 with fingerprint costs.^{xxxii}

Alternative Programs Teaching Permit

The Alternative Program Teaching Permit is issued to applicants who do not meet all requirements for a regular certificate. It is valid for teaching only in the Nebraska school system requesting the issuance of such permit.^{xxxiii} The Alternative Programs Teaching Permit is not renewable, and expires August 31st in the second year following the year of issuance.^{xxxiv} Employment in a Nebraska school system is required.

An individual possessing this Permit type must have provided evidence of qualifying for one or more teaching endorsement, a completed baccalaureate degree, and a written request for the issuance of such permit from the employing school district.

Once these three requirements have been met, an application may follow one of two paths in order to validly possess the Alternative Programs Teaching Permit. Path 1 consists of the required portion of an approved teacher education program including: Fifty percent (50%) of the pre-student teaching requirements including a course in teaching methods and (75%) of the requirements for at least one (1) subject or field endorsement. Path 2 requires the applicant to complete a state approved alternative program for teaching which includes education related coursework, hold a current regular teaching certificate in another state, and submit evidence of one (1) year teaching experience (K-12) in the last five (5) years in an approved/accredited school.^{xxxv}

327 Alternative Program Teaching Permits have been issued to applicants. For the five most recent certification years, (2017 to 2022), none have been revoked or denied. Additionally, within the last five years, no penalties have been recorded.^{xxxvi}

Transitional Teaching Permit

The Transitional Teaching Permit is issued to an applicant who have completed at least 75% of the coursework needed to qualify for an endorsement area.^{xxxvii} In order to acquire a permit in this area, an applicant must continue their progress toward a Completed Teacher Education Program. This program is available to those with at least a BA/BS degree in a non-teaching field and is able to meet the individual qualifications of the program. For the Transitional Teaching Permit, employment in a Nebraska school system is required.^{xxxviii}

Under code, the candidate for the Transitional Teaching Permit must: hold a baccalaureate degree with 75% of the content required by Rule 24 for the required endorsement, submit a transcript review request through the Transitional Certification Program webpage, complete 3 professional education graduate courses (18 hours), as well as 6 graduate credit hours of student teaching (completed while on-the-job), follow a transitional plan developed by the UNK Transitional Certification Program that leads to Initial Certification within 3 years of the first application for a Transitional Permit, and complete at least 6 credit hours each academic year to be eligible for renewal.^{xxxix}

471 Transitional Teaching Permits have been issued to applicants. For the five most recent certification years, (2017 to 2022), two certificates were revoked. Within this same time span, zero denials or penalties have been recorded.^{xl}

Provisional Teaching Permit

The Provisional Teaching Permit may be issued to applicants who do not meet all of the recent college credit or employment requirements for a regular certificate.^{xli} These deficiencies may include a shortfall in the Praxis–Core Academic Skills requirement, the Special Education Training requirement, or the Recency requirement. The Provisional Teaching Permit is not renewable. It expires on August 31st of the 2nd year following the year of issuance. Employment in a Nebraska school system is not required for this Permit.^{xlii}

The following is required for issuance of the Provisional Permit: Completion of a baccalaureate degree, completion of a teacher education program at a state approved teacher education institution, Human Relations Training requirement met with an official transcript of a preapproved course, or the written, verified narrative of the applicant’s K-12 employment experiences.^{xliii}

265 Provisional Teaching Permits have been issued to applicants. For the five most recent certification years (2017 to 2022), two certificates were revoked. Within the same time span, zero denied have been recorded. Two provisional permits were granted penalties, with a one-year suspension for the offenders.^{xliv}

Military Teaching Permit

The Military Teaching Permit is a three-year teaching permit issued to military personnel or spouses who are seeking employment as a teacher in Nebraska. The permit allows individuals to delay some Nebraska requirements and start teacher employment; this permit cannot be renewed. Candidates staying beyond the three years must meet all requirements for a Nebraska teaching certificate.^{xlv}

In order to possess a Military Teaching Permit, an applicant must submit: A transcript of a BA degree, Employment Verification Form showing two (2) or more years of teaching experience, evidence of meeting the Human Relations requirement and fingerprint requirements, if required, signed statement of current service in the military from the military supervisor, and school district letter verifying employment offer from the Nebraska school district.^{xlvi}

30 Military Teaching Permits have been issued to applicants. For the five most recent certification years (2017 to 2022), there have been no revocations, denials, or penalties.^{xlvii}

CHAPTER IV: STATE COMPARISONS

Educational licensing appears in various different forms across the states. For the purposes of further improvement, it is crucial for the state of Nebraska to monitor other state's trends. Change can easily be accomplished if the trial run has already been executed in another area. Statements from the NDE on the state comparisons of the licenses can be found in Appendix E.^{xlviii}

Alternative Programs Teaching Permit

According to the Education Commission of the States (ECS), every state provides some form of alternative certification. However, these programs vary significantly. Because of the variety, what is classified as an alternative program in one state may look more like a traditional program in another state and vice versa. However, some common themes exist across most alternative certification programs. In general, the goal of these programs is to provide a quicker path into the teaching profession than traditional programs while still providing more preparation than might be required for an emergency credential.^{xlix} Across the states, roughly 20 percent of new teachers are already entering the profession through alternative certification programs.¹

According to the National Council on Teacher Quality (NCTQ), a majority of states (fifteen) do not require elementary alternate route candidates to pass an assessment that fully measures the science of reading. Nebraska is one of these states. However, the next highest number of states (eleven) require all alternate route candidates to pass an assessment that fully measures the science of reading.

Thirty-three states do not require candidates to have a strong academic standing in order to acquire an Alternatives Programs Teaching Permit. This majority includes Nebraska. Seven states require all candidates to have a strong academic standing, while four states have no alternative routes offered. This "strong academic standing" is shown through the minimum GPA required for admission: twelve states require a 3.0 or higher, seven states require a 2.75-2.9, twelve states require a 2.5-2.7, and sixteen states require no minimum GPA.

Eighteen states do not require an alternate route candidate to take a subject-matter test prior to admission. Nebraska is included in these states. Meanwhile, thirteen states require all alternate route candidates to pass a subject-matter test prior to admission, and sixteen states require some alternate route candidates to pass a subject-matter test prior to admission.

Twenty-four states have no content course requirements for alternate routes. Eleven states state that no candidates are exempt from content coursework if they pass a subject-matter licensing test. Nebraska is among these states. Eight states have a policy that does not guarantee a candidate's

ability to be exempt from content coursework if they pass a subject-matter licensing test, and four states state that candidates are exempt from content coursework if they pass a subject-matter licensing test.

According to NCTQ, Michigan sets the highest bar for entry to alternative certification. Michigan requires programs to admit applicants with a minimum college GPA of 3.0 and requires all candidates to pass relevant subject-matter licensing tests prior to admission, which helps to ensure that candidates have the prerequisite content knowledge necessary to be successful in their alternative certification program and, ultimately, the classroom. Additionally, Michigan does not require alternate route candidates to have a major or other subject-specific coursework, allowing potential teachers to demonstrate their content knowledge and expertise through subject-matter licensing tests.^{li}

Transitional Teaching Permit

Under the NCTQ, Nebraska's Transitional Teaching Permit is similar to Alternative Programs Teaching Permit, simply due to the fact that it is an alternative route. A major difference between the two, however, is the Transitional Teacher Permit's GPA requirements. The Transitional Teaching Permit requires applicants to have a minimum 2.75 GPA in content coursework to gain admission. Applicants must also have a cumulative undergraduate GPA of at least 3.0, a Master's degree, or a passing score on the Praxis Core tests. This puts the Transitional Teaching Permit with the seven states that require a 2.75-2.9 GPA, and the twelve states that require a 3.0 or higher.

Additionally, the Transitional Certification Program (TCP) at UNK does not allow a test-out option for coursework requirements. This keeps Nebraska within the eleven states that agree that no candidates are exempt from content coursework if they pass a subject-matter licensing test.^{lii}

Provisional Teaching Permit

According to the NCTQ, thirty-four states permit new teachers to teach under provisional licenses without passing content licensing tests for 3 or more years. On the other end of the spectrum, eleven states allow no deferral. This group of states includes Nebraska. Six states allow deferral for up to one year.

Along with twelve other states, Nebraska maintains nonrenewable provisional licenses. Thirty-five states maintain renewable provisional licenses, while four states maintain no provisional licenses.^{liii}

Military Teaching Permit

According to Clearinghouse for Military Family Readiness at Penn State, slightly more than half of the 27 state education boards in the United States issued licenses or allowed military spouses a method to begin working within 30 days of applying for a license. License processing times in eleven states exceeded 30 days. Of the eleven state education boards that required more than 30 days to grant a teaching certificate, three offered temporary or provisional licenses, which would allow a military spouse to begin working before a full license is granted.^{liv} In Nebraska, candidates with at least two years of experience may be eligible for a Military Teaching Permit while they meet certification requirements.^{lv}

CHAPTER V: 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.

Constitutional Provisions

Neb. Const. art. VII § 2. State Department of Education; general supervision of school system.^{lvi}

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.^{lvii}

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.^{lviii}

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.^{lix}

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.^{lx}

(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.^{lxi}

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.^{lxii}

(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.^{lxiii}

(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.^{lxiv}

(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.^{lxv}

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.^{lxvi}

(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.^{lxvii}

(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.^{lxviii93}

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.^{lxix}

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.^{lxx}

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.^{lxxi}

(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:^{lxxii97}

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.^{lxxiii} 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;

05.01E 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.^{lxxiv}

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.^{lxxv100}

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.

Appendix A

September 28, 2022

To Whom It May Concern:

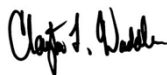
The purpose of this letter is to explain why it is believed that alternative program teaching permits are effective. The Alternative Program Teaching Permit is issued to applicants who do not meet all requirements for a regular certificate and is valid for teaching only in the Nebraska school system requesting the issuance of such permit. The alternative program teaching permit is only needed for individuals who did not attend a Nebraska standard institution of higher education or who are applying for a teaching permit and have not completed the requirements of a teacher preparation program or endorsement area.

The permit is issued for two years and are not renewable, however, the red-line version of Rule 21 does add additional pathways for this permit type along with allowing for renewal if adequate progress is made in the established program of study. The red-line version of Rule 21 is draft and will be presented to the state board for approval in the coming months.

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

Sincerely,

Clayton L. Waddle, Ed.D. Director, Educator Certification



Appendix B

September 28, 2022

To Whom It May Concern:

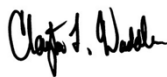
The purpose of this letter is to explain why it is believed that a Transitional Teaching Permit is effective. The Transitional Teaching Permit is issued to applicants who have completed a Bachelor's degree and the coursework needed to meet 75% of the minimum requirements for an endorsement area. Elements of the permit type includes enrollment in a program to complete the teacher preparation coursework, a mentoring plan, a supervision plan and a pre-teaching seminar.

The permit is issued for one year and is renewable in its current form. A red-line version of Rule 21 combines the Transitional Teaching Permit with the Alternative Permit and is in draft form.

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

Sincerely,

Clayton L. Waddle, Ed.D. Director, Educator Certification



Appendix C

September 28, 2022

To Whom It May Concern:

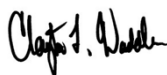
The purpose of this letter is to explain why it is believed that a Provisional Teaching Permit is effective. The Provisional Teaching Permit is issued to applicants who do not meet all requirements for a regular certificate and is valid for teaching only in the Nebraska school system requesting the issuance of such permit. The permit is most issued to those who do not meet the recency requirements needed to renew a regular teaching certificate. The permit allows someone two years to complete additional coursework needed to renew or become certified for the first time in Nebraska after completing a program in another state.

The permit is issued for two years and is not renewable in its current form. A red-line version of Rule 21 combines the Provisional Teaching Permit with the Alternative Permit and is in draft form.

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

Sincerely,

Clayton L. Waddle, Ed.D. Director, Educator Certification



Appendix D

September 28, 2022

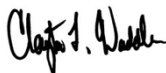
To Whom It May Concern:

The purpose of this letter is to explain why it is believed that a Military Teaching Permit is effective. The Military Teaching Permit is issued to applicants who have completed a Bachelor's degree and held a teaching certificate in another state for at least one year. The Military Teaching Permit allows those who are in Nebraska due to permanent change of station (PCS) orders and who have completed licensure in another state to have a pathway towards certification in Nebraska. The applicant needs to show evidence of military service or service of their spouse within the past five years to be eligible and the permit is valid for three years.

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

Sincerely,

Clayton L. Waddle, Ed.D. Director, Educator Certification



Appendix E

September 30, 2022

To Whom It May Concern:

The purpose of this letter is to provide a comparison for the alternative, provisional, transitional and military permits in Nebraska which may have a different meaning in other states. The military permit and parts of the alternative permit are defined in state statute. Future draft updates for Rule 21 combine the transitional and provisional permits into the current alternative permit type. There may not be an exact comparison for any of the permit types reviewed this year, but other states may have something similar.

More information on each of the permit types and a comparison may be found at the following websites.

Military Permit – Clearinghouse for Military Family Readiness - <https://militaryfamilies.psu.edu/wp-content/uploads/2021/10/mslp-report-15aug2021.pdf>

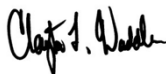
Alternative/Provisional/Transitional Permits – Mitigating Teacher Shortages: Alternative Teacher Certification - <https://www.ecs.org/mitigating-teacher-shortages-alternative-teacher-certification/>
50 State Comparison: Teacher Licensure Reciprocity - <https://www.ecs.org/50-state-comparison-teacher-license-reciprocity/>

Additional information may also be found on the National Association of State Directors of Teacher Education and Certification However, their resource page is restricted to members with secure access to their website.

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,

Clayton L. Waddle, Ed.D. Director – Educator Certification



ENDNOTES

- ⁱNeb. Rev. Stat. § 79-810(1). *See also*, Neb. Rev. Stat. § 79-814.01(2).
- ⁱⁱNeb. Rev. Stat. § 79-868.
- ⁱⁱⁱNeb. Rev. Stat. § 79-808(1). *See also*, Neb. Rev. Stat. § 79-318(5); Neb. Rev. Stat. § 79-866(1); Neb. Rev. Stat. § 79-869; 92 NAC 21 (2014), *and* Nebraska Department of Labor (2021) *Licensed occupations in Nebraska*, p. 336 [concise summary of teacher certification requirements].
- ^{iv}Neb. Rev. Stat. § 79-808(2).
- ^vNeb. Rev. Stat. § 79-814.02.
- ^{vi}Neb. Rev. Stat. § 84-948.
- ^{vii}Nebraska Department of Education. (2021, March). *Applicant manual: Requirements, instructions and forms*. Retrieved September 16, 2022
- ^{viii}92 NAC 21.002.21 (2020).
- ^{ix}Neb. Rev. Stat. § 79-869. *See also*, Nebraska Administrative Code Title 95 Chapters 1 and 2.
- ^xProfessional Practices Commission: Boards and Commissions Report. (2020). Retrieved September 16, 2022, from Nebraska Legislature: https://nebraskalegislature.gov/reports/bcsurvey_view.php?id=510.
- ^{xi}Neb. Rev. Stat. § 79-866. *See also*, Neb. Rev. Stat. § 79-867; *and* Neb. Rev. Stat. § 79-808.
- ^{xii}Neb. Const. art. VII, § 3.
- ^{xiii}Neb. Rev. Stat. § 79-313.
- ^{xiv}*Id.*
- ^{xv}*Id.*
- ^{xvi}Neb. Rev. Stat. § 79-317(1).
- ^{xvii}Meeting minutes. (2022, September 8). Retrieved September 16, 2022, from State Board of Education: <https://www.education.ne.gov/stateboard/minutes/>.
- ^{xviii}Nebraska Department of Education. (2022, September 15). *Dept. of Education budget request* [via e-mail to Education Committee staff from Legislative Fiscal Office staff].
- ^{xix}Neb. Const. art. VII, § 2. *See also*, Neb. Const. art. VII, § 4.
- ^{xx}Neb. Rev. Stat. § 79-317(2).
- ^{xxi}Meeting minutes, *supra* note xvii.
- ^{xxii}Neb. Rev. Stat. § 79-810(3).
- ^{xxiii}Education survey: Standard Teaching Certificates, Retrieved October 5, 2022 from Nebraska Legislature: Occupational Board Reform Act: https://nebraskalegislature.gov/reports/committeesurvey_view.php.
- ^{xxiv}Neb. Rev. Stat. § 79-861(1).
- ^{xxv}Neb. Rev. Stat. § 79-861(2).
- ^{xxvi}Professional Practices Commission. (2022, September 16). PPC Meeting Question [via email to Education Committee staff from Nebraska Professional Practices Commission staff]
- ^{xxvii}*Id.*
- ^{xxviii}Neb. Rev. Stat. § 79-810(3).
- ^{xxix}*Supra* note xxvi.
- ^{xxx}Neb. Rev. Stat. § 79-808.
- ^{xxxi}92 Neb. Admin. Code Chap. 21, § 005
- ^{xxxii}*Id.*
- ^{xxxiii}*Id.*

xxxiv *Id.*

xxxv *Id.*

xxxvi Education survey: Alternative Program Teaching Permits. Retrieved October 5, 2022 from Nebraska Legislature: Occupational Board Reform Act: https://nebraskalegislature.gov/reports/committeesurvey_view.php. *See also*, 79-808; 92 Neb. Admin. Code Chap. 21, § 005

xxxvii Education survey: Transitional Program Teaching Permits. Retrieved October 5, 2022 from Nebraska Legislature: Occupational Board Reform Act: https://nebraskalegislature.gov/reports/committeesurvey_view.php. *See also*, 79-808; 92 Neb. Admin. Code Chap. 21, § 005

xxxviii *Id.*

xxxix *Id.*

xl *Id.*

xli Education survey: Provisional Program Teaching Permits. Retrieved October 5, 2022 from Nebraska Legislature: Occupational Board Reform Act: https://nebraskalegislature.gov/reports/committeesurvey_view.php. *See also*, 79-808; 92 Neb. Admin. Code Chap. 21, § 005

xlii *Id.*

xliii *Id.*

xliv *Id.*

xlv *Id.*

xlvi *Id.*

xlvii Education survey: Military Teaching Permits. Retrieved October 5, 2022 from Nebraska Legislature: Occupational Board Reform Act: https://nebraskalegislature.gov/reports/committeesurvey_view.php. *See also*, 79-808; 92 Neb. Admin. Code Chap. 21, § 005

xlviii *Id.*

xlix Rowland Woods, J. (2016, May). *Mitigating teacher shortages: Alternative teacher certification*. Education Commission of the States. Retrieved October 6, 2022, from <https://www.ecs.org/wp-content/uploads/Mitigating-Teacher-Shortages-Alternative-Certification.pdf>

l Jenny DeMonte, Ph.D., A Million New Teachers Are Coming: Will They Be Ready to Teach? (Washington D.C.: Education Policy Center at American Institutes for Research, 2015), 4, <http://educationpolicy.air.org/sites/default/files/Brief-MillionNewTeachers.pdf> (accessed October 5, 2022).

li National Council on Teacher Quality. (2020). Program Entry national results. State Teacher Policy Database. [Data set]. Retrieved from: <https://www.nctq.org/yearbook/national/Program-Entry-93>

lii *Id.*

liii National Council on Teacher Quality. (2021). Provisional and Emergency Licensure national results. State Teacher Policy Database. [Data set]. Retrieved from: <https://www.nctq.org/yearbook/national/Provisional-and-Emergency-Licensure-94>

liv Brawley et al. (2021, August 15). Military Spouse Licensure Portability. Clearinghouse for Military Family Readiness. Retrieved October 6, 2022, from <https://militaryfamilies.psu.edu/wp-content/uploads/2021/10/mslp-report-15aug2021.pdf>

lv 92 Neb. Admin. Code Ch. 21, 005

lvi Neb. Const. art. VII, § 2.

lvii Neb. Const. art. VII, § 3.

lviii Neb. Const. art. VII, § 4.

lix Neb. Rev. Stat. § 79-313.

lxNeb. Rev. Stat. § 79-317.
lxiNeb. Rev. Stat. § 79-318.
lxiiNeb. Rev. Stat. § 79-808.
lxiiiNeb. Rev. Stat. § 79-810.
lxivNeb. Rev. Stat. § 79-814.01.
lxvNeb. Rev. Stat. § 79-814.02.
lxviNeb. Rev. Stat. § 79-861.
lxviiNeb. Rev. Stat. § 79-866.
lxviiiNeb. Rev. Stat. § 79-867.
lxixNeb. Rev. Stat. § 79-868.
lxxNeb. Rev. Stat. § 79-869.
lxxiNeb. Rev. Stat. § 84-948.
lxxii92 NAC 21.002.
lxxiii92 NAC 21.005.01
lxxiv92 NAC 21.005.15 to 21.005.17.
lxxv92 NAC 21.005.18 to 21.005.20.