

NEBRASKA DEPARTMENT  
OF EDUCATION

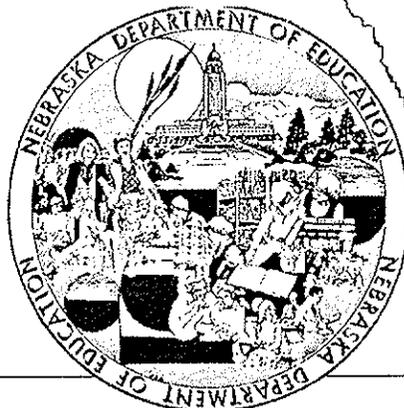
# RULE 21

ISSUANCE OF CERTIFICATES AND PERMITS TO TEACH,  
PROVIDE SPECIAL SERVICES, AND ADMINISTER IN  
NEBRASKA SCHOOLS

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 21

PROPOSED HEARING DRAFT  
OCTOBER 8, 2009

State of Nebraska  
Department of Education  
301 Centennial Mall South  
Lincoln, Nebraska 68509  
Roger D. Breed, Ed. D.  
Commissioner



TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION  
CHAPTER 21 - ISSUANCE OF CERTIFICATES AND PERMITS TO TEACH, PROVIDE  
SPECIAL SERVICES, AND ADMINISTER IN NEBRASKA SCHOOLS

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CHAPTER 21 - ISSUANCE OF CERTIFICATES AND PERMITS TO TEACH, PROVIDE  
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001 Scope and Authority

001.01 Statutory Authority. This Chapter is adopted pursuant to Sections 79-318, and 79-806 through 79-815 of the Revised Statutes of Nebraska (R.R.S.).

001.02 Scope and Application. This Chapter provides procedures for the issuance of teaching, administrative, and special services certificates and permits for use in accredited or approved Nebraska school systems.

001.03 Related Chapters. Throughout this Chapter, reference is made to other Nebraska Department of Education regulations that relate to certification. Title 92, Nebraska Administrative Code, Chapter 20 (92 NAC 20), contains regulations for teacher education program approval. Title 92, Nebraska Administrative Code, Chapter 22 (92 NAC 22), contains regulations for the approval of credentialing organizations for teachers. Title 92, Nebraska Administrative Code, Chapter 23 (92 NAC 23), contains regulations relating to basic skills testing. Title 92, Nebraska Administrative Code, Chapter 24 (92 NAC 24), contains regulations relating to endorsements.

002 Definitions. As used in this Chapter:

002.01 Administered shall mean 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 shall mean the appropriate form as prescribed by the Commissioner is properly signed by the applicant, all professional conduct and professional fitness questions are completed with answers that permit the issuance of a Nebraska certificate under this Chapter, is accompanied by the payment of the certification fee, and is filed and recorded by the Department.

002.03 Approved program for the preparation of teachers shall mean a program approved pursuant to 92 NAC 20, a program 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 shall mean 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

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mathematical computations as demonstrated by successful completion of an examination designated by the Board in 92 NAC 23 and taken by teacher education students at a standard institution of higher education; or (b) successful employment experiences of three (3) or more consecutive years in an approved, accredited, or otherwise legally operated school (i) while holding or qualifying to hold a regular certificate issued by another state on the basis of completion of an approved teacher education 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 shall mean the Nebraska State Board of Education.

002.06 Certificate shall mean 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 shall mean one full-time staff member designated by the head of the education unit of each standard institution of higher education to receive correspondence regarding this Chapter from the Department and to provide records, transcripts, reports, or recommendations to the Department, as requested, for the purpose of certification or endorsement.

002.08 Commissioner shall mean the Nebraska State Commissioner of Education.

002.09 Comparable and equivalent certificate shall mean 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, will be given the same consideration as if it were a Nebraska certificate.

002.10 Department shall mean the Nebraska State Department of Education, which is comprised of the Board and the Commissioner.

002.11 Dual Credit Course shall mean a course taught to students for credit at both a high school and a Nebraska postsecondary educational entity.

002.12 Education-related coursework shall mean any course(s) in teacher education from a standard institution of higher education.

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002.143 Employment experiences shall mean 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 teacher education program, (b) in post-secondary education, or (c) in a community organization or agency that provides services to children.

002.124 Entry Level Certificate shall mean the first regular certificate acquired in Nebraska by an applicant.

002.135 Governing body shall mean 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.

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

002.157 Local Substitute Teaching Certificate Consortium shall mean a group of school systems that have an agreement for the purpose of managing the placement of a group of Local Substitute Teaching Certificate 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 are submitted for use in the consortium.

002.168 Nebraska school system shall mean an institution organized to provide elementary or secondary instruction that is accredited or approved by the Department, an educational service unit accredited by the Department, or a special education service agency approved by the Department.

002.19 Postsecondary educational entity shall mean a community college, a state college or university, or a regionally accredited nonprofit private postsecondary

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educational institution.

002.1720 Regular certificate shall mean an initial, standard, or professional certificate, or a comparable and equivalent certificate.

002.1821 Regular faculty member shall mean a faculty member who is employed by the teacher or administrator program and is teaching courses in that program, but is not considered a visiting professor, adjunct faculty, or other designation that implies no continuing responsibility for the program.

002.1922 Resident shall mean an individual who has established a home where the individual is habitually present and to which having departed there from, intends to return.

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

002.214 Standard institution of higher education shall mean any college or university whose teacher education program is fully approved by the Board, or by a comparable agency in any other state or country.

002.225 Teaching shall mean and include, but not be 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.

002.236 Teaching Day shall mean any day during which more than three hours is spent teaching.

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002.247 Teaching Half Day shall mean any day during which three hours or less is spent teaching. For computation under this Chapter, two teaching half days equal one teaching day.

003 General Provisions

003.01 Transcripts. All transcripts submitted pursuant to certification or renewal requirements shall be sufficiently legible so that microfilm copies of them are readable.

003.02 Armed Forces Extension. Upon application, the Commissioner may extend the term of any certificate of any person who has served in the armed forces of the United States and whose certificate was in force on the day of induction or the spouse of such person. This extension shall be equal in length of time to the total number of months which intervene between the date of entrance into military service and the date of discharge there from. Each person applying for an extension of the term of a certificate shall furnish the Commissioner with proper evidence of service in the armed forces and of sound physical and mental health at the time the person applies for such extension.

003.03 False Information. Failure by an applicant to submit accurate information in support of an application for certification or renewal shall be cause for denial or revocation of such certificate.

003.04 Conversion of Certificates. Any person holding a certificate valid only in Nebraska nonpublic school systems may convert such certificate to one valid in all Nebraska school systems, both public and nonpublic, upon request and payment of a fifty-five (55) dollar fee to the Department. Alternately, a certificate valid in both public and nonpublic Nebraska school systems may be converted to a certificate valid only in Nebraska nonpublic school systems upon request and payment of a forty (40) dollar fee to the Department. In either case, the expiration date of the converted certificate shall be the same as that of the original certificate.

003.05 Fees. Applicants for a certificate valid only in nonpublic schools shall pay a forty (40) dollar fee. Applicants for a certificate valid in all schools, public and nonpublic, shall pay a fifty-five (55) dollar fee. Applicants requesting to add an endorsement to a valid certificate shall pay a forty (40) dollar fee. Applicants requesting a duplicate of their certificate shall pay a thirty (30) dollar fee. Changes to a certificate that are the result of errors by the Department, and written requests by an applicant to change a name or address on a certificate shall be made at no charge to an applicant.

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003.06 Statement Signed by Certification Officer. A statement signed by a certification officer on forms provided by the Department may be accepted as evidence of completion of the academic requirements for issuance of a certificate pursuant to 92 NAC 21 or of an endorsement pursuant to 92 NAC 24.

003.07 Certificates Issued on The Basis of Equivalency. The Commissioner may issue any certificate provided for herein to an applicant who files with the office of the Commissioner evidence of possession of the required qualifications or of education and experience equivalent to the required qualifications.

003.08 Life or Permanent Certificates. For purposes of Nebraska certification, Life or Permanent certificates issued in another state will be considered to have expired five (5) years after the date of the applicant's last regular employment as a teacher or administrator under that certificate. The holder of a permanent or life certificate issued by the Department that submits an application seeking additional endorsement(s) shall have the permanent or life certificate converted to a professional certificate with an expiration date on the applicant's date of birth in the tenth year following the issuance of the converted certificate.

003.09 Master of Arts in Teaching. The Master of Arts in Teaching (MAT) will be accorded equivalence with a baccalaureate degree when used for initial certification purposes in this Chapter.

003.10 Mental Fitness. All applicants shall not have an emotional or mental incapacity to practice the profession as evidenced by a legal adjudication or determination thereof by other lawful means. Such evidence shall be any of the following:

003.10A Such person is, at the time of the consideration of the person's fitness to hold a certificate, a mentally ill dangerous person under Section 83-1009 R.R.S. as evidenced by a declaration or order to that effect by a mental health board of this state, or as evidenced by a similar finding by a similar body of another state.

003.10B Such person is, at the time of the consideration of the person's fitness to hold a certificate, a mentally ill individual as defined in Section 20-164 R.R.S., ("an individual who has a significant mental illness or emotional impairment as determined by a mental health professional qualified under the laws, rules and regulations of this state and who is an inpatient or resident in a facility for mentally ill individuals."), or a similar determination has been made by similarly

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qualified mental health professional(s) of another state.

003.10C Such person has been declared by a court as mentally incompetent in relation to standing trial for a criminal charge pursuant to Sections 29-1822 or 29-1823 R.R.S., or similar laws of another state, and has not been found by a court to have recovered from such incompetency.

003.10D Such person has been acquitted of a criminal charge on the basis of a finding of insanity under Section 29-2203 R.R.S. or similar laws of another state, unless a court, subsequent to such an acquittal, has found that such person is not dangerous to himself, herself, or others by reason of mental illness or defect and has released such person from court ordered treatment pursuant to Sections 29-3702 and 29-3703 R.R.S., or similar laws of another state.

003.10E A court has found such person to be an incapacitated person in need of a court appointed guardian pursuant to Sections 30-2601 and 30-2620 R.R.S., or similar laws of another state, and no court order has been entered that such person's incapacity has terminated.

003.10F A court has appointed a conservator or made other protective order(s) due to a court's finding that such person is unable to manage his or her property and property affairs effectively for reasons which include any of the following: (i) mental illness; (ii) mental deficiency; (iii) chronic use of drugs; and (iv) chronic intoxication, pursuant to Section 30-2630 R.R.S. or similar laws of another state, and no court order has been entered that the disability of the person has ceased.

003.11 Felony Convictions. For purposes of this Chapter, felony conviction shall mean any felony offense under the laws of any jurisdiction, including misdemeanor convictions in other jurisdictions that would constitute a felony if committed in Nebraska.

003.12 Misdemeanor Convictions. For purposes of this Chapter, a misdemeanor conviction involving abuse, neglect, or sexual misconduct shall mean an offense under the laws of any jurisdiction, which, if committed in Nebraska, would constitute one of the following misdemeanors (with the applicable sections of the Revised Statutes of Nebraska in parenthesis):

003.12A Assault (third degree) (28-310)

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<u>003.12B</u>	Child Enticement (28-311)
<u>003.12C</u>	Stalking (28-311.03)
<u>003.12D</u>	Hazing (28-311.06)
<u>003.12E</u>	Unlawful Intrusion (28-311.08)
<u>003.12F</u>	Violating a Harassment Protection Order (28-311.09)
<u>003.12G</u>	False Imprisonment (28-315)
<u>003.12H</u>	Sexual Assault (third degree) (28-320)
<u>003.12I</u>	Domestic Assault (28-323)
<u>003.12J</u>	Child/Vulnerable Adult Contact with Methamphetamine (28-457)
<u>003.12K</u>	Abandonment of Spouse or Child (28-705)
<u>003.12L</u>	Child Abuse (28-707)
<u>003.12M</u>	Contributing to the Delinquency of a Child (28-709)
<u>003.12N</u>	Prostitution (28-801)
<u>003.12O</u>	Keeping a Place of Prostitution (28-804)
<u>003.12P</u>	Debauching a Minor (28-805)
<u>003.12Q</u>	Public Indecency (28-806)
<u>003.12R</u>	Sale of Obscene Material to Minor (28-808)
<u>003.12S</u>	Obscene Motion Picture Show, Admitting Minor (28-809)
<u>003.12T</u>	Obscene Literature Distribution (28-813)
<u>003.12U</u>	Sexually Explicit Conduct (28-813.01)
<u>003.12V</u>	Resisting Arrest (28-904(1)(a)), when the conviction involves use or threat of physical force or violence against a police officer
<u>003.12W</u>	Indecency with an Animal (28-1010)
<u>003.12X</u>	Intimidation by Phone Call (28-1310)
<u>003.12Y</u>	Violating a Protection Order (42-924)

003.13 Other Convictions. For purposes of this Chapter, in addition to the offenses listed above, felony convictions, and misdemeanor convictions involving abuse, neglect, or sexual misconduct shall also include convictions related to such crimes, including: (with the applicable sections of the Revised Statutes of Nebraska in parenthesis)

<u>003.13A</u>	Attempt to Commit A Crime (28-201)
<u>003.13B</u>	Criminal Conspiracy (28-202)
<u>003.13C</u>	Accessory to a Felony (28-204)
<u>003.13D</u>	Aiding, Abetting, Procuring, or Causing Another to Commit an Offense (28-206)

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003.14 Pardons or Convictions Set Aside. Convictions which have been set aside, nullified, expunged, or pardoned shall not be considered convictions for purposes of this Chapter, unless the laws of the jurisdiction of the conviction would allow the conviction to be used as the basis for denial of a certificate to teach, administer, or provide special services in schools. However, the applicant shall report such convictions on his or her application filed with the Department.

003.15 Withdrawal of Application. An applicant may request in writing that his or her application for a certificate be withdrawn without refund of any fees submitted. The Department shall notify the applicant in writing if the request will be granted. Any request granted by the Department shall end consideration of that application, and shall not be subject to appeal pursuant to this Chapter.

003.16 Expiration Dates. The expiration date on a valid certificate that was issued by the Department prior to the effective date of this Chapter shall remain in effect, unless otherwise suspended or revoked as provided by law, or converted as provided in Section 003.08 of this Chapter.

004 Administrative Certificates

004.01 Administrative Certificates, Types, General Requirements. The Department may issue standard, professional, and provisional administrative certificates. Each applicant for any such administrative certificate shall:

004.01A Complete the appropriate application forms prescribed by the Department, and meet the requirements of lawful presence in the United States as set forth in Sections 4-108 through 4-112 R.R.S.;

004.01B Submit an official transcript of all college credit earned in fulfillment of the requirements of 92 NAC 21;

004.01C Pay the prescribed fee as provided in Section 003.05 of this Chapter;

004.01D 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;

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004.01E Qualify for or hold a Nebraska standard or professional teaching certificate or a comparable and equivalent certificate;

004.01F Submit evidence of human relations training as defined by this Chapter;

004.01G Submit evidence of basic skills competency if applying for an entry-level Nebraska administrative certificate after July 31, 1989;

004.01H Submit evidence of special education training as defined in this Chapter if applying for the first issuance of a Nebraska administrative certificate after September 1, 1992;

004.01I Fulfill the additional requirements in Sections 004.03, 004.05, 004.06, 004.07, 004.09, or 004.10 for the type of certificate or renewal for which the applicant is applying;

004.01J 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 and has not been a resident of Nebraska for at least five (5) continuous years immediately preceding the date of application;

004.01K Be of good moral character; and

004.01L Shall not have an emotional or mental incapacity to practice the profession as defined in Section 003.10.

004.02 Standard Administrative Certificate. The standard administrative certificate shall be valid for teaching and administration in all Nebraska school systems, except that such certificate shall be valid for the position of superintendent of schools only if so endorsed. If requested by the applicant at the time of application, such certificate shall be valid only in Nebraska nonpublic school systems. The standard administrative certificate shall expire on the applicant's date of birth in the fifth year following the year of issuance or renewal.

004.03 Standard Administrative Certificate Additional Requirements. Each applicant for a first Nebraska standard administrative certificate shall:

004.03A Fulfill the requirements in Section 004.01;

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004.03B Have received a master's degree in education or a subject area for which there is an endorsement from a standard institution of higher education with an approved program for the preparation of school administrators in the area(s) of endorsement sought by the applicant;

004.03C Qualify for or hold one or more educational administration endorsements pursuant to 92 NAC 24; and

004.03D Within five (5) years prior to the date of application, have received six (6) semester hours of graduate credit for course work recognized in 92 NAC 24 as meeting all or part of the requirements for an administrative endorsement; however, if the applicant has never held a regular administrative certificate in any state and applies more than five (5) years after completion of an approved program, then the applicant shall meet this requirement with fifteen (15) semester hours of graduate credit as described in this Chapter; or

004.03E Within five (5) years prior to the date of application, have administered half-time or more for two (2) consecutive school years in the same accredited, approved, or otherwise legally operated school or educational service unit in another state wherein the applicant qualified for or held a standard administrative certificate or its equivalent.

004.04 Professional Administrative Certificate. The professional administrative certificate shall be valid for teaching and administration in all Nebraska school systems, except that such certificate shall be valid for the position of superintendent of schools only if so endorsed. If so requested by the applicant at the time of application, such certificate shall be valid only in Nebraska nonpublic school systems. The professional administrative certificate shall expire on the applicant's date of birth in the tenth year following the year of issuance or renewal.

004.05 Professional Administrative Certificate Additional Requirements. Each applicant for a professional administrative certificate shall:

004.05A Fulfill the requirements in Section 004.01;

004.05B Have received a six-year specialist's certificate or a doctorate degree in educational administration from a standard institution of higher education with an approved program for the preparation of school administrators in the area(s) of endorsement sought by the applicant;

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004.05C Qualify for or hold a Nebraska standard administrative certificate or a comparable and equivalent certificate with one or more administrative endorsements pursuant to 92 NAC 24; and

004.05D Within five (5) years prior to the date of application, have received six (6) semester hours of graduate credit for course work recognized in 92 NAC 24 as meeting all or part of the requirements for an administrative endorsement; or

004.05E Within five (5) years prior to the date of application, have for two (2) consecutive school years:

004.05E1 administered half-time or more in the same accredited, approved, or otherwise legally operated school system or educational service unit; or

004.05E2 been employed as a regular faculty member in the teacher or administrator preparation program of a standard institution of higher education; or

004.05E3 been employed in the Department.

004.06 Standard and Professional Administrative Certificates. Renewal Prior to Expiration or Less Than Five Years After Expiration. Requirements. Each applicant for renewal of a standard or professional administrative certificate prior to or less than five (5) years after the date of expiration of such certificate shall:

004.06A Fulfill the requirements in Sections 004.01A through F, 004.01K and 004.01L;

004.06B Hold or have held a Nebraska standard or professional administrative certificate which shall not have expired or which expired less than five (5) years prior to the date of application; and

004.06C Within five (5) years prior to the date of application, have administered half-time or more for one (1) school year:

004.06C1 in a Nebraska school system;

004.06C2 in a pre-kindergarten early childhood program which is required by law to employ certificated teachers;

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004.06C3 in an accredited, approved, or otherwise legally operated school in another state; or

004.06C4 in a U.S. Department of Defense school system; or

004.06D Within five (5) years prior to the date of application, have been employed as a regular faculty member in the teacher or administrator preparation program of a standard institution of higher education or been employed in the Department; or

004.06E Have received six (6) semester hours of graduate credit from a standard institution of higher education within five (5) years prior to the date of application.

004.07 Standard and Professional Administrative Certificates. Renewal Five or More Years After Expiration. Each applicant for renewal of a standard or professional administrative certificate five (5) or more years after the date of expiration of such certificate shall:

004.07A Fulfill the requirements in Sections 004.01A through F, 004.01K and 004.01L;

004.07B Have qualified for or held a standard or professional administrative certificate which shall have expired five (5) or more years prior to the date of application; and

004.07C Within five (5) years prior to the date of application, have received fifteen (15) semester hours of graduate credit in areas related to the applicant's administrative endorsements being sought or previously held.

004.08 Provisional Administrative Certificate. The provisional administrative certificate shall be valid for administration only in the Nebraska school system requesting the issuance of such certificate and only in the area of administration endorsement for which qualifications are described in 92 NAC 24. The provisional administrative certificate shall expire on August 31 of the year following the year of issuance.

004.09 Provisional Administrative Certificate Additional Requirements. Each applicant for a provisional administrative certificate shall:

004.09A Fulfill the requirements in Section 004.01;

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004.09B Submit a written request for the issuance of such certificate from the superintendent of schools or the governing body of the Nebraska school system in which the applicant intends to administer;

004.09C Have completed at least fifty percent of the credit hours required for completion of an approved program for the endorsement of curriculum supervisor or principal, or seventy five percent of an approved program for an endorsement as superintendent sought by the applicant; and

004.09D Submit a signed and dated statement of intent to fulfill the remaining requirements needed for issuance of a regular certificate during the period in which such certificate is in effect or make such progress on the program as to permit the renewal of the provisional administrative certificate as defined in Section 004.10D.

004.10 Provisional Administrative Certificate. Renewal Requirements. Any holder of a provisional administrator's certificate may renew such certificate prior to, on, or after the date of expiration. Each applicant for renewal shall:

004.10A Fulfill the requirements in Section 004.01;

004.10B Hold or have held a Nebraska provisional administrative certificate;

004.10C Submit a written request for the issuance of such certificate from the superintendent of schools or the governing body of the school system in which the applicant intends to administer; and

004.10D Within one (1) year prior to the date of application, have received six (6) semester hours of graduate credit for course work which fulfills some or all of the remaining administrative program, endorsement, or renewal requirements.

005 Teaching Certificates

005.01 Teaching Certificates. Types. General Requirements. The Department may issue initial, standard, professional, provisional commitment, dual credit, provisional, trades, career education, substitute, local substitute, and transitional teaching certificates. Each applicant for any such teaching certificate shall:

005.01A Complete the appropriate application forms prescribed by the Department, and meet the requirements of lawful presence in the United

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States as set forth in Sections 4-108 through 4-112 R.R.S.;

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;

005.01E Submit evidence of human relations training as defined by this Chapter;

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

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

005.01H Fulfill the additional requirements in Sections 005.03, 005.04, 005.06, 005.08, 005.09, 005.10, 005.12, 005.13, 005.15, 005.16, 005.18, 005.19, 005.21, 005.22, 005.24, 005.25, 005.27, ~~or~~ 005.28, 005.30, or 005.31 for the type of certificate or renewal for which the applicant is applying;

005.01I 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 and has not been a resident of Nebraska for at least five (5) continuous years immediately preceding the date of application;

005.01J Be of good moral character; and

005.01K Shall not have an emotional or mental incapacity to practice the profession as defined in Section 003.10.

005.02 Initial Teaching Certificate. The initial teaching certificate shall be valid for teaching in all Nebraska school systems, except that if requested by the applicant at

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the time of application, such certificate shall be valid only in Nebraska nonpublic school systems. The initial teaching certificate shall expire on the applicant's date of birth in the fifth year following the year of issuance or renewal.

005.03 Initial Teaching Certificate Additional Requirements. Each applicant for an initial teaching certificate shall:

005.03A Fulfill the requirements in Section 005.01;

005.03B Have received a baccalaureate degree;

005.03C Have completed the academic program requirements of an approved program for the preparation of teachers; and

005.03D Within five (5) years prior to the date of application, have:

005.03D1 taught for one (1) school year in an accredited, approved, or otherwise legally operated school in any state; or

005.03D2 received six (6) semester hours of college credit in for education-related course work ~~recognized in 92-NAC-24 as meeting all or part of the requirements for an endorsement;~~ or

005.03D3 ~~however,~~ if the applicant has never held a regular certificate in any state and applies more than five (5) years after completion of an approved program, then the applicant shall meet this requirement with fifteen (15) semester hours of credit as set forth in Section 005.10C; or

005.03E Be a person participating in an approved teacher exchange program.

005.04 Initial Teaching Certificate. Renewal Prior to Expiration or Less than Five Years after Expiration. Requirements. Each applicant for renewal of an initial teaching certificate prior to the date of expiration or less than five (5) years after the date of expiration of such certificate shall:

005.04A Fulfill the requirements in Sections 005.01A through E, 005.01J, and 005.01K;

005.04B Hold or have held a Nebraska initial teaching certificate which shall not have expired or expired less than five (5) years prior to the date of

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application; and

005.04C Have taught half time or more for one (1) school year in an accredited, approved, or otherwise legally operated school; or

005.04ED Have received six (6) semester hours of credit from a standard institution of higher education within five (5) years prior to the date of application.

005.05 Standard Teaching Certificate. The standard teaching certificate shall be valid for teaching in all Nebraska school systems, except that if requested by the applicant at the time of application, such certificate shall be valid only in Nebraska nonpublic school systems. The standard teaching certificate shall expire on the applicant's date of birth in the fifth year following the year of issuance.

005.06 Standard Teaching Certificate Additional Requirements. Each applicant for a standard teaching certificate shall:

005.06A Fulfill the requirements in Section 005.01;

005.06B Qualify for or hold a Nebraska initial teaching certificate or a comparable and equivalent certificate; and

005.06C Within five (5) years prior to the date of application, have taught half-time or more for two (2) consecutive school years:

005.06C1 in ~~the same a~~ Nebraska school system;

005.06C2 in an accredited, approved, or otherwise legally operated school in another state;

005.06C3 in a nonpublic school in a state that does not require certification of nonpublic school teachers;

005.06C4 in a U.S. Department of Defense school system;

005.06C5 as a regular faculty member in the teacher or administrator preparation program of a standard institution of higher education;

005.06C6 in a pre-kindergarten early childhood program which is required by law to employ certificated teachers or which requires its

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teachers to hold a certificate;

005.06C7 as a Nebraska certified teacher providing distance learning or dual enrollment instruction to students in a Nebraska school system, pursuant to Section 79-~~1332~~ 1201 (1) and (2) R.R.S.; or

005.06D Within five (5) years prior to the date of application, have been employed by the Department.

005.07 Professional Teaching Certificate. The professional teaching certificate shall be valid for teaching in all Nebraska school systems, except that if requested by the applicant at the time of application, such certificate shall be valid only in Nebraska nonpublic school systems. The professional teaching certificate shall expire on the applicant's date of birth in the tenth year following the year of issuance or renewal, except that professional teaching certificates issued prior to July 11, 1977, shall be valid for the life of the holder unless otherwise converted as provided in Section 003.07 of this Chapter.

005.08 Professional Teaching Certificates Additional Requirements. Each applicant for a professional teaching certificate shall:

005.08A Fulfill the requirements in Section 005.01;

005.08B Qualify for or hold a Nebraska standard teaching certificate, or a comparable and equivalent certificate, or verify having taught half-time or more for two (2) consecutive years during the period of validity of a regular certificate; and

005.08C Have received a master's degree, ~~other than a master's degree that was required initially for the area of endorsement,~~ from a standard institution of higher education in Curriculum and Instruction or in the same area as the applicant's area of endorsement which includes education-related coursework in the subject area for which the applicant is endorsed completed at the baccalaureate level; or

005.08D Hold current credentials from a credentialing organization approved by the Department pursuant to 92 NAC 22; or

005.08E Have received a six-year specialist's certificate or a doctorate degree from a standard institution of higher education in an area related to the applicant's area of endorsement completed at the master's degree level.

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005.09 Standard and Professional Teaching Certificates; Renewal Prior to Expiration or Less than Five Years after Expiration; Requirements; Each applicant for renewal of a standard or professional teaching certificate prior to or less than five (5) years after the date of expiration shall:

005.09A Fulfill the requirements in Sections 005.01A through E, 005.01J, and 005.01K;

005.09B Hold or have held a Nebraska standard or professional teaching certificate or a comparable and equivalent certificate which shall not have expired or which expired less than five (5) years prior to date of application; and

005.09C Within five (5) years prior to the date of application, have taught half-time or more for one (1) school year:

005.09C1 in a Nebraska school system;

005.09C2 in an accredited, approved, or otherwise legally operated school in another state;

005.09C3 in a nonpublic school in a state that does not require certification of nonpublic school teachers;

005.09C4 in a U.S. Department of Defense school system;

005.09C5 as a regular faculty member in the teacher or administrator preparation program of a standard institution of higher education;

005.09C6 in a pre-kindergarten early childhood program which is by law required to employ certificated teachers or which requires its teachers to hold a certificate; or

005.09C7 as a Nebraska certified teacher providing distance learning or dual enrollment instruction to students in a Nebraska school system, pursuant to Section 79-~~1332~~ 1201(1) and (2) R.R.S.; or

005.09D Within five (5) years prior to the date of application, have been employed by the Department; or

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005.09E Have received six (6) semester hours of credit in education-related coursework from a standard institution of higher education within five (5) years prior to the date of application.

005.10 Initial, Standard, and Professional Teaching Certificate. Renewal Five or More Years After Expiration. Each applicant for renewal of an initial, standard, or professional certificate five (5) or more years after the date of expiration of such certificate shall:

005.10A Fulfill the requirements in Sections 005.01A through E, 005.01J, and 005.01K;

005.10B Have held a Nebraska initial, standard, or professional teaching certificate which shall have expired five (5) or more years prior to the date of application; and

005.10C Within five (5) years prior to the date of application, have received fifteen (15) semester hours of credit for course work in an approved program for the preparation of teachers, and such course work shall include (a) a course in instructional techniques; (b) a practicum consisting of one hundred or more clock hours of contact with students in the classroom setting, fifty percent of which shall consist of performing instructional duties under the supervision of a cooperating teacher; (c) a course or courses which address current issues in education, including but not limited to, special education, gifted education, reading and writing in the content area, and school law; and (d) the remaining course work be directly related to the applicant's area of endorsement on the expired certificate.

005.11 Provisional Commitment Teaching Certificate. The provisional commitment teaching certificate may be issued to applicants who do not meet all the recent college credit or employment experience requirements for a regular certificate and shall be valid for teaching only in the Nebraska school system requesting the issuance of such certificate. The provisional commitment teaching certificate shall expire on August 31 of the year following the year of issuance or renewal.

005.12 Provisional Commitment Teaching Certificate Additional Requirements. Each applicant for a provisional commitment teaching certificate shall:

005.12A Fulfill the requirements in Sections 005.01A through E, and Sections 005.01I through K;

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005.12B Submit a written request for the issuance of such certificate from the superintendent of schools or the governing body of the school system in which the applicant intends to teach;

005.12C Have received a baccalaureate degree;

005.12D Have completed at least one-half of the pre-student teaching requirements, including a course in teaching methods, of an approved program for the preparation of teachers;

005.12E Have fulfilled at least three-fourths of the requirements for at least one subject or field endorsement pursuant to 92 NAC 24; and

005.12F Submit a signed and dated statement of intent to fulfill the remaining requirements needed for issuance of a regular certificate during the period in which such certificate is in effect or to make such progress on the program as to permit the renewal of the provisional commitment teaching certificate as set forth in Sections 005.13D and 005.13E.

005.13 Provisional Commitment Teaching Certificate Renewal Requirements. Any holder of a provisional commitment teaching certificate may renew such certificate prior to, on, or after the date of expiration. Each applicant for renewal shall:

005.13A Fulfill the requirements in Sections 005.01A through E, 005.01J, and 005.01K;

005.13B Hold or have held a Nebraska provisional commitment teaching certificate;

005.13C Submit a written request for the issuance of such certificate from the superintendent of schools or the governing body of the school system in which the applicant intends to teach; and

005.13D Within one (1) year prior to the date of application, have received six (6) semester hours of credit for course work which fulfills some or all of the remaining program or endorsement requirements; or

005.13E Within one (1) year prior to the date of application, have met at least one of the requirements in Sections 005.01F or 005.01G necessary for the issuance of a regular certificate.

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005.14 Provisional Teaching Certificate. The provisional teaching certificate may be issued to applicants who do not meet all the recent college credit or employment experience requirements for a regular certificate. The provisional teaching certificate shall be valid in all Nebraska school systems, except that if requested by the applicant at the time of application, such certificate shall be valid only in Nebraska nonpublic school systems. The provisional teaching certificate shall expire on August 31 of the year following the year of issuance or renewal.

005.15 Provisional Teaching Certificate Additional Requirements. Each applicant for a provisional teaching certificate shall:

005.15A Fulfill the requirements in Sections 005.01A through E, 005.01I, 005.01J, and 005.01K;

005.15B Have received a baccalaureate degree;

005.15C Have completed an approved program for the preparation of teachers at a standard institution of higher education; and

005.15D Submit a signed and dated statement of intent to fulfill the requirements for issuance of a regular certificate including recent college credit, Sections 005.01F, and 005.01G during the period in which the provisional teaching certificate is in effect.

005.16 Provisional Teaching Certificate Renewal Requirements. Any holder of a provisional teaching certificate may renew such certificate prior to, on, or after the date of expiration. Each applicant for renewal shall:

005.16A Fulfill the requirements in Sections 005.01A through E, 005.01J, and 005.01K;

005.16B Hold or have held a Nebraska provisional teaching certificate; and

005.16C Within one (1) year prior to the date of application, have received six (6) semester hours of credit for course work which fulfills some or all of the remaining program or endorsement requirements; or

005.016D Within one (1) year prior to the date of application, have met at least one of the requirements in Sections 005.01F or 005.01G necessary for the issuance of a regular certificate.

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005.17 Trades Career Education Teaching Certificate. The trades career education teaching certificate may be issued to applicants who do not meet the college credit requirements for a regular certificate and shall be valid for teaching only in the Nebraska school system requesting the issuance of such certificate and only in the area of trade career education endorsement areas described in 92 NAC 24. The trades career education teaching certificate shall expire on the applicant's date of birth in the second fifth year following the year of issuance, ~~or of the third year following the year of renewal.~~ The trades career education teaching certificate shall not be valid for substitute teaching.

005.18 Trades Career Education Teaching Certificate Additional Requirements. Each applicant for a trades career education teaching certificate shall:

005.18A Fulfill the requirements in Sections 005.01A through E, and Sections 005.01I through K;

005.18B Submit a written request for the issuance of such certificate from the superintendent of schools or the governing body of the school system in which the applicant intends to teach; and

005.18C Qualify for a trades career education endorsement pursuant to 92 NAC 24.

005.19 Trades Career Education Teaching Certificate Renewal Requirements. Each applicant for renewal of a trades career education teaching certificate prior to, on, or after the date of expiration shall:

005.19A Fulfill the requirements in Sections 005.01A through E, 005.01J, and 005.01K;

005.19B Submit a request for the renewal of such certificate from the superintendent of schools or the governing body of the school system in which the applicant intends to teach;

005.19C Hold or have held a Nebraska trades career education teaching certificate; and

005.19D Within ~~three~~ five (35) years prior to the date of application for renewal, have taught ~~the trade~~ in a Nebraska school system. ~~;~~ ~~or~~

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005.20 Dual Credit Teaching Certificate. The dual credit teaching certificate shall be valid for teaching college courses that generate both college credit and have been approved for high school credit in Nebraska school systems requesting the delivery of such courses. The dual credit teaching certificate shall expire on the applicant's date of birth in the fifth year following the year of issuance. The dual credit teaching certificate shall not be valid for substitute teaching.

005.21 Dual Credit Teaching Certificate Additional Requirements. A dual credit teaching certificate may be issued to an applicant who is employed as a teacher by a Nebraska postsecondary educational entity and is eligible to teach courses offered by the postsecondary entity and approved by a local school system for high school credit. Each applicant for a dual credit teaching certificate shall:

005.21A Fulfill the requirements in Sections 005.01A through E, and Sections 005.01I through K;

005.21B Be eligible to teach courses for college credit offered by the Nebraska postsecondary educational entity and approved by a Nebraska school system for high school credit;

005.21C Hold a master's degree; and

005.21D Have earned a minimum of six (6) graduate hours in the subject area for which a teaching endorsement is sought pursuant to 92 NAC 24.

005.22 Dual Credit Teaching Certificate Renewal Requirements. Any holder of a dual credit teaching certificate may renew such certificate prior to, on, or after the date of expiration. Each applicant shall:

005.22A Fulfill the requirements in Sections 005.01A through E and Sections 005.01J through K;

005.22B Hold or have held a dual credit teaching certificate; and

005.22C Have taught one or more dual credit courses within the past five (5) years prior to the date of application; or

005.22D Have received three (3) semester hours of graduate credit in education related coursework within five (5) years prior to the date of application.

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**005.203** Substitute Teaching Certificate. The substitute teaching certificate shall be valid for teaching in all teaching endorsement areas in all Nebraska school systems, but persons holding such certificate may not teach more than ninety (90) teaching days in the same school and same assignment. The substitute certificate holder may be employed to teach by a school system only on a non-contractual basis. If requested by the applicant at the time of application, such certificate shall be valid only in Nebraska nonpublic school systems. The substitute teaching certificate shall expire on the applicant's date of birth in the fifth year following the year of issuance.

**005.214** Substitute Teaching Certificate— Additional Requirements. Each applicant for a substitute teaching certificate shall:

**005.214A** Fulfill the requirements in Sections 005.01A through E, and 005.01I through 005.01K;

**005.214B** Have held a Nebraska regular teaching certificate or a comparable and equivalent certificate in another state that shall have expired, or qualify for or hold a comparable and equivalent certificate.

**005.225** Substitute Teaching Certificate Renewal Requirements. Each applicant for renewal of a substitute teaching certificate prior to, on, or after the date of expiration of such certificate shall:

**005.225A** Fulfill the requirements in Sections 005.01A through E, 005.01J, and 005.01K; and

**005.225B** Have taught in one or more school systems for at least fifty (50) teaching days within five (5) years prior to the date of application for renewal; or

**005.225C** Have received three (3) semester hours of college credit within five (5) years prior to the date of application.

**005.236** Local Substitute Teaching Certificate. The local substitute teaching certificate shall be valid for forty (40) teaching days per school year only in the Nebraska school system or Local Substitute Teacher Consortium requesting the issuance of such certificate. The certificate holder may substitute teach no more than forty (40) teaching days in the same school system regardless of the number of local substitute certificates held. The certificate shall expire on the applicant's date of birth in the third year following the year of issuance of the certificate.

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005.247 Local Substitute Teaching Certificate Requirements. Each applicant for a local substitute teaching certificate shall:

005.247A Fulfill the requirements in Sections 005.01 A through E, and Sections 005.01I through K;

005.247B Have at least sixty (60) semester hours of college credit and completed college credit, or its equivalent, in professional education; and

005.247C Submit a written request for the issuance of such certificate from the superintendent and the governing body of the school system or Local Substitute Teacher Consortium in which the applicant intends to substitute teach.

005.258 Local Substitute Teaching Certificate Renewal. The local substitute teaching certificate may be renewed upon meeting the requirements in Section 005.247.

005.269 Transitional Teaching Certificate. The transitional teaching certificate shall be valid for teaching only in the Nebraska school system requesting the issuance of such certificate. The transitional teaching certificate shall expire on August 31 of the year following the year of issuance or renewal.

005.2730 Transitional Teaching Certificate Additional Requirements. Each applicant for a transitional teaching certificate shall:

005.2730A Fulfill the requirements in Sections 005.01A through E, and Sections 005.01I through K;

005.2730B Submit a written request for the issuance of such certificate from the superintendent of schools or the governing body of the school system in which the applicant intends to teach which includes documentation that the school system or governing body has not found a fully qualified teacher for the position;

005.2730C Have at least a baccalaureate degree which includes at least three-fourths of the course requirements for preparation in the endorsement area, pursuant to 92 NAC 24, that addresses the teaching position to be filled by the applicant;

005.2730D Have an assessment of his/her transcripts completed by a certification officer in a standard institution of higher education and a plan

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developed for completion of an approved initial teacher certification program;

**005.2730E** Submit a written plan from the school system for mentoring and supervision of the applicant;

**005.2730F** Complete a pre-teaching seminar offered by an educational service unit or standard institution of higher education that includes information and skill development in the areas of diversity, classroom management, curriculum planning, and instructional strategies prior to assuming responsibility for the classroom; and

**005.2730G** Submit a written agreement with a teacher education program from a Nebraska standard institution of higher education to complete the program for an initial teaching certificate which includes a commitment by the standard institution to provide at least one (1) supervisory visit each semester to the school system and classroom of the applicant.

**005.2831** Transitional Teaching Certificate Renewal Requirements. Each applicant for renewal of a transitional teaching certificate shall fulfill the requirements in Sections **005.2730A** through E and submit a transcript documenting completion of at least six (6) semester hours annually towards completion of the plan identified in Section **005.2730DG**. A transitional teaching certificate may be renewed for a maximum of five (5) years provided the applicant makes sufficient progress as provided by this section.

**006** Temporary Certificates.

**006.01** Temporary Teaching, Special Services, or Administrative Certificates Validity Restrictions. The Department may issue temporary certificates which shall be valid in all Nebraska school systems. The temporary certificate shall expire on August 31 of the second year following the year in which it is issued.

**006.02** Temporary Teaching, Special Services, or Administrative Certificates Requirements. Each applicant for a temporary certificate shall:

**006.02A** Complete the appropriate application forms prescribed by the Department; and

**006.02B** Meet all the requirements for an administrative, special services, or teaching certificate pursuant to this Chapter, except the requirement for

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human relations training as specified in this Chapter.

007 Special Services Certificates

007.01 Special Services Certificates, Types, General Requirements. The Department may issue standard and provisional special services certificates. Each applicant for a special services certificate shall:

007.01A Complete the appropriate application form prescribed by the Department, and meet the requirements of lawful presence in the United States as set forth in Sections 4-108 through 4-112 R.R.S.;

007.01B Submit an official transcript of all college credit earned in fulfillment of the requirements of 92 NAC 21;

007.01C Pay the prescribed fee as provided in Section 003.05 of this Chapter;

007.01D 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;

007.01E 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 and has not been a resident of Nebraska for at least five (5) continuous years immediately preceding the date of application;

007.01F Submit evidence of human relations training as defined by this Chapter;

007.01G Fulfill the additional requirements in Sections 007.03, 007.04, 007.06, and 007.07 for the type of certificate or renewal for which the applicant is applying;

007.01H Be of good moral character; and

007.01I Shall not have an emotional or mental incapacity to practice the profession as defined by Section 003.10.

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007.02 Standard Special Services Certificate. The standard special services certificate shall be valid for working in all Nebraska school systems only in the area of Special Services Endorsements described in 92 NAC 24. If requested by the applicant at the time of application, such certificate shall be valid only in Nebraska nonpublic school systems. The standard special services certificate shall expire on the applicant's date of birth in the fifth year following the year of issuance or renewal.

007.03 Standard Special Services Certificate Additional Requirements. Each applicant for a standard special services certificate shall:

007.03A Fulfill the requirements in Section 007.01; and

007.03B Have completed the program requirements for a special services endorsement in 92 NAC 24.

007.04 Standard Special Services Certificates Renewal Requirements. Each applicant for the renewal of a standard special services certificate prior to, on, or after the date of expiration of such certificate shall:

007.04A Fulfill the requirements in Section 007.03;

007.04B Hold or have held a standard special services certificate; and

007.04C Within five (5) years prior to the date of application, have worked half-time or more for one (1) school year in a Nebraska school system while holding such certificate in the special services endorsement area other than coaching; or

007.04D Within five (5) years prior to the date of application, have received six (6) semester hours of credit for course work at a standard institution of higher education in the area of the special services endorsement; or

007.04E Within five (5) years prior to the date of application, have been employed as a coach for one (1) school year in a Nebraska school system while holding such certificate in the special services endorsement area of coaching.

007.05 Provisional Special Services Certificate. The provisional special services certificate shall be valid for working only in the Nebraska school system requesting the issuance of such certificate and only in the area of special services endorsement

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described in 92 NAC 24. The provisional special services certificate shall expire on August 31 of the year following the year of issuance.

007.06 Provisional Special Services Certificate Additional Requirements. Each applicant for a provisional special services certificate shall:

007.06A Fulfill the requirements in Section 007.01;

007.06B Submit a written request for the issuance of such certificate from the superintendent of schools or the governing body of the school system in which the applicant intends to work;

007.06C Have completed at least three-fourths of the requirements for a Special Services Endorsement in 92 NAC 24; and

007.06D Submit a signed and dated statement of intent to fulfill the remaining endorsement or renewal requirements during the period in which such certificate is valid.

007.07 Provisional Special Services Certificate Renewal Requirements. Each applicant for renewal of a provisional special services certificate prior to, on, or after the date of expiration shall:

007.07A Fulfill the requirements in Section 007.01;

007.07B Hold or have held a Nebraska provisional special services certificate; and

007.07C Within one (1) year prior to the date of application, have received six (6) semester hours of credit for course work which fulfills some or all of the remaining endorsement or renewal requirements.

008 Conditional Permits

008.01 Conditional Permits. A conditional permit is a temporary authorization to teach, provide special services, or administer. A conditional permit shall be valid for up to one (1) year from the date of issuance unless otherwise voided as provided by Section 008.04 of this Chapter.

008.02 Conditional Permit Issuance Requirements. Upon request, the Commissioner may issue a conditional permit allowing a person to teach, provide special services, or

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administer, while the application for a certificate is being processed by the Department, if the Commissioner determines that the documents and information submitted and representations made by the applicant would allow for the issuance of the certificate sought by the applicant.

008.02A The Commissioner shall require, as a condition of issuance of such a conditional permit, that the superintendent or head administrator of the school intending to employ such applicant submit a statement indicating that the superintendent or head administrator:

008.02A1 Has checked the applicant's background and is satisfied that the documents relating to education, past employment and criminal history submitted to the Department for certification purposes are true and accurate;

008.02A2 Intends to employ the applicant; and

008.02A3 Requests the Commissioner issue a conditional permit to the applicant.

008.03 Conditional Permits Issuance Requirements When a Criminal History Check is Required and All Other Certification Requirements Have Been Met. An applicant for a certificate who is required to submit a complete, legible set of fingerprints shall be issued a conditional permit prior to receipt, by the Commissioner, of the criminal history record information check if:

008.03A The application identifies all crimes of which the applicant has been convicted; and

008.03B The Commissioner determines the applicant has good moral character and meets all other requirements for certification.

008.04 Voiding of Conditional Permits. The applicant's conditional permit shall be void upon the issuance of a certificate to the applicant or upon a final determination that the applicant does not meet the requirements for issuance of a certificate. For purposes of this Chapter, a determination is final upon expiration of the time for which the applicant may appeal a denial as provided in Section 009 or upon issuance of a final order by the Board regarding an appeal by an applicant.

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009 Appeals Procedure

009.01 Notice. The Department shall notify in writing an applicant for a certificate or endorsement if the Department intends to deny an application and provide the reason(s) for the denial.

009.02 Request for Review. The applicant may request in writing a review by the Commissioner within twenty calendar (20) days after receipt of the written notice provided for in Section 009.01 of this Chapter. Failure of an applicant to request a review by the Commissioner within twenty (20) calendar days after receipt of the notice shall be a waiver of any further appeal by the applicant and shall result in a denial of the certificate or endorsement. The Commissioner shall:

009.02A Notify the applicant that the Department will issue the certificate or endorsement being sought;

009.02B Notify the applicant that the application for a certificate or endorsement is denied; or

009.02C Notify the applicant that the application for a certificate or endorsement is denied for the reason(s) set forth in the notice and that, as a result of the applicant's failure to request a review pursuant to Section 009.02 of this Chapter, the applicant has waived any further appeal to the Board regarding the current application.

009.03 Hearings. Within twenty (20) calendar days of receipt of the notice of the Commissioner's denial of the certificate or endorsement pursuant to Section 009.02B of this Chapter, the applicant may appeal the Commissioner's decision pursuant to 92 NAC 61. If the Board finds that the requirements in this or related chapters have been improperly applied to the applicant or in the case of an applicant who the Commissioner has rejected due to criminal convictions, that the applicant has good moral character and possesses the moral fitness for teaching, then the Board may direct the Commissioner to issue a certificate to the applicant.

009.04 Guidelines for Review. In considering whether to deny, not issue, or not renew a certificate of an applicant based upon criminal convictions, the Commissioner and Board shall take into account the following factors in determining moral character and moral fitness to teach:

009.04A The nature of the crime, the facts and circumstances surrounding the applicant's conviction including whether the conduct of the applicant

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would constitute a crime in Nebraska, the sentence received, and whether the sentence was commuted, set aside, or pardoned;

009.04B The applicant's age at the time of the conduct;

009.04C The recency of the conduct;

009.04D The applicant's positive social contributions since the conduct; and

009.04E The reliability of the information concerning the conduct.