



NEBRASKA

DEPARTMENT OF EDUCATION

April 23, 2020

To: Nebraska Public School Superintendents, Non-Public School Superintendents, and ESU Administrators
CC: State Board of Education, Commissioner's Cabinet, and NDE Leadership
RE: Commissioner's Message Regarding NDE Rule 10 Accreditation and Summer Learning

Good afternoon,

I continue to be proud of how nimble and caring our educators are in Nebraska. You are truly making great things happen amidst uncertainty and the unknown. As each day presents new challenges, it also presents new opportunities for making a difference in the lives of the people in your care. I am grateful that the State Board of Education adopted the resolution at the April 6, 2020, meeting which directs me to facilitate broad flexibility for the operation of schools under the authority of the Nebraska Department of Education (NDE) rules and regulations. Additionally, the resolution directs me to facilitate this broad flexibility while asking schools to be cognizant of their students, families, and staff most in need of equitable support. I was also directed in that resolution to support the use of continuity of learning plans to grant authority to schools to manage the needs of their schools and local communities.

As the end of the school year quickly approaches for many of you, continuity of learning plans are in full force across the state. When we began messaging continuity of learning plans, we indicated that we would require an end-of-school-year "report." Over the course of the last month as continuity of learning plans have been implemented, I have acknowledged the many concerns related to how we operate in this moment. This message is intended to provide clear direction related to NDE Rule 10 (Accreditation of Schools), with some additional guidance on summer learning.

While March 22 was only a month ago, it seems like much longer! Therefore, it may not be useful for me to lead with, "you might remember from the webinar on March 22..." In fact, I had to revisit the presentation slides to remind myself what we promised on that date with regard to the "final phase" of the proposed continuity of learning plan outline. Below I am providing two major points for your attention. **These two points will be action steps for you once your school year calendar concludes, due no later than June 30, 2020.** We will ask you to complete these two steps in one process. I expect that the completion of these two steps should take you less than 30 minutes. Further instructions and access to complete this information will be available on or before May 4.

Primarily, I know that many of you may be concerned with the statutory obligations related to the number of instructional hours required to fulfill the minimum school term. As NDE guidance on data reporting indicated earlier this week, we do not expect schools to report instructional hours after the date which they began operation without students in attendance centers.

- 1) Schools that do not meet the instructional hours requirements (which I expect will be most, if not all) should submit an affidavit to the NDE after the district/system school year calendar concludes. The NDE will provide the updated affidavit form on or before May 4, and schools must submit the completed affidavit no later than June 30, 2020. I ask schools to submit the affidavit using the forthcoming template provided by the NDE. You will be asked to upload the completed affidavit as a PDF to a brief survey described in point two below. If your school has chosen to prepare your own affidavit up to this point, you may upload it in addition to completion of the NDE form.

I recognize that there are other concerns related to Rule 10 regulations. The second point below describes how I will ensure school district/system compliance under Rule 10 for the 2019–2020 school year, while gathering some brief information from you on how we best prepare for the 2020–2021 school year.

- 2) In a short survey, we will ask one question as a follow-up to your continuity of learning plan, “How did you serve students and address equity needs through your continuity of learning plan?” Your reply can be a maximum of approximately 575 words. Similar to your responses in the initial continuity of learning plan, this should be a brief, high-level summary of your district/system plan. Links to webpages, Google Sites, and documents are permissible.

We will also ask you to review a Rule 10 “checklist” of specific regulations and identify any aspects of the regulations that were difficult to fulfill after you began operation without students in attendance centers. For any item you identify that was difficult to fulfill, we will ask to you to provide a brief (no more than 300 words) description of what the NDE should consider regarding this aspect of the regulation for the 2020 – 2021 school year. The identification of these items will in no way affect your accreditation. However, submitting items 1 and 2 is a requirement of this year’s process.

To reiterate, school districts/systems will be required to:

- Submit an affidavit if the instructional hours requirements were not met (which we expect in light of the circumstances)
- Respond to the one question following up to your continuity of learning plan, and review the Rule 10 “checklist” and identify aspects that were difficult to fulfill

The NDE will not request any additional information related to Rule 10 accreditation, unless a school were to identify the need for a waiver and/or modification under section 13 for issues that are a result of circumstances outside those created by the current COVID-19 pandemic. Please contact Brad Dirksen (brad.dirksen@nebraska.gov) with questions related to Rule 10 accreditation.

Note that in this survey, we may include similar broad flexibility opportunities for additional regulations administered by the NDE to consolidate processes and streamline responses.

Finally, I advise that summer learning be provided in a remote learning environment until and unless public health officials advise otherwise. I recognize that restrictions will be different regionally and encourage continued engagement with public health officials in making summer learning decisions. Remote instruction will qualify the same as in person classes for the summer school allowance. However, since remote instruction cannot be measured in the same way as in-person instruction, schools can use their best judgement to ensure they are providing *at least* similar educational experiences as the minimum requirement noted in statute to qualify for the summer school allowance. Please contact Bryce Wilson (bryce.wilson@nebraska.gov) with questions related to the summer school allowance.

Thank you for your continued commitment to your students, families, and communities. I know this is an incredibly demanding time on all of you and I appreciate your unwavering commitment. We will make every effort to continue providing explicit guidance to assist you in bringing this school year to a close and preparing for the next.

Matthew L. Blomstedt, Ph.D.
Commissioner of Education