TITLE 92 – NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 82 – REGULATIONS GOVERNING THE DIPLOMA OF HIGH SCHOOL EQUIVALENCY ASSISTANCE ACT

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001 General Provision.

001.01 Statutory Authority. Section 79-2301 to 79-2308 of the *Revised Statutes of Nebraska* (R.R.S.) provides that the State Board of Education may adopt and promulgate rules and regulations to carry out the Diploma of High School Equivalency Assistance Act (Act).

001.02 Related Chapters. Title 92, Nebraska Administrative Code, Chapter 81(92 NAC 81), contains regulations for the high school equivalency program.

002 Diploma of High School Equivalency Assistance Act.

002.01 Purpose. The purpose of the Diploma of High School Equivalency Assistance Act is to provide assistance to institutions which offer high school equivalency programs in order to defray the costs associated with participation in such programs.

003 Definitions. For purposes of this Chapter:

003.03A Adult Information Management System (AIMS) means the student data system utilized by the Nebraska Department of Education in the administration of the Nebraska Adult Education program.

003.03B Contact hours means the hours of instruction or instructional activity. Instructional activity includes any program-sponsored activity designed to promote student learning in the program curriculum, such as classroom instruction, assessment, tutoring, distance education, or participation in a learning lab.

003.03C Department means the State Department of Education, which is comprised of the State Board of Education and the Commissioner of Education.

003.03D Fiscal year means a time period commencing on July 1 and ending on June 30 of the following year.

003.03E High School Equivalency Program means a program which is offered by an institution, or, for purposes of Section 007 of this Chapter offered by any entity other than an institution and provides participants with training and examinations for a diploma of high school equivalency.

003.03F Initial Examination means when the participant completes his/her first module of the test battery that is required to obtain the diploma of high school equivalency under Chapter 81 of this Title.

003.03G Institution means a state agency, a school district as defined in Section 79-101 R.R.S., or a community college area as defined in Section 85-1503 R.R.S.

003.03H Nebraska Adult Education Class means instruction offered to individuals who at least 16 years of age and older, officially withdrawn from school, and who function at or below the 12th grade level.

003.03I Participant, except as otherwise provided in Section 003.03J, means an individual over the age of 16 who has officially withdrawn from school and who has enrolled in a high school equivalency program at an institution and has attended a Nebraska Adult Education class a minimum of 12 contact hours.

003.03J Participant not enrolled in the institution's high school equivalency program means an individual over the age of 16 who has officially withdrawn from school and has completed the test battery required to obtain the diploma of high school equivalency under Chapter 81 of this Title.

004 Assistance to Institutions.

004.01 Legislative Intent. Section 79-2304(1) R.R.S. states that it is the intent of the Legislature to appropriate seven hundred fifty thousand dollars ($750,000.00) from the General Fund for fiscal years 2013-2014 and 2014-2015, and any amount determined by the Legislature for any fiscal year thereafter, to the State Department of Education. Such funds shall be used by the Department to provide assistance to institutions that offer high school equivalency programs.

004.02 Provision of Assistance. Assistance shall be provided based on participation in an institution's high school equivalency instructional and testing programs as follows:

004.02A Each such institution shall receive one assistance payment for each participant who enrolled in its high school equivalency program in the most recently completed fiscal year.

004.02B Each such institution shall receive one assistance payment for each enrolled participant who took an initial examination for a diploma of high school equivalency in the most recently completed fiscal year; and

004.02C Each such institution shall receive one assistance payment for each participant not enrolled in the institution's high school equivalency program who took the examination for a diploma of high school equivalency in the most recently completed fiscal year.

004.02D An institution shall receive no additional assistance for any participant who failed his or her initial examination for a diploma of high school equivalency and requires additional training and testing.

004.03 Calculation of Payments. The number of participants and the number of participants not enrolled in an institution's high school equivalency program, to be determined using student data from AIMS and testing data from GED® Testing Service, will be used by the Department to set the dollar amount available for each institution's assistance payments annually. This amount will be calculated as a pro-rata share of the available amount of the annual appropriation based on the number of assistance payments an institution is eligible for.

For each year in which funds are available under this Act, the Department will notify eligible institutions in writing, by date to be determined annually by the Department, of the amount of any assistance payments available from the Department. A grant award document will be issued to the institution within 60 days of such written notification.

005 Acquisition and Upgrade of Equipment and Software.

005.01 Using the funds allocated from the Education Innovation Fund pursuant to subdivision (4)(b)(viii) of Section 9-812 R.R.S., the State Department of Education shall provide each institution offering a high school equivalency program a one-time payment for the acquisition and upgrade of equipment and software necessary to administer examinations for diplomas of high school equivalency.

005.01A Payment will be made following claims electronically submitted to the Adult Education section, following Nebraska Adult Education instructions for completion of the "Report for Expenditures for Adult Education." Instructions are available on the Department Adult Education website.

005.01B Claims shall include copies of receipts, invoices or other similar documentation of the equipment and software purchased together with an explanation or description of its necessity for the institution in administering exams for diplomas of high school equivalency. An institution's claim must be received by the Department no later than May 31, 2015.

005.01C Payment by the Department to an institution under this section shall be the lesser of (a) an amount that is one equal share derived from dividing the amount available for distribution by the number of institutions that offer high school equivalency programs as of July 1, 2013; or (b) the amount of the claim for necessary acquisition and upgrade of equipment and software submitted under subsection 005.01B.

006 Reports. Each institution receiving assistance pursuant to Section 79-2304 R.R.S. shall report annually to the State Department of Education.

006.01 Institutional Reports. Each participating institution shall file an annual report with the Department for the Diploma of High School Equivalency Assistance Act for any fiscal year in which the eligible institution receives funding assistance. The annual report shall include information on the following for the most recently completed fiscal year:

006.01A The number of diplomas of high school equivalency awarded pursuant to such high school equivalency program, as verified through GED® Testing Service;

006.01B The number of participants in the high school equivalency program who moved successfully through the continuum of literacy skill levels offered by the program, as verified through AIMS;

006.01C The number of participants completing the high school equivalency program who secured entry-level career path employment, as verified through AIMS;

006.01D The number of participants completing the high school equivalency program who went on to postsecondary education or additional career training, as verified through AIMS; and

006.01E The number of participants in the high school equivalency program who were Nebraska residents or enrolled in a postsecondary educational institution located in Nebraska, as verified through AIMS.

006.02 Institutional Report Due Date. The Report described in Section 006.01 of this Chapter shall be received by the Department within 120 days of the completion of the most recent fiscal year.

007 High School Equivalency Grant Fund Assistance Payments

007.01 The State Department of Education shall provide for grants to any entity offering a high school equivalency program, which entity is not an institution. Grants pursuant to this section shall be awarded to applicants which meet the requirements of Section 79-2304 R.R.S.

007.02 Grants to the entities will be provided to entities according to the criteria described for institutions in Sections 004.02 through 004.03 of this Chapter.

007.03 For an entity to be eligible for the award of a grant under this section, it shall provide participants with training and examinations for a diploma of high school equivalency.

007.04 Each entity receiving a payment shall file an annual report to the State Department of Education, as described in Section 006 of this Chapter.