NEBRASKA STATE BOARD OF EDUCATION MEETING NOTIFICATION AND AGENDA

Meeting Date:	**Friday, April 14, 2023 9:00 AM**
Meeting Title:	**State Board of Education Meeting Notification and Agenda**
Location:	**The Graduate** **Scarlet Ballroom** **141 N 9th Street** **Lincoln, NE 68508**
Agenda:	**Except for emergency items added at the time of the meeting, the agenda will not be changed less than 24 hours prior to the start of the meeting and any changes will be immediately posted on the website.** **The Board will attempt to adhere to the sequence of the published agenda, but reserves the right to adjust the order of items if necessary and may elect to take action on any of the items listed.**
Interpreter:	**If you need interpreter services or other reasonable accommodations, please contact the Nebraska Department of Education at (402) 471-5059 five (5) days prior to the meeting to coordinate arrangements.**
Website:	**An electronic version of the agenda and support materials are available on the State Board of Education's Agenda page: www.education.ne.gov/stateboard/state-board-agendas/**
Lunch:	**On Friday Friday, April 14, 2023, the State Board of Education may also take a recess for lunch. The Board may resume work on the agenda at approximately 1:00 p.m.**

1. CALL TO ORDER (The Board may take a 45 minute recess at or after 12:00 p.m.)
   President Gubbels

   1.1. Roll Call
   President Gubbels

   1.2. Pledge of Allegiance
   President Gubbels

   1.3. Announcement of the placement of the Open Meetings Act information
   President Gubbels

2. SPECIAL PRESENTATIONS
   President Gubbels

   2.1. Special Presentation and Resolution to Proclaim April 2023 as Month of the Military Child and April 14, 2023, as Purple Up! For Military Kids Day
   Colonel Jasin Cooley, 55th Mission Support Group Commander and Liane Yanikov, School Liaison Program Manager at Offutt Air Force Base; Colonel John Williams, 155th Wing Commander and Captain Mark Young, 155th Wing Executive at Air

National Guard; Captain

2.2. Nebraska Teacher of the Year Quarterly Report
Renee Jones, 2023 Nebraska Teacher of the Year, High School English, Lincoln High School
The Nebraska Teacher of the Year provides quarterly reports on the status and highlights from her year so far.

2.3. Milken Educator Award Presentation
David Jespersen, Administrator of the Office of Public Information and Communication, NDE Lisa Moody, 2022-2023 Nebraska Milken Educator Award Recipient, Special Education teacher, Jefferson Elementary School in Omaha
Nebraska was honored to have a recipient of the Milken Educator Award in the 2022-2023 school year. Lisa Moody from Jefferson Elementary School in Omaha was notified in a surprise announcement in January. Each year the official Milken Award obelisk is presented during a state event such as a state board meeting. Lisa will be presented her obelisk and have an opportunity to speak to the board about the honor.

3. DEPUTY COMMISSIONER'S REPORT
Deputy Commissioner Frison

3.1. Agenda Overview and Consent Agenda Process
Deputy Commissioner Frison

3.1.A. Deputy Commissioner's recommendations and items to be removed from consent agenda
Deputy Commissioner Frison

4. PRESIDENT'S REPORT
President Gubbels

5. CONSENT AGENDA
President Gubbels

5.1. Board Member Out-of-State Travel Approval

5.2. Committee Appointments

5.2.A. Appoint members to the Nebraska Private Postsecondary Career Schools Advisory Council
Marisol Birth and Brad Dirksen

5.3. Contract Approvals

5.3.A. Authorize the Deputy Commissioner to renew contracts with the four regional programs located at ESU3 (Omaha), Norfolk P.S., ESU 18 (Lincoln), and ESU 9 (Hastings)
Amy Rhone

5.3.B. Authorize the Deputy Commissioner to renew a contract with ESU 9 for assistance with implementation of the Nebraska State Plan for Education of Children who are Deaf or Hard of Hearing by providing the employment contract for the State Liaison to Statewide Educational Programs and Support Services for Children Who are Deaf or Hard of Hearing
Amy Rhone and Darsha Pelland

5.3.C. Authorize the Deputy Commissioner to renew a contract and lease with Educational Service Unit #4 to continue operation of the Nebraska Center for the Education of Children Who are Blind or Visually Impaired (NCECBVI)
Amy Rhone and Darsha Pelland

5.3.D. Authorize the Deputy Commissioner to amend medical consultant contracts for the Office of Disability Determinations
Krysti Michl

5.3.E. Authorize the Deputy Commissioner to contract with the Nebraska Department of Health and Human Services (DHHS)
Zainab Rida and Jessie Coffey

5.3.F. Authorize the Deputy Commissioner to approve a contract renewal with the National Association of Elementary School Principals (NAESP)
Melody Hobson

5.4. Grant Approvals

5.4.A. Authorize the Deputy Commissioner to approve a continuation grant to Educational Service Unit #10 to fund early childhood coach consultation
Melody Hobson

5.4.B. Authorize the Deputy Commissioner to approve funding recommendations for the federally-funded 21st Century Community Learning Centers (21st CCLC) Grant Program
Zainab Rida and Jan Handa

5.5. Lease Approvals

5.6. Minutes of the Previous State Board of Education Meeting

5.7. Miscellaneous Approvals

5.7.A. Authorize the Deputy Commissioner to continue the Agreement between the Board of Regents (BOR), State of Iowa, on behalf of the Iowa School for the Deaf (ISD), and the Nebraska Department of Education to support Nebraska students who are identified as Deaf or Hard of Hearing
Amy Rhone

5.7.B. Approve the attached Special Grant Fund List for 2023/24 School District Budgeting
Bryce Wilson

6. STANDING COMMITTEE REPORTS
President Gubbels

6.1. Executive Committee
President Gubbels

6.1.A. Review 2023 Proposed State Legislation and Take Action on Board Positions
Deputy Commissioner Halstead

6.1.B. Action Item: Approve the Employment Agreement between the State Board of Education and Brian Maher

6.2. Budget and Finance Committee
Patsy Koch Johns

6.2.A. Monthly Board Travel Expense Report

6.2.B. In-State Travel Authorization Reports

6.2.C. Action Item: Accept the 2022 Single Audit Report
Bryce Wilson

6.2.D. Action Item: Authorize the Deputy Commissioner to enter into a new lease agreement between the Department of Administrative Services (DAS), State Building Division and the Department of Education, Nebraska Vocational Rehabilitation (VR) for office space in Fremont for the period July 1, 2023 through June 30, 2033
Bryce Wilson

6.2.E. Action item: Authorize the Deputy Commissioner to approve a continuation grant to the Nebraska Children and Families Foundation to continue the Nurturing Healthy Behaviors/Rooted in Relationships program
Melody Hobson

6.2.F. Action Item: Authorize the Deputy Commissioner to contract with Public Consulting Group from April 17, 2023-August 30, 2023
Lupe Stevens and Lindy Foley

6.2.G. Action Item: Authorize the Deputy Commissioner to contract with Janus Software, Inc.
Kristin Yates, Tibor Moldovan, and Lane Carr

6.2.H. Action Item: Authorize the Deputy Commissioner to grant Support for Improvement (SFI) funding for Comprehensive Support for Improvement (CSI)

schools
Shirley Vargas and Beth Wooster

6.2.I. Action Item: Authorize the Deputy Commissioner to renew the contract with TransACT Communications, LLC for the period from June 1, 2023 through May 31, 2026
Beth Wooster and Allyson DenBeste

6.2.J. Action Item: Authorize the Deputy Commissioner to accept funds from the Nebraska Arts Council to administer the Arts NOW Grant Program to Nebraska school districts
Marissa Payzant

6.3. Planning and Evaluation Committee
Deborah Neary

6.3.A. Action Item: Approve the 2023-2026 Community Achievement Plan (CAP) of The Learning Community of Douglas and Sarpy Counties
Shirley Vargas

6.3.B. Action Item: Approve the nonpublic schools appearing on the accompanying list to operate for the 2023-2024 school year under Rule 14 (92 NAC 14), Regulations & Procedures for the Legal Operation of Approved Nonpublic Schools
Micki Charf and Brad Dirksen

6.3.C. Discussion Item: Discuss the Rule 18 approval process for Interim-Program Schools
Micki Charf and Brad Dirksen

6.3.D. Discussion Item: Discuss the Rule 84 accreditation process for Educational Service Units
Micki Charf and Brad Dirksen

6.4. Rules and Regulations Committee
Elizabeth Tegtmeier

6.4.A. Report On Rules

6.4.B. Discussion Item: Discuss proposed revisions to Rule 20 (92 NAC 20) Regulations for the Approval of Teacher Education Programs
Brad Dirksen

6.4.C. Discussion Item: Discuss proposed revisions to Rule 24 (92 NAC 24) Regulations for Certification Endorsements
Brad Dirksen

6.4.D. Discussion Item: Discuss proposed revisions to Rule 21 (92 NAC 21) Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools
Brad Dirksen and Clayton Waddle

6.4.E. Discussion Item: Discuss proposed changes to Title 93 (NDE Personnel Rules)
Joel Scherling

7. ADDITIONAL BUSINESS
President Gubbels

8. PUBLIC COMMENT PERIOD (The Board will hear Public Comment at or after 1:00 p.m.)
President Gubbels

8.1. Public Comment

8.2. Written Public Comment

9. INFORMATION ITEMS AND REPORTS
President Gubbels

9.1. Contracts Approved by Commissioner

9.2. Grants Approved by Commissioner

10. GOOD OF THE ORDER
This section of the agenda is intended for Board members to offer informal observations of the work of the State Board. Board members may make brief announcements about attendance at future events for the purpose of informing other Board members. No business or motions, or suggested actions of the Board may be offered at this point in the agenda; nor should Board members engage in substantive discussion about other agenda items or introduce new agenda items.
President Gubbels

11. ADJOURNMENT
President Gubbels

The next regularly scheduled meeting of the State Board of Education will be held on Friday, May 5, 2023, at 9:00 a.m. in Lincoln, Nebraska. As needed, a work session will be held on Thursday, May 4, 2023 at a time to be determined.
The agenda contains a list of subjects known at the time of its distribution on April 6, 2023. A copy of the agenda reflecting any changes will be available for public inspection during the normal business hours in the Office of the Commissioner of Education and on the State Board of Education's Agenda
page: www.education.ne.gov/StateBoard/Agendas.html. *Except for items of an emergency*

nature, the agenda will not be changed later than 24 hours before the scheduled commencement of the meeting.

TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
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PROPOSED AGENDA ITEM RATIONALE

DATE: **March 27, 2023**

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Vicky Muñoz, Ph.D.
Assistant Administrator and Director of Accountability

PROPOSED AGENDA ITEM: Proclaim April 2023 as the Month of the Military Child and April 14, 2023 as "Purple Up! For Military Kids Day

RATIONALE/BACKGROUND INFORMATION:
Each year, Nebraska schools serve thousands of students whose parent(s) serve in the military. Since November 2021, the NDE has recognized public schools and non-public schools as Purple Star Schools to denote the special efforts the schools have undertaken to support the unique needs of military-concerned children.

To elevate practices for better serving military-connected children and their families, this resolution proclaims April the "Month of the Military Child." The resolution honors the sacrifices of military service members, their families, and children, and calls on the NDE to continue providing resources for schools to better service military-connected students. The resolution also proclaims April 14 as "Purple Up!" day and encourages all members of the community to show their support of military-connected youth and families on that day.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST:
None

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:
- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:

TEL 402.471.2295
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- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 02.07.2023*

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Resolution to Proclaim April 2023 as Month of the Military Child and April 14, 2023, as Purple Up! For Military Kids Day

WHEREAS, more than 8,000 Nebraskans exhibit profound courage and selflessness in serving America's armed forces;

WHEREAS, Nebraska schools serve nearly 4,000 military-connected students;

WHEREAS, military-connected children have been found to change schools up to nine times between kindergarten and high school and face other unique challenges related to miliary parental deployment;

WHEREAS, the Nebraska Department of Education recognized 35 Purple Star Schools which created or strengthened programs and supports for miliary-connected students;

WHEREAS, the Miliary Interstate Children's Compact Commission, of which Nebraska is a proud member, recognizes April as *Month of the Military Child*; and

WHEREAS, the *Month of the Miliary Child* provides an opportunity to salute our military connected children and acknowledge the sacrifices made by military families worldwide, with an emphasis on the experiences and needs of the children of miliary members serving at home and overseas; now, therefore, be it

RESOLVED, the Nebraska State Board of Education extends its profound gratitude for the Veterans, Active Duty, and Reserve members of the Armed Forces and their families for the sacrifices they make daily;

RESOLVED, that the Nebraska State Board of Education recognizes April 2023 as *Month of the Military Child*;

RESOLVED, the Nebraska State Board of Education recognizes April 14, 2023 as Purple Up! For Miliary Kids Day and encourages students, educators, and the public to wear purple in support of military-connected children; and

RESOLVED, the State Board of Education directs the Nebraska Department of Education to Continue building coalitions to raise awareness for, support, and advocate for military-connected children and their unique needs.

Signed on behalf of the Nebraska State Board of Education, this 14th day of April 2023.

Patti Gubbels, President

Kirk Penner, Vice President

PURPLE UP!

For Military Kids

WEAR PURPLE TO HONOR
OUR YOUNGEST HEROES

FRIDAY APRIL 14, 2023

Teacher of the Year

Quarterly Update

Renee Jones- 2023 Nebraska Teacher of the Year

Professional Development:

- CCSSO, Teacher of the Year Orientation, *February 14-18, Santa Clara, CA*
  - *Google Campus visit- February 16, 2023*
  - *Storytelling Workshop- February 17, 2023*
- Transforming Trauma Summit: Demystifying Mental Health, *March 27, Omaha*
- Restorative Practice Training- *Lincoln Public Schools*

Take-a-ways:

- ESU 1 has a five year tired plan to support the mental health of staff.
- Focusing on restorative and trauma capable training to support and serve the students/ staff in Nebraska.

Future Educators:

- Doane University, *February 7th*
- Educators Rising- State Conference: *March 7, UNL Campus*
- University of NE Lincoln- (Aspiring Educators), *March 23*
- Doane University, Graduate class, *March 29*
- Midland University, *March 30*

Take-a-ways:

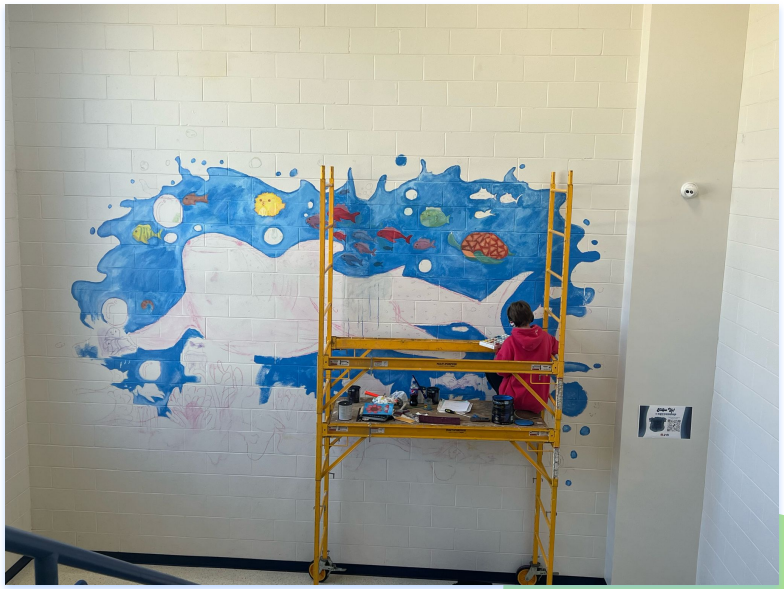
- Undergraduate students expressed concern for behaviors and support in schools.
- Ed Rising High School students- great energy, inspired by their own educators.

School Visits :

- Laura Dodge Elementary School, *Omaha Public Schools, March 3*
- North Platte High School, *North Platte, April 3*

Take-a-ways:

- Teachers mentioning the feeling of overwhelm and under appreciation.
- Positive and creative use of spaces within the school to create unique experiences for students.
- Upcoming strategies to digitally manage tardies/truancy



Other:

- NSEA Dinner with a Senator, *March 7, Lincoln*
- KLIN, Drive Time with Dan Parsons, *March 30, Lincoln*
- Omaha World Herald- Scholarship Judge, *April 5*
- "What the World Needs Now", *podcast, April 6*
- *Personal research about cell phones/policy and practice*

Take-a-ways:

- Teachers expressed concern with lack of funding for future educators (ex: Ed Rising- National conf. opportunities)
- Teachers were concerned about use of cell phones in the classroom- *research*

Upcoming Events:

- CCSSO, Washington Week, *April 22-27,* Washington D.C.
- NSEA Delegate Assembly, *April 28*
- Innovate School Summit (presenter and attendee), *July 5-9,* Las Vegas
- Space Camp, *July 19-24, 2023*
- Administrative Days, *July 27-28*

Out-State Travel Authorization Reports - April				
Name	**Event Name**	**Date**	**Location**	**Trip Request (i.e. 1st, 2nd, Other)**
Lisa Fricke	(NONE)			
Jacquelyn Morrison	(NONE)			
Deborah Neary	(NONE)			
Kirk Penner	(NONE)			

Out-State Travel Authorization Reports - April				
Name	**Event Name**	**Date**	**Location**	**Trip Request (i.e. 1st, 2nd, Other)**
Patsy Koch Johns	(NONE)			
Patti Gubbels	(NONE)			
Elizabeth Tegtmeier	(NONE)			
Sherry Jones	(NONE)			

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 20, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Marisol Birth, Ph.D., and Brad Dirksen

PROPOSED AGENDA ITEM: Appoint members to the Nebraska Private Postsecondary Career Schools Advisory Council

AGENDA ITEM TYPE (contract/grant/rule/program/other): Other

RATIONALE/BACKGROUND INFORMATION: Recommend appointment of Nathan Watson, Omaha Data Science Academy; Susan Collins, Capitol Beauty School; Demeria Bruce; Fulton Homes Education Center; Mitchell Evans, Pro-Fleet CDL Driving Academy; Joshua Planos, Better Business Bureau, and Mark Wehner, Reesults Coaching, School of Real Estate (reappointment), for the period of April 17, 2023 through April 16, 2026.

The council was established under the provisions of Nebraska Statute, 85-1607. Members of the council shall include representatives from a business school, a trade or technical school, Better Business Bureau, and three other distinct areas of education.

Functions of the council are:
1. To advise the department in its administration of the Private Postsecondary Career School Act; and
2. To review the rules and regulations adopted or proposed for adoption by the department and make recommendations with respect thereto.

PROPOSED BOARD MEETING (MONTH/YEAR): April 14, 2023

ESTIMATED COST: None

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:
- New or Renewal:
- If renewal, date of first approval:

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FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 02.07.2023*

APPLICATION FOR MEMBERSHIP ON

THE NEBRASKA PRIVATE POSTSECONDARY CAREER SCHOOLS ADVISORY COUNCIL

The purpose of this form is to obtain general information for use in appointing members of committees, councils, and consortiums approved by the Nebraska State Board of Education. If you have recently prepared a biography or resume, please attach it to this form.

PERSONAL INFORMATION

NAME: Demeria (first) M (middle initial) Bruce (last)

RESIDENCE: 4859 S. 132nd Ave Apt. 5 (street) Omaha (city) 68137 (zip) Douglas (county)

WORK ADDRESS: 13750 Millard Ave St. 150 (street) Omaha (city) 68137 (zip)

TELEPHONE: (402)672-8620 (residence) (402)502-0502 (work)

OCCUPATION: CEO/Owner Fulton Homes Education Center

In which Nebraska State Board of Education district do you live? Millard

Please provide the following information, check all categories which you represent, and complete pages 2 and 3 of this form. Information provided in this section will assist our staff and the State Board in making selections.

Check category(ies) which you represent:

- ☐ Cosmetology/Barbering
- ☐ Better Business Bureau
- ☐ Business
- ☐ Massage Therapy
- ☐ Nail Technology
- ☐ Real Estate
- ☒ Trade or Technical
- ☐ Truck Driving
- ☑ Other Sector of Private Postsecondary Career School

ADDITIONAL INFORMATION

Please provide additional supportive information about yourself and your experiences. Include membership of organizations related to this position, membership of any board, commission, council, or committee you have served in the past, honors or awards received, and other volunteer activities.

- mentor @ Council of Ind. Nebraska Colleges found.
- current secretary of college of ST. Marys Nursing Board.

Please explain your interest in serving on the Nebraska Private Postsecondary Career Schools Advisory Council: serving on the board can be a great opportunity to contribute to development + improvement of the state's higher education system. As well as help shape policies that can benefit students

EMPLOYMENT

List employment history, beginning with current experience; include volunteer activities. A resume or additional information is optional.

- Resume attached
-
-
-

EDUCATION

List schools attended (including high school), location, dates, major field of study or degree received.

- Benson high, omaha, graduation (2006)
- College of St. Marys (2013) LPN certification
-

REFERENCES

List names, addresses, and telephone numbers of at least three persons who may be contacted for references.

Name	Address	Phone Number
Mindy Barna	7000 Mercy Rd	(402) 917-3412
Alisa Palmer	4940 S. 114th	(402) 679-4894
Mike Alvano	7101 Mercy Rd #240	(402) 991-5597

Signature of applicant

3/13/2023
Date

Please return completed form to:

Marisol Birth, Program Director
Private Postsecondary Career Schools
and Veterans Education
Nebraska Department of Education
PO Box 94987
Lincoln, NE 68509-4987 **OR E-MAIL TO: marisol.birth@nebraska.gov**

Questions concerning this form should be directed to Marisol Birth at 402-326-4519.

STATE STAFF USE ONLY

STATE BOARD OF EDUCATION REPRESENTATIVE AND DISTRICT

RECOMMENDING STAFF PERSON

Appointment *approved* at _____ meeting State Board of Education meeting.

Appointment *not approved* at _____ meeting State Board of Education meeting.

DB

DEMERIA BRUCE

fultonhomesllc@gmail.com | 402-672-0620 | Omaha, NE 68137

Summary

Goal-oriented Founder with 4 years of extensive experience securing funding, locating resources and marketing brand. Polished in transferring ideas into actionable plans and developing budget and finance strategies. Ethical leader possessing innovative problem-solving skills and outstanding articulate communication abilities.

Skills

- Market access and expansion
- Market trend expertise
- Public relations understanding
- Controls systems enhancement

Experience

Fulton Homes Education Center | Omaha, NE
CEO/Owner
03/2020 - Current

- Oversaw budgetary and financial activities and implemented strategies to grow business and profits.
- Conducted presentations to outside groups to drive programs, policies and company objectives.
- Built strategic business partnerships by cultivating relationships with employees and experts.
- Negotiated and approved contracts between company and distributors, suppliers and other external entities.
- Drove company vision with collaborative employee engagement techniques and strategic leadership.
- Increased productivity by creating new policies, objectives and procedures to streamline operations.

Core Medical Staffing | Salem, NH
Travel LPN
02/2017 - 12/2019

- Directed and instructed patients and family members on proper discharge care.
- Adhered to infection-control policies and protocols to protect employees and patients.
- Documented and communicated actions and irregularities to maintain continuity among nursing teams.
- Interviewed patients to obtain medical information and measure vital signs.
- Identified patient care requirements by establishing personal rapport with patients and families.
- Cleaned and sterilized instruments and disposed of contaminated supplies.
- Learned and developed unique skills, specialties and practices based on site and patient needs.
- Educated patients and family members about preventive health care and recovery.

Primetime Healthcare | Omaha, NE
Travel LPN
03/2016 - 06/2017

- Escorted patients to examination rooms to prepare for physician exams.
- Directed and instructed patients and family members on proper discharge

care.

- Adhered to infection-control policies and protocols to protect employees and patients.
- Documented and communicated actions and irregularities to maintain continuity among nursing teams.
- Identified patient care requirements by establishing personal rapport with patients and families.
- Cleaned and sterilized instruments and disposed of contaminated supplies.
- Learned and developed unique skills, specialties and practices based on site and patient needs.
- Developed and executed care plans for assigned patients.

Education and Training

College of St. Marys | Omaha
LPN Certification in Nursing
05/2013

Activities and Honors

- Member, Alumni Association
- Secretary of College of St. Mary's Nursing Board

APPLICATION FOR MEMBERSHIP ON

THE NEBRASKA PRIVATE POSTSECONDARY CAREER SCHOOLS ADVISORY COUNCIL

The purpose of this form is to obtain general information for use in appointing members of committees, councils, and consortiums approved by the Nebraska State Board of Education. If you have recently prepared a biography or resume, please attach it to this form.

PERSONAL INFORMATION

NAME	Joshua (first)	(middle initial)	Planos (last)	
RESIDENCE	8320 Elizabeth Drive (street)	Lincoln (city)	68505 (zip)	Lancaster (county)
WORK ADDRESS	Same as residence (street)	(city)	(zip)	
TELEPHONE	402-206-8276 (residence)		800-649-6814 ext. 8526 (work)	
OCCUPATION	VP of Communications & PR at Better Business Bureau			

In which Nebraska State Board of Education district do you live? 1

Please provide the following information, check all categories which you represent, and complete pages 2 and 3 of this form. Information provided in this section will assist our staff and the State Board in making selections.

Check category(ies) which you represent:

- ☐ Cosmetology/Barbering
- ☒ Better Business Bureau
- ☐ Business
- ☐ Massage Therapy
- ☐ Nail Technology
- ☐ Real Estate
- ☐ Trade or Technical
- ☐ Truck Driving
- ☐ Other Sector of Private Postsecondary Career School

ADDITIONAL INFORMATION

Please provide additional supportive information about yourself and your experiences. Include membership of organizations related to this position, membership of any board, commission, council, or committee you have served in the past, honors or awards received, and other volunteer activities.

Currently serve on the Lancaster County Crime Stoppers Board, Nebraska Department of Insurance Fraud Prevention Committee, NDHS Statewide Elder Rights Coalition, iHeartRadio Advisory Board, Business Ethics Alliance Program Committee, and a Cause Collective volunteer. Multiple-time Big Ten champion in public speaking and a member of Midlands Business Journal's 40 Under 40. Accredited in Public Relations (APR).

Please explain your interest in serving on the Nebraska Private Postsecondary Career Schools Advisory Council:

I hope to serve on the council to provide BBB representation to the group.

EMPLOYMENT

List employment history, beginning with current experience; include volunteer activities. A resume or additional information is optional.

Better Business Bureau
June 2021-Present

Grand Island Public Schools
October 2020-June 2021

University of Nebraska Foundation
November 2018-October 2020

KETV NewsWatch 7
July 2014-November 2018

EDUCATION

List schools attended (including high school), location, dates, major field of study or degree received.

Millard West High School, 2006-2010

University of Nebraka-Lincoln, 2010-2014
Bachelor of Journalism - Advertising & Public Relations

REFERENCES

List names, addresses, and telephone numbers of at least three persons who may be contacted for references.

Josh Gear	631 South 69th St, Omaha, NE 68106	402-206-1578
Name	Address	Phone Number
Jim Hegarty	536 S 160th St, Omaha, NE 68118	402-968-7030
Name	Address	Phone Number
Thom Kastrup	11811 P St, Omaha, NE 68137	402-212-7850
Name	Address	Phone Number

Josh Planos

Signature of applicant

3/14/23

Date

Please return completed form to:

Marisol Birth, Program Director
Private Postsecondary Career Schools
and Veterans Education
Nebraska Department of Education
PO Box 94987
Lincoln, NE 68509-4987 **OR E-MAIL TO: marisol.birth@nebraska.gov**

Questions concerning this form should be directed to Marisol Birth at 402-326-4519.

STATE STAFF USE ONLY

STATE BOARD OF EDUCATION REPRESENTATIVE AND DISTRICT

RECOMMENDING STAFF PERSON

Appointment *approved* at _____ State Board of Education meeting.
meeting

Appointment *not approved* at _____ State Board of Education meeting.
meeting

Josh Planos, APR

PROFILE

With a background in communications, marketing, and media, and a passion for data analytics, I aim to elevate businesses and communities through a variety of mediums and strategies.

EDUCATION

University of Nebraska at Lincoln

Bachelors of Journalism, 2014

EXPERIENCE

Better Business Bureau

Vice President of Communications & PR — **Mar 2022 - Present**

Director of PR & Communications — **Jun 2021 - Mar 2022**

- Serve as chief spokesperson for International Investigations Initiative, and fourth-largest BBB in U.S., which serves Nebraska, South Dakota, Kansas Plains and Southwest Iowa
- Collaborate with IABBB, other BBB's and strategic partners' communication teams as applicable
- Manage Google Grant and co-op ad programs
- Establish and maintain relationships with BBB Accredited Businesses
- Act as principal content writer for BBB produced materials, including articles, press releases, blogs, podcasts, event and video scripts
- Oversee and facilitate consumer and business programming committees
- Monitor and track analytic progression of all social media campaigns

Grand Island Public Schools — **Oct 2020 - Jun 2021**

Director of Strategic Communications and Marketing

- Supported and supplemented the direction of the district in every message, visual and piece of collateral
- Provided marketing, communications to the families of 10,000-plus students, 1,600-plus staff, including the oversight and execution of all COVID-19 communication
- Oversaw the Marketing, Communications departments to ensure alignment of district brand
- Created talking points and media summaries, and prepared district leadership and staff for media interviews on programs and institutional initiatives
- Coordinated with working media to fulfill requests, promoted events, pitched stories and built long-lasting relationships

Contact

402-206-8276

jplanos1@gmail.com

Lincoln, NE

Gallup Strengths

1. Ideation
2. Intellection
3. Relator
4. Adaptability
5. Achiever

References

Chris Cooper
Exec. Dir. of Marketing,
U of Neb. Foundation
401-999-9303

Joshua Gear
Multimedia Comm.
Specialist, Lozier Corp.
402-206-1578

Adam Knowlton
Assoc. Professor,
Midland University
402-650-0169

linkedin.com/in/jplanos/
josh-planos.squarespace.com

EXPERIENCE

University of Nebraska Foundation

Asst. Director of Communications — **Feb 2020 - Oct 2020**
Digital Media Manager — **Nov 2018 - Feb 2020**

- Produced high quality, compelling content for print, video, social media and digital communications
- Developed and executed videos for signature trustee and donor events and for internal projects; coordinated with outside vendors as needed
- Tracked and evaluated digital campaign performance and provide reports used to continually optimize future campaigns

New York Times, Washington Post, etc. — **Jun 2014 - Present**

Freelance Writer

- Provided comprehensive data analysis on a variety of sports and sports-related issues, including boxing, college athletics, high school athletics, horse racing, fantasy sports, MLB, NBA, NFL, NHL, Olympics, PGA Tour and WNBA
- Integrated self-made graphic designs, charts and tables to accompany articles
- Featured on nationwide radio programs, including CBS Sports Radio, ESPN Radio and Fox Sports Radio, and international and domestic TV

KETV NewsWatch 7 — **Jul 2014 - Nov 2018**

Digital Editor

- Reported, wrote and edited breaking news, stories of the day, sports, politics, weather, and feature pieces for the website and mobile channels under tight deadlines
- Managed all social media platforms of the studio and cultivated the largest digital audience of any news organization in the state
- Collaborated with team that won Regional Emmy Award, a Great Plains Associated Press Award for Best Website, a Nebraska Broadcasters Association Award for Best Website and an Edward R. Murrow Award for Overall Excellence

Raymond Central High School — **Aug 2010 - Aug 2014**

Asst. Speech Coach

- Provided guidance on the construction, development, and performance of literature and public address events
- Taught merits of public speaking to over 200 high school students
- Managed students on national and local trips, tournaments and social events

Tomorrow's Online Marketing — **Jul 2013 - Dec 2014**

Independent Contractor

- Built brand presence for clients, including Fortune 500 companies
- Created articles, landing site pages to increase SEO marketing
- Calculated and interpreted analytical research on potential clients

Rivals — **Jul 2013 - Dec 2014**

Social Media Internship

- Generated new marketing strategies to develop online presence, particularly on basketball-related sections of the site
- Increased social media growth by 5 percent during tenure, growing the country's most successful high school recruiting site
- Collaborated with upper-tier staff to further develop internship program

Heartland Gourmet — **Jul 2013 - Dec 2014**

Marketing & Public Relations Internship

- Built two websites on unique hosting platforms
- Designed and implemented new marketing strategies
- Conceptualized and advanced new advertising strategies to promote sales
- Created and ran all social media activities, increasing company exposure by 95%
- Managed inventory, finance and sales forecasting analysis

Skills

- Adobe Suite
- CMS
- G Suite
- HTML
- iOS
- Microsoft Suite
- Public Speaking
- R
- Sparq

Achievements

- President, UNL Speech Team
- Multiple-time conference champion, Big Ten Speech Tournament
- National champion, National Forensics Association Tournament
- UNL Top Public Speaker, 2013-2014
- Great Plains Associated Press Award for Best Website, 2014, 2015, 2017
- Regional Edward R. Murrow Award for Overall Excellence, 2015
- Heartland Regional Emmy Award nominee, 2015

Professional Assoc. & Community Involvement

- Public Relations Society of America (PRSA): 2021-Present
- iHeartRadio Local Advisory Board: 2021-Present
- Lincoln Crime Stoppers Board
- Nebraska SHIP Fraud Prevention Committee
- Elder Rights Coalition
- Cause Collective Volunteer

APPLICATION FOR MEMBERSHIP ON

THE NEBRASKA PRIVATE POSTSECONDARY CAREER SCHOOLS ADVISORY COUNCIL

The purpose of this form is to obtain general information for use in appointing members of committees, councils, and consortiums approved by the Nebraska State Board of Education. If you have recently prepared a biography or resume, please attach it to this form.

PERSONAL INFORMATION

NAME	MITCHELL (first)	D (middle initial)	EVANS (last)	
RESIDENCE	2245 A ST (street)	LINCOLN (city)	68502 (zip)	LANCASTER (county)
WORK ADDRESS	7850 I ST (street)	OMAHA (city)	68127 (zip)	
TELEPHONE	402-975-7505 (residence)		402-970-4271 (work)	
OCCUPATION	DIRECTOR OF RECRUITING AND DRIVER DEVELOPMENT			

In which Nebraska State Board of Education district do you live? _____

Please provide the following information, check all categories which you represent, and complete pages 2 and 3 of this form. Information provided in this section will assist our staff and the State Board in making selections.

Check category(ies) which you represent:

- ☐ Cosmetology/Barbering
- ☐ Better Business Bureau
- ☒ Business
- ☐ Massage Therapy
- ☐ Nail Technology
- ☐ Real Estate
- ☐ Trade or Technical
- ☒ Truck Driving
- ☐ Other Sector of Private Postsecondary Career School

ADDITIONAL INFORMATION

Please provide additional supportive information about yourself and your experiences. Include membership of organizations related to this position, membership of any board, commission, council, or committee you have served in the past, honors or awards received, and other volunteer activities.

See Resume.

Please explain your interest in serving on the Nebraska Private Postsecondary Career Schools Advisory Council: To positively promote and impact worker development.

EMPLOYMENT

List employment history, beginning with current experience; include volunteer activities. A resume or additional information is optional.

See Resume.

EDUCATION

List schools attended (including high school), location, dates, major field of study or degree received.

See Resume.

REFERENCES

List names, addresses, and telephone numbers of at least three persons who may be contacted for references.

Name	Address	Phone Number
Rob Saver	7878 I St	402-970-4279
Al Hill	7878 I St	402-970-2254
Christine Soutzer	201 N. 66	402-525-7728

Signature of applicant

3/15/2023
Date

Please return completed form to:

Marisol Birth, Program Director
Private Postsecondary Career Schools
and Veterans Education
Nebraska Department of Education
PO Box 94987
Lincoln, NE 68509-4987 **OR E-MAIL TO: marisol.birth@nebraska.gov**

Questions concerning this form should be directed to Marisol Birth at 402-326-4519.

STATE STAFF USE ONLY

STATE BOARD OF EDUCATION REPRESENTATIVE AND DISTRICT

RECOMMENDING STAFF PERSON

Appointment *approved* at _____ State Board of Education meeting.
meeting

Appointment *not approved* at _____ State Board of Education meeting.
meeting

Mitchell D. Evans

2245 A Street
(402) 975-7505

Lincoln, NE 68502
mitchevans946@gmail.com

Business Leader

Committed to providing leadership and a strong work ethic.

A committed, solutions-focused administrator with a thorough knowledge of leadership principles, practices, and procedures. Skilled in the organization and operation of management, recruitment, safety and education.

- ☑ An outstanding leader who has the experience, integrity, talent, professional commitment and vision to manage and direct a dedicated team and provide direction and communication to a diverse company population.
- ☑ Demonstrates professional knowledge and skills, managerial and administrative competence, maturity of judgment, strong leadership, high ethical standards, and the ability to communicate positively and effectively within the organization.
- ☑ Strengthen staff morale through improved employee relations, encouragement of ideas, team building and open communications.

CAREER ACHIEVEMENTS

- Reduced Hill Brothers advertising spend by 30% and increased hires by 40% in first six months.
- Cut the BTC 2020 recruiting budget by 45% and increased hires 25% saving the company $600,000.
- Adjusted to the Covid-19 environment by taking in person driver orientation to a virtual setting, still delivering quality education and saving $1000 on cost per hire.
- Through in person, distance learning, and technology deployment, educated and trained office, staff and drivers on risk reduction leading to a 40% decrease in at fault crashes and injuries, saving the company $1.2 million in liability and premium expenses.
- Integral part of the Ruan Training Center Start Up committee, culminating in the undertaking of the project.
- Created the "Hook, Look, Tug" concept, which was adopted by Ruan and implemented in a national campaign.
- Led the committee and co-wrote the Flatbed curriculum for Ruan Transportation.
- Created and implemented the Hunt Transportation Load Securement Training School.
- Created a real time attendance sheet to alert student services so active student retention efforts could be implemented immediately thus reducing tardiness and dropout rates by 20%.

PROFESSIONAL EXPERIENCE

Hill Brothers/Pro-Fleet CDL Driving Academy Director of Recruiting and Driver Development (2021 – Present)

- Lead 18 subordinates in marketing, advertising, recruiting, training, safety and compliance.
- Develop and deploy advertising and marketing through multiple channels.
- Responsible for the $5 million dollar Marketing, Recruiting, Safety/Compliance and Training budget.
- Developed and implemented business plan for multimillion-dollar CDL Driving Academy.

BTC East and Coastal Transport Vice President of Safety/Compliance/Recruiting (2019 – 2021)

- Led 18 subordinates responsible for safety/training, compliance and recruiting for BTC East and Coastal Transport trucking.
- Developed strategies, training, and materials to constantly improve risk mitigation, operational effectiveness and profitability.
- Tracked and analyzed data to determine trends in risk frequency and severity.
- Oversaw and monitored all regulatory requirements established by local, State and Federal regulators to include DOT, FMCSA, OSHA, PHMSA, TWIC/TSA, and EPA.
- Responsible for the $2.7 million dollar Safety/Compliance/Recruiting budget.

Ruan Transportation Regional Safety Manager (2015 – 2019)

- Develop and facilitate safety and compliance training for respective operations.
- Coach and mentor operations team members and drivers on DOT safety and OSHA compliance.
- Trend accidents and injuries for shared operations.
- Conduct on-site visits to assess safety standards and compliance.

Hunt Transportation (Division of Crete Carrier) Safety Director (2014 – 2015)

- Supervised the 4 employee Safety Department to ensure DOT and OSHA compliance for a 200 fleet Open Deck Transportation company.
- Implemented and launched the 'Shut it Down' and 'Stay the Course' campaigns to bring down idle percentage and out of route violations for Hunt Transportation.
- Omaha terminal safety and certified Smith System Defensive Driving Instructor.
- Participated as a member to the Flatbed Carrier's Safety Committee, the Machinery Haulers Association and Nebraska Trucking Association.

Crete Carrier Corporation Manager of Fleets Equipment and Safety Instructor (2012-2014)

- Coordinated corporate fleet of 4500 tractor units to include breakdowns, sales, trades, and orientation.
- Monitored the breakdown process to ensure decreased down time, increased productivity, and proper utilization of company drivers.
- Oversaw the corporate breakdown budget of $1.2 million dollars.
- Lincoln terminal safety and certified Smith System Defensive Driving Instructor.

Crete Carrier Corporation Fleet Manager (2012)

- Supervised 300 over-the-road truck drivers, 4 office staff, and coordinated with shop personnel.
- Managed a 25 acre, multi-million-dollar facility to ensure it is efficiently and effectively operational and OSHA compliant.

Kaplan University Department Chair/Assistant Dean for Student Success (2009 - 2011)

Managed the combined departments of General Education and Business. Supervised the operations of the General Education Department, Student Services Department and the Academic Success Center which included the direct supervision of 9 full-time employees, 30 adjunct teachers, and 8 federal work studies.

Instructor (2004 - 2009)

Instructed undergraduate students in Management and Criminal Justice in both in person and online environments.

Homestead Express Trucking Small Business Owner (2006 - 2009)

Coordinated activities of personnel and equipment associated with a 5 truck over the road refrigerated trucking operation. Instructed and mentored new hires during the on-the-job training period. Ensured compliance with all regulatory matters to include DQ files, HOS, and random drug screens. Provided superior customer satisfaction to a broad array of clients. Managed contracts and budget for a $750,000 small business. Safely logged over 200,000 safe miles across the continental United States. Maintained a Class A CDL with Tanker and Hazardous Materials endorsements.

Nebraska Army National Guard Army Officer - 2LT (2002 - 2005)

After successfully completing the 18-month Officer Candidate School, was assigned to the 754th Chemical Recon/Decon Company in Omaha, Nebraska. Duties included the planning and execution of platoon missions, supervision, support, and counseling of platoon personnel and maintaining deployment preparedness. Honorably Discharged.

Edward Jones Investments Investment Representative (2001-2002)

Educated and sold potential and existing clients on investment opportunities.

Lincoln Police Department, Lincoln NE Police Officer (1993 - 2001)

Worked patrol, traffic enforcement, order maintenance, and other activities as needed. Conducted academy training, field training, and developed instructional materials.

EDUCATION

Ph.D. Student – Human Capital Management (Data Collection-Dissertation Phase) (2017-Anticipated Graduation, March 2023)

Bellevue University, Bellevue, NE

Master of Arts in Leadership (1998-2000)

Bellevue University, Bellevue, NE

Bachelor of General Studies – (Criminal Justice and Military Science) (1992-1997)

University of Nebraska-Omaha, Omaha, NE

APPLICATION FOR MEMBERSHIP ON

THE NEBRASKA PRIVATE POSTSECONDARY CAREER SCHOOLS ADVISORY COUNCIL

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PERSONAL INFORMATION

MACK	TIMOTHY	WEHNER	
NAME (first)	(middle initial)	(last)	
16616 Jackson St.	OMAHA	68118	DOUGLAS
RESIDENCE (street)	(city)	(zip)	(county)
Same			
WORK ADDRESS (street)	(city)	(zip)	
402-676-0101		—	
TELEPHONE (residence)		(work)	
REAL ESTATE School - CEO/OWNER			
OCCUPATION			

In which Nebraska State Board of Education district do you live? MILLARD

Please provide the following information, check all categories which you represent, and complete pages 2 and 3 of this form. Information provided in this section will assist our staff and the State Board in making selections.

Check category(ies) which you represent:

- ☐ Cosmetology/Barbering
- ☐ Better Business Bureau
- ☐ Business
- ☐ Massage Therapy
- ☐ Nail Technology
- ☑ Real Estate
- ☐ Trade or Technical
- ☐ Truck Driving
- ☐ Other Sector of Private Postsecondary Career School

ADDITIONAL INFORMATION

Please provide additional supportive information about yourself and your experiences. Include membership of organizations related to this position, membership of any board, commission, council, or committee you have served in the past, honors or awards received, and other volunteer activities.

✓ SEE ATTACHED RESUME

Please explain your interest in serving on the Nebraska Private Postsecondary Career Schools Advisory Council:

✓ HAVE SERVED IN THIS CAPACITY IN THE PAST -

EMPLOYMENT

List employment history, beginning with current experience; include volunteer activities. A resume or additional information is optional.

✓ CEO - OWNER RESULTS COACHING SCHOOL OF REAL ESTATE

SEE ATTACHED RESUME

EDUCATION

List schools attended (including high school), location, dates, major field of study or degree received.

✓ DUNDEE HIGH SCHOOL - 1970

✓ UNO - 1970-75 - INDUSTRIAL/EDUCATIONAL PSYCHOLOGY

REFERENCES

List names, addresses, and telephone numbers of at least three persons who may be contacted for references.

Name	Address	Phone Number
Greg Gonyo	NREC / Lincoln	402-471-2004
Doug Dohse	NREC Commissioner / Omaha	402-598-0420
Vince Leisey	DHHS Omaha CEO	402-493-4663

Signature of applicant

3-8-2023
Date

Please return completed form to:

Marisol Birth, Program Director
Private Postsecondary Career Schools
and Veterans Education
Nebraska Department of Education
PO Box 94987
Lincoln, NE 68509-4987 **OR E-MAIL TO: marisol.birth@nebraska.gov**

Questions concerning this form should be directed to Marisol Birth at 402-326-4519.

STATE STAFF USE ONLY

STATE BOARD OF EDUCATION REPRESENTATIVE AND DISTRICT

RECOMMENDING STAFF PERSON

Appointment *approved* at _____ State Board of Education meeting.
meeting

Appointment *not approved* at _____ State Board of Education meeting.
meeting

Mark Wehner's REESULTS COACHING™ SCHOOL OF REAL ESTATE

Administrative Office
16616 Jackson Street
Omaha, Nebraska 68118
(402) 676-0101
E-mail: mwehner@reesultscoaching.com

Professional Resume of Mark T. Wehner

REE, CRB, ABRM, CRS, ABR, GRI, CREN, NHS, e-PRO,

Professional Experience:

1976-1980: Licensed Real Estate Salesperson-Nebraska
1980-2010: Licensed Real Estate Broker-Iowa
1980-Present: Licensed Real Estate Broker-Nebraska
1976-1982: Employee, Sales & Associate Broker, Wehner Real Estate
1982-1988: Broker, M. T. Wehner & Company Real Estate
1988-1990: Associate Broker & Director of Special Marketing
CBS Real Estate
1990-1991: Assistant Manager, CBS Real Estate-West Dodge Office
1991-1994: Vice President, CBS Real Estate
Sales Manager, CBS Real Estate-West Dodge Office
1994-1998: Senior Vice President, General Sales Manager, CBS Real Estate
1998-1999: General Manager-Director of Business Development CBSHOME Real Estate
1999-2007: Sales Manager, CBSHOME Real Estate Company
2007-2016: Senior Vice President, Agent Development, NP Dodge Real Estate
2002-Present: Pre-License Real Estate Education Course Instructor-Nebraska
2000-Present: Independent Certified Real Estate Continuing Education Provider
In Nebraska, and Nationally by Sponsorships
2005-Present: President & CEO-Founder: Mark Wehner's REEsults Coaching™
2015-Present: President & CEO-Founder-Instructor: REEsults Coaching™ School of
Real Estate-Nebraska Department of Education
2015-2017: Radio Show Host: REEthink Everything-94.5FM & 104.5 AM-Omaha, NE
2016-Present: New Agent Training-Berkshire HomeServices-Ambassador Real Estate
2017-2019: Subject Matter Expert (SME)-Pearson VUE Real Estate Exam Provider

"When you absolutely…positively…MUST SUCCEED!"

Professional Association Memberships & Involvement:

National Association of REALTORS (NAR)

REALTOR Information Network (RIN), 1994 National Advisory Committee

Nebraska REALTORS Association (NRA)

1990-1992:	Multiple Listing Policy Committee
1991-1992:	Governmental Affairs Committee
1992-1993:	Risk Reduction Committee
1995-1999:	Board of Directors, Large Company Representative
1998-1999:	Statewide MLS (Provider Selection) Task Force
1999:	Strategic Planning Committee
2016-2018	Grievance Committee

Omaha Area Board of REALTORS (OABR)

1987-1988:	Forms Committee
1988-1989:	Grievance Committee
1991-1992:	Board of Directors - Ex Officio
1993-1994:	Tax Valuation Committee
2008-2012:	Board of Directors
2012-2103:	Secretary/Treasurer
2013-2014:	President Elect
2014-2015:	President
2015-2016:	Ex-Officio Member of the Board of Directors

Omaha Area Board of REALTORS Multiple Listing Service:

1988-1992:	MLS Board of Directors
1989-1990:	MLS Secretary/Treasurer
1990-1991:	MLS President Elect
1991-1992:	MLS President
1992-1993:	MLS President - Ex Officio
1995-1998:	MLS Board of Directors

Women's Council of REALTORS (WCR)

1990-2017:	General Member

Nebraska Real Estate Commission:

1994-Present: Certified Continuing Education Instructor
-Author of over 90 real estate commission approved continuing education and broker approved training real estate courses.

2015-Present: Approved Real Estate Pre-License Instructor
-Author of all the approved course curriculum and text books for the following classes: Real Estate Principles and Practice, Real Estate Finance, and Nebraska License Law

State of Nebraska Department of Education:

2015-Present: CEO/Founder of REEsults Coaching School of Real Estate
2016-Present: Member-Private Postsecondary Career Schools Advisory Council

University of Nebraska at Omaha:

2016-Present: Member-Real Estate College Advisory Council

Metropolitan Omaha Builder's Association (MOBA):

1993-1998: CBS Real Estate Representative

1983-2016: Affiliate Member-NP Dodge Real Estate

Professional Designations:

Real Estate Entrepreneur (REE):

- This designation is awarded to real estate agents that successfully complete THE REEMarkable Real Estate Series, a program that applies entrepreneurial business practices to increase productivity and profitability.

Certified Real Estate Brokerage Manager (CRB):

- Fewer than 1% of all REALTORS and only 5% of Owner REALTORS and Real Estate Broker Managers have attained this designation for achieving a superior level of experience, education and expertise.

Accredited Buyer Representative Manager (ABRM)

- Fewer than .10% of all REALTORS have attained this designation by distinguishing themselves through education as an exclusive buyer representative manager.

Certified Residential Specialist (CRS):

- Fewer than 2% of all Real Estate Licensees and fewer than 4% of all REALTORS have attained this designation by distinguishing themselves through education, experience, performance and dedication.

Accredited Buyer Representative (ABR):

- Fewer than .25% of all REALTORS have attained this designation by distinguishing themselves through education as an exclusive buyer representative.

Graduate REALTORS Institute (GRI):

- Fewer than 10% of all Nebraska Real Estate Licensees have successfully completed the professional curriculum necessary to graduate from the REALTOR Institute.

Certified Real Estate Negotiator (CREN)

- Fewer than 1% of all REALTORS have earned this new designation focusing on the value, language and techniques involved in successful real estate negotiations.

REALTOR Internet Professional (e-PRO)

- Only 3% of all REALTORS nationwide have successfully completed this comprehensive internet marketing curriculum designed to help REALTORS create an effective on-line presence for today's real estate consumers.

New Home Specialist (NHS)

- Exclusive to NP Dodge Real Estate Company, Omaha, Nebraska. Mark Wehner is the author and instructor for this course that focuses on the sale, marketing and representation of new construction homes.

Nationally…Mark Wehner is the only REALTOR in the nation to have attained the REE, CRB, ABRM, CRS, ABR, GRI, CREN, e-PRO & NHS professional and REALTOR Designations!

Individual Real Estate Sales Production

From 1988-1991, with over 300 sales associates, Mark & Therese Wehner consistently ranked in CBS Real Estate's "Top 10" Sales Associates each year, as residential brokerage company with over 500 million dollars in annual closed sales

Office and Agent Productivity

Since 1991, as an office sales manager and real estate career coach, Mark T. Wehner's office increased productivity from just under $100,000,000 to over $275,000,000 in annual sales volume for offices under his leadership and entrepreneurial coaching.

During this same period, individual agent productivity increased from $1,200,000 to over $3,780,000 in average annual closed sales volume.

His agent's commission income increased from an average of $15,000-$20,000 to $18,000-$27,500+ per million dollars in closed sales volume.

Agents in his office with two or more years of experience average just over $90,000 in annual commission earnings…and agents with three or more years' experience averaged over $97,600.

Mark Wehner's Special Honors and Awards:

1991:	Manager of the Year, CBS Real Estate Company
1992:	Manager of the Year, CBS Real Estate Company
2001:	Real Estate Educator of the Year-I.E.A.
2004:	Award of Recognition: 25 Years, Nebraska REALTOR Association
2014:	Service Award: Omaha Area Board of REALTORS Director 2008-2014
2015-2017:	Mark of Excellence Award: Nebraska REALTOR Association
2015-Present:	REALTOR Political Action: RPAC Major Donor
2019:	National Association of REALTORS-REALTOR Emeritus
2020:	Rho Epsilon Professional Real Estate Association's: 2020 HONOREE OF THE YEAR AWARD

Community Activities

Past President: -Ralston Jaycees
-Toastmasters International-Yawn Patrol
-Pi Kappa Alpha Fraternity-University of Nebraska-Omaha
-Council of Student Presidents- University of Nebraska-Omaha
-National Outdoorsmen's Association (NOA)-Founder

American Heart Association: Heart Walk-Vice Chairperson
Multiple Sclerosis Society: Board of Directors, MS Bike Ride Participant
Leadership Omaha: Graduate, Class 16 (the best class ever)
American Cancer Society: Race for the Cure-Project Chairperson
Youth Sport Coach: Select Baseball, Football
Hunter Safety Instructor, Nebraska Game and Parks Commission

Publications, Programming, Coaching, and Networking Tools

Created and developed exclusively by Mark T. Wehner…

1440-Empowering Entrepreneurs Every Minute of the Day

Mark's book, released in 2009, is a collection of 1,440 REEfacts™ to inspire and motivate entrepreneurs in their chosen endeavor. 1440 is available at www.reesultscoaching.com and www.amazon.com.

The REEsults Coaching Success Guide™

This publication reflects the best real estate sales tips and techniques from national real estate trainers that have been customized to the local market.

Mark Wehner's REEsults Coaching™ (www.reesultscoaching.com):

This national educational coaching program is created with an entrepreneurial "E-Mindsets and E-Methods" approach that takes successful real estate professionals beyond the barrier of initial, fundamental sales accomplishments to a higher level of personal and professional success.

1000-to-Millions

This is an activity management program that identifies and quantitatively allows the agent to track income producing real estate activities for the sale of existing and new construction homes.

REEsults Coaching™ Scoreboard©

A coaching "scoreboard" that measures networking and prospecting effectiveness to analyze the relationship building process for the entrepreneurs

REEmarkable Real Estate Series

Comprehensive new and existing agent education program that is designed develop a "REEmarkable" level of client and customer service while increasing the profitability for real estate agents regardless of their level of experience! Approved for real estate continuing education in Nebraska and qualifies for GRI 101 substitution credit.

New Agent Coaching and Training Program

This program is an entry level coaching and training program that consists of 15 sessions designed exclusively for Berkshire Hathaway HomeServices-Ambassador Real Estate Company. This program is approved for Broker Approved Training and qualifies for GRI 101 substitution credit.

Real Estate Exam Prep Classroom Coaching Session

This program focuses on helping new real licensee applicants pass the either the Salesperson and Broker PSI Real Estate Exam in Nebraska. Offered through REEsults Coaching School of Real Estate, this program enjoys a superior pass rate across the State of Nebraska! Reviews and Testimonials available at www.reesultscoaching.com under the Real Estate School Tab.

Strategies for Passing the Multiple-Choice Real Estate Exam

The information shared in this study guide presents study materials and coaching points that are critical to passing the Salesperson's and Broker's the real estate exams! Our exclusive, proven "knowledge-transfer" methodology and REEsonate REEcall™ study strategies are guaranteed when you commit to study, understand and master each area as instructed and coached.

Understanding Real Estate Finance

The publication is the course text for real estate pre-license Real Estate Finance 30-hour course approved by the Nebraska Real Estate Commission

Nebraska License Law

The publication is the course text for real estate pre-license Nebraska License Law 30-hour course approved by the Nebraska Real Estate Commission

Understanding the Principles and Practice of Real Estate

The publication is the course text for real estate pre-license Real Estate Principles and Practice 30-hour course approved by the Nebraska Real Estate Commission

APPLICATION FOR MEMBERSHIP ON

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PERSONAL INFORMATION

NAME	Nathan (first)	D. (middle initial)	Watson (last)	
RESIDENCE	2806 Leigh Lane. (street)	Papillion. (city)	68133 (zip)	Sarpy (county)
WORK ADDRESS	2112 North 30th Street, #105. (street)	Omaha (city)	68111 (zip)	Douglas
TELEPHONE	402-516-8087 (residence)		none (work)	
OCCUPATION	Dean—Omaha Data Science Academy			

In which Nebraska State Board of Education district do you live? 2

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- ☐ Better Business Bureau
- ☒ Business
- ☐ Massage Therapy
- ☐ Nail Technology
- ☐ Real Estate
- ☒ Trade or Technical
- ☐ Truck Driving
- ☐ Other Sector of Private Postsecondary Career School

ADDITIONAL INFORMATION

Please provide additional supportive information about yourself and your experiences. Include membership of organizations related to this position, membership of any board, commission, council, or committee you have served in the past, honors or awards received, and other volunteer activities.

See Attached

Please explain your interest in serving on the Nebraska Private Postsecondary Career Schools Advisory Council:

See Attached

EMPLOYMENT

List employment history, beginning with current experience; include volunteer activities. A resume or additional information is optional.

See Attached

EDUCATION

List schools attended (including high school), location, dates, major field of study or degree received.

Northwest Missouri State University—Maryville, MO—
BS's in Environmental Geology and Geography—1996-2001

Jasper High School—Jasper, MO—HS Diploma—1996

REFERENCES

List names, addresses, and telephone numbers of at least three persons who may be contacted for references.

Name	Address	Phone Number
Jesse Rothgeb		402-881-5444
Nick Rosenberry	16708 Marcy Circle, Omaha, NE 68118	402-840-0370
Preston Badeer	10545 Adams Drive, Omaha, NE 68127	512-820-8493

Signature of applicant

03/07/23
Date

Please return completed form to:

Marisol Birth, Program Director
Private Postsecondary Career Schools
and Veterans Education
Nebraska Department of Education
PO Box 94987
Lincoln, NE 68509-4987 **OR E-MAIL TO: marisol.birth@nebraska.gov**

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STATE BOARD OF EDUCATION REPRESENTATIVE AND DISTRICT

RECOMMENDING STAFF PERSON

Appointment *approved* at _____ State Board of Education meeting.
meeting

Appointment *not approved* at _____ State Board of Education meeting.
meeting

THE NEBRASKA PRIVATE POSTSECONDARY CAREER SCHOOLS ADVISORY COUNCIL APPLICATION

ADDITIONAL INFORMATION

Q: Please provide additional supportive information about yourself and your experiences. Include membership of organizations related to this position, membership of any board, commission, council, or committee you have served in the past, honors or awards received, and other volunteer activities.

My name is Nate Watson. I am the president of Contemporary Analysis, Omaha's oldest and most trusted data science consultant. Being such, we often find ourselves as the head of the community. We are frequently sought out for expertise and wisdom as to how to build data science capacity and culture in businesses. We realized in 2015, we needed to have a way to teach those in the community who needed, not another degree, but instead a skill refresh. We started the Omaha Data Science Academy to fill this role. At the time, there were almost no masters degrees and no undergraduate degrees around our arena of tech. As the University system has expanded into our realm, we have continued to find success by being one of the few places you can learn from practicing professionals.

Boards, Task Forces, or Councils Past and Present.

Workforce Development Task Force - Nebraska Tech Collaborative
Jun 2022 - Present · 10 mos

Builder's Council (startups) - Greater Omaha Chamber
Apr 2021 - Present · 2 yrs

Agribusiness Council - Greater Omaha Chamber
Feb 2011 - Jan 2023 · 12 yrs

Board Of Directors - Greater Omaha Chamber
Jan 2019 - Jan 2022 · 3 yrs

Board of Directors - Mutual 1st Federal Credit Union
Oct 2011 - Mar 2018 · 6 yrs 6 mos

President--Arts and Culture - Greater Omaha Young Professionals
Jun 2011 - Jun 2012 · 1 yr

Advantage Team - Greater Omaha Chamber (membership retention team)
Mar 2010 - Aug 2012 · 2 yrs 6 mos

Eagle Scout - 1996

Q: Please explain your interest in serving on the Nebraska Private Postsecondary Career Schools Advisory Council:

Building Community has become a passion of mine over the last few years. As we built the academy to help build out the data science community, I realized how large of a need there is for private, postsecondary education. Our specific niche is much needed for those whom university is out of reach, or not needed at all. I have become an advocate of learning through this way as it is a better way to learn *skill* based knowledge.

As I have navigated both how to operate but also how to be licensed, I have learned I enjoy helping others understand the process and gilding them toward success as well. It would be my pleasure to advise (when needed) on matters of feedback, wisdom, and advice pertaining to rules and regulations regarding other schools.

Nathan Watson

Omaha, Nebraska, United States

nate@canworksmart.com

402-516-8087

linkedin.com/in/natewatson

Summary

I have a philosophy:

Empower the great to build something greater

Great people sometimes need to be shown they have not hit their limit, only the limit of their imagination, and need a refresh of what they think they can do.

I track success not by projects I have completed, but by number of employees that have gone on to lead data science in other companies.

Experience

Dean

Omaha Data Science Academy

Jul 2016 - Present (6 years 9 months)

Licesned in the state of Nebraska, the Omaha Data Science Academy (ODSA) teaches certificates in:

Data Visualization
Data Engineering
Data or Business Intelligence Analyst
Machine Learning Operation
AI
Data Science Management

"Come learn from 6-9, what a real data scientist does from 8-5".

President

Contemporary Analysis

Mar 2015 - Present (8 years 1 month)

Since 2008, Contemporary Analysis, LLC (“CAN”) has helped 100+ organizations of all sizes and shapes (government agencies, higher education organizations, Fortune 500 companies, as well as small and medium-sized companies all over the country).

I have led the expansion and development of the organization since 2015 through multiple roles. I serve as PM, Business Development, and Head of Operations.

Director Of Operations

Contemporary Analysis

Jun 2013 - Mar 2015 (1 year 10 months)

In late 2013, I was asked to research and add politics to our capabilities at Contemporary Analysis. We looked at what campaigns used for analytics and discovered a need and niche for CAN to fill. By election of 2014, we had provided campaign predictive analytics to:

2 Governor candidates
1 County Commissioner
1 School Bond
1 Tax Bond

We also did work with multiple polling companies, helping them select the right people to ask questions and to create excitement for their candidates.

-- Additionally, Contemporary Analysis allowed me to be part of their:

Angel and Venture Capital recruitment and implementation processes
Management of operations team including Data Scientist and Economists
Ownership and profit sharing development plan

Vice President of Sales and Business Development

Contemporary Analysis

Aug 2012 - Jun 2013 (11 months)

Contemporary Analysis specializes in predictive analytics, data modeling, forecasting, and Big Data. As the Vice President of Sales and Business Development, my team:

Developed unique sales processes to find and sell custom analytics solutions
Closed and maintained 31 projects generating more than $300,000 including:
National Sheetrock product manufacturer
Multiple colleges and universities
Multiple Regional Transportation Authorities including Atlanta and Wilmington
Top ten trucking company
Lindsay Manufacturing
Blue Cross Blue Shield of Nebraska
Mutual of Omaha
Developed 3 year data collection plans for 10+ companies and referred to affiliate partners
Trained 15 sales team members using 6 month, after-work class and daily updates
Developed sales plan for product launch which included:
Identifying key leaders at the 200 largest companies and additional target companies
Developing strategic plan for sales and marketing
Aiding in developing product roadmap for additional versions and updates
Wrote case studies, white papers, marketing content, and ebooks visible at canworksmart.com

Sales

Contemporary Analysis

Aug 2011 - Aug 2012 (1 year 1 month)

Hired to supplement their custom, enterprise-level Predictive Analytics vertical with more, smaller-scale projects. Helped roll out predictive analytics software designed to help solve the 5 major problems in business:

Who is going to buy our product?
How do I find them?
Which of my current customers is most likely to leave for a competitor?
Who should I hire and promote to sell my products?
How much product will I sell next year?

These 5 major problems: sales, marketing, customer service, HR, and forecasting are solved using data science to find the patterns and trends in your current data, and helping you explore those trends so you can better answer those questions. This data-driven decision making allows companies of all sizes to take advantage of their data to make better, more accurate decisions about time and money improving the bottom line.

Education

Northwest Missouri State University
Bachelor of Science (BS) x 2, BS--Geology and BS--Geographical Information Systems
1996 - 2001

Skills

Public Speaking • Marketing Strategy • Sales Management • Sales Pipeline Management • Econometrics • Economics • Economic Modeling • Time Series Analysis • Direct Sales • Target Identification

Honors & Awards

Top 1% User--LinkedIn 2012 - LinkedIn
Dec 2012

APPLICATION FOR MEMBERSHIP ON

THE NEBRASKA PRIVATE POSTSECONDARY CAREER SCHOOLS ADVISORY COUNCIL

The purpose of this form is to obtain general information for use in appointing members of committees, councils, and consortiums approved by the Nebraska State Board of Education. If you have recently prepared a biography or resume, please attach it to this form.

PERSONAL INFORMATION

Susan		E	Collins	
NAME	(first)	(middle initial)	(last)	
1510 Clay Stree		Fort Calhoun	68023	Washington
RESIDENCE	(street)	(city)	(zip)	(county)
10803 John Galt Blvd		Omaha	68137	
WORK ADDRESS	(street)	(city)	(zip)	
515-570-1661			402-614-0493	
TELEPHONE	(residence)		(work)	
Financial Aid Director				
OCCUPATION				

In which Nebraska State Board of Education district do you live? 3

Please provide the following information, check all categories which you represent, and complete pages 2 and 3 of this form. Information provided in this section will assist our staff and the State Board in making selections.

Check category(ies) which you represent:

- [x] Cosmetology/Barbering
- [ ] Better Business Bureau
- [ ] Business
- [ ] Massage Therapy
- [ ] Nail Technology
- [ ] Real Estate
- [ ] Trade or Technical
- [ ] Truck Driving
- [ ] Other Sector of Private Postsecondary Career School

ADDITIONAL INFORMATION

Please provide additional supportive information about yourself and your experiences. Include membership of organizations related to this position, membership of any board, commission, council, or committee you have served in the past, honors or awards received, and other volunteer activities.

See attached

Please explain your interest in serving on the Nebraska Private Postsecondary Career Schools Advisory Council:

Active participation in organizations that empower student success

EMPLOYMENT

List employment history, beginning with current experience; include volunteer activities. A resume or additional information is optional.

See attached

EDUCATION

List schools attended (including high school), location, dates, major field of study or degree received.

Las Vegas High School, Las Vegas, NV - obtained GED 1996 while in Incirlik AB, Turkey

Iowa Central Community College, Fort Dodge, IA 2011 - AS in Human Services

REFERENCES

List names, addresses, and telephone numbers of at least three persons who may be contacted for references.

Renee Besse	Kearney, NE	(308) 865-8520
Name	Address	Phone Number
Ritchie Morrow	Lincoln, NE	(402) 471-0032
Name	Address	Phone Number
James Erickson	West Valley, UT	(801) 860-0093
Name	Address	Phone Number

Susan Collins

Signature of applicant

03/06/2023

Date

Please return completed form to:

Marisol Birth, Program Director
Private Postsecondary Career Schools
and Veterans Education
Nebraska Department of Education
PO Box 94987
Lincoln, NE 68509-4987 **OR E-MAIL TO: marisol.birth@nebraska.gov**

Questions concerning this form should be directed to Marisol Birth at 402-326-4519.

STATE STAFF USE ONLY

STATE BOARD OF EDUCATION REPRESENTATIVE AND DISTRICT

RECOMMENDING STAFF PERSON

Appointment *approved* at _____ State Board of Education meeting.
meeting

Appointment *not approved* at _____ State Board of Education meeting.
meeting

SUSAN COLLINS

Learner | Developer | Achiever | Belief | Responsibility

SusanCollins1510@gmail.com
515-570-1661
Fort Calhoun, NE

Financial Aid Director/School Certifying Official
Capitol Beauty School - Omaha, NE
06/2019 - Ongoing

- Ensure student Financial Aid applications are processed in an accurate and timely manner and provide superior customer service and efficiency in response to parent and student inquiries
- Responsible for the execution of financial aid policies, requirements, and procedures requiring a strong knowledge of Title IV and financial regulations and staying informed and responsive to changing program regulations
- Accurately perform all functions of the VA School Certifying Official, Return to Title IV calculations, processing personalized Award Letters, work with NSLDS, COD, and FAME
- Promote a work environment that is positive, student centered, and compliant with established policies and procedures ensuring the security of financial aid applications, documents, systems, and students' personally identifiable information
- Met deadlines with Federal, State and IPEDS reporting

Recruiter and Training Specialist
Sterling Transportation Services – Blair, NE
11/2017 - 06/2019

- Streamlined on-boarding/training processes for all aspects of the company
- Upgraded/streamlined HRIS to be compliant with FMCSA, DOT and local regulation
- Reduced 90-day turnover to 8.9% and Annual turnover to 5.2% in 2018

Financial Aid Associate/School Certifying Official
La' James International College – Fort Dodge, IA
10/2015 - 11/2017

- Review all financial aid information from Federal, State and local sources to determine program eligibility and meet with students working in a fast-paced environment encompassing eight different campuses in three states
- Package all students within the guidelines of multiple federal and state programs and perform audits on student records to ensure compliance with Federal, State and school guidelines

Office Manager
BHJ, USA – Fort Dodge, IA
02/2012 - 09/2015

- Increased office efficiency by assigning and monitoring responsibilities and tasks among office staff to include recruiting and providing training to ensure top performance
- Remain updated on technical and professional knowledge by attending educational workshops, joining professional associations, building networks with fellow professionals and reviewing of industry publications

Education

Iowa Central Community College
AS - Social Services
GPA 2.7
01/2010 - 11/2012

Bellevue University
BS-Business Administration
Currently attending - Anticipated Graduation Date 05/2023

Volunteering

NASFAA – National Association of Student Financial Aid Administrators
Leadership Task Force

01/2021 – 02/2023

- Served as a committee member on the Succession Planning Task Force to develop the training session for the Leadership & Legislative Conference

RMASFAA – Rocky Mountain Association of Student Financial Aid Administrators
Secretary-Board of Directors
01/2022 - Ongoing

- Serving as the Secretary for the Rocky Mountain Association of Student Financial Aid Administrators for 2022-2023

NeASFAA – Nebraska Association of Student Financial Aid Administrators
Private Sector Representative
Membership Committee Vice-Chair
Safety Task Force
01/2019 - Ongoing

- Represented all of Nebraska private and for-profit schools for the state financial aid association
- Served on the Membership Committee as Vice-Chair learning the skills and knowledge to transition to Membership Committee Chair for 2023-2024
- Served on the Safety Task Force determining safe practices to return to in-person training and conferences that would balance the needs of returning to direct-contact training and current health crises in the counties where trainings are being held throughout the state of Nebraska

Certification

NASFAA Professional Credential

- Return of Title IV Funds Credential
- Administrative Capability
- Cost of Attendance

Nebraska State Notary
Commission Expires 2025

Professional Development Certification
Women in Trucking/Transtrategy

WorkKeys® National Career Readiness Certificate
Level: GOLD
Issue Date: 10/05/2015 Certificate # 4D8X0S2KYJZ7

SUSAN COLLINS

Learner | Developer | Achiever | Belief | Responsibility

SusanCollins1510@gmail.com
515-570-1661
Fort Calhoun, NE

References

Renee Besse
Director of Financial Aid
University of Nebraska - Kearney
Email besser@unk.edu
Phone (308) 865-8520

Ritchie Morrow
Financial Aid Officer
Nebraska Coordinating Commission for Postsecondary Education
Email ritchie.morrow@nebraska.gov
Phone (402) 471-0032

Steven Roe
Director
Beacon of Hope Men's Homeless Shelter
Fort Dodge, IA
Email steveroe4660@yahoo.com
Phone (515) 571-6636

Joseph Stefaniak
President/CEO
Campus Cafe Software
Email jstefaniak@campuscafesoftware.com
Phone (781) 820-2367

James Erickson
Electronic Specialist
State of Utah - Department of Transportation
Email jderickson@utah.gov
Phone (801) 860-0093

NEBRASKA
DEPARTMENT OF EDUCATION

www.education.ne.gov
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Lincoln, NE 68509-4987
TEL 402.471.2295
FAX 402.471.0117

NEBRASKA PRIVATE POSTSECONDARY CAREER SCHOOLS ADVISORY COUNCIL
September 2021

Tami Barrett
Cornhusker Better Business Bureau, Inc.
Lincoln Branch Manager
(Better Business Bureau representative)
3-year term beginning January 11, 2019 and ending January 10, 2022

Dr. Karim Gharzai, Ph.D.
Nebraska Institute of Technology
(Trade/Technical school representative)
3-year term beginning September 6, 2019 and ending September 5, 2022

Mr. Jarrod Peters
New Horizons Computer Learning Center
(Business school representative)
3-year term beginning October 6, 2021 and ending October 5, 2024

Ms. Jackie Hornig
Xenon International Academy
(Trade/Technical school representative)
3-year term beginning September 6, 2019 and ending September 5, 2022

Mr. Mark Wehner
Reesults Coaching School of Real Estate
(Real Estate school)
3-year term beginning September 6, 2019 and ending September 5, 2022

Mr. Larry Marsh
JTL Truck Driver Training
(School Licensed by Other State Agency representative)
3-year term beginning September 7, 2020 and ending September 6, 2023

TEL 402.471.2295
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PROPOSED AGENDA ITEM RATIONALE

DATE: March 22, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Amy Rhone, Administrator – The Office of Special Education

PROPOSED AGENDA ITEM: Authorize Commissioner to renew contracts with the four regional programs located at ESU3 (Omaha), Norfolk P.S., ESU 18 (Lincoln), and ESU 9 (Hastings), to ensure that the Department will continue to implement the plan for Statewide Educational Programs and Support Services for Children Who are Deaf or Hard of Hearing with the development of Regional Programs.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION: Beginning in 1997, the State Board of Education approved the plan for Statewide Educational Programs and Support Services for Children Who are Deaf or Hard of Hearing and revisions to the plan were approved at the December 2004, 2014, and 2020 meetings. The statewide plan directed the Department to establish regional programs for children who are deaf or hard of hearing. Since June 1998, the State Board of Education has granted the Commissioner authority to enter into contacts to operate regional programs to provide support services to school districts serving children who are deaf or hard of hearing. Two-year contracts, a deviation from NDE contract guidance/procedures, have been previously approved to assist the Regions with planning and budgeting.

Through contracts with the four regional programs located at ESU3 (Omaha), Norfolk P.S., ESU 18 (Lincoln), and ESU 9 (Hastings), the Department will continue to implement the plan for Statewide Educational Programs and Support Services for Children Who are Deaf or Hard of Hearing.

The Regional Programs will work cooperatively to maximize state and local resources for the enhancement of the education of children who are deaf or hard of hearing (Birth to age 21) and who are receiving early intervention (IFSP) or special education (IEP) services.

1. The Regional Programs serve as the statewide networking system among students, parents, professionals, and the Nebraska Department of Education and other agencies serving students who are deaf or hard of hearing (B-21).
2. Each Regional Program will plan and provide social and educational opportunities for children who are deaf or hard of hearing (B-21) to interact with others in a language barrier-free environment.
3. The Regional Programs will provide summer enrichment opportunities.
4. The Regional Programs will encourage family involvement in educational and social activities for children who are deaf or hard of hearing.

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5. Each Regional Program will promote excellence and equity for all children (B-21) in Nebraska who are deaf or hard of hearing.
6. Each Regional Program will build upon existing services, promote cooperative agreements among service providers, and support the ongoing development of outreach services.
7. Each Regional Program will assist in offering professional development and training opportunities to enhance the skills of individuals working with children who are deaf or hard of hearing (B-21).
8. Each Regional Program will assist school districts in assuring that educational interpreters meet the state standards established by the Nebraska Department of Education Rule 51 Regulations and Standards for Special Education Programs.
9. Each Regional Program will assist in identifying technological equipment for students who are deaf or hard of hearing.
10. Each Regional Program will assist in identifying the availability of specialized technological equipment.
11. Each Regional Program will serve as a clearinghouse of specialized materials and information relating to individuals who are deaf or hard of hearing.
12. Each Regional Program will serve as a resource to families, students, professionals, and school districts.
13. Each Regional Program will provide technical assistance and assist the Nebraska Department of Education with statewide initiatives.
14. Each Regional Program will collect and maintain statistical information regarding children who are deaf or hard of hearing within their region.
15. Each Regional Program will identify and utilize appropriate deaf and hard of hearing role models for student activities.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST:

	FY 2023-2024	**FY2024-2025**	**2 Year Total***
Omaha Metro. Region (ESU #3)	$ 655,413	$ 655,413	$1,310,826
Northeast Region (Norfolk P.S.)	$ 265,111	$ 265,111	$ 530,222
Southeast Region (ESU #18)	$ 317,221	$ 317,221	$ 634,442
Central/Western Region (ESU #9)	$ 448,902	$ 448,902	$ 897,804
Totals	$1,686,647	$1,686,647	$ 3,373,294

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: State General Funds (Program 401)
- New or Renewal: Renewal
- If renewal, date of first approval: Started in 2007, last approved in 2021

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: NA

- Rationale for method of procurement: Per NDE Procurement, Appendix C, the following are situations for which an exemption to the requirements for competitive bidding or negotiation for state agencies are set out in 73-507 R.R.S.

    - vi) Agreement for services to be performed for a state agency by another state or local government agency for the direct provision of services to the public

- Rationale for contractor selection: Through these contracts, NDE ensures appropriate and quality learning opportunities should exist for all children. The education of students who are deaf or hard of hearing requires specialized programs, and appropriately certified personnel with effective communication skills. The contractors have each undergone an evaluation of contractual obligations, annually to ensure that the contractor selected is carrying out the responsibilities set forth within the state plan and contract. The contractor has successfully carried out similar duties on previous contracts.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 22, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Amy Rhone, Administrator – The Office of Special Education

PROPOSED AGENDA ITEM: Authorize Commissioner to renew a contract with ESU 9 for assistance with implementation of the Nebraska State Plan for Education of Children who are Deaf or Hard of Hearing by providing the employment contract for the State Liaison to Statewide Educational Programs and Support Services for Children Who are Deaf or Hard of Hearing.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION: Beginning in 1997, the State Board of Education approved the plan for Statewide Educational Programs and Support Services for Children Who are Deaf or Hard of Hearing and revisions to the plan were approved at the December 2004, 2014, and 2020 meetings. The statewide plan directed the Department to establish regional programs for children who are deaf or hard of hearing as well as establish a State Liaison to support the regional programs. The State Liaison position has historically been a contract that is held with ESU 9 as a central ESU in the state of Nebraska to ensure the individual has connectivity to all corners of the state.

The State Liaison will serve as the primary contact for the Nebraska Department of Education in providing technical assistance and information on behalf of children, families, professionals, and other interested agencies and individuals seeking information relating to the education of children who are deaf or hard of hearing.

1. The State Liaison will support the *Guiding Principles for All Programs Serving Children who are Deaf or Hard of Hearing*.
2. The State Liaison will serve as a liaison between the Regional Programs, other stakeholder groups, and the Nebraska Department of Education.
3. The State Liaison will provide information about the need for and availability of services for children who are deaf or hard of hearing, upon request.
4. The State Liaison will provide consultation in the area of program development, upon request.
5. The State Liaison will collect and maintain statewide statistical information regarding children who are deaf or hard hearing.
6. The State Liaison will facilitate a network of communication among stakeholders.

7. The State Liaison will provide technical assistance as it relates to standards and assessment for children who are deaf or hard of hearing, upon request.
8. The State Liaison will facilitate and monitor the development of regulations relating to standards for educational interpreters in Nebraska Department of Education Rule 51 Regulations and Standards for Special Education Programs.
9. The State Liaison will facilitate the development of educational interpreter training and mentoring at a statewide level.
10. The State Liaison will coordinate a statewide stakeholder mechanism for the purpose of sharing information and gathering input on topics specific to deaf and hard of hearing. This stakeholder group consists of parents, professionals, and agencies who serve children Birth-21.
11. The State Liaison will represent NDE as the liaison to the Iowa School for the Deaf and training programs for educational sign language interpreters.

Additionally, Contractor will serve as a resource for parents and programs providing services to children/youth who are deaf or hard of hearing in Nebraska and continue to represent NDE at state, regional, and national deaf/hard of hearing meetings.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: $220,000
* Funding is contingent upon the earmarked State General Fund appropriation specific to serving deaf or hard of hearing students.

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: State General Funds (Program 401)
- New or Renewal: Renewal
- If renewal, date of first approval: Started in 2007, last approved in 2021

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: NA
- Rationale for method of procurement: Per NDE Procurement, Appendix C, the following are situations for which an exemption to the requirements for competitive bidding or negotiation for state agencies are set out in 73-507 R.R.S.
    - vi) Agreement for services to be performed for a state agency by another state or local government agency for the direct provision of services to the public
- Rationale for contractor selection: Through these contracts, NDE ensures appropriate and quality learning opportunities should exist for all children. The education of students who are deaf or hard of

hearing requires specialized programs, and appropriately certified personnel with effective communication skills. The contractor has successfully carried out similar duties on previous contracts. Contract continues to include costs for some activities (interpreter training/mentoring/workshops, etc.) previously provided by other entities.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

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PROPOSED AGENDA ITEM RATIONALE

DATE: April 7, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Amy Rhone and Darsha Pelland

PROPOSED AGENDA ITEM: Authorize the Commissioner to renew a contract and lease (with Educational Service Unit (ESU) #4 to continue operation of the Nebraska Center for the Education of Children Who are Blind or Visually Impaired (NCECBVI) to provide a variety of services for students with blindness, visual impairments and multiple disabilities in a residential setting on the campus in Nebraska City as well as statewide in students' local school districts, homes and communities.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION:
Pursuant to Nebraska Rev. State Statute 79-11, 109, The State Department of Education shall have oversight and general control of the Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI), formerly the Nebraska School for the Visually Handicapped. The department may contract with a school district, an educational service unit, or a public institution of city, county, or state government to operate the center. The department may use, lease, or otherwise contract for the use of property and facilities formerly controlled by the Nebraska School for the Visually Handicapped for services of the center. The NDE contracts with Educational Service Unit (ESU) #4 to operate the center and provide both residential services as well as educational programming.

Pursuant to Nebraska Rev. State Statute 79-11, 110, The purpose of the Nebraska Center for the Education of Children who are Blind or Visually Impaired is to provide special education services for persons not to exceed twenty-one years of age who are blind or visually impaired to such an extent that they cannot receive services in the public schools of this state. The center shall be the state resource center for all special education programs for children who are blind or visually impaired in Nebraska and shall provide services such as instructional materials and technology support, assessment and evaluation services, teacher training and professional development, summer and weekend programs, residential services, center-based programs, public school combination programs, local public school support, and consultation services to school districts and educational service units.

Since March of 1998, the State Board of Education has granted the Commissioner authority to enter into a contract and lease with Educational Service Unit #4 (Auburn) to operate the Nebraska Center for the Education of Children Who or Blind or Visually Impaired at Nebraska City. A two-year contract and lease, a deviation from NDE contract guidance/procedures, have been previously approved to assist Educational Service Unit #4 with planning and budgeting. Through this contract and lease agreement, the Department

will continue to carry out the Nebraska revised state statute for a Nebraska Center for the Education of Children who are Blind or Visually Impaired.

The NCECBVI provides additional supports to Nebraska Schools for the purposes of supporting students and educators in the field of Visual Impairment. These supports include:

- **Instructional Materials and Technology Support**
  The Nebraska Instructional Resource Center, housed at the NCECBVI, supports local education agencies in providing students statewide with instructional materials and technology support needed for their education.
- **Student Family and Support Programs**
  The NCECBVI offers a variety of support programs for students and families throughout the year, such as skill training, enrichment activities and family activities.
- **Assessment and Evaluation Services**
  Educational assessments and evaluations are provided to assist local education agencies in order to provide educational services for students who are blind or visually impaired. These assessments may be provided in a variety of locations: in the local school district, in the student's home and community, and/or at the NCECBVI. The assessment team also coordinates with other professionals to provide a comprehensive evaluation.
- **Professional Development and Training**
  The NCECBVI and coordinates staff development opportunities for statewide educators, related service providers, parents and agency personnel as needs are identified. In addition, the University of Nebraska-Lincoln, in cooperation with the Nebraska Department of Education, the Kansas State School for the Blind, and the NCECBVI, offers an endorsement program for teaching the blind and visually impaired.
- **Center-Based Programs and Residential Services**
  Students have the option of attending the NCECBVI for specialized services based upon the student's educational needs as indicated by the individual education plan. Full or part-time educational placement for varying durations is available. Residential services may be provided in addition to the center-based educational program. Residential services may include independent living skill training, social skill training, community participation, and recreation and leisure activities.
- **Consultation Services**
  The NCECBVI provides consultation, advisory, and technical assistance services for students, families, educators, local education agencies, and educational service units on a statewide basis.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST:

ESU #4 (Auburn)	FY 2023-24	$ 2,222,800.00
	FY 2024-25	$ 2,222,800.00
	2 Year Total	$ 4,445,600.00*

*Amounts are contingent upon Department of Education receiving earmarked appropriation (Program 402). Initial contract amounts are based on the assumption that 2023-24 and 2024-25 appropriations are maintained at the current 2022-23 appropriated level. Actual 2023-24 and 2024-25 appropriations authorized by the Legislature may require the contract amount(s) to be amended.

TEL 402.471.2295
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FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: State General Fund (Program 402)
- New or Renewal: Renewal
- If renewal, date of first approval: Started 1998, last approved in 2021

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: NA
- Rationale for method of procurement: Per NDE Procurement, Appendix C, the following are situations for which an exemption to the requirements for competitive bidding or negotiation for state agencies are set out in 73-507 R.R.S.
    - vi) Agreement for services to be performed for a state agency by another state or local government agency for the direct provision of services to the public
- Rationale for contractor selection: Through this contract, the center serves children from infancy to age 21. NCECBVI's program offers the expertise and specialized skills of the center's staff to blind, visually impaired, and multi-handicapped students in residential, day, and outreach settings. Services are provided to local school districts, students, families, teachers, and other support staff upon request.

  In addition to the residential services provided by NCECBVI, the center provides consultation, advisory, and technical assistance services for students, families, educators, local education agencies, and educational service units on a statewide basis. The Center assists local education agencies in assessing a child's needs and makes appropriate educational recommendations, facilitates student-family networking, provides classroom, community and/or home observations. In addition, the center works cooperatively with parents, local school district personnel and others to implement appropriate educational programs and services.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 15, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Krysti Michl
DDS Administrator

PROPOSED AGENDA ITEM: Authorize the Deputy Commissioner to amend medical consultant contracts for the Office of Disability Determinations.

AGENDA ITEM TYPE: Contracts

RATIONALE/BACKGROUND INFORMATION:

- The Department of Education, through its Disability Determinations Section, makes determinations on behalf of the Social Security Administration regarding the eligibility of Nebraska residents for disability benefits under Social Security and Supplemental Security Income. Federal law requires that a physician, psychologist or speech language pathologist review each determination so that medical aspects of the case are adequately considered. In order to comply with federal requirements, the DDS is obligated to arrange for adequate case analysis support from consultants in medicine, psychology, and speech and language pathology. All DDS medical consultants are required to have an active license with the Nebraska Department of Health and Human Services.
- Contractors are selected based on their medical credentials and the needs of the agency.
- Contracts are based on our best estimate of the amount of time required for each specialty area during each contract period. Variations in the caseload mix can require adjustments in hours between categories and are dependent upon workloads and/or consultant availability. The amendments below are necessary to meet the needs of the agency until the end of FY23.
- The DDS will be entering new contracts with medical consultants on July 1, 2023. These contracts will be submitted for Board approval at the May board meeting.

PROPOSED BOARD MEETING: April, 2023

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ESTIMATED COST: The proposed rate of compensation is $90.00 per hour for each medical and psychological consultant. The rates are comparable with the rates paid to consultants in the DDS offices in surrounding states.

Kathryn Benes, Ph.D.	Contract amendment of $8,000 for a total contract amount of $54,000
Kevin J. Coughlin, M.D.	Contract amendment of $65,000 for a total contract amount of $111,000
Dianna Clyne, M.D.	Contract amendment of $19,000 for a total contact amount of $64,000
Kevin Wycoff, M.D.	Contract amendment of $19,000 for a total contract amount of $64,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: 100% federally funded by the Social Security Administration
- New or Renewal: Renewal
- If renewal, date of first approval:

Diana Clyne M.D.	First approval date 10/6/22
Kevin Coughlin M.D.	First approval date 10/7/22
Kathryn Benes, Ph.D	First approval date 10/21/22
Kevin Wycoff, M.D.	First approval date 9/23/22

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Competitive negotiation
- Rationale for method of procurement:

  The DDS needs multiple medical consultants rather than one sole provider. Competitive negotiation allows the agency find and secure services from more than one provider and more than one medical specialty. An ad is run in the local newspapers and interviews are scheduled to make a selection.

- Rationale for contractor selection:

  Contractors are selected based on their medical expertise and ability to learn and adapt their expertise to SSA rules for analyzing disability claims. The contractors named above have demonstrated an understanding of SSA policy and adapting their knowledge to the work assigned.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: Not applicable

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 24, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Zainab Rida

PROPOSED AGENDA ITEM: Authorize Deputy Commissioner Frison to contract with The Nebraska Department of Health and Human Services (DHHS) for the purpose of providing leadership, management, and organizational support for youth and young adult tobacco prevention initiatives.

AGENDA ITEM TYPE: Contract

RATIONALE/BACKGROUND INFORMATION:
The Nebraska Department of Education will partner with the Nebraska Department of Health and Human Services (DHHS) on a three-year agreement, self-renewing yearly based on available federal funding. This Agreement may be renewed for three (3) additional one (1) year periods as mutually agreed upon in writing by the parties. The grant period began in April 2022 and will continue through April 2025.

Funding will allow the NDE to support a fulltime position to manage and coordinate youth tobacco prevention programs, education, and resources as part of Office of Coordinated Student Support Services. The primary goal for this contract will work to support the objectives of the DHHS tobacco prevention program to educate youth (students) on tobacco prevention and cessation efforts via classroom teachers and support schools in implementing evidence-based youth tobacco prevention supports within school environments.

This contract assists with leading youth tobacco prevention program implementation given that one in three Nebraska youth in grades 9-12 report using tobacco or e-cigarettes. Prevention efforts will work to engage youth leaders to create peer developed resources to meet program goals related to decreasing youth tobacco use. Funding for this position is provided through a federal grant provided to DHHS from the Centers for Disease Prevention and Control, which requires a youth tobacco prevention specialist. NDE is well positioned to lead this work given the collaboration with school districts, educators, and youth statewide from April 2023 through March 2024.

Evaluation of the work is provided by the DHHS Tobacco Prevention Program Staff and NDE staff will provide a monthly report of activities, student reach, and resources provided statewide.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: $179,000

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FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: CDC Tobacco Prevention
- New or Renewal: Renewal
- If renewal, date of first approval: April 28th, 2022

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: 20 Youth Tobacco Prevention Mini-grant awards of $3,000 will be distributed via an application process for Nebraska schools districts and reviewed by the Nebraska Health School program staff using a scoring matrix .

**Updated 02.07.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 22, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Grant the Commissioner the authority to approve a contract renewal with the National Association of Elementary School Principals (NAESP) to support a cohort of the NAESP Early Childhood Preschool to Grade Three Leadership Academy.

AGENDA ITEM TYPE: Contract Renewal

RATIONALE/BACKGROUND INFORMATION:

- Purpose: This is a contract with the National Association of Elementary School Principals (NAESP) for facilitation of their Pre-K through grade 3 Leadership Academy. The NAESP Pre-K -Grade 3 Leadership Academy is for Principals and other administrators of school districts, directors of Head Start programs and owners/directors of community child care programs to increase their knowledge and abilities to lead programs for young children.
- Description: Curriculum is based on 6 competencies and a Capstone project:
  - Competency 1 -Understanding child development and its implications for high-quality instruction and interactions, PreK-3rd grade
  - Competency 2 – Developing and fostering partnerships with families and communities,
  - Competency 3 – Embracing and enacting a PreK-3rd grade vision
  - Competency 4 – Ensuring equitable opportunities
  - Competency 5 – Sharing leadership and building professional capacity
  - Competency 6 – Promoting a culture of continuous improvement
  - Capstone project – Designed by the participant to demonstrate learning in a project to benefit their school's PreK-3rd grade work.
- History: This is the 4th cohort provided to administrators across Nebraska. The first three cohorts were funded through Preschool Development Grant funds. ESSER funds have been committed for this cohort and the next cohort.
- Need: This grant is needed because most elementary school principals do not have an early childhood education background. Effective curricula, teaching methods, and assessment are different for young children than for those in middle childhood or adolescence.
- Administration of Contract: Staff from the NDE meet with NAESP to plan for the year, including monthly check-ins to support the Nebraska participants and to infuse Nebraska specific information/resources to coincide with the NAESP curriculum.

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- Timeline: Cohort 4 of the NAESP PreK-3 Leadership Academy will run from May 1, 2023-April 30, 2024, to include 3 in-person meetings in May 2023, September 2023 and April 2024.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: Up to $170,000
This will include a one-time payment of $165,000 for initiating and conducting a yearlong professional learning program and support services for a cohort of elementary principals, Head start and child care directors in a mixed learning environment with mentors and technical support. Up to $5,000 is also budgeted for reimbursement for NAESP staff travel.

FOR CONTRACTS AND GRANTS:

- This is funded through ESSERS funds
- Renewal: As indicated above, contracts to NAESP were initially funded through Preschool Development Grant funds that came to the NDE.
- If renewal, date of first approval: March 2019

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Sole Source
- Rationale for method of procurement: The curriculum is proprietary, it has been created by NAESP with the input of NAESP members, and the curriculum for the Nebraska Cohorts have been and continually are being revised to include Nebraska materials. Cohort 4 will have elements of the Nebraska Teacher Principal Performance Standards.
- Rationale for contractor selection: See above

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 02.07.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 21, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Authorize the Deputy Commissioner to approve a continuation grant to Educational Service Unit #10 to fund early childhood coach consultation.

AGENDA ITEM TYPE: Grant

RATIONALE/BACKGROUND INFORMATION:

- Coaching is an evidence-based practice shown to be effective in improving early childhood program quality. Like teachers, coaches benefit from reflection and support to improve their practice.
- This grant will allow ESU 10 to continue to provide coach consultation in the central part of the state.
- The coach consultation system consists of 5 Coach Consultants who operate out of 5 different Educational Service Units (ESUs) They are ESU #1, ESU #3, ESU #6, ESU #10, and ESU #13.
- The coach consultation system was begun in 2018 as a pilot at ESUs #3 and #6 using federal Child Care and Development Funds. It was expanded across the state using federal Preschool Development Grant (PDG) funding as well as some federal special education funding. In preparation for the ending of the Preschool Development Grant, the Coach Consultant grants were built into the continuing Child Care Development Fund (CCDF) agreements.
- This grant has been on a different grant cycle than the rest of the coach consultant grants. This grant was started with a combination of PDG funding and special education funding and was originally a split position providing 50% coach consultation and 50% Early Childhood Multi-Tiered System of Support (EC-MTSS) Facilitation. The need in the region was large enough to warrant a full time Coach Consultant. The full time Coach Consultation position was first funded in 2022.
- The entire coach consultation system in Nebraska is now funded with federal CCDF dollars. The Nebraska Department of Health and Human Services is the lead agency for the CCDF. The NDE enters into agreements with the Nebraska Department of Health and Human Services each year for use of the funds to support early childhood professional development and infrastructure.
- Additional Coach Consultant grants will be brought before the State Board for renewal in May.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

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ESTIMATED COST: $149,500

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal Child Care Development Funds
- New or Renewal: Renewal
- If renewal, date of first approval: May 2021

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: N/A

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:
  Per NDE Procurement, Appendix C, the following is a situation for which an exemption to the requirements for competitive bidding or negotiation for state agencies is set out in 73-507 R.R.S.
  - Agreement for services to be performed for a state agency by another state or local government agency for the direct provision of services to the public.

**Updated 02.07.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: April 5, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Dr. Zainab Rida and Jan Handa, Office of Coordinated Student Support Services

PROPOSED AGENDA ITEM: Authorize the Deputy Commissioner to approve funding recommendations for the federally-funded 21st Century Community Learning Centers (21st CCLC) Grant Program.

AGENDA ITEM TYPE: Grant

RATIONALE/BACKGROUND INFORMATION:

- **What:** The Nebraska 21st CCLC grant program currently provides afterschool programming at 142 sites serving K-12 students in 38 communities. These programs create an afterschool environment focused on three overarching goals: 1) improving overall student academic success, 2) increasing positive behavior and social interactions, and 3) increasing active and meaningful family and community engagement.
- **Why:** Each state's allocation of Title IV, Part B funds is determined by a formula based on total Title I funds received. Grants must be awarded through a competitive grant process.
- **Who:** To be eligible for a 21st CCLC grant, sites must serve building populations with a free/reduced lunch rate of 40% or greater. This competition includes recommendations to award 21st CCLC Continuation Grants to 16 quality programs in 35 sites.
- **How:** The Nebraska Department of Education 21st CCLC office has successfully administered this federal grant program for twenty years. Continuation grants are awarded to quality 21st CCLC programs which have successfully implemented 21st CCLC programming for five years. These grants are level funded for a five-year grant period, contingent upon the satisfactory attainment of continuation funding requirements.
- **When:** These five-year grants have a grant period of July 1, 2023-September 30, 2028.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: $1,243,041

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Title IV, Part B of ESEA (21st Century Community Learning Centers)
- New or Renewal: New
- If renewal, date of first approval:

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FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: NA
- Rationale for method of procurement: NA
- Rationale for contractor selection: NA

FOR GRANT SUBAWARDS:

- Grant application materials, including the scoring rubric, were posted September 2022, a grant writing workshop was conducted October 11, 2022 and the deadline to apply was February 1, 2023. A team of external reviewers independently scored each proposal and then met March 22, 2023 to reach consensus on final scores and funding recommendations. The slate of recommended proposals was then presented to the State Board of Education for final approval.

**Updated 02.07.2023*

21st Century Community Learning Centers Grant Program
2023 Grant Proposals Recommended for Funding

Continuation Grant Applicants	Amount	# of Sites
Collective for Youth (Omaha) (Bancroft Elementary School, Gilder Elementary School)	$50,000	2
Collective for Youth (Omaha) (Burke High School)	$50,000	1
Collective for Youth (Omaha) (Castelar Elementary School, Central Park Elementary School, Hartman Elementary School)	$110,700	3
Collective for Youth (Omaha) (Druid Hill Elementary School, Skinner Elementary School)	$88,225	2
Collective for Youth (Omaha) (Florence Elementary School)	$58,337	1
Collective for Youth (Omaha) (Mount View Elementary School)	$50,000	1
Columbus Public Schools (Centennial Elementary School, Emerson Elementary School, Lost Creek Elementary School, North Park Elementary School, West Park Elementary School, Columbus Middle School)	$146,250	6
Fremont Public Schools (Linden Elementary School, Milliken Park Elementary School, Washington Elementary School)	$125,719	3
Lexington Public Schools (Bryan Elementary School, Morton Elementary School, Pershing Elementary School, Sandoz Elementary School)	$105,000	4
Lincoln Public Schools (Everett Elementary School, Lakeview Elementary School, Mickle Middle School)	$103,530	3
Madison Public Schools (Madison Elementary School)	$50,000	1
North Platte Public Schools (Jefferson Elementary School, Lincoln Elementary School, Washington Elementary School)	$105,250	3
O'Neill Public Schools (O'Neill Elementary School)	$50,030	1
Scottsbluff Public Schools (Lincoln Heights Elementary School, Longfellow Elementary School)	$50,000	2
Scottsbluff Public Schools (Westmoor Elementary School)	$50,000	1
Super Kids Club (Broken Bow) (North Park Elementary School)	$50,000	1
	$1,243,041	35

State Board of Education Work Session and Business Meeting.
Thursday-Friday March 2-3, 2023
Lincoln Marriott Cornhusker Hotel, Lancaster 1, 2, 3, 333 South 13th Street, Lincoln, NE 68508
Link to Agenda and Attachments
Link to Video of Meeting

Publicized notice of the business meeting was given by posting notice on the Department's website and emailed to news media requesting notification, which gave the date, time, and location of the meeting.

STATE BOARD WORK SESSION, Thursday, March 2, 2023, 2:30 p.m.

1. CALL TO ORDER

President Gubbels called the meeting to order at 2:30 p.m.

1.1 Roll Call

Roll Call showed the following attendance:

Lisa Fricke (arrived at 2:31 p.m.)	Patti Gubbels	Jacquelyn Morrison (arrived at 2:44 p.m.)
Patsy Koch Johns	Elizabeth Tegtmeier	Deborah Neary
Sherry Jones	Kirk Penner	

Deputy Commissioner Frison was also in attendance.

1.2. President Gubbels led the Pledge of Allegiance.

1.3. President Gubbels announced the placement of the Open Meetings Act.

2. BUSINESS

2.1. Statewide Assessment Information

Board Members engaged in a work session with NDE Staff on Statewide Assessment.

Patsy Koch Johns left at 2:53 p.m.

Deborah Neary left at 3:44 p.m. Returned at 3:45 p.m.

Kirk Penner left at 3:55 p.m.

President Gubbels called for a break at 4:02 p.m. The meeting resumed at 4:15 p.m.

Jacquelyn Morrison left at 4:33 p.m. Returned at 4:35 p.m.

3. ADJOURNMENT

President Gubbels adjourned the meeting at 5:27 p.m.

The State Board of Education will reconvene Friday, March 3, 2023, at 9:00 a.m. at the Lincoln Marriott Cornhusker Hotel, Lancaster 1, 2, 3, 333 South 13th Street, Lincoln, NE 68508.

DRAFT

STATE BOARD OF EDUCATION MEETING, Friday, March 3, 2023, 9:00 a.m.

1. **CALL TO ORDER –** President Patti Gubbels called the meeting to order at 9:01 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Sherry Jones	Patti Gubbels	Elizabeth Tegtmeier
Patsy Koch Johns	Lisa Fricke	Deborah Neary
Jacquelyn Morrison (arrived at 9:10 a.m.)	Kirk Penner	

Deputy Commissioner Frison was also in attendance.

1.2. President Gubbels led the Pledge of Allegiance.

1.3. President Gubbels announced the placement of the Open Meetings Act.

2. **SPECIAL PRESENTATIONS**

2.1. Update on progress of ESSER Investments

NDE Staff updated the Board on ESSER investments and progress.

3. **DEPUTY COMMISSIONER'S REPORT**

Deputy Commissioner Frison delivered the Deputy Commissioner's Report.

3.1. Agenda Overview and Consent Agenda Process

3.1.A. Deputy Commissioner's recommendation and items to be removed from consent agenda.

No consent agenda items were requested for removal.

3.2. Update on the Teacher of the Year and Milken Educator Award Programs

NDE Staff provided updates on the Teacher of the Year and Milken Educator Award Programs.

4. **PRESIDENT'S REPORT**

President Gubbels delivered the President's Report.

President Gubbels called for a break at 10:29 a.m. The meeting resumed at 10:43 a.m.

5. **CONSENT AGENDA**

Motion by Kirk Penner, second by Patsy Koch Johns to approve the Consent Agenda.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Yes
Kirk Penner	Yes

The motion passed.

DRAFT

6. STANDING COMMITTEE REPORTS

6.1. **Executive Committee** – Patti Gubbels, Chair, reported on the meeting of the Committee.

Jacquelyn Morrison left the meeting at 11:13 a.m.

6.1.A. Action Item: Review 2023 Proposed State Legislation and Take Action on Board Positions

Motion by Lisa Fricke, second by Deborah Neary to amend the motion by inserting the words "with the exception of LB690" after Executive Committee.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	No
Jacquelyn Morrison:	Absent
Kirk Penner	No

The motion passed.

Motion by Jacquelyn Morrison, second by Lisa Fricke to adopt the legislative positions as recommended by the Executive Committee with the exception of LB690.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	No
Jacquelyn Morrison:	Absent
Kirk Penner	No

The motion passed.

Motion by Sherry Jones, second by Kirk Penner to amend the main motion to strike the word "opposition" and insert "neutral, work with sponsor" so that if amended the main motion will read "I move to take a neutral, work with sponsor position on LB690."

Lisa Fricke:	Yes
Patsy Koch Johns:	No
Deborah Neary:	No
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

Motion to take a neutral work with a sponsor position on LB690.

Lisa Fricke:	Yes
Patsy Koch Johns:	No
Deborah Neary:	No

DRAFT

Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.2. **Budget and Finance Committee** – Patsy Koch Johns, Chair, reported on the meeting of the Committee.

6.2.A. Monthly Board Travel Expense Report

There was no further discussion on this item.

6.2.B. Review In-State Travel Authorization Reports

There was no further discussion on this item.

6.2.C Action Item: Accept the 2022 Annual Comprehensive Financial Report (ACFR) Audit

Motion by Patsy Koch Johns, second by Deborah Neary to accept the 2022 Annual Comprehensive Financial Report (ACFR) Audit.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.2.D. Action Item: Amend the contract with McPherson & Jacobson, LLC, to include fees and expenses for consultants' attendance at the interviews

Motion by Patsy Koch Johns, second by Deborah Neary to amend the contract with McPherson & Jacobson, LLC, to include fees and expenses for consultants' attendance at the interviews.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	No
Elizabeth Tegtmeier:	No
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	No

The motion passed.

DRAFT

Motion by Patsy Koch Johns, second by Elizabeth Tegtmeier to amend the contract with McPherson & Jacobson, LLC, to include finalists' interview expenses.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.2.E. Action Item: Authorize the Deputy Commissioner to accept funds from the Nebraska Arts Council to participate in the Arts Education Data Project

Motion by Patsy Koch Johns, second by Lisa Fricke to accept funds from the Nebraska Arts Council to participate in the Arts Education Data Project.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.2.F. Action Item: Authorize the Deputy Commissioner to accept a Subaward Grant from the University of Nebraska Public Policy Center to engage qualified individual(s) to deliver training in the evidence-based Psychological First Aid for Schools (PFA-S) model

Motion by Patsy Koch Johns, second by Deborah Neary to accept a Subaward Grant from the University of Nebraska Public Policy Center to engage qualified individual(s) to deliver training in the evidence-based Psychological First Aid for Schools (PFA-S) model.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Eliza:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.2.G. Action Item: Authorize the Deputy Commissioner to contract with multiple partners to develop and implement support services for the Afghan Refugee School Impact Grant

Motion by Patsy Koch Johns, second by Sherry Jones to contract with multiple partners to develop and implement support services for the Afghan Refugee School Impact Grant.

DRAFT

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.3. **Planning and Evaluation Committee Report** – Deborah Neary, Chair reported on the meeting of the Committee.

6.3.A. Discussion Item: Information on the Community Achievement Plan for the Learning Community of Douglas and Sarpy Counties.

Shirley Vargas, NDE Representative, introduced Bradley Ekwerekwu, CEO, Learning Community of Douglas, and Sarpy Counties who presented to the Board on the Community Achievement Plan for the Learning Community of Douglas and Sarpy Counties.

Lisa Fricke left the meeting at 12:37 p.m.

President Gubbels called for recess at 12:38 p.m. The meeting resumed at 1:15 p.m.

Deborah Neary left the meeting at 12:40 p.m.

9. PUBLIC COMMENT PERIOD

9.1. Heather Schmidt spoke to the Board regarding the teacher shortage and the disruptions teacher's leaving is causing.

6.4. **Rules and Regulations Committee** – Elizabeth Tegtmeier, Chair reported on the meeting of the Committee.

6.4.A. Report on Rules

There is no action on rules.

6.4.B. Action Item: Approve proposed revisions to Rule 10 (92 NAC 10) *Regulations and Procedures for the Accreditation of Schools*

Motion by Elizabeth Tegtmeier, second by Patsy Koch Johns to approve the proposed revisions to Rule 10 (92 NAC 10) *Regulations and Procedures for the Accreditation of Schools*.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Absent
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

DRAFT

6.4.C. Action Item: Approve proposed revisions to Rule 14 (92 NAC 14) *Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools*

Motion by Elizabeth Tegtmeier, second by Patsy Koch Johns to approve the proposed revisions to Rule 14 (92 NAC 14) *Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools*.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Absent
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.4.D. Action Item: Approve proposed repeal of Rule 23 (92 NAC 23) *Regulations for the Basic Skills Competency Testing of Teachers and Administrators*

Motion by Kirk Penner, second by Patsy Koch Johns to Approve proposed repeal of Rule 23 (92 NAC 23) *Regulations for the Basic Skills Competency Testing of Teachers and Administrators*.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Absent
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.4.E. Discussion Item: Discuss proposed revisions to Rule 20 (92 NAC 20) *Regulations for the Approval of Teacher Education Programs*

6.4.F. Discussion Item: Discuss proposed revisions to Rule 21 (92 NAC 21) *Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools*

6.4.G. Discussion Item: Discuss proposed revisions to Rule 24 (92 NAC 24) *Regulations for Certification Endorsements*

The Committee is postponing the full Board discussion on Rules 20, 21 and 24.

6.4.H. Discussion Item: Substitute Certificates

The Committee is postponing the full Board discussion on Substitute Certificates.

7. SPECIAL COMMITTEE REPORTS

7.1. Report from the Ad Hoc Search Committee – Patti Gubbels, Chair, reported on the meeting of the Committee.

DRAFT

8. ADDITIONAL BUSINESS

8.1. Board Discussion on Public Comment Time

Board Members provided input on when public comment should occur during the meeting.

9. PUBLIC COMMENT PERIOD CON'T.

9.2. Written Public Comment

No written public comment submitted for this month's meeting.

10. INFORMATION ITEMS AND REPORTS

President Gubbels referred Board Members to review information items and reports.

11. GOOD OF THE ORDER

President Gubbels mentioned the Nebraska Rural Community Schools Association Spring Conference March 23-24, 2023, in Kearney, NE.

12. ADJOURNMENT

President Gubbels adjourned the meeting at 2:02 p.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, April 14, 2023, at 9:00 a.m. in Lincoln, NE.

DRAFT

State Board of Education Special Meeting
Thursday-Friday March 30-31, 2023
Hilton Omaha, Hill Room, 1001 Cass Street, Omaha, Nebraska 68102
Link to Agenda and Attachments

Publicized notice of the business meeting was given by posting notice on the Department's website and emailed to news media requesting notification, which gave the date, time, and location of the meeting.

STATE BOARD WORK SESSION, Thursday, March 30, 2023, 7:45 a.m.

1. CALL TO ORDER

President Gubbels called the meeting to order at 7:48 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Lisa Fricke	Patti Gubbels	Jacquelyn Morrison (arrived at 7:59 a.m.)
Patsy Koch Johns	Elizabeth Tegtmeier	Deborah Neary
Sherry Jones	Kirk Penner	

Deputy Commissioner Frison was also in attendance.

1.2. President Gubbels led the Pledge of Allegiance.

1.3. President Gubbels announced the placement of the Open Meetings Act.

2. BUSINESS

2.1. Conduct Interviews of finalists for the position of Commissioner of Education

The Board conducted an interview with Brian Maher.

President Gubbels called for a break at 10:25 a.m. The meeting resumed at 10:33 a.m.

The Board conducted an interview with Summer Stephens.

President Gubbels called for a break at 12:15 p.m. The meeting resumed at 1:10 p.m.

The Board conducted an interview with Melissa Poloncic.

3. ADJOURNMENT

President Gubbels adjourned the meeting at 2:35 p.m.

The State Board of Education will reconvene Friday, March 31, 2023, at 9:00 a.m. at the Hilton Omaha, Hill Room, 1001 Cass Street, Omaha, Nebraska 68102.

DRAFT

STATE BOARD OF EDUCATION MEETING, Friday, March 3, 2023, 9:00 a.m.

1. **CALL TO ORDER –** President Patti Gubbels called the meeting to order at 9:11 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Sherry Jones	Patti Gubbels	Elizabeth Tegtmeier
Patsy Koch Johns	Lisa Fricke	Deborah Neary (arrived at 9:18 a.m.)
Jacquelyn Morrison	Kirk Penner	

Deputy Commissioner Frison was also in attendance.

1.2. President Gubbels led the Pledge of Allegiance.

1.3. President Gubbels announced the placement of the Open Meetings Act.

2. **BUSINESS**

2.1. Discuss the finalists

President Gubbels thanked the Department Staff, stakeholders, the Ad Hoc Search Committee and the consulting firm for their diligence and work over the past several months.

Board Members discussed the interviews held on March 30, 2023, and the strengths of each of the three finalists.

2.2. Authorize the Board President to make an offer and negotiate a contract with a finalist for the office of the Commissioner of Education

Motion by Jacquelyn Morrison, second by Patsy Koch Johns that the State Board authorize the Board President to make an offer and negotiate a contract with Brian Maher for the position of Commissioner of Education.

Board Members discussed the pending motion with comments on the process for selecting the next Commissioner.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	No
Elizabeth Tegtmeier:	No
Patti Gubbels:	Yes
Jacquelyn Morrison:	Yes
Kirk Penner	No

The motion passed.

Executive Session

Motion by Lisa Fricke, second by Jacquelyn Morrison to go into executive session for protection of public interest to receive advice from Legal Counsel regarding negotiation strategy in connection with the Commissioner's contract.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes

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Sherry Jones:	No
Elizabeth Tegtmeier:	No
Patti Gubbels:	Yes
Jacquelyn Morrison:	Yes
Kirk Penner	No

The motion passed.

At 10:22 a.m., the Board moved into Executive Session to discuss the negotiation strategy in connection with the Commissioner's contract.

Motion by Kirk Penner, second by Sherry Jones to adjourn executive session at 10:56 a.m.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Yes
Kirk Penner	Yes

The motion passed.

3. ADJOURNMENT

President Gubbels adjourned the meeting at 10:57 a.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, April 14, 2023, at 9:00 a.m. in Lincoln, NE.

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 22, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Amy Rhone, Administrator – The Office of Special Education

PROPOSED AGENDA ITEM: Authorize the Commissioner to continue the Agreement between the Board of Regents (BOR), State of Iowa, on behalf of the Iowa School for the Deaf (ISD), and the Nebraska Department of Education to support Nebraska students who are identified as Deaf or Hard of Hearing.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION: Agreements with the Iowa Board of Regents have been processed annually beginning in 1998 following the State Board's approval of the plan for "Statewide Educational Programs and Support Services for Children who are Deaf or Hard of Hearing." The Plan was reviewed and revised in 2020 and includes implementation through agreements with the Nebraska Regional Deaf/Hard of Hearing Network and the Iowa School for the Deaf.

Starting in the 2022-23 school year and commencing each year then after, the Board of Regents, State of Iowa and NDE have entered into a Memorandum of Understanding (MOU) with the following understandings:

a. Effective for the 2023-24 academic year:
   - Fees for educational services, regardless of whether the student is also receiving residential services, will be billed by ISD to the responsible school district on a semester basis.
   - Fees for residential services will be billed by ISD to NDE on a monthly basis
   - Fees for transportation will be billed by ISD to the responsible school district on a semester basis
b. Effective for the summer term, fees for program services will be billed directly to a participating student's family or a third-party agency who has agreed to be responsible for the fees, but will not be the responsibility of either NDE or the school district
c. Prior to the renewal of the Agreements for the succeeding term, BOR and NDE shall evaluate the billing process agreed to in the MOU and determine whether the process should continue for the succeeding academic years and/or summer terms.

Additionally, districts must apply to NDE for residential services at ISD which NDE pays directly from a combination of earmarked state appropriations received for deaf/hard of hearing services (Program 401)

and/or Special Education Aid (Program 158/48). The annual Agreement includes a per student rate for Education/Related Services and for Residential/Dormitory Services. The rates for the 2023-24 school year will continue to be based on actual costs for operation of the ISD program and the audited per pupil cost for Iowa students. Additionally, ISD coordinates transportation for Nebraska students on weekends and that cost is the responsibility of the school district. During this 22-23 school year, of the approximately 900 Nebraska children/youth reported as Deaf or Hard of Hearing as the primary disability, three student are attending ISD for this entire school year or a portion of the school year who also received residential services. It is anticipated there may be at least one additional student that will start the 2023-24 school year at ISD asking for residential services. It is anticipated there will be eight to ten students attending for educational services only and the districts paying for those services directly to ISD.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: **(we will see an adjusted rate for 2023-24 once contract is complete)**

Cost per Student:	**2022-23**	2021-22	2020-21
Education/Related Services Rate	**$63,421**	$61,906	$60,488
Residential/Dormitory Rate	**$53,890**	$52,576	$42,082
Total Cost	**$117,311**	$114,482	$102,570

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: State General Funds (Program 401)
- New or Renewal: Renewal
- If renewal, date of first approval: Started in 2007, last approved in 2021

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: NA
- Rationale for method of procurement: Per NDE Procurement, Appendix C, the following are situations for which an exemption to the requirements for competitive bidding or negotiation for state agencies are set out in 73-507 R.R.S.
    - vi) Agreement for services to be performed for a state agency by another state or local government agency for the direct provision of services to the public
- Rationale for contractor selection: Through these contracts, NDE ensures appropriate and quality learning opportunities should exist for all children. The education of students who are deaf or hard of

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hearing requires specialized programs, and appropriately certified personnel with effective communication skills. The contractor has successfully carried out similar duties on previous contracts. Contract continues to include costs for some activities (interpreter training/mentoring/workshops, etc.) previously provided by other entities.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

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PROPOSED AGENDA ITEM RATIONALE

DATE: April 6, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Bryce Wilson, Administrator, Office of Financial & Administrative Services

PROPOSED AGENDA ITEM: Approve the attached Special Grant Fund List for 2023/24 School District Budgeting.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Other.

RATIONALE/BACKGROUND INFORMATION:
Section 79-1003(40) requires the State Board of Education to identify special grant funds that are excluded from the definition of general fund budget of expenditures for purposes of calculating budget limitations of local school districts. Such funds would be treated as exclusions from school districts' general fund budget of expenditures for purposes of calculating budget limitations in accordance with state law.

For each school budget year, the list is revised, and State Board approval is requested. This request is applicable to the 2023/24 school district budget.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: None

FOR CONTRACTS AND GRANTS: N/A

- Indicate the Funding Source:
- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: N/A

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS: N/A

- Describe the grantee selection process:

Nebraska Department of Education
School Finance & Organization Services

Proposed

2023/24 SPECIAL GRANT FUND LIST

1. ACE/Cultural Connections
2. Adult Education & Family Literacy Act Grants
3. Adult Education - English Literacy/Civics Grants
4. Adult Education Volunteer Coordination Program
5. Annenberg Foundation Grants (Rural Challenge)
6. ARP-HCY I & II
7. Artist-in-Schools/Communities Grants
8. Beyond School Bells Grant
9. Building Safe and Responsive Schools Grants
10. Career Pathway Advancement Project (CPAP)
11. Career and Technical Education Grants (Carl Perkins)
12. Century Link/NETA Grants
13. Child Care & Development Fund
14. Clean School Bus FY22-26
15. Community 4 Kids Grant
16. Community Incentive Grants
17. Department of Justice STOP Violence Grant
18. Distance Learning Grants (Federal)
19. Early Childhood Education Endowment Program Ages Birth-3 (Sixpence) Grants
20. Early Childhood Education Program Ages 3-5 Grants
21. Early Intervention Act and IDEA Part C (Infants/Toddlers with Disabilities) Grants
22. Education Improvement Fund Grants (includes Distance Education Incentive, Expanded Learning Opportunity, and Innovation Grants)
23. EducationQuest Foundation Community Grants
24. ESEA Title, I Grants (includes Accountability, Support for Improvement, Disadvantaged, Migrant Education, and Neglected or Delinquent)
25. ESEA Title II Part A – Supporting Effective Instruction (Principal and Teacher Training and Recruiting/Class Size Reduction)
26. ESEA Title III Grants - Immigrant Education Grants
27. ESEA Title III Grants – Language Instruction for English Learners
28. ESEA Title IV Part A – Student Support & Academic Enrichment Grants
29. ESEA Title IV Part B - 21st Century Community Learning Center Grants
30. ESEA Title VI Grants - Rural and Low-Income (Rural Education Achievement Program (REAP) Grants)
31. ESEA Title VII Grants - Indian, Native Hawaiian, and Alaska Native Education
32. ESEA Title IX – McKinney-Vento Homeless Assistance Act Grants
33. ESSERS II/III - Elementary and Secondary School Emergency Relief Fund (CARES, CRRSA, ARP)
34. Forest Service Grants (Conservation Education)
35. Great Plains Communications Grants (Commitment to the Schools)
36. GEERS – Governor's Emergency Education Relief Fund (CARES, CRRSA)
37. Head Start Grants
38. High Ability Learner Incentive Grants (Gifted)
39. High School Equivalency Assistance Act Grants
40. IDEA Part B, C & Sec 619 Flow-Through Grants (includes Base, Enrollment/Poverty, CEIS, and Non-public)
41. IDEA Special Education Discretionary Grants/Cooperative Agreements (including State Improvement Grants (SpDG/PBIS), Deaf-Blind Grants, Part B

Nebraska Department of Education
School Finance & Organization Services

Proposed

2023/24 SPECIAL GRANT FUND LIST

Sec 611 & Sec 619 State Set-Aside Grants/Cooperative Agreements, and other Office of Special Education Program (OSEP) Grants/Cooperative Agreements, Teacher Retention)

42. Immigrant Impact Education Grants
43. Improving Health & Education Outcomes for Young People
44. Individuals with Disabilities Education Act/American Rescue Plan Act of 2021 (ARP)
45. Indian Education Grants
46. Innovation in Education Program Grants (includes funds from USDE)
47. Johnson-O'Malley Grants
48. JROTC
49. Kiewit Foundation Grants
50. Magnet School Grants
51. Medicaid Administrative Activities in Public Schools (MAAPS)
52. Medicaid in Public Schools (MIPS)
53. Mentoring for Success Grants
54. Microsoft Settlement Agreement
55. National Assessment of Educational Progress (NAEP)
56. National Science Foundation Grants
57. NDEQ
58. NE Improving Student Health (CARES Act)
59. NE Improving Student Health
60. NE Emerging Technologies Initiative-Pathways to STEM grant
61. Nebraska Grant for School Emergency Management
62. Nebraska STOP School Violence Prevention Training Program
63. Nebraska STOP School Violence Threat Assessment Program
64. NE Youth Suicide Prevention 21
65. Nebraska Arts Council Grants
66. Nebraska Community Foundation/TeamMates Grants
67. Nebraska Environmental Trust Grants
68. Nebraska Game & Parks Commission Grants (Conservation Education, Outdoor Classroom)
69. Nebraska Humanities Grants
70. Nebraska Natural Resources Commission Grants
71. Preschool Development Grant (PDG)
72. Project AWARE (Advancing Wellness & Resiliency in Education)
73. Ritonya-Buscher-Poehling Foundation Grants
74. Refugee School Impact Grant
75. reVISION Action Grant
76. Safe Routes to Schools Grant
77. Save the Children Grant
78. School Climate Transformation Grant
79. School Health Program Grants
80. Smaller Learning Communities Program Grants
81. SPED Planning Region Team
82. Stackable, instructionally embedded, Portable Science (SIPS) Assessments.
83. Statewide Longitudinal Data System
84. State Personnel Development Grant
85. Stronger Connections Bipartisan Safer Community Grant
86. Summer Food Service Program
87. Supplemental Nutrition (CRRSA & ARP?)

Nebraska Department of Education
School Finance & Organization Services

Proposed

2023/24 SPECIAL GRANT FUND LIST

88. Teaching American History (TAH) Grants
89. Technology Information Infrastructure Assistance Program Grants (U.S. Department of Commerce)
90. Textbook Loan Grants (Rule 4)
91. USDA Nutrition Service Grants
92. Vocational Rehabilitation Grants
93. Waste Reduction and Recycling Grant
94. Young Adult Tobacco Prevention

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STATE BOARD OF EDUCATION
EXECUTIVE COMMITTEE REPORT

Date: April 13, 2023

The Executive Committee reports on its Thursday, April 13, 2023 meeting.

For board member review, the Committee report is attached in Sparq.

The Committee reviewed the 2023 proposed State Legislation and discussed the final 13 education related bills. The Committee consented to move the 13 bills to the State Board for approval.

The Committee approved the Employment Agreement between State Board of Education and Dr. Brian Maher as the next Commissioner of Education with some revisions.

The Committee will meet to work on the plan and process for the Commissioner's appraisal instrument. Dr. Joel will assist us with the position description.

The remainder of the 2023 Committee calendar was reviewed and discussed.

This concludes the Executive Committee report.

Patti Gubbels, Chair

*Submit a printed copy to the Committee Chair and email to the Recording Secretary.

Updated 02.02.2023

State Board Executive Committee Recommendations on Legislation
April 7, 2023

State Board Bylaw B4 outlines the duties of Board committees. The bylaw notes "The Executive Committee shall be charged with making recommendations to the Board on the NDE's position on specific bills and legislative resolutions." The Executive Committee has met weekly from January 18 through February 1, 2023, to advise the Commissioner on legislation. The Executive Committee has reviewed bills introduced in the Nebraska Legislature and brings to the board the following recommendations for adoption by the full Board:

Board Legislative Priority Areas:

1. Increase Third Grade English Language Arts Proficiency to 75% by 2030
2. Half the Gap in 8th Grade Math Achievement for Each Student Group by 2030.
3. Increase the Number of High School CTE Concentrators to 50%.
4. Reduce Chronic Absenteeism by Half by 2030
5. For Youth who are Systems-Involved, Raise the High School Graduation Rate and/or High School Equivalency Attainment to 70%.
6. Eliminate the Special Education Staffing Vacancy and Cut the Educator Shortage in Half by 2030.

March 20-24

Bill	One Liner	Fiscal Impact	Board Priority Area	NDE Recommendation	Executive Committee Advice	Rationale
Tuesday, March 21						
LB774 (Vargas)	Change provisions relating to the Student Discipline Act	Unknown		Monitor	Concur	Local school district matter.
LB527 (Fredrickson)	Provide reimbursements to school districts and educational service units for mental health expenditures	$12 million	4	Proponent	Concur	Aligns to Board Priority 4 re: reducing chronic absenteeism.
LB177 (Erdman)	Adopt the My Student, My Choice Act	Unknown		Monitor	Concur	Supports Board Priority 4 re: reducing chronic absenteeism. Specifically, the need for additional resources to support mental health services.
LB332 (Linehan)	Prohibit creation of new joint public agencies with power or authority relating to education	Unknown		Monitor	Concur	Local school district matter.

March 13-17

Bill	One Liner	Fiscal Impact	Board Priority Area	NDE Recommendation	Executive Committee Advice	Rationale
Monday, March 13						
LB648 (McDonnell)	Provide powers and duties to the State Department of Education relating to the development of a workforce diploma program		3	Proponent (with changes)	Concur	NDE worked with sponsor to ensure access to funding for adult learners.
LB724 (Vargas)	Eliminate certain basic skill and content test requirements for eligibility for teaching certificates		6	Proponent	Concur	Aligns to Board Priority 6, halving the teacher vacancy.
LB475 (Wayne)	Adopt the Nebraska Education Formula and terminate the Tax Equity and Educational Opportunities Support Act	$1,767,000,000		Neutral - NDE to provide testimony if requested	Concur	School finance related matter.
LB238 (Wayne)	Include virtual school students in the state aid to schools formula	Unknown		Neutral - NDE to provide testimony if requested	Concur	School finance related matter
LB522 (Walz)	Change provisions relating to poverty allowances under the Tax Equity and Educational Opportunities Support Act			Neutral - NDE to provide testimony if requested	Concur	School finance related matter
LB516 (Walz)	Provide and change powers and duties for the State Department of Education, Commissioner of Education, State Board of Education, and the state school security director, provide grants to school districts for security-related infrastructure projects, and provide grants to educational service units	+$20,000,000	4	Proponent	Concur	Aligns to Board Priority 4 re: chronic absenteeism. Specifically supports the findings from the school safety taskforce.

	and local public health departments to hire school psychologists and licensed mental health practitioners as prescribed					
Wednesday, March 15 (Appropriations)						
LB48 (Dorn)	Appropriate money to the State Department of Education for educational service units	$3 million (23-24) ~$3.5 million	2	Proponent	Concur	Supports Board Priority 2. Specifically, the call for additional core service funds for ESUs.
LB319 (Bostar)	Create funds, transfer funds from the Cash Reserve Fund, and provide for child care funding	$100,000,000	1	Proponent	Concur	Supports Board Priority 1 re: early literacy. Specifically addresses the need to increase wages for early childcare providers.
LB610 (Lippincott)	Appropriate funds to the State Department of Education	$10,832,000	3	Proponent	Concur	Supports Board Priority 3 re: career and technical education. Specifically addresses the NDE's budget request seeking a match to Perkins funds.

Adopted at March 3 Board Meeting

March 6 – 10

Bill	**One Liner**	**Fiscal Impact**	**Board Priority Area**	**NDE Recommendation**	**Executive Committee Advice**	**Rationale**
Monday, March 6						
LB159 (McDonnell)	Adopt the Fostering Independence Higher Education Grant Act			Monitor	Concur	Higher education related matter.
LB178 (Erdman)	Require display of the national motto in schools	Unknown		Monitor	Concur	Does not align with any Board priority areas.

LB679 (Day)	Create the Holocaust and Genocide Education Training Grant Program and provide duties for the State Department of Education, State Board of Education, and Commissioner of Education	$2 million		Monitor	Concur	While an important topic, this bill does not align to the State Board's Priorities.
LB372 (Murman)	Change provisions relating to part-time enrollment in public schools and extracurricular activities	Unknown		Monitor	Concur	Local school district matter.
LB635 (Albrecht)	Provide requirements regarding access to digital and online resources provided for students by school districts, schools, and the Nebraska Library Commission	Unknown		Monitor	Concur	Local school district matter.
LB638 (Albrecht)	Adopt the Nebraska K-12 Cybersecurity and Data Protection Act	Unknown		Proponent	Concur – Submit a letter of support	Critical aspect to school and student safety and data privacy.
Tuesday, March 7						
LB632 (McKinney)	Prohibit the suspension of students in prekindergarten through second grade in a school in a city of the metropolitan class	None		Monitor	Concur	Local school district matter.
LB340 (McKinney)	Change provisions related to expelled students under the Student Discipline Act	Unknown		Monitor	Concur	Local school district matter.
LB690 (Linehan)	Change provisions relating to powers and duties of the State Department of Education, State Board of Education, and Commissioner of Education	None		Neutral – Work with Sponsor	Concur	The bill provides an opportunity to develop a further understanding of the distinct roles of the State Board and Commissioner of Education, and how the "Nebraska Department of Education is comprised of

						both the state board and commissioner."
LR24CA (Albrecht)	Constitutional amendment to eliminate the State Board of Education and provide for the Governor to appoint the Commissioner of Education	Unknown		Opponent	Concur	Use this opportunity to share the value of the voters having authority of electing members of the board by local districts, for which the board selects the commissioner.
LR28CA (Linehan)	Constitutional amendment to change the membership of the State Board of Education	Unknown		Opponent	Concur	
LR29CA (Linehan)	Constitutional amendment to provide term limits for the members of the State Board of Education	Unknown		Opponent	Concur	

February 27- March 3

Bill	One Liner	Fiscal Impact	Board Priority Area	NDE Recommendation	Executive Committee Advise	Rationale:
February 28						
LB708 (Arch)	Require the Office of Probation Administration, the State Court Administrator, the State Department of Education, and the Department of Health and Human Services to enter into a memorandum of understanding for the sharing of data regarding data relevant to students who are under the jurisdiction of the juvenile court	Not Specified	5	Proponent - NDE testified on this bill	Concur	Supports Board Priority 5 re: systems-involved youth.
LB550 (Ballard)	Change provisions relating to the enrollment option program	None		Monitor	Concur	Local school district matter.
LB528 (Hansen)	Create the Nebraska Option Enrollment Tuition Account Program	Unknown		Monitor	Concur	Local school district matter.
LB356 (Walz)	Redefine terms under the Nebraska Opportunity Grant Act			Monitor	Concur	Higher education related matter.

LB811 (Murman)	Change provisions relating to the Student Discipline Act and provide for use of physical contact or physical restraint or removal from a class in response to student behavior, provide for behavioral awareness and intervention training, and change provisions relating to lottery funds used for education	$2.1 million		Neutral	Concur	While the behavioral training component of this bill is important and needed, this is a local matter pertaining to disciplinary practices. SEAC shared their opposition to this bill in a letter to the State Board.
LB703 (Murman)	Change provisions relating to the University of Nebraska			Monitor	Concur	Higher education related matter.
LB700 (Murman)	Remove redundant language relating to the community college system			Monitor	None	Higher education related matter.
March 3						
LB523 (Walz)	Require a state plan amendment to include school psychologists as medicaid providers		4	Proponent	NDE will draft a letter.	Supports Board Priority 4 re: reducing chronic absenteeism. Specifically addresses the need to *work with DHHS Medicaid Administration to ensure school psychologists are reimbursable by Medicaid.*

February 13-17

Bill	**One Liner**	**Fiscal Impact**	**Board Priority Area**	**NDE Recommendation**	**Executive Committee Advice:**	**Rationale**
February 15						
507 (Conrad) (Judiciary)	Change provisions relating to truancy, juvenile courts, the Community-based Juvenile Services Aid Program, and compulsory education	Negligible for NDE	4	Proponent – Written testimony submitted to sponsor	Concur with NDE rec.	Board Priority 4 specifically notes: *Revise and update attendance statutes and encourage partnerships with probation, county*

						attorneys, and others to prevent chronic school absence. This bill attempts to do that.
February 21						
LB222 (Fredrickson)	Prescribe requirements for the student application and admission process of public colleges and universities regarding criminal history and juvenile court record information	Unknown		Monitor	Concur with NDE rec.	Higher education related matter.
LB231 (Dungan)	Change provisions related to student attendance and require plans for excessive absences	No fiscal impact	4	Proponent - Written testimony	Concur with NDE rec.	State Board Priority 4 seeks to reduce chronic absenteeism, and this bill reflects a need to create plans for students experiencing excessive absenteeism.
LB386 (Linehan)	Prohibit changes to the base limitation for school districts and the local effort rate calculation under the Tax Equity and Educational Opportunities Support Act	Unknown		Neutral	Concur with NDE rec.	NDE staff technical experts on topic.
LB455 (Wayne)	Require the State Department of Education to create a grant program	$1,170,000	1	Proponent - Written testimony	Concur with NDE rec.	Supports Board Priority 1 re: early literacy.
LB705 (Murman)	Change provisions for the distribution of lottery funds used for education, transfer powers and duties, create new acts and funds, and change education provisions			Proponent (With changes) – NDE testified on this bill	Concur with NDE rec.	Provisions in the bill support a number of Board Priorities including addressing the teacher shortage and behavioral and mental health.
LB702 (Murman)	Change provisions relating to educational service units	No fiscal impact		~~Neutral~~ Monitor	Committee recommended "Monitor"	NDE staff technical experts on topic.

LB701 (Murman)	Change legislative intent provisions under the Tax Equity and Educational Opportunities	No fiscal impact		Neutral	Concur with NDE rec.	NDE staff technical experts on topic.

Adopted at February 2-3 Board Meeting:

February 6 - 10

Bill	One Liner	Fiscal Impact	Board Priority Area	NDE Recommendation	Executive Committee Advice	Rationale
February 7						
585 (Hughes)	Change a duty of the state school security director and require behavioral and mental health training for certain school personnel	Negligible	4	Proponent – Written testimony	Concur with NDE rec.	Supports Board priority to reduce chronic absenteeism through improved mental health support.
520 (Walz)	Change provisions relating to high school graduation requirements and academic content standards and the Computer Science and Technology Education Act	Negligible		Proponent – Written testimony	Concur with NDE rec.	NDE worked in partnership with Sen. Walz to refine the bill based on district feedback.
153 (DeBoer)	Adopt the Extraordinary Increase in Special Education Expenditures Act	$10,000,000	1	Proponent – Written testimony	Concur with NDE rec.	Supports Board priority to seek additional funding for special education.
805 (von Gillern)	Require schools to allow certain youth organizations to provide information, services, and activities	Negligible		Monitor	Concur with NDE rec	Local school district matter.
414 (Conrad)	Change provisions relating to the enrollment option program	Unknown		Neutral	Concur with NDE rec.	Local school district matter with NDE staff available to answer questions on bill.
583 (Sanders)	Provide for foundation aid and special education supplemental aid under the			Neutral	Concur with NDE rec.	NDE staff technical experts on topic.

	Tax Equity and Educational Opportunities Support Act					
698 (Murman)	Change provisions relating to residency for enrollment in a public college or university		n/a	Proponent	Concur with NDE rec.	NDE worked with Sen. Murman to ensure state statute aligns with federal law on veterans' education.
February 3						
753 (Linehan) Revenue	Adopt the Opportunity Scholarships Act and provide tax credits			Monitor	Concur with NDE rec.	This matter involves tax policy, which is not within the purview of the State Board.

January 30 – February 3

Bill	**One Liner**	**Fiscal Impact**	**Board Priority Area**	**NDE Recommendation**	**Executive Committee Advice**	**Rationale**
January 30						
LB413 (Blood)	Adopt the Interstate Teacher Mobility Compact	Unknown	6	Proponent – Statement supporting all bills that address the educator shortage.	Concur with NDE rec.	Addresses Board Priority 6 re: teacher shortages.
LB324 (Wishart)	Change provisions relating to reimbursements under the Special Education Act	$8.7 million	1	Proponent – Written testimony	Concur with NDE rec.	Supports Board priority to seek additional funding for special education.
LB603 (Linehan)	Change provisions relating to the Alternative Certification for Quality Teachers Act and authorize the Commissioner of Education to issue	Negligible	6	Proponent – Statement supporting all bills that address the	Concur with NDE rec.	Addresses Board Priority 6 re: teacher shortages.

	alternative certificates to teach as prescribed			educator shortage.		
LB519 (Walz)	Eliminate certification fees for teaching certificates, create and terminate funds, state intent regarding an appropriation for school employees, change provisions of the Excellence in Teaching Act, and adopt the Student Teaching Assistance Act	>$65,813,000	6	Proponent – Statement supporting all bills that address the educator shortage.	Concur with NDE rec.	Addresses Board Priority 6 re: teacher shortages.
LB385 (Linehan)	Adopt the Nebraska Teacher Recruitment and Retention Act	$10 million	6	Proponent – Statement supporting all bills that address the educator shortage.	Concur with NDE rec.	Addresses Board Priority 6 re: teacher shortages.
January 31						
LB673 (Hansen)	Provide grants to schools that adopt a policy to provide emergency response mapping data to law enforcement agencies and provide powers and duties for the State Department of Education and State Board of Education	$4.9 million	4	Proponent – Written Testimony	Concur with NDE rec.	Supports Board priority to reduce chronic absenteeism through improvements to school safety.
LB374 (Murman)	Adopt the Parents' Bill of Rights and Academic Transparency Act	$121,336		Monitor	Concur with NDE rec.	Local school district matter.
LB71 (Sanders)	Change provisions relating to parental involvement in and access to learning materials in schools	Negligible		Monitor	Concur with NDE rec.	Local school district matter.
LB762 (DeBoer)	Provide powers and duties to the State Department of Education relating to a teacher apprenticeship program	TBD	6	Proponent – Statement supporting all bills that address the	Concur with NDE rec.	Addresses Board Priority 6 re: teacher shortages.

				educator shortage.		
LB787 (Wayne)	Adopt the STEEM Development Act	$5 million	2 & 3	Proponent – Written testimony	Concur with NDE rec.	Supports Board priorities re: math and career and technical education.
LB800 (Murman)	Change provisions relating to the Superintendent Pay Transparency Act and provide a limit for superintendent and educational service unit administrator compensation	Unknown		Monitor	Concur with NDE rec.	Local school district matter.

January 23-27

Bill	**One Liner**	**Fiscal Impact**	**Board Priority Area**	**NDE Recommendation**	**Executive Committee Advice**	**Rationale**
January 23						
LB141 (Briese)	Require the State Department of Education to provide guidance to school districts relating to a moment of silence in schools	Negligible		Neutral – No testimony but present to answer questions.	Concur with NDE rec.	Does not align with any Board priority areas.
LB188 (B. Hansen)	Authorize the Commissioner of Education to issue temporary certificates to teach to veterans as prescribed	Negligible	6	Neutral – 1.18.23 Opponent – 2.3.23		The NDE has worked with Sen. Hansen to share the multiple pathways available for veterans to become teachers.
LB225 (Dungan)	Change provisions relating to the committee on American civics	Negligible		Neutral - Monitor	Concur with NDE rec.	Local school district matter.
January 24						

LB285 (Walz)	Adopt the School Community Eligibility Provision Maximization Act	Unknown		Neutral – No testimony but present to answer any questions.	Concur with NDE rec.	Neutral pending review of other school nutrition bills.
LB298 (Linehan)	Require collection and reporting of information regarding dyslexia in schools	$129,285	1	Proponent – Provide written testimony	Concur with NDE rec.	Supports Board Priority 1 focused on early literacy.
LB299 (Linehan)	Require approval by the voters of a school district or educational service unit for the issuance of certain bonds under the Interlocal Cooperation Act	None		Monitor	Concur with NDE rec.	Local school district matter.

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT ("Agreement") is entered into by and between the STATE BOARD OF EDUCATION, a Nebraska public body corporate (hereinafter, the "State Board") and BRIAN L. MAHER, Ed.D., an individual ("Dr. Maher" or "Employee"), effective as of the 1st day of July, 2023 ("Effective Date").

RECITALS

A. The State Board is established by art. VII, § 2 of the Nebraska Constitution and operates subject to and in accordance with the Constitution and the Revised Statutes of Nebraska.

B. The Commissioner of Education is established under art. VII, § 4 of the Nebraska Constitution and serves as the executive officer of the State Board and the administrative head of the State Department of Education ("Department").

C. Under express provisions in Neb. Rev. Stat. § 79-315 (2014), the State Board is authorized to appoint and contract for a Commissioner of Education, whose appointment may be for a period of three years.

D. Subject to and in accordance with the terms and conditions hereof and the Constitution and the Revised Statutes of Nebraska, the State Board wishes to employ Dr. Maher, and Dr. Maher wishes to be employed by the State Board as the Commissioner of Education for the State of Nebraska.

NOW, THEREFORE, for and in consideration of the mutual premises and covenants hereof, and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Section 1. Term of Agreement. Unless otherwise extended by written agreement duly executed by the parties, the term of this Agreement and Dr. Maher's employment hereunder shall commence on the Effective Date and shall terminate at 11:59 p.m. on the 30th day of June, 2026 ("Term").

Section 2. Duties of the Commissioner of Education.

(a) The State Board hereby employs Dr. Maher and Dr. Maher hereby accepts employment as Commissioner of Education ("Commissioner") as of the Effective Date. In this capacity, Dr. Maher shall be responsible for performance of those duties generally described herein or as are otherwise assigned to Dr. Maher by the State Board from time to time. Dr. Maher shall faithfully utilize his best efforts on a full-time basis to perform the responsibilities and duties of his position. Dr. Maher shall report directly to and take direction from the State Board. Dr. Maher shall faithfully adhere to, execute, and fulfill all policies and directives of the State Board as are communicated to him, as

such policies and directives may be established or changed from time to time by the State Board.

(b) Dr. Maher shall perform the duties prescribed for the Commissioner as set forth in the Revised Statutes of Nebraska and the Nebraska Administrative Code, as they now exist or as they may be changed from time to time, which duties are incorporated by reference into this Agreement as if fully set forth herein.

(c) Subject to the other provisions of this Section 2, Dr. Maher may undertake speaking engagements, writing, lecturing, or other professional activities which do not interfere with the performance of his duties hereunder. Dr. Maher may not receive remuneration for any speaking engagements, writing, lecturing, or other professional activities which are part of his duties as Commissioner, or receive any remuneration which violates the laws and regulations of the Nebraska Accountability and Disclosure Commission or any other provision of law. In the event that Dr. Maher wishes to accept remuneration for any activities during the Term hereof, he shall notify the President of the State Board in each instance and obtain written approval of same in advance.

Section 3. Compensation. For the performance of all duties and responsibilities in his capacity as Commissioner, Dr. Maher shall be compensated as follows during the Term hereof:

(a) Salary. On the Effective Date of this Agreement, Dr. Maher shall be paid a full-time annual salary in the gross amount of $300,000.00 (Three Hundred Thousand Dollars and No Cents), which shall be paid pro rata at normal payroll intervals and shall be subject to normal payroll deductions. The State Board retains the option to adjust Dr. Maher's salary during the Term hereof.

(b) Benefits. Dr. Maher shall receive vacation leave and sick leave as set forth in Neb. Rev. Stat. §§ 81-1320 through 81-1328, respectively, as those statutes currently exist or as they may be amended in the future. Dr. Maher shall otherwise be eligible to receive all benefits made available to permanent full-time employees of the Department.

(c) Expenses. Dr. Maher shall be reimbursed for expenses in accordance with applicable policies, regulations and directives of the State of Nebraska and the State Board. Eligible professional travel outside the city limits shall be reimbursed at the state-approved rate.

Section 4. Annual Report to the State Board. No later than April 15 of each year in the Term hereof, Dr. Maher shall prepare and provide to each member of the State Board a written report setting forth in detail evidence of accomplishments, progress, and impediments with respect to the performance standards and target goals established by the State Board. For the first year of employment, the evaluation period will be July 1 through March 31, and for each subsequent year, the evaluation period shall be April 1 through March 31 ("Evaluation Period").

Section 5. Annual Evaluation of Performance. During the first year of the Term, Dr. Maher will participate in an informal performance assessment with the State Board. The assessment shall take place no later than six months from the Effective Date. Thereafter, on or before June 15 of each year of the Term, the State Board shall communicate to Dr. Maher the State Board's annual evaluation of his performance during the Evaluation Period. The State Board shall conduct the performance evaluation utilizing an appraisal instrument, a copy of which shall be provided to Dr. Maher on the Effective Date. In the event the State Board modifies the appraisal instrument during the Term, Dr. Maher shall receive a copy of the revised instrument as soon as reasonably practicable. The results of the evaluations and any documents prepared and used in the evaluation process shall be kept confidential unless the parties mutually agree to their disclosure.

Section 6. Termination of Employment. Notwithstanding the Term hereof, this Agreement and Dr. Maher's employment may be terminated sooner as follows:

(i) *For Cause*. Pursuant to Neb. Rev. Stat. § 79-318(2) (Cum. Supp. 2022), the State Board shall "[r]emove 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[.]"

(ii) *Death*. In the event of Employee's death, this Agreement and Employee's employment by the State Board shall immediately and automatically terminate.

(iii) *Disability*. Should Employee be unable to perform any or all of the essential functions of Commissioner by reason of disability for a continuous period in excess of ninety (90) calendar days, or for an aggregate total of sixty (60) business days (whether continuous or consecutive) during any period of ninety (90) consecutive business days, or if such disability is permanent, irreparable, or of such nature as to make the performance by Employee of his essential duties as Commissioner impossible, the State Board may at its option terminate this Agreement. On such termination, the respective duties, rights and obligations of the parties shall terminate. Nothing herein is intended to interfere with or limit Employee's entitlement to workers' compensation benefits or benefits under any disability insurance coverage provided in whole or in part by the Nebraska State Insurance Program.

(iv) *No Appropriation*. The State Board may terminate this Agreement in accordance with the provisions of Section 10 hereinafter.

Section 7. Professional Development; Expenses. Dr. Maher may attend appropriate professional conferences and meetings at the local, state, and national levels, and participate in professional activities related to the duties and responsibilities of the Commissioner, provided that such attendance does not interfere with Dr. Maher's

performance of his duties under this Agreement. Dr. Maher will be reimbursed for actual and necessary travel and business expenses related to the performance of his official duties in accordance with applicable state law and policies and State Board policies.

Section 8. No Penalty for Release or Resignation. In the event that Dr. Maher desires to resign his employment hereunder and be released from the terms of this Agreement, the terms for release or resignation by Dr. Maher from this Agreement shall be subject to the mutual agreement of the parties hereto. In the event such mutual agreement is reached, there shall be no financial penalty assessed as a condition for release or resignation.

Section 9. Compensation Upon Termination and Credit for Accrued Vacation. Upon termination of this Agreement for any reason, Dr. Maher shall receive only the salary accrued as of the date of termination or the date that Dr. Maher ceases to perform his duties under this Agreement, whichever occurs first. Any portion of the salary paid but not earned prior to the date of termination of this Agreement shall be refunded by Dr. Maher. Upon termination or expiration of this Agreement, Dr. Maher shall be entitled to compensation for all unused accrued vacation and sick leave, if any, in accordance with state law.

Section 10. Agreement Funding. The Department's obligation to pay compensation and benefits provided under this Agreement that come due in fiscal years beyond the fiscal year in which this Agreement is executed by the State Board is contingent upon legislative appropriation of funds for the Agreement. In the event that funds are not appropriated in future fiscal years for the payment of the obligations under this Agreement, or that the appropriation of funds is not approved by the Governor, the State Board may terminate the Agreement effective on the last date for which previously appropriated funds are available. The State Board will give Dr. Maher as much written notice as is practicable prior to the effective date of any termination under this Section. All obligations of the State Board to make payments for compensation or benefits or expenses after the termination date will cease. Dr. Maher shall not be entitled to any loss of anticipated financial benefit under this Agreement in the event of the termination of this Agreement and Dr. Maher's employment under this Section.

Section 11. Notices. Whenever any notice is required or permitted hereunder, it shall be given in writing addressed to each party as follows:

To State Board: President
Nebraska State Board of Education
P.O. Box 94987
Lincoln, NE 68509-4987

To Dr. Maher: Brian L. Maher, Ed.D.
1936 Connor Street
Lincoln, NE 68505

DRAFT

Notice shall be deemed given and effective on the earlier of three (3) days after the deposit in the U.S. mail of a writing addressed as above and sent first class mail either certified with return receipt requested or with delivery notification requested; or when actually received by means of hand delivery, delivery by Federal Express or other courier service; or upon facsimile transmission when such transmission has been verified as successful by sender's transmission mechanism. Either party may change the address for notice by notifying the other party of such change in accordance with this Section 11.

Section 12. Governing Law. This Agreement shall be governed by the laws of the State of Nebraska.

Section 13. Amendment. This Agreement may be amended at any time in writing upon the agreement of both parties.

Section 14. Waiver. No party hereto shall be deemed to waive any rights or remedies under this Agreement unless such waiver is in writing and is signed by such party. No delay or omission on the part of either party in exercising any right or remedy shall operate as a waiver of such right or remedy or any other rights or remedies. A waiver on any one occasion shall not be construed as a bar to or waiver of any right or remedy on any other occasion.

Section 15. Entire Agreement. This Agreement constitutes the entire understanding and agreement between the State Board and Dr. Maher with respect to the matters referred to herein. No other representations, covenants, undertakings or other prior or contemporaneous agreements, oral or written, respecting such matters, which are not specifically incorporated herein, shall be deemed in any way to exist or bind any of the parties hereto.

Section 16. Severability. If any portion of this Agreement shall be declared invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity or enforceability of the remaining provisions of this Agreement.

Section 17. State Board Approval. This Agreement is subject to approval by the State Board. It is not binding on either party unless and until signed by both parties following the State Board's affirmative vote approving the terms of this Agreement in a public meeting.

DRAFT

IN WITNESS WHEREOF, the parties have duly executed this Agreement on the dates set forth below.

STATE BOARD OF EDUCATION	**BRIAN L. MAHER, Ed.D.**
By: _____ Patti Gubbels, President	By: _____
Date: _____	Date: _____

49-3186-30

DRAFT

TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

STATE BOARD OF EDUCATION
BUDGET AND FINANCE COMMITTEE REPORT

Date: April 13, 2023

"The Budget and Finance Committee reports that on its Thursday, April 13, 2023, meeting. Members present were Patsy Koch Johns, Elizabeth Tegtmeier, Sherry Jones, and Deborah Neary.

The Committee reviewed the Single Audit Report with NDE staff reviewing the one finding for sub-recipient monitoring. NDE has been working with the Federal Gov't to develop fiscal monitoring processes that align with the Federal Governments recommendations. The Committee supported bringing this item to Board.

NDE staff then reviewed the new VR office lease in Fremont which has been in the works for several years. The Committee supported bringing this item to the Board for vote.

The third action item reviewed by the Committee was authorizing the Deputy Commissioner to approve a continuation grant to the Nebraska Children and Families Foundation to continue the Nurturing Healthy Behaviors program. The Committee had in depth conversation on this topic with many questions that NDE staff was able to answer. The Committee recommends bringing this item to the full board.

The next action item reviewed was a contract with the Public Consulting Group to do a wage comparability study for VR. PCG was selected as the vendor to contract with due to their understanding of Nebraska VR and experience with other States VR offices as well. The Committee discussed the RFP process used to select this vendor and recommending bringing this item to the full board.

NDE staff then discussed the proposed contract with Janus Software, Inc to provide a Cybersecurity review of the NDE. With NDE staff covering the need for a periodic review performed by an outside entity the Committee supported bringing this item to the board.

The Committee reviewed the proposed funding for Comprehensive Support for Improvement Schools which was covered in detail by NDE staff including Federal requirements and plans to address schools that have been in CSI status for the last 4 years. The Committee supports bringing this item to the full board.

NDE staff reviewed the TransAct Communication contract noting they were the only vendor to submit an application and have been the vendor used for translation services for a long time in Nebraska to fulfill Federal requirements. The Committee supported bringing this item to the full board.

The last action item reviewed was to authorize the Deputy Commissioner to accept funds from the Nebraska Arts Council to Administer the Arts NOW Grant Program to Nebraska. NDE outlined the perimeters of this grant and amounts going to the five regions across Nebraska. The Committee supported bringing this item to the board.

Additionally, the Committee reviewed the monthly board travel expense report and in-state authorizations noting no concerns.

Last, NDE staff reviewed work being done that will result in action items being brought to the board next month including the procurement that is being undertaken for any contracts. There are four action items that will be coming to the board next month. The items were for a web-based data collection system for the special education team, technical assistance for special education support, authorization for annual technology and software purchases, and grant awards to ESU's for early childhood. Additionally, NDE staff provided a review of the innovative grant funds and highlighted potential new investments that will be brought to the board for approval.

This concludes the Budget and Finance Committee report."

Patsy Koch Johns, Chair

NEBRASKA STATE BOARD OF EDUCATION

TRAVEL REPORT

MARCH 2023

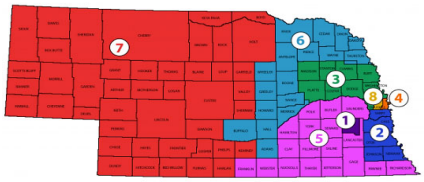
2022-2023 Board Travel *At-A-Glance*

Budgeted
$29,381

Monthly Spending
$2,050
Average

Annual Spending
$24,600
Projected

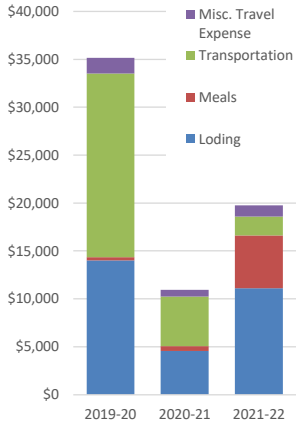
Expenditures
Lodging
Meals
Mileage



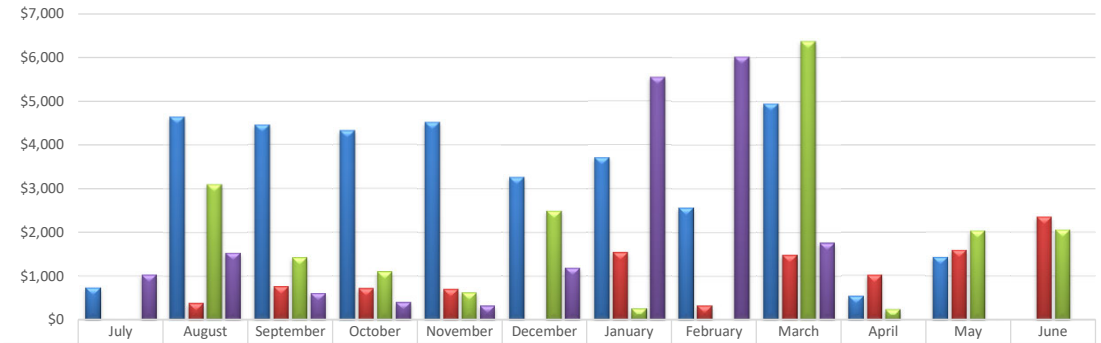
Board Member Activity

District	Board Member	Current Year July 2022-June 2023 March	Current Year July 2022-June 2023 Year-To-Date		Prior Year July 2021-June 2022 March	Prior Year July 2021-June 2022 Year-To-Date		Variance March	Variance Year-To-Date
1	Patsy Koch Johns	$584	$1,880		$89	$525		$496	$1,355
2	Lisa Fricke	$609	$3,925		$757	$1,680		-$148	$2,244
3	Patti Gubbels - President	$239	$3,630		$780	$1,715		-$540	$1,916
4	Jacquelyn Morrison	$79	$1,734		$314	$1,361		-$234	$373
5	Kirk Penner - Vice President	$70	$1,184		$0	$0		$70	$1,184
5	Patricia Timm *Incumbent Dec. 2021*	$0	$0		$0	$0		$0	$0
6	Sherry Jones *Appointed Dec. 2022*	$44	$416		$0	$0		$44	$416
6	Maureen Nickels *Incumbent*	$26	$1,198		$539	$1,444		-$513	-$246
7	Elizabeth Tegtmeier *Appointed Dec. 2022*	$44	$787		$0	$0		$44	$787
7	Robin Stevens *Incumbent*	$26	$2,092		$608	$2,571		-$582	-$480
8	Deborah Neary	$44	$1,619		$602	$1,239		-$558	$380
		$1,765	**$18,464**	**63%**	**$3,686**	**$10,534**	**36%**	**($1,921)**	**$7,929**
	Annual Budget		$29,381			$29,381			
	Over/(Under) Budget		**($10,917)**	**37%**		**($18,847)**	**64%**		

Annual Expenditures by Fiscal Year



Annual Expenditures by Month



	July	August	September	October	November	December	January	February	March	April	May	June
2019-20	$739.83	$4,650.08	$4,452.26	$4,318.00	$4,523.78	$3,262.72	$3,707.75	$2,574.66	$4,949.33	$543.73	$1,435.92	$0.00
2020-21	$0.00	$388.78	$771.24	$726.71	$709.11	$0.00	$1,548.79	$331.68	$1,489.32	$1,012.22	$1,598.38	$2,353.75
2021-22	$0.00	$3,101.19	$1,434.35	$1,105.69	$630.07	$2,497.00	$265.00	$0.00	$6,377.75	$247.00	$2,037.51	$2,058.85
2022-23	$1,031.95	$1,537.33	$617.82	$413.14	$332.48	$1,193.10	$5,544.96	$6,027.65	$1,765.41	$0.00	$0.00	$0.00

In-State Travel Authorization Reports - April				
Name	**Event Name**	**Date**	**Location**	**Board Bylaw B16 Code A-F**
Lisa Fricke	(NONE)			
Jacquelyn Morrison	(NONE)			
Deborah Neary	(NONE)			
Kirk Penner	(NONE)			

In-State Travel Authorization Reports - April				
Name	**Event Name**	**Date**	**Location**	**Board Bylaw B16 Code A-F**
Patsy Koch Johns	(NONE)			
Patti Gubbels	Provide State Board of Education Update to ESU #7	April 21, 2023	Columbus, NE	E
Elizabeth Tegtmeier	Nelson Mandela Elementary School Visit	April 25-26, 2023	Omaha, NE	E
Sherry Jones	Nebraska Christian School Board Meeting	April 10, 2023	Central City, NE	E
	ESU1 Meeting	April 12, 2023	Wakefield, NE	E
	ESU 9, 10, and 11 Regional Meeting	April 19, 2023	Kearney, NE	E
	Hastings Education Association Meeting	April 19, 2023	Hastings, NE	E
	ESU 7 Meeting	April 21, 2023	Columbus, NE	E
	Nelson Mandela Elementary School Visit	April 25-26, 2023	Omaha, NE	E

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Lincoln, NE 68509-4987
education.ne.gov

PROPOSED AGENDA ITEM RATIONALE

DATE: March 27, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Bryce Wilson, Finance Officer

PROPOSED AGENDA ITEM: Accept the 2022 Single Audit Report

AGENDA ITEM TYPE (contract/grant/rule/program/other): Other

RATIONALE/BACKGROUND INFORMATION: A single audit is an organization-wide financial statement and federal awards' audit of a non-federal entity that expends $750,000 or more in federal funds in one year as required by OMB Uniform Guidance. It is intended to provide assurance to the Federal Government that a non-federal entity has adequate internal controls in place and is generally in compliance with program requirements. Non-federal entities typically include states, local governments, Indian tribes, universities, and non-profit organizations.

The attached Single Audit Management Letter notes one finding related to the Department of Education for the fiscal year ended June 2022 and includes the Department's response.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: None

FOR CONTRACTS AND GRANTS: N/A

- Indicate the Funding Source:
- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: N/A

- Indicate the method of procurement:

TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS: N/A

- Describe the grantee selection process:

**Updated 02.07.2023*

NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

Mike Foley
State Auditor

Mike.Foley@nebraska.gov
PO Box 98917
State Capitol, Suite 2303
Lincoln, Nebraska 68509
402-471-2111, FAX 402-471-3301
auditors.nebraska.gov

March 7, 2023

Deborah Frison, Deputy Commissioner
Nebraska Department of Education
500 S. 84th Street
Lincoln, Nebraska 68510

Dear Deputy Commissioner Frison:

Attached are the draft Single Audit Report findings for the Nebraska Department of Education for the fiscal year ended June 30, 2022. These findings have been discussed with Agency staff and corrective action plans are included.

We would like you to respond to this draft to advise us whether the findings contain any errors of any kind or if there are any responses or corrective action plans you would like to revise for the published version. If you choose to respond, we would appreciate it if you provide the response to us by **March 10, 2023**.

If we do not receive your response by March 10, 2023, the findings and corrective action plans will be issued in the Single Audit Report as written. Please send your response to the draft in Microsoft Word format (via email or on CD), to facilitate our typing process. You have the option of not responding.

Sincerely,

Mike Foley
Auditor of Public Accounts

Enclosure

cc: Bryce Wilson, Finance Officer
Sara Leber, Director of Audit and Internal Controls
Phil Olsen, State Accounting Administrator, DAS – Accounting

1. **Program:** AL 84.010 – Title I Grants to Local Educational Agencies – Allowability and Subrecipient Monitoring

   Grant Number & Year: S010A190027, FFY 2020; S010A200027, FFY 2021

   Federal Grantor Agency: U.S. Department of Education

   Criteria: Per 2 CFR § 3474.1 (January 1, 2022), the U.S. Department of Education adopted the OMB Uniform Guidance in 2 CFR part 200, except for 2 CFR § 200.102(a) and 200.207(a).

   Per 2 CFR § 200.403 (January 1, 2022), allowable costs must be necessary, reasonable, and adequately documented.

   2 CFR § 200.430(i)(1) (January 1, 2022) states, in relevant part, the following:

   > *Charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:*
   >
   > *(i) Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;*
   >
   > *(ii) Be incorporated into the official records of the non-Federal entity;*
   >
   > *(iii) Reasonably reflect the total activity for which the employee is compensated by the non-Federal entity, not exceeding 100% of compensated activities . . . . ;*
   >
   > *(iv) Encompass federally-assisted and all other activities compensated by the non-Federal entity on an integrated basis, but may include the use of subsidiary records as defined in the non-Federal entity's written policy;*
   >
   > *(v) Comply with the established accounting policies and practices of the non-Federal entity . . . . ; and*
   >
   > * * * *
   >
   > *(vii) Support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one Federal award; a Federal award and non-Federal award; an indirect cost activity and a direct cost activity; two or more indirect activities which are allocated using different allocation bases; or an unallowable activity and a direct or indirect cost activity.*

   Enclosure A of the "Letter to Chief State School Officers on Granting Administrative Flexibility for Better Measures of Success" (September 7, 2012) provides guidelines for local educational agencies (LEAs), using a substitute system for time-and-effort reporting. Enclosure A states, in relevant part, the following:

   > *(3) Employee schedules must:*
   >
   > *a. Indicate the specific activity or cost objective that the employee worked on for each segment of the employee's schedule;*
   >
   > *b. Account for the total hours for which each employee is compensated during the period reflected on the employee's schedule; and*
   >
   > *c. Be certified at least semiannually and signed by the employee and a supervisory official having firsthand knowledge of the work performed by the employee.*

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2 CFR § 200.332 (January 1, 2022) states, in relevant part, the following:

> *All pass-through entities must:*
>
> * * * *
>
> *(d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include:*
>
> * * * *
>
> *(2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and written confirmation from the subrecipient . . . .*

A good internal control plan requires that adequate documentation be maintained to support amounts claimed by and paid to subrecipients. Good internal control also requires procedures to follow up with subrecipients to ensure they are correcting deficiencies and in compliance with applicable regulations.

Condition: The Agency lacked procedures to ensure that subrecipients documented their use of Federal awards appropriately.

Repeat Finding: No

Questioned Costs: $145,101 known (S010A190027, $8,041; S010A200027, $137,060)

Statistical Sample: No

Context: We randomly selected 25 subrecipient payments and also chose the largest subrecipient payment for testing. We noted the following:

- Several employees' salaries and benefits were included in the reimbursement requests; however, the Agency did not require subrecipients to submit documentation for these expenditures, other than reports from their accountings systems, at the time of reimbursement. We provided the Agency with an opportunity to request documentation from its subrecipients to support that their salaries and benefits expenses were allowable and in accordance with Federal cost principles; however, two of the subrecipients did not provide adequate support to show that their salaries and benefits were allocable to the grant, resulting in $8,041 sample questioned costs and $137,060 non-sample questioned costs.

- The Agency's procedure is to perform fiscal reviews of each subrecipient at least once every three years. We reviewed the most recent fiscal reviews for the same 26 subrecipients selected for testing above. For five of these reviews, the Agency noted that the subrecipient did not maintain adequate documentation for salaries and benefits. When we inquired with the Agency regarding what had been done to follow up on its findings, the Agency replied that the findings did not require follow-up.

Payment errors noted for the sample tested were $8,041. The total sample tested was $1,494,006. Subrecipient aid payments for the fiscal year ended June 30, 2022, totaled $91,043,602. The sample population was $84,396,850 (total population $91,043,602 less $6,646,752 to largest subrecipient that was separately determined to be allowable). Based on the sample tested, the case error rate was 8% (2/25). The dollar error

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rate for the sample was 0.54% ($8,041/$1,494,006), which estimates the potential dollars at risk for fiscal year 2022 to be $455,753 (dollar rate multiplied by the population).

Cause: Inadequate procedures.

Effect: Without adequate supporting documentation and monitoring procedures, there is an increased risk that Federal awards could be used for unallowable costs.

Recommendation: We recommend the Agency improve procedures to monitor subrecipients, including reviewing detailed supporting documentation for payroll expenses and following up with subrecipients to ensure that they correct errors noted.

Management Response: The Department agrees the two subrecipients sampled did not complete one time and effort certification semi-annually (rather completed annually instead) or with all language suggested in the guidelines from the U.S. Department of Education. However, the Department disagrees with the reimbursement being questioned costs as the time and effort certifications demonstrated adequate documentation to support the employees' activities were allowable for the Title I grant. In the absence of this information, the Department submitted affidavits from the two LEA's supervisory staff with personal knowledge of the work performed consistent with the U.S. Department of Education's audit resolutions practices; whereas the APA does not consider documentation after the fact to be adequate to eliminate the finding.

The findings noted in the subrecipient fiscal monitoring exit letters were identified for technical assistance purposes only and not considered to have met a level of materiality that required a corrective action plan. Corrective action plans are clearly noted in subrecipient fiscal monitoring exit letters when issued and proper follow-up action is taken when this occurs. Technical assistance was provided to each of the subrecipients at the time of the monitoring review as well as to all subrecipients periodically throughout the year.

Corrective Action Plan: The Department will contact the two subrecipients noted to provide one-on-one technical assistance and will also provide additional technical assistance regarding proper time and effort documentation to all subrecipients. Additionally, time and effort guidance is available to all subrecipients on the Department's website, will be discussed at upcoming subrecipient training opportunities and supported by a dedicated Grants Management Training Specialist.

The Department will ensure the identified written deficiencies noted in the subrecipient fiscal monitoring exit letter clearly identifies a finding vs. technical assistance needed; whereas a finding is supported by follow-up in accordance with federal UGG regulations and technical assistance provides knowledge of the Department's training and resources available.

Contact: Jen Utemark, Budget and Grants Management

Anticipated Completion Date: December 31, 2023

APA Response: Per the Uniform Guidance, questioned costs include expenditures that lack adequate supporting documentation at the time of the audit. 2 CFR § 200.430(i)(1) (January 1, 2022), as referenced in the report comment, says that such documentation must "accurately reflect the work performed" and be "supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated." Affidavits dated February 27, 2023, some 18 months after the salary and benefit expenses occurred, cannot possibly satisfy either of these requirements and are, therefore, not acceptable. As the documentation provided did not meet the minimum requirements set

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forth in Uniform Guidance and guidance issued by the U.S. Department of Education, the expenditures at issue must be considered questioned costs.

Moreover, the Uniform Guidance requires the Agency, as the pass-through entity, to ensure that the subrecipient takes timely and appropriate action to address deficiencies identified not only during audits but also from the Agency's own reviews. The Agency has noted issues similar to those addressed by the APA – namely, that the subrecipients have lacked adequate supporting documentation for salary and benefit expenses. The Agency performs subrecipient fiscal monitoring for most subrecipients only every third year. Thus, effective follow-up procedures, as required by 2 CFR § 200.332 (January 1, 2022), are needed to ensure that subrecipients implement the technical assistance provided by the Agency.

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 27, 2023

TO: Deborah A. Frison, Ed.D
Deputy Commissioner of Education

FROM: Lindy Foley, Director
Nebraska VR

PROPOSED AGENDA ITEM:

Authorize the Commissioner to enter into a new lease agreement between the Department of Administrative Services (DAS), State Building Division and the Department of Education, Nebraska Vocational Rehabilitation (VR) for office space in Fremont for the period July 1 2023 through June 30, 2033.

RATIONALE/BACKGROUND INFORMATION:

Nebraska VR Fremont field office has had a lease at 827 North D Street since April 1, 2012. Addendums have been negotiated by DAS at this location through March 31, 2023. The lease will continue on a month-to-month basis through July 31, 2023. DAS negotiated the new lease at 1730 East 23rd Ave N, Fremont to better serve clients, community partners, the public, and VR staff from Fremont and the surrounding area.

PROPOSED BOARD MEETING (MONTH/YEAR):

April, 2023

ESTIMATED COST:

Lease Term	SF	Rate PSF	Annual Rent	Monthly Rent
July 1, 2023-June 30, 2024	1,793	$32.79	$58,800.00	$4,900.00
July 1 2024-June 30, 2025	1,793	$33.80	$60,600.00	$5,050.00
July 1, 2025-June 30, 2026	1,793	$34.80	$62,400.00	$5,200.00
July 1, 2026-June 30, 2027	1,793	$35.81	$64,200.00	$5,350.00
July 1, 2027-June 30, 2028	1,793	$36.88	$66,120.00	$5,510.00
July 1, 2028-June 30, 2029	1,793	$37.95	$68,040.00	$5,670.00
July 1, 2029-June 30, 2030	1,793	$39.09	$70,080.00	$5,840.00
July 1, 2030-June 30, 2031	1,793	$40.29	$72,240.00	$6,020.00
July 1, 2031-June 30, 2032	1,793	$41.49	$74,400.00	$6,200.00
July 1, 2032-June 30, 2033	1,793	$42.77	$76,680.00	$6,390.00

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: State/Federal Funding
- New or Renewal: New
- If renewal, date of first approval: n/a

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Department of Administrative Services (DAS) Request for Proposals process
- Rationale for method of procurement: DAS negotiates all state leases.
- Rationale for contractor selection: Easy public access, safe surroundings, confidential client spaces, accessible parking, well lit, clean, full service lease

Date: March 21, 2023
To: Deborah A. Frison, Ed.D., Deputy Commissioner of Education
From: Lindy Foley/Bryce Wilson/Paul Haas
Subject: **Lease Transaction** _X_ (Over $50,000) Requires State Board of Education Approval
____($50,000 or under) Requires Commissioner of Education Approval

RECOMMENDATION: It is recommended that the State Board of Education authorize the Commissioner to enter into a new lease agreement between the Department of Administrative Services, State Building Division and the Department of Education's Division of Rehabilitation Services for office space in Fremont for the period July 1, 2023 through June 30, 2033.

LESSOR	DAS State Building Division 1526 K Street Lincoln, NE 68509	LESSEE	Nebraska Department of Education 500 S. 84th Lincoln, NE 68510
DESCRIPTION OF PREMISES Location: 1730 East 23rd Ave N Fremont, NE 68025 Square Footage: 1,793		OCCUPIED BY Division: Vocational Rehabilitation Section: Vocational Rehabilitation	
ANNUAL COST: See below			

TERM OF LEASE – From July 1, 2023 To June 30, 2033 New__x__ Renewal___
Special Provisions: (Extensions/Terminations/Options)

This is a new lease.

Lease Term	SF	Rate PSF	Annual Rent	Monthly Rent
July 1, 2023-June 30, 2024	1,793	$32.79	$58,800.00	$4,900.00
July 1 2024-June 30, 2025	1,793	$33.80	$60,600.00	$5,050.00
July 1, 2025-June 30, 2026	1,793	$34.80	$62,400.00	$5,200.00
July 1, 2026-June 30, 2027	1,793	$35.81	$64,200.00	$5,350.00
July 1, 2027-June 30, 2028	1,793	$36.88	$66,120.00	$5,510.00
July 1, 2028-June 30, 2029	1,793	$37.95	$68,040.00	$5,670.00
July 1, 2029-June 30, 2030	1,793	$39.09	$70,080.00	$5,840.00
July 1, 2030-June 30, 2031	1,793	$40.29	$72,240.00	$6,020.00
July 1, 2031-June 30, 2032	1,793	$41.49	$74,400.00	$6,200.00
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PROPOSED AGENDA ITEM RATIONALE

DATE: March 22, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Grant the Deputy Commissioner the authority to approve a continuation grant to the Nebraska Children and Families Foundation to continue the Nurturing Healthy Behaviors/Rooted in Relationships program.

AGENDA ITEM TYPE: Grant

RATIONALE/BACKGROUND INFORMATION:

- During the 2014 legislative session, the Nebraska Legislature appropriated $400,000 within the state budget for the Nebraska Department of Education (NDE) to expand the Nurturing Healthy Behaviors program across the state.
- This annual appropriation was to be used to expand programs and services for early childhood mental health. No funding was appropriated for NDE to administer local grants; therefore, the NDE Office of Early Childhood issued a request for proposals for a single provider with the capacity to coordinate the project and to cultivate programs across the state.
- The Nebraska Children and Families Foundation was the chosen provider based on their application and organizational capacity. This grant is a continuation grant to the Nebraska Children and Families foundation to continue the work in identified communities and to begin work in additional areas of the state.
- In addition to state general funds, support for the work of Nurturing Healthy Behaviors was written into the agreement between the NDE and the Nebraska Department of Health and Human Services for use of the Child Care Development Funds. This agenda item is to approve a continuation grant using the federal funds.
- Each year two different continuation grants are brought to the State Board for approval. In November of 2022, the Nurturing Healthy Behaviors grant funded with state general funds was approved.
- The Nebraska Children and Families foundation has also secured private donations to begin and/or add to work in communities and expand the reach of state and federal funding.

The grant renewal recommendation is based on the following:

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Rooted in Relationships/Nurturing Healthy Behaviors supports community teams to plan strategies for early childhood systems of care. These may include any or all of the following:

a. Parent engagement activities,
b. Public awareness activities about children's social-emotional needs, implementation of the Pyramid Model for promoting the social-emotional competence in young children,
c. Promoting the importance of high-quality childcare.
d. Planning and implementation of Circle of Security™ -Parenting (COS-P).

Rooted in Relationships/Nurturing Healthy Behaviors is evaluated annually and continually shows positive outcomes.

The most recent report is attached to this agenda item.

PROPOSED BOARD MEETING: April 2023

ESTIMATED COST: $150,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal Child Care and Development Funds
- New or Renewal: Renewal
- If renewal, date of first approval: First grant with federal funds was approved March 2016. First grant with state general funds was approved December 2014.

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: NA

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: A Request for proposals was released after the original funding was appropriated. The Nebraska Children and Families Foundation was the only applicant that responded outlining a robust capacity to provide services statewide in accordance with the intent of the appropriation. Continuation grants are based on performance of the grantee and results in communities.

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education.ne.gov

*Updated 02.07.2023

Rooted in Relationships
nebraskachildren

Final Activity Report to the Nebraska Department of Education

Activities Utilizing Nurturing Healthy Behaviors Funds

Prepared by:
Lynne Brehm, Sami Bradley, Christy Dickinson, Christen Million,
Nikki Roseberry-Keiser, Stacy Scholten, and Molly Rosenberg
Reporting Period: January 1, 2022-December 31, 2022

Acronym Index Rooted in Relationships Annual Report

ARPA	American Rescue Plan Act
BECF	Buffett Early Childhood Fund
BHECN	Behavioral Health Education Center of Nebraska
CARES Act	Coronavirus Aid, Relief, and Economic Security Act
CCDF	Child Care Development Fund
CCFL	Center for Children, Families, and the Law
CCT	Coach Collaboration Team
CCRN	Child Care Referral Network
CDN	Coach Development Network (previously called Coach Development Team)
C4K	Communities for Kids
C4K+	Communities for Kids Plus
COSC	Circle of Security Classroom
COSI	Circle of Security International
COSP	Circle of Security Parenting
CPP	Child Parent Psychotherapy
CRRSA	Coronavirus Response and Relief Supplemental Appropriations
CQI	Continuous Quality Improvement
DHHS	Department of Health and Human Services
ECCC	Early Childhood Community Coordinator
ECICC	Early Childhood Interagency Coordinating Council
ECMH	Early Childhood Mental Health
ECTC	Early Childhood Training Center
ELCCC	Early Learning Connection Coach Consultants
FAN	Facilitating Attuned Interactions
FFN	First Five Nebraska
MMI	Munroe-Meyer Institute; located at the University of Nebraska Medical Center
MTSS	Multi-Tiered Systems of Support
NAIMH	Nebraska Association for Infant Mental Health
NC	Nebraska Children and Families Foundation
NCAPF	Nebraska Child Abuse Prevention Fund Board
NCRP	Nebraska Center on Reflective Practice; part of Nebraska Resource Project for Vulnerable Young Children; located at the University of Nebraska-Lincoln, Center for Children, Families and the Law
NDE	Nebraska Department of Education
NeAEYC	Nebraska Association for the Education of Young Children
NECPRS	Nebraska Early Childhood Professional Record System
NEP-MAP	Nebraska Partnership for Mental Healthcare Access in Pediatrics
NHB	Nurturing Health Behaviors
NRPVYC	Nebraska Resource Project for Vulnerable Young Children; located at the University of Nebraska-Lincoln, Center for Children, Families and the Law (CCFL)
NYCI	Nebraska Young Child Institute

PCIT	Parent Child Interaction Therapy
PIWI	Parents Interacting with Infants
PDG	Preschool Development Grant
PSLT	Pyramid State Leadership Team
REDI	Race, Equity, Diversity, Inclusion
RiR	Rooted in Relationships
SUTQ	Step Up to Quality
TPITOS	Teaching Pyramid Infant-Toddler Observation Scale-Revised
TPOT	Teaching Pyramid Observation Tool-Research Edition
TOT	Training of Trainers
UNL	University of Nebraska at Lincoln
UNMC	University of Nebraska Medical Center

Rooted in Relationships Pyramid Model Implementation and Community Systems Work

During this reporting period, Rooted in Relationships (RiR) supported fifteen collaborative hubs in various stages of the initiative inclusive of planning, implementation, expansion and sustainability: Buffalo, Dakota (Dixon and Thurston), Dawson (Frontier), Dodge, Douglas, Hall, Keith (Chase, Perkins and Red Willow), Lancaster, Lincoln (Hitchcock), Madison (Boone), Panhandle (Box Butte, Cheyenne, Dawes, Deuel, and Scottsbluff), Phelps, Platte, Saline (Jefferson and Gage), and South Central (Adams, Webster, Clay, Nuckolls), that are implementing the Pyramid Model in center-based and family child care homes.

The supported communities also embed community systems strategies focused on social-emotional development into their work plans. For a current map of RiR implementation, see (Appendix A). The multi-year implementation process for Rooted in Relationships is outlined in the graphic included as (Appendix B).

Funding for this project is provided by the Buffett Early Childhood Fund (BECF) beginning in 2013, Nurturing Healthy Behaviors (NHB) funding through a grant award to Nebraska Children (NC) following a state funding appropriation to the Nebraska Department of Education (NDE) in 2014 and Nurturing Healthy Behaviors Child Care Development Funds (NHB-CCDF) beginning in 2019. Additionally, as part of the Preschool Development Grant (PDG), planning was completed in the South Omaha area and a social-emotional pilot project began in 2021. Stakeholders chose to implement the Pyramid Model after considering several options for ways to increase quality. In 2021, Rooted in Relationships wrote a proposal and were awarded funds from NDE-Special Education-American Rescue Plan Act (ARPA) to expand social-emotional work in Douglas County, inclusive of Circle of Security Classroom (COSC) and reflective practice as well as funding to translate materials for Parents Interacting with Infants (PIWI) to Spanish. An additional funding source became available in 2022 from Department of Health and Human Services (DHHS) to expand the work of PDG utilizing Coronavirus Response and Relief Supplemental Appropriations (CRRSA) funds. This proposal included expansion of COSC, translation and the additional voiceovers in Spanish to the Pyramid Module training videos, growth of the Child Care Referral Network (CCRN), as well as support for child care providers to become Infant Mental Health endorsed.

The impacts of the pandemic continue to affect many aspects of the work Rooted in Relationships supports. We did not include a separate section this year on COVID, rather decided to integrate the additional work supported due to the pandemic throughout this report. Some of this work is now embedded into the overall work of the initiative and we continue to strategize and develop novel resources and supports to address the ongoing concerns directly related to conditions over the past three years.

To reach additional child care providers with the Pyramid Model more quickly, an expansion method was adopted in 2015. When a community is approximately halfway through year two of Pyramid implementation, they are offered the option of expanding their Rooted work to include additional providers during year three. A decision-making guide with a readiness tool is utilized and facilitated by Rooted staff to assist communities in making the decision of whether to expand. A stakeholder survey is also used to determine community stakeholder satisfaction with the local collaborative process. If a community chooses not to expand in year three of implementation, they are offered the opportunity to expand again the following year. Additionally, communities are offered limited funds to support providers in year four to assist with sustainability. Community providers and coaches collaborate to develop a plan for year four tailored to meet their specific needs. The expansion model described above has been extremely successful and as it has been implemented, Rooted staff recognized that saturation would occur in some communities and further efforts for communities to engage in sustainability planning was needed. Rooted in Relationships Community Implementation Progression document was created in 2021. This document, which can be found as (Appendix C), outlines the points during implementation that trigger the need for adjustments, this may mean moving the hub and providing a sustainability grant to the community.

The table included as (Appendix D) outlines, by year, how Rooted in Relationships has expanded and represents current efforts underway in each community supported by the combined funding listed above.

Outcome Data

Munroe-Meyer Institute (MMI) at the University of Nebraska Medical Center (UNMC) continues to collect and analyze data through a contract with RiR on both Pyramid Model implementation and community systems work. This year the Pyramid Evaluation Guidebook (*https://rootedinrelationships.org/resources/process-guide/evaluation.html*) for communities was amended to include Systems Evaluation resources enabling communities to quickly access available evaluation materials for systems strategies. An annual report regarding Rooted in Relationships implementation is expected in March 2023 and evaluation data from 2022 will be shared at that time. In early 2022, the 2021 evaluation annual report of Rooted in Relationships was completed, some highlights included:

- Pyramid Model coaches supported center and home-based child care programs to implement high-quality social-emotional practices. In 2021, the initiative supported 49 coaches, 286 center and home-based providers in 152 programs which impacted over 2,700 children.
- With each year of participation in RiR, programs demonstrated increased fidelity to the Pyramid Model. Home-based providers made great strides in implementing the Pyramid Model. Before coaching and training, 28% to 44% of Pyramid Model practices were in place across the subscales. By the end of year three, providers, on average, achieved fidelity well above the program goal in all areas.
- Providers have demonstrated significant improvements in their ability to use Pyramid practices to support children's social-emotional development.
- Circle of Security ParentingTM (COSP) was effectively implemented across communities with parents demonstrating significant increases in parent-child interaction, improved relationships with their children and decreased parenting stress. The 2019-2020 biennial COSP report can be found here: *http://www.necosp.org/resources*. The 2021-2022 report will be available in early 2023.
- RiR and partners continue to standardize processes for coach training, methods of communication among coaches, strategies for reducing coaching overload, and alignment of coaching processes and practices across initiatives.

To view the Rooted in Relationships 2021 Annual Report or the Executive Summary visit: *http://rootedinrelationships.org/resources*

The Rooted in Relationships team continues to partner with state level initiatives to embed a systems infrastructure to support early childhood mental health work inclusive of coaching and training. The attached matrix indicates areas that Rooted began to build and have been transitioned for ongoing support at the state level. Please see (Appendix E) to view transitions that have occurred and are in process.

Pyramid Model Training Modules

In 2019, RiR contracted with an individual to research, conceptualize, and develop a Pyramid Model Training of Trainers (TOT) for infant/toddler and preschool modules. This work was done in collaboration with the Pyramid State Leadership Team (PSLT) and specifically with Nebraska Department of Education (NDE) so that the training modules were designed to be used for all Pyramid initiatives in the state. Plans to complete another TOT in 2020 and 2021 were postponed due to the pandemic. In 2022, two TOTs were held with sixty-four individuals completing the training. One TOT is planned for 2023.

In 2021, the RiR team was funded through the Preschool Development Grant (PDG) to work with the South Omaha area and several community partners to build a social-emotional infrastructure. Community partners chose to implement the Pyramid Model. A cohort of Spanish-speaking providers were recruited and voiced the need for training to be provided in their primary language rather than having an interpreter. RiR used funds from the PDG to translate the Nebraska Pyramid modules so Spanish-speaking early childhood providers across the state can access Pyramid training. All modules were translated by the end of November 2022. Prior to 2021, only one Pyramid coach was known who spoke Spanish. Currently, there are eleven known Pyramid coaches who speak Spanish. There were also no known Spanish-speaking Pyramid trainers before 2021 and now the state has six.

Originally, year three training was left to be individualized based on specific community cohort needs. Through experience, we learned that this was not an effective strategy for all communities. Therefore, in 2020, Rooted collaborated with University of Nebraska-Lincoln (UNL) Extension to conceptualize and prepare three additional trainings that would be available to communities in their third year of implementation. Communities can choose two of the three. The titles of the three trainings are: "Using Mindfulness in the Early Care and Education Setting," "A Trauma-Sensitive Approach in Early Care and Education," and "Effective Family Engagement Strategies in Early Care and Education." UNL Extension trainers deliver these trainings in communities. Using PDG funds, RiR staff worked with UNL Extension to get these trainings translated into Spanish during 2022. UNL Extension plans to translate the videos in these trainings in 2023.

The RiR training curriculum content includes a three-hour module designed specifically for center directors. The intent is to provide evidence about key components for implementation success that can and should be supported by the director. The director training is delivered in the first year of each new cohort. This timing was based on feedback received from child care directors. Additionally, there is a six-hour module designed for RiR providers to be completed as the final training in year two of implementation. This module, called "Practice, Practice, Practice," is designed to provide opportunities for providers to practice their skills and knowledge obtained during the two years prior.

After three years of training the modules developed in 2019, developers and RiR staff began looking at feedback provided by the trainers. In 2022, updates were made to the modules to reflect feedback gathered. The content within the trainings were slightly shortened and the removed content was made into smaller optional trainings which are being called "Nebraska Pyramid Model Booster Trainings." At the end of 2022, there are Booster trainings on Modules 1A, 1B, 2A, and 2B. Modules 3A and 3B will be released in 2023, with additional topics to be announced, based on feedback from trainers and coaches.

Since 2019 all Nebraska Pyramid Modules were housed on a BOX account held by MMI. Due to the University of Nebraska System moving away from BOX, and in an effort to house the modules in a neutral location for all trainers, the Nebraska Pyramid Modules and all its training content were moved to a SharePoint site within the Early Childhood Training Center. RiR staff worked closely with NDE staff to ensure standardized processes related to early childhood training are now in place. By moving the modules, the Pyramid training system now more closely aligns with other statewide training systems, trainers have signed training agreements, the state has better tracking of current Pyramid trainers, and trainers have neutral access to the training modules.

Rooted in Relationships Video Project

Rooted has supported continued development of community videos based on positive feedback from communities and stakeholders. These videos help tell the story of success in implementation of Rooted in Relationships (both systems and Pyramid Model). The first eight Rooted communities now have completed videos they can utilize to inform stakeholders and recruit new participants. Several additional videos were planned for development; however, the pandemic made it impossible to develop new content as many child care programs were not allowing visitors in, and it was often unsafe to communicate in proximity without masks. After two years of postponement, video development has begun again at the end of 2022. The next video development contract will include three community videos and a promotional video for Nebraska Association for Infant Mental Health (NAIMH). All videos highlighting RiR work can be viewed here: *http://rootedinrelationships.org/resources/videos*

Coaching Supports

A new coaching documentation platform was introduced in the spring of 2016 to facilitate more efficient use of coaching data by the coaches themselves, as well as the community coordinators and ultimately the NC staff for evaluation purposes. A joint effort across early childhood coaching projects in the state supported by the cross-system Coach Development Network (CDN) continues to provide Coach Booster Sessions at least twice a year. The topics of the sessions are chosen based on feedback from coaches; all state coaching initiative coaches are invited to the booster trainings. In 2022, four Coach Booster Sessions were offered to coaches. The February Booster titled "A Closer Look at Domain 2: Co-Creating the Relationship" took place virtually with three sessions and 44 participants. The May Booster titled "A Closer Look at Domain 3: Facilitating Learning Through Coaching Strategies" took place virtually with three sessions and 49 participants. In June, Dr. Walter Gilliam presented one 6-hour coach booster in Kearney directly following the Nebraska Young Child Institute. His coach booster was titled "Helping Coaches Identify and Coach Through Biases." Sixty-one coaches from across the state attended and received the newest edition of The Nebraska Early Childhood Coaching Guidebook: Competencies for Professional Practice. The fall coach booster training titled "A Closer Look at Domain 4: Assessing Success of the Coaching Partnership" took place virtually with three sessions spanning over August and September with 49 participants. 2023 Coach Boosters plan to include "A Closer Look" at the remaining domain for the Nebraska Early Childhood Guidebook: Competencies for Professional Practice, as well as additional boosters based on feedback and needs assessment data from coaches.

In 2022 a need arose to have updated data on the coaches across the state. Members of the Coach Development Network collaborated to revitalize a statewide coaching survey that was led by Dr. Rachel Schachter and last sent out in 2019. New questions were added to the survey to gather demographic information on coaches, coaching needs, and more. The revitalized survey is expected to go out to coaches in spring 2023.

Lead coaches from each community have participated in regularly scheduled conference calls with the Rooted in Relationships Coach Coordinator to provide a forum for sharing ideas and to seek feedback about components of the Rooted initiative, including sustainability of implementation.

Reflective consultation meetings for coaches have been a valuable support in all Rooted communities. The current five reflective consultants meet either in person or via web technology every month with their respective community coaching team. All the reflective consultants have completed training in the Facilitating Attuned Interactions (FAN) model and are considered Level II consultants. They have also been meeting every month to collaborate on the reflective consultation process and receive support from each other for this work.

Rooted has also continued a training process in collaboration with Step Up to Quality (SUTQ) and MMI, to get all initiative coaches trained in the Reflective Consultation model. This is a six-month training model where they will attend a total of three days of training and participate in ongoing mentoring to achieve Level 2 status with the Erickson Institute in the FAN Model. This will give coaches the opportunity to build their capacity in coaching by being able to understand the importance of reflection and to assist childcare providers with this practice. In 2022, six coaches completed the process and five are currently in their six-month training period. Forty total coaches have been trained to date. Additionally, all Rooted coaches are supported with once/month reflective consultation sessions by one of the five trained facilitators.

Rooted in Relationships Coordinator Calls

To more fully support the local community coordinators who are doing this work, we launched coordinator calls in 2016. Following that meeting we have continued to have virtual meetings quarterly. The coordinators decide the main topic for the meeting and have a chance to share what is working well in their community and what challenges they are facing and to get ideas and input from the other communities. In 2017, coordinators asked to

have the opportunity for a joint call with lead coaches to discuss challenges they face with Pyramid Model implementation. As a result, there are now four coordinator calls annually with every other conference call including lead coaches so issues that involve both individuals can be addressed simultaneously. Annually, coordinators and lead coaches are brought together for a full day meeting with RiR staff to connect, receive updates about Rooted, and enhance the work they are doing by sharing ideas with each other.

Social Emotional Enhancement Grants

Social-Emotional Enhancement Grants continue to be offered and were accessed more readily by providers across all communities this year. This year the Social-Emotional Enhancement Grant application, instructions, sample grants, and video instructions were all translated into Spanish. Providers asked for a wide range of items to assist them in meeting their coaching Pyramid goals. Some items that are commonly requested are social-emotional curricula (such as Second Step or Baby Doll Circle Time), and items to help set up the environment to be more conducive in supporting the social-emotional needs of children (e.g., area defining circle rugs, adaptable storage units, etc.). Providers are also requesting more materials that can encourage children to play and interact together. Rooted staff continue to support coaches and providers by attending provider collaboration meetings and providing constructive feedback to grant applications to build capacity among participants. These grants continue to be a very appreciated support to their implementation of the Pyramid Model strategies they are learning in training and working to implement with support from their coaches. They also help build the providers' confidence and capacity to apply for additional grants beyond RiR.

Statewide Capacity to Support Early Childhood Systems of Care

Much of the RiR staff time is spent on technical assistance to the communities implementing RiR and providing continuous quality improvement as processes are refined and early childhood work in communities is aligned (i.e.: Communities for Kids (C4K), Multi-Tiered Systems of Support (MTSS), Sixpence Child Care Partnerships, etc.). Additionally, staff collaborate with state level entities to build statewide capacity to support early childhood systems of care. Please see (Appendix F) for additional detail regarding capacity building efforts.

Coach Collaboration

Ongoing collaboration is occurring with other coaching initiatives, such as Step Up To Quality (SUTQ) and NDE Office of Special Education, to align coach trainings, reduce duplication of services, and increase the capacity of coaches in each initiative. In addition, staff participate in the cross-systems Coach Collaboration Team, the Systems Infrastructure Group, and the Coach Development Network (CDN) (a subgroup of the Coach Collaboration Team). The mission of the Coach Collaboration Team is to encourage the optimal development of young children in Nebraska by supporting high quality child care, home, and educational environments and experiences through the provision of effective on-site coaching. Its purpose is to coordinate the development and sustainability of cross-system early childhood professional development in Nebraska focusing on coaching as one delivery mechanism. The Coach Collaboration Team is co-led by NDE Office of Early Childhood Coach Collaboration Specialist and Rooted in Relationships staff.

In 2020, the CDN finalized the Nebraska Early Childhood Coaching Guidebook: Competencies for Professional Practice, which serves many purposes including providing an outline of a common set of principles or standards for coaching in early childhood education settings as well as serving as a reflective tool for coaches to assess their own competencies in the following areas: Setting the Foundation, Co-Creating the Relationship, Facilitating Learning Through Coaching Strategies, and Assessing the Success of the Coaching Partnership. In 2021, the CDN unanimously decided to revisit the document and analyze possible gaps related to equity in early childhood coaching. The CDN worked with the Coaching for Equity group to rework the existing domains and principles to ensure specific standards focused on equity and inclusion. Additionally, the CDN agreed to add a fifth domain that specifically focused on and outlined equity and inclusion practices. This section is called "Coaching for Equity" and was completed in 2022. New editions of the competencies were printed and distributed to

coaches at the Dr. Walter Gilliam Coach Booster in June 2022. The first Coach Booster in 2023 will focus on this newly developed domain. Moving forward, the CDN plans to annually offer Coach Boosters that focus on each of the domains.

The CDN met with marketing experts from EmSpace in 2021 to create a dissemination plan around the Coach Competencies. A website and branding materials were created and revealed to the public in 2022. This website houses the Coach Competencies, the Early Childhood Coaching Initiatives document (created in 2020), and several other resources for coaches across all initiatives: https://coachdevelopmentnetwork.com/

In 2019 NDE began planning to embed Pyramid supports as part of the MTSS regional system. Ongoing collaborative meetings continue to be held to ensure this system aligns to support all Pyramid practices in communities no matter what setting (child care, school, Head Start). This change has affected the current coach system and builds on the Early Learning Connection Coach Consultants (ELCCC) that are now statewide. RiR staff have continued to partner with the ELCCCs and the MTSS Pyramid Facilitators to ensure alignment with Pyramid supports and resources. Additionally, the NDE Office of Early Childhood hired a Coach Collaboration Specialist. This individual now co-leads the Coach Collaboration Team with RiR staff.

Child Parent Psychotherapy

Rooted in Relationships initially supported two training cohorts for Child Parent Psychotherapy (CPP), an evidence-based counseling modality geared towards children birth-5 and their families in which seventy mental health providers completed training. The training process coordinated by UNL-Center for Children, Families, and the Law (CCFL)'s Resource Project for Vulnerable Young Children (NRPVYC) has become self-sustaining and provides training, twice a year. RiR encourages, and if needed, helps to support community mental health providers attend training. NRPVYC has trained over 180 clinicians in CPP since its first training in 2009; however, only 82 clinicians in Nebraska and surrounding areas currently actively provide CPP, a significant reduction compared to the number of clinicians trained. Many agencies are experiencing workforce shortages impacting their ability to accept cases. Further, the number of referrals has increased during the COVID-19 pandemic. The result is that there are not enough CPP clinicians to meet demand from Nebraska's most vulnerable families. Most CPP clinicians in Nebraska currently have waitlists of 3-4 months for families with young children where timeliness is critical. Strategies for retention and support are being explored across multiple entities to address these workforce issues.

Parent Child Interaction Therapy

In 2019, RiR was tasked with supporting work that has been led/supported by the Nebraska Child Abuse Prevention Fund Board (NCAPF), specifically related to Parent Child Interaction Therapy (PCIT) and Parents Interacting with Infants (PIWI). A system similar to CPP's for training and support around PCIT has been implemented successfully by NRPVYC. Funding streams were braided to design and implement this system. Core to this support structure is a training system within Nebraska so therapists do not have to travel out of state for training and that will enable the development of a greater number of therapists proficient in this therapy modality. In line with the CPP training program, NRPVYC is offering two PCIT training cohorts annually in the Spring and Fall.

An additional component of supporting this part of the early childhood mental health infrastructure includes NRPVYC enhancing its webpage on PCIT, which includes a map of PCIT therapists. A list of PCIT therapists, similar to that of the CPP registry list, has also been built. The webpage also includes a link to the PCIT International list of certified PCIT therapists: www.nebraskababies.com. Additionally, RiR supports NRPVYC's Community of Practice to support both CPP and PCIT practitioners post training.

Parents Interacting with Infants

Parents Interacting with Infants (PIWI) is an evidence-based set of practices based on beliefs (a "philosophy") about families, children, and helping relationships. The objective of PIWI is to increase confidence, competence and positive relationships for parents and children ages 0-3. It does so by keeping the parent-child relationship at the center and by supporting responsive, respectful parent-child interactions. The primary method for delivering PIWI is parent-child groups, but it is also used in home visitation and other settings. PIWI has been successfully used in community-based Head Start, early intervention and other settings with a diverse range of parents and children. The Nebraska Child Abuse Prevention Fund Board (NCAPF) funded communities to support PIWI facilitation for several years. In 2019, RiR was tasked with developing infrastructure to support expansion of PIWI classes more broadly in Nebraska. An experienced team of four trainers, including one Spanish bilingual trainer, now lead the process of training PIWI facilitators in Nebraska. In 2021, two trainings took place virtually, training 38 new PIWI Facilitators. In May, July, and November 2022, virtual training of facilitators took place, training forty-three new facilitators from various organizations and agencies across the state. In July, the largest group was from Blue Valley Community Action Head Start, while the other trainings had a mix of organizations represented from across the state. Additionally, one booster training was conducted in June for existing PIWI facilitators. Overall, very few sites conducted PIWI classes during the year due to COVID making it unsafe to engage families with small children who cannot be vaccinated.

The team of PIWI trainers are working on completing new video clips to support the training as the current clips are outdated. It was planned initially that the video clips would be completed this year, however the pandemic made it impossible for PIWI classes to continue safely, so the video project has been put on hold until classes can resume. Another improvement Rooted has sponsored for PIWI is to translate PIWI materials into Spanish. This will allow the new bilingual trainer to be able to train cohorts of Spanish-speaking facilitators on the model. It is expected that the translation will be completed in 2023.

Circle of Security Parenting

Rooted has continued to provide a level of support for Circle of Security Parenting (COSP) facilitators through building a stronger statewide website, developing common evaluation, and marketing tools, and supporting additional training of facilitators. Rooted staff leads the Circle of Security Leadership Team in Nebraska. Local capacity for reflective consultation to support facilitators via a pilot process approved by Circle of Security International (COSI) continues to expand. In 2022, peer reflective consultation sessions were offered to all COSP facilitators every other week while they were facilitating a class. Three sessions of Fidelity Coaching were supported for fifteen interested facilitators. Fidelity coaching was developed to help each facilitator deepen their understanding of the COSP model to deliver the model with fidelity. Each session can support up to five facilitators and is completed weekly over a nine-week timespan while facilitators are actively facilitating a group. A three-part training series was also offered twice to facilitators in Nebraska. Thirty-six facilitators attended this series developed to support and enhance each facilitator's skills to be able to offer the COSP and COSC programs.

In 2022, after actively working with the DHHS, the system developed to reimburse facilitators for court-ordered parents to be able to participate in the program is officially statewide. In 2019, this contract was in place for all of Nebraska, except for Omaha; in October of 2022, a contract was executed to include Omaha, making it officially statewide. The process is currently being managed by the Nebraska Association of Education of Young Children (NeAEYC). Additionally, Nebraska Child Abuse Prevention Funds and NDE ARPA funds are also being utilized to support COSP Programs across the state. In 2022, utilizing multiple sources of funding twenty-one new facilitators were trained. One group was selected due to them being located geographically across the state, another group spoke a variety of languages (Arabic, Dari, Farsi, Karen, Pasto, Nuva, Spanish, Thai, and Vietnamese) and another group focused on supporting individuals that work directly with tribal communities.

Circle of Security Classroom (COSC) continues to be off ered and supported as well. Preschool Development Grant funds were utilized in 2021 to train an additional ten facilitators in the model, which brings Nebraska's total to forty. Monthly reflec tive consultation sessions and a session of fi delity coaching were completed during 2022 for facilitators offering COSC.

Early Childhood Mental Health Community of Practice

In 2019, a new Early Childhood Mental Health (ECMH) Community of Practice was developed, organized by the University of Nebraska Center on Children, Families, and the Law with input from Rooted staff,Optionsin Psychology, Child Saving Institute, Children's Hospital and Medical Center, Woodhaven Counseling Inc, and the University of Iowa. In 2022, they offer ed a variety of training opportunities for those in the Early Childhood field, including Counselor Cafés (once a month meeting for therapists supporting young children and families), a webinar series (for any early childhood professional), and additional skill-based trainings for practitioners that work in ECMH. Competencies needed for Infant Mental Health-Endorsement have begun to be looked at and integrated into the trainings that are supported. A small group is being formed to determine gaps in trainings and supports for those in the fi eld and develop strategies to address these needs.

Nebraska Association for Mental Health

Rooted in Relationships staff collaborate to ensure that messaging around infant and early childhood mental health has continuity across organizations. RiR staff support the Nebraska Association for Infant Mental Health's (NAIMH) mission to continue offeringpr ofessional development opportunities and awareness by serving as a co-lead (along with a representative from UNL Extension). Membership continued to grow through 2022, and members came together several times through workgroups and the annual meeting in October. New materials promoting the importance of infant and early childhood mental health were developed and distributed broadly. Development of relevant materials for child care providers and parents has been ongoing since the start of the pandemic. Most recently developed was messaging for parents/providers related to the impact of the pandemic on early childhood development: https://neinfantmentalhealth.org/resources/

With the support of PDG funding, NAIMH was able to join the Alliance for the Advancement of Infant Mental Health in 2021. In 2022, Infant Mental Health Endorsement rolled out and so to date eight individuals are endorsed in Nebraska.

Nebraska Center on Reflective P ractice

Recognizing the need for refl ective practice, both consultation and supervision, and building on a training that was held in September 2015 with Linda Gilkerson from the Erikson Institute, we have continued to support the Nebraska Center on Reflec tive Practice (NCRP). The Center is housed within the Nebraska Resource Project for Vulnerable Young Children, located within the Center on Children Families and the Law at UNL and is being collaboratively funded by NCFF (through RiR), NDE, UNMC and UNL. We continue this collaboration with plans to support evaluation of this training process and explore cost eff ective ways to expand. Expansion was included in the PDG which was awarded to Nebraska in 2020.

The Center has focused on supporting a train the trainer process using the FAN Model (Facilitating Attuned Interactions) developed by Linda Gilkerson. So far, eight trainers have completed the process to become an approved trainer and are active, and 3 more are in process. One individual employed by the NCRP was approved by the Erikson Institute to become a Trainer of Trainers and completed this process in 2021, though will soon leave the Center, plans are underway to work with the Erikson Institute on development of another Master Trainer. This enables NCRP to train more trainers as needed without having to contract with out-of-state trainers. NCRP has increased the capacity of FAN Mentors to ten (this number excludes FAN trainers) and will be training three more mentors. Additionally, nine individuals are trained as refl ective consultants which when including

them with those who are also trainers and/or mentors totals 24 consultants. Rooted continued to support Reflective Consultation groups for home-based childcare providers. In 2022, twenty home-based providers participated in the groups, with nine of them completing at least ten out of the twelve scheduled sessions.

Communities for Kids

Rooted in Relationships is working closely with Nebraska Children's initiative, Communities for Kids (C4K), to maximize early childhood community planning efforts and resources. We continue to strategize on how to sequence our work in communities to streamline efforts and avoid duplication. A small work group focused on tribal early childhood efforts is working together to determine next steps as early childhood coordination support is scheduled to be offered to tribal communities; this provides an opportunity to strategically plan sequencing of early childhood offerings in communities. The addition of the Early Childhood Community Coordinators (ECCC) through Communities for Kids Plus (C4K+) funded by the PDG has also assisted in supporting sustainability efforts and enhanced coordination. Several communities utilize support from C4K+ and RiR to hire a full-time early childhood coordinator which enables early childhood initiatives to be under one "umbrella" in a community and create a single early childhood work plan supported by multiple funding sources and initiatives. This alignment has provided continuity within communities that supports an early childhood system rather than viewing funding as initiative specific with separate work plans and strategies. Eight RiR communities have integrated early childhood work plans.

Nebraska Child Care Referral Network

The Nebraska Child Care Referral Network (CCRN), *https://www.nechildcarereferral.org*, is a database website that was developed in response to the pandemic. During that time, many child cares closed either permanently or temporarily, which made it difficult for working parents to maintain care for their children. The CCRN allows parents and caregivers to look for care that meets their needs by filtering all licensed child care providers in Nebraska by many different preferences and then mapping the results. Rooted team members managed the initial development and have provided ongoing support to continue growing the CCRN. Through the CRRSA funding, Rooted was able to add a position to their team which is hybrid, providing 75% of their time to traditional Rooted projects and 25% to maintaining and growing the CCRN. When the CRRSA funding ends, the Rooted team and NC staff will work with partners to determine sustainability options which will possibly include moving the management of the CCRN to another organization.

Support of Equitable and Inclusive Practices

Nebraska Children and Families Foundation pursues individual, programmatic, and system-level change with the goal of ensuring equitable access to supports which promote well-being and positive outcomes for all. While this has been the mission always, in recent years NCFF, inclusive of RiR, has committed to an intentional focus on race, equity, diversity and inclusion.

RiR received additional ARPA funding from NDE to expand social-emotional supports to providers serving children who have been disproportionally affected by the COVID pandemic. Rooted staff spent the last year building relationships with child care providers in Northeast Omaha neighborhoods. Through time and a contract with a trusted voice in the community, child care providers in the area have become more open to partnering with Rooted. In June 2022, both the Pyramid Model and Circle of Security were presented as resource options for the community and several centers voiced their desire to implement the Pyramid Model in their programs starting in 2023. Coaches have been recruited from the community and RiR staff are working with MMI to build capacity of TPOT and TPITOS observers who reflect the cultural diversity of the children, families, and child care providers with whom they are working.

Professional Development and Exploration

- Nebraska Children's Race Equity Diversity Inclusion (REDI) Team has been establishing a way for staff to provide continuous feedback, have an open dialogue, and ask questions about NCFF's role and work to promote diversity, equity & inclusion and to address disparities in outcomes for children and families from different racial and ethnic groups. This includes a monthly open meeting for discussion.
- Quarterly sharing of professional development, learning around REDI-all NCFF staff.
- Rooted staff attended Race Equity Institute.
- Supported the Nebraska Association for Infant Mental Health's webinar, "Thinking Small, Building Big: A Celebration of Infant Mental Health in Nebraska and Our Path to Endorsement."
- Year three training: UNL Extension is developing an additional training focused on equity which is scheduled for completion and use in 2023 entitled; "Equitable Teaching in Early Care and Education: Reflection and Practices".
- Sponsoring Keynote and Workshop presenter as part of the Nebraska Young Child Institute (NYCI), June 2022. Dr. Walter Gilliam presented:
  - Keynote topic: Suspensions, Expulsions, and the Role of Implicit Bias in Early Childhood Settings
  - Intensive Workshop: Constructive Ways to Understand and Communicate the Concept of Bias
- The day following the NYCI, Dr. Gilliam provided six hours of training to early childhood coaches:
  - Topic – Helping Coaches Identify and Coach Through Biases

The Nebraska Early Childhood Coaching Guidebook: Competencies for Professional Practice

- Rooted in Relationships staff are highly engaged as part of the CDN, a subgroup of the Coach Collaboration Team. In 2021, this group began making edits to the newly published Nebraska Early Childhood Coaching Guidebook: Competencies for Professional Practice in an effort to include coaching strategies and practices that are specific to ensuring equity and inclusion in early childhood settings. These edits, along with the brand new fifth domain of the competencies titled "Coaching for Equity" were added to the document in 2022.

Evaluation

- As part of Rooted data collection, expulsion and suspension data inclusive of race, ethnicity, and gender, is tracked. While these numbers are small, we continue to monitor and collaborate individually with communities to address disparities that may be noted.
- The Rooted team, collaboratively with evaluation staff, continue to review evaluation tools completed by Rooted providers and coaches to consider ways that additional information could be collected that would help Rooted staff, coordinators, and coaches to better understand issues that may impact equity in their communities.
- A password protected portal was created on the Rooted website, which better allows coaches and coordinators to access data evaluation tools. Coaches and coordinators can now access all evaluation tools in one central location.
  https://rootedinrelationships.org/resources/process-guide/coach-and-trainer-information.html

Statewide Leadership Team

- The Pyramid State Leadership Team (PSLT), which is co-led by RiR staff, identified three members to participate in a national training series through The National Center for Pyramid Model Innovations called "Equity and the Pyramid Model." This four-part series allowed the identified members to participate in a presentation by The Children's Equity Project on their recent report, "Start with Equity: 14 Priorities to Dismantle Systemic Racism in Early Care and Education" and go through a series of reflection tools and collaboration with other states. The presentation was recorded and shared with

the entire State Leadership Team. The Leadership Team had been using a variety of documents and resources to evaluate and edit their existing work plan to include specific strategies focused on equity and the Pyramid Model.

Intentionality around language

- Intentional focus on translation of materials, as stated previously in process of translating Pyramid Modules to Spanish and embarking on translation of other Rooted materials, inclusive of PIWI and Circle of Security.
- Active recruitment of bilingual coaches to ensure materials and coaching are available in home language.

The Rooted in Relationships website is regularly updated with information to assist the communities in their work (see *http://rootedinrelationships.org/resources/process-guide*). In 2021, the website was revamped to make it more user-friendly in accordance with recommendations from community coordinators. The RiR website also includes general information on social-emotional development, contact information for communities, and other available resources. For an update on activities planned for 2022-2024, see (Appendix F).

Appendices

Appendix A: RiR Growth Map

Appendix B: RiR Package Flow Chart

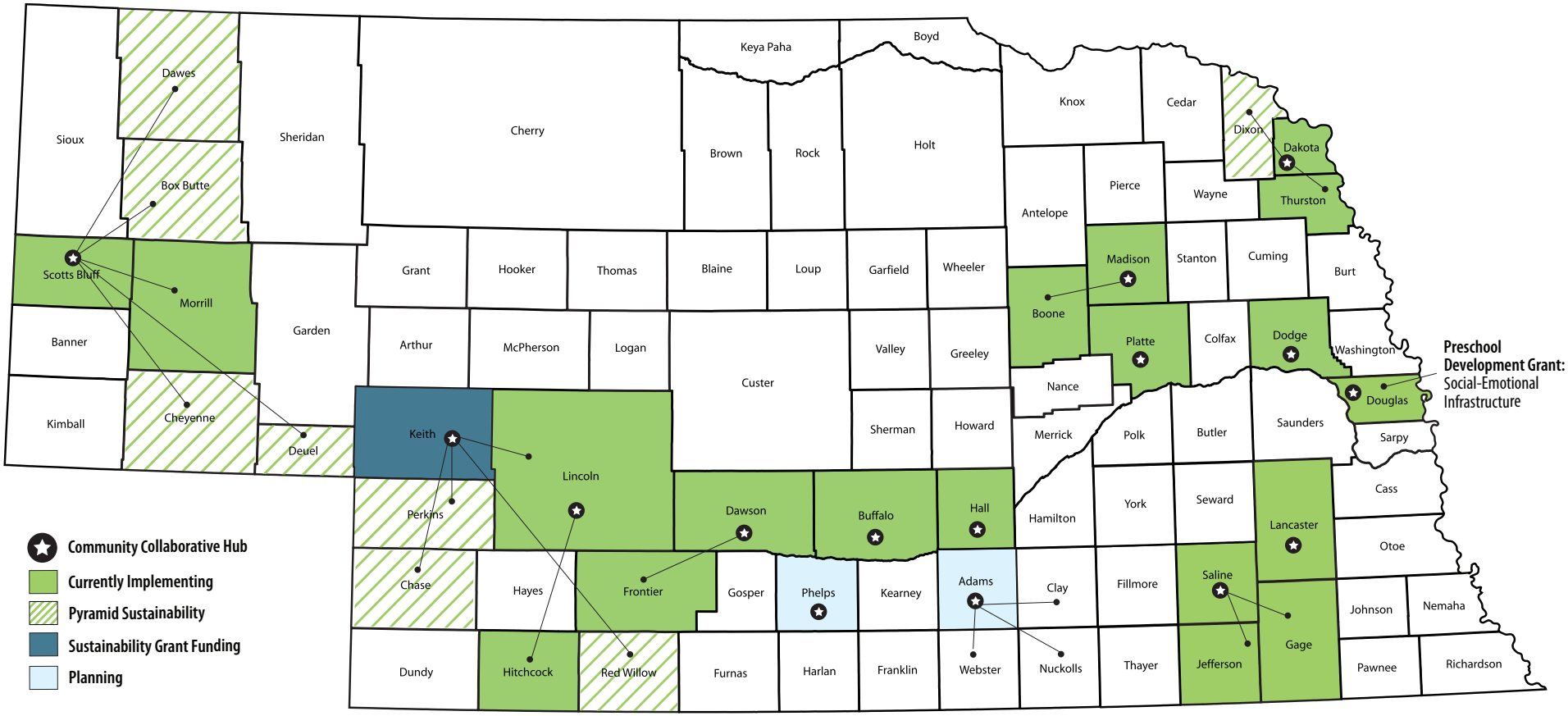
Appendix C: RiR Community Implementation Progression

Appendix D: RiR Community Update Table

Appendix E: Statewide Infrastructure Transitions

Appendix F: Scope of Work Update 2022-2024

Rooted in Relationships Growth Map (Current)



Last update: 08/25/22

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Community Data Gathering
To identify strengths, assets, and critical gaps in community services and systems for young children in order to make informed recommendations for action and to build community awareness.

Timeline: Ongoing through planning period

Who participates: Community Stakeholder Team and Others as Needed

Selection of a Systems Priority
To select a systems priority and implement evidence-based practices that will address the needs identified through community data analysis.

Timeline: By the end of Year 1

Who participates:
Community Stakeholder Team

Pyramid Model Planning
To plan for the three year Pyramid Model implementation cycle, including recruiting and training a community-based coaching team, recruiting participating child care providers, and setting up the infrastructure supports necessary to ensure fidelity to the Model.

Timeline: Ongoing through the planning period

Who participates:
Community Stakeholder Team

Community Work Plan

Early Childhood Systems

Implementation of Systems Strategies
To influence change in the early childhood systems within the community that affect social emotional outcomes by implementing the systems strategies outlined in the community work plan.

Timeline: Ongoing throughout the grant period

Who participates: Community Stakeholder Team and others as needed

Pyramid Model Implementation

Training
To share the Pyramid Model framework and content in order to support provider readiness for implementation of practices and application of knowledge and skills.

Frequency:
4 Trainings and Director Training in Yr 1
3 Trainings in Yr 2
2 Trainings in Yr 3

Who participates:
Providers, Directors and Coaches

Coaching
To promote growth and change the knowledge and skills of providers in order to effectively implement and sustain Pyramid Model practices.

Frequency:
- 2.5 hrs/mo in Yr 1
- 1.5 hrs/mo in Yr 2
- Min. of 6 hrs/ max. of 12 hrs completed throughout Yr 3

Who participates:
Providers

Coach Consultation
To ensure high-quality coach support to the provider by identifying the coach's thoughts, feelings, and experiences related to coaching and how they affect the coaching relationship.

Frequency:
Monthly

Who participates:
Coaches with Rooted in Relationships Reflective Consultants

Provider Collaboration Meetings
To promote a community of peer learning which leads to sustainability and continuous quality improvement in practice.

Frequency:
- Minimum of 6/ maximum of 12 meetings per year

Who participates:
Providers and Coaches

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ROOTED IN RELATIONSHIPS COMMUNITY IMPLEMENTATION PROGRESSION

Initial Selection and Offer	Planning (1 year)	Implementation	Winding Down	Sustainability
Rooted Advisory Group makes the decision about which community to offer the opportunity to implement Rooted based on: • Community Capacity • Community prioritization of social-emotional work • Other NC initiatives present • Data showing need Rooted is offered to the community. If they accept, the stakeholder group determines the best fit for a fiscal agent and hires a coordinator. This community is considered a Rooted in Relationships Hub.	The community stakeholder group: • Completes the Early Childhood System of Care Assessment or equivalent – The determination about equivalent assessments will be made by the community and their technical assistant • Determines strategies to address gaps in their community ECMH system • Recruits and hires coaches • Recruits and selects child care providers • Develops a community work plan including evaluation and corresponding budget for implementation	9-15 community child care providers in each cohort attend training and are coached on implementing the Pyramid Model in their home or center for 3 years. Expansion opportunities are offered in year 2, such that year 3 for one cohort and year 1 of the next cohort happen simultaneously. If a community chooses not to expand, they are offered the opportunity to add more providers again in year 3. Once they feel they have offered the opportunity to all available providers in their community, Hub communities are encouraged to expand to providers outside their community. These other areas covered by a hub are called spokes. One or more systems strategies are implemented and evaluated in the community to enhance early childhood systems related to ECMH.	After a center has sent providers through in two separate cohorts, the coordinator will have conversations with that center about how to sustain Pyramid, such as: • Training the center director or other staff as a coach • Training the center director or other staff in Reflective Consultation If they haven't already, community stakeholder groups should consider educating themselves on sustainability strategies such as partnering with schools, Head Start, or other community agencies. They should also consider attending policy training to better understand how to engage state and local leaders on EC issues. When communities begin to have fewer new centers/homes apply, conversations with the community may begin regarding the move to sustainability and plan for continuation of implementation and coordination in spoke communities. The conversation about sustainability may also begin when communities have built significant capacity and/or the community has embedded systems strategies.	When a hub has moved to a new community, stakeholders in the old hub community are encouraged to continue meeting to work on early childhood goals and systems in their community. The stakeholder group is offered the opportunity to apply for a mini-grant of no more than $10,000 to sustain social-emotional professional development opportunities and continue systems building. Applications for mini grants will be submitted annually and, upon review, may be funded between 1-3 years following completion of the last Pyramid cohort. Application information and guidance on allowable expenses are provided by Rooted staff upon request.

All Rooted in Relationships activities are dependent on funding availability.

Last updated: 12/09/21

Cohort 1 Communities: Implementation began in 2014

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Dakota County

Backbone Agency: Siouxland Human Investment Partnership (SHIP)

Pyramid Model

- 2014-2017 - Initial provider group completed
- 2016-2019 - 2nd provider group completed
- 2017-2020 - 3rd provider group completed
- 2019-2022 - 4th provider group (Double) half completed
- 2022 - 5th provider group, currently in year 1 (12 total providers); ½ of 4th provider group in year 3 (16 providers)
- Three coaches (2 mental health practitioners, 1 early childhood specialist)
- Currently Serving Dakota, and Thurston Counties. Previously supported Dixon County

Systems Work

- Parent engagement strategies include offering a variety of parent engagement opportunities and classes, including the creation of Social-Emotional area at library & community book walk
- Early childhood social-emotional screening coordination in partnership with school
- Strategy with health systems. Physicians "prescribing" reading at well child checks - Rooted providing SE books
- Positive Solutions for Families Pyramid Parent Modules offered

Dawson County

Backbone Agency: Two Rivers Public Health Department

Pyramid Model

- 2014-2017 - Initial provider group completed
- 2016-2019 - 2nd provider group completed
- 2018-2021 - 3rd provider group completed
- 2020 - 4th provider group, currently in year 3; 5 providers and 3 directors
- Three coaches (2 early childhood specialists (one bilingual), 1 mental health specialist)
- Serving Dawson and Frontier Counties

Systems Work

- Parent Engagement via Circle of Security Parenting classes offered on a routine basis within the county inclusive of classes offered in Spanish and Positive Solutions for Families Pyramid Parent Modules offered
- Public Awareness Campaign - Social emotional backpacks in library to check out
- Collaborating to support building the capacity of a Spanish speaking coach with 4 new home providers

Saline County

Backbone Agency: Public Health Solutions

Pyramid Model

- 2014-2017 - Initial provider group completed
- 2016-2019 - 2nd provider group completed
- 2018-2021 - 3rd provider group completed
- 2020 - 4th provider group, currently year 3: 2 child care centers (3 providers), 3 family home child care providers, with support to 1 school district preschool teacher
- Four coaches (3 early childhood specialists, 1 Mental Health provider)
- Serving Saline, Jefferson and Gage Counties

Systems Work

- Parent engagement via Circle of Security-Parenting offered over a 5-county area. PCIT offered in Jefferson County. Positive Solutions for Families Pyramid Parent Modules offered collaboratively with the public school. Partnering with Crete Sixpence to offer Parents Interacting with Infants (PIWI) to Sixpence parents
- Providing additional mental health supports to Rooted providers
- Community coordination of early childhood screening with Sixpence
- Public Awareness Campaign - print materials, radio spots, presence at community events to share why social-emotional development is important. "Pyramid Week" held during the first week of school.

Cohort 2 Communities: Implementation began in 2015

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Dodge County
Backbone Agency: Fremont Area United Way

Pyramid Model	Systems Work
• 2015-2018 - Initial provider group completed • 2018 - 2nd provider group completed • 2022 - 3rd provider group, currently in year 1 9 child care center providers and 1 public preschool teacher • Four coaches (3 early childhood specialists, 1 mental health provider)	• Focusing on expanding access to initiatives that promote building quality in early childhood settings (like Rooted in Relationships and Step Up to Quality) to the Spanish speaking providers in their community • Working to connect early childhood providers and the community collaborative partners to support the social emotional well-being of all young children in the community • Looking to increase parent and community engagement with PIWI, COSP, and Parent Pyramid modules

Hall County
Backbone Agency: Grand Island Public Schools

Pyramid Model	Systems Work
• 2015-2018 - Initial provider group completed. • 2019-2022 - 2nd provider group completed. • 2021 - 3rd provider group (double expansion), currently in year 2: 10 centers (20 providers and 6 directors) and 3 home based providers. • Four coaches (3 early childhood specialists and 1 mental health practitioner)	• Coach collaboration across initiatives in Hall County – EDN, Sixpence, Step up to Quality and Rooted • Child Care Director Collaboration meetings • Professional development for center directors to attend training • Parent Pyramid Modules • Newly adding PIWI

Lancaster County
Backbone Agency: Nebraska Association for the Education of Young Children (NeAEYC)

Pyramid Model	Systems Work
• 2015-2018 - Initial provider group completed • 2017-2020 - 2nd provider group completed • 2019 - 3rd provider group completed (double expansion) • 2021 - 4th provider group, currently in year 2: 7 centers (7 lead teachers, and 3 directors), 2 family child care homes • Four coaches (2 mental health practitioners, 2 early childhood specialists).	• Support system coordination and evaluation for Circle of Security-Parenting within the County. • Coordinate the work of the Rooted in Relationships initiative within the Access to Quality Childcare workgroup of the Lincoln Early Childhood Network (LECN). • Develop a process to pilot in partnership with the Regional Early Childhood Coach Coordinator to support directors/internal coaches in three child care centers to address sustainability of the Pyramid Model • Support parent engagement through provision of Positive Solutions for Families Pyramid Parent modules and Parents Interacting with Infants (PIWI) • Support an emergency alert system that notifies child care providers when there is a threat nearby and they need to initiate a lockdown or lockout protocol • Partner with the Lincoln Children's Museum to create a Social/Emotional "School Readiness Checklist" that children can participate in with their families at the museum. • Develop and distribute Social/emotional backpacks that are provided, with a short training, to any Lancaster County provider that is interested after attending a Social Emotional Early Learning Guidelines Training.

Cohort 3 Communities: Implementation began in 2017

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Buffalo County

Backbone Agency: Buffalo County Community Health Partners

Pyramid Model

- 2017-2020 - Initial provider group completed
- 2019-2022 - provider group completed. (double expansion)
- 2021 - 3rd provider group, currently in year 2: 2 family child care home, 9 centers (17 lead, 2 assistant teachers, and 2 directors)
- Four coaches (3 early childhood specialist, and 1 mental health practitioner).

Systems Work

- Public Awareness campaign about social emotional development in children birth-8, specifically focused on parents, physicians
- Circle of Security Parenting infrastructure
- Director Collaboration Group (Additional support for directors, mirroring the Providers Collaboration Group)

Keith County to Lincoln County

Backbone Agency: Educational Service Unit (ESU) #16

Pyramid Model

(Hub transitioned from Keith County to Lincoln County in 2022)

- 2017-2020 - Initial provider group completed
- 2019-2022 - provider group (double) completed
- 2021 - 3rd provider group, currently in year 2: 2 family child care homes, 7 centers (8 lead teachers and 3 directors)
- Four coaches (3 early childhood specialists, and 1 mental health practitioner)
- Currently serving Lincoln and Red Willow Counties. Previously supported Keith, Chase and Perkins Counties

Systems Work *Lincoln County*

- Parent engagement, supporting Circle of Security Parenting, Parent Pyramid Modules, and other family oriented events in Lincoln County
- Complete in 2022 the early childhood systems of care to further develop work plan

Systems Work *Keith County*

- Continued Pyramid Model training/coaching
- Parent engagement, supporting Circle of Security Parenting, Parent Pyramid Modules, and family events
- Mental health, supporting trained mental health practitioners in early childhood modalities

Cohort 4 Communities: Implementation began in 2018

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Nebraska Panhandle
Backbone Agency: Panhandle Partnership

Pyramid Model	Systems Work
• 2018-2021 - Initial provider group completed • 2021 - 2nd provider group, currently in year 2; 1 home based provider, 4 centers (6 providers), and an additional 4 Head Start classrooms • One coach (1 main "Rooted" coach who is early childhood specialist, a coach support that is a mental health provider) • Currently serving Scotts Bluff and Morrill County Previously supported Box Butte, Cheyenne, Dawes, and Deuel County	• Connected with the 0-8 subgroup of the Panhandle Partnership • Supporting parent engagement with the use of the Parent Pyramid Modules • Collaboratively supporting a local Head Start program with Pyramid Model coaching

Cohort 5 Community: Implementation began in 2020

Madison County
Backbone Agency: Norfolk Family Coalition

Pyramid Model	Systems Work
• 2020 - Initial provider group, currently in year 3: 3 family child care homes (4 providers), 1 child care center (3 providers, 1 director) • 2022 - 2nd provider group,3 family child care homes, 3 child care centers (12 providers, 3 directors) • Two coaches (1 early childhood specialist, 1 mental health provider) • Currently serving Madison and Boone Counties	• Partner with communities for kids on enhancing quality • Parent Pyramid Modules • Social-Emotional Backpacks

Cohort 6 Community: Implementation to begin in 2021

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Platte County

Backbone Agency: Community and Family Partnership

Pyramid Model	Systems Work
• 2021 - Initial provider group, currently in year 2: 4 family child care homes, 4 child care centers (5 lead teachers, 1 assistant).	• ASQ-SE Training • Provider recognition • Early Childhood career path work with schools • PIWI

Douglas County

Backbone Agency: OneWorld

Pyramid Model	Systems Work
• 2021-Initial provider group, currently in year 1: 9 family child care home providers, 2 centers (3 providers, 2 director). • Four coaches (all bilingual: 2 early childhood specialists, 2 mental health providers).	• Translating Pyramid modules and some Rooted documents into Spanish • Will begin planning for Parent Pyramid Modules in 2022 to deliver in 2023.

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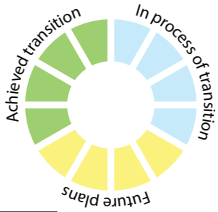

Statewide training infrastructure		
Task	**Who led previously**	**Who leads now**
Pyramid Training of Trainers (ToT)	RiR	RiR /NDE Co-Lead
Pyramid Modules	RiR houses modules, RiR provides and monitors access	ECTC houses modules and provides access,RiR/NDE Co-Lead access monitoring
Task	**Who leads now**	**Future lead**
Pyramid Module Training	RiR in communities	ELC Partners sponsor training posts, RiR in communities support new staff in centers
TPOT/TPITOS Trainings	RiR	RiR/NDE Co-Led

Statewide coaching infrastructure		
Task	**Who led previously**	**Who leads now**
Coach Collaboration Team	RiR	RiR /NDE Co-Lead
Task	**Who leads now**	**Future lead**
Coach Training (EC, Pyramid, SUTQ, Boosters)	RiR	NDE Coach Collaboration Specialist in partnership with Systems Infrastructure Group
Coach Development Network	Co-led by partners; Backbone support RiR	Co-led by partners, Backbone support by NDE Coach Collaboration Specialist
Coaching Hub for Statewide Implementation	Coach Collab. Team Co-led NDE/RiR	NDE Regional Implementation

Statewide evidence-based practices infrastructure		
Task	**Who led previously**	**Who leads now**
Pyramid Hub for State Wide Implementation	Pyramid Leadership Team Co-Led by NDE/RiR	Pyramid Leadership Team Co-Led by NDE/RiR, Four workgroups Co-Led by RiR and partners
COSP	RiR	RiR and COSP Leadership Team
Task	**Who leads now**	**Future lead**
Reflective Practice	RiR and Nebraska Reflective Practice Center	Nebraska Reflective Practice Center
Ongoing Infrastructure support to CCFL-NRPVYC (PCIT, CPP, Community of Practice)	RiR and CCFL-NRPVYC	CCFL-NRPVYC
Parents Interacting with Infants (PIWI)	RiR	RiR/CWB Co-Lead
NAIMH; Endorsement System	NAIMH Board and co-led by RiR and Extension staff, NCFF fiscal agent	TBD

Last update: 12/13/2

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2022-2024 Project Scope (Three Years)

RED-2022 Report of Activities

At end of each entry ($) indicates activities that Rooted in Relationships funds; other activities involve Rooted staff support.

Activity 1: Maintain and Expand Pyramid Model Implementation in Child Care Settings

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1a. Support communities as they expand to serve additional providers in their county or neighboring counties. New providers will be engaged for another three-year implementation cycle. It is expected that four established communities will expand twice, and seven established communities will expand once. In 2022, Madison County expanded within their county as well as taking on providers in neighboring Boone County, Dakota County expanded, and Dodge County began implementation with a new cohort of providers with Dakota and Dodge both including Spanish-speaking providers. $

1b. Expand Rooted in Relationships (RiR) to three new communities. To manage this workload, we will maintain 5.0 FTE staff to provide technical assistance and 1 FTE to provide support and grants management. Phelps County and South Central (serving Adams, Webster, Clay and Nuckolls) both accepted offers to begin the one-year planning process. Through an additional funding source (CRRSA/ARPA) granted by Department of Health and Human Services (DHHS) to RiR to continue the Social-Emotional Infrastructure work, an additional staff was hired (total staff, 7 FTE currently). The new staff will provide technical assistance to these two new communities as well as supporting work around the Child Care Referral Network (CCRN). $

1c. Develop regional Early Childhood and Pyramid Coach Training teams in partnership with Nebraska Department of Education (NDE). In 2022, there are three separate training teams consisting of both Early Childhood (EC) professionals and Mental Health Providers that can provide the **EC Coach Training**, which begins the regional system of training planned. As of 2022, there are two separate training teams that can provide the **Pyramid Coach Trainings**. $

1d. Training of additional coaches will be supported to continue to build local capacity and maintain sustainability of practices over the long-term. The Early Childhood Coach and Pyramid Coach trainings will be offered several times a year based on need in partnership with NDE (Step Up to Quality (SUTQ) and Part B-619). In 2022, three EC Coach and two Pyramid Coach Trainings were offered, all virtually. Thirty-nine professionals went through the EC Coach trainings, and twenty-eight professionals went through the Pyramid Coach training. Three trainings for 2023 are currently scheduled virtually. There are two additional trainings tentatively scheduled if the need arises. This increase will help meet the need across the state for more Early Childhood coaches. There are four Pyramid Coach Trainings scheduled for 2023, with one being in-person to meet the needs of various learning types.

1e. In partnership with NDE, maintain training and support of the Pyramid Model training modules for providers inclusive of birth – 5 in both home and center-based child care settings which have been developed and are in standardized use across Nebraska. In 2022, two Training of Trainers (TOT) were held for the first time since 2019 due to the pandemic and inability to shift this training to a virtual format. Sixty-four individuals were trained between both training sessions. Additionally, the Pyramid Modules are now housed at the Early Childhood Training Center (ECTC). The ECTC now also manages the list and training agreements of trained Pyramid Model trainers in the state. In 2022, all Pyramid Module trainings were added to the Nebraska Early Childhood Professional Record System (NECPRS) as NDE Sponsored Trainings, which allowed all the trainings to be pre-filled in NECPRS. This ensures that all Pyramid Module trainings entered across the state are identical in all NECPRS required fields. This change also allowed trainers access to enter their own trainings onto NECPRS. Fund trainers and provide staff for technical support in partnership with NDE.

1f. Continue to support coaches in the development and refinement of coaching skills through the Coach Booster Training Series offered to coaches at least twice a year. Booster trainings are developed based on feedback from coaches as well as the latest research related to effective coaching. In 2022, four Coach Booster Sessions were offered to coaches with the majority focused on the Coach Competency domains. For specifics related to the training offered, please refer to the annual report narrative. $

1g. Continue to support coaches to have the opportunity to attend Reflective Consultation training to enhance and develop coaching skills. In 2022, six coaches completed the process, and five are currently in their six month training period. Forty total coaches have been trained to date. Additionally, all Rooted coaches are supported with once/month reflective consultation sessions by one of five trained facilitators. Fund through contract with the University of Nebraska-Lincoln Nebraska Resource Project for Vulnerable Young Children (UNL-NRPVYC) in partnership with NDE and Munroe-Meyer Institute (MMI). $

1h. Support the development and promotion of the Nebraska Early Childhood Coaching Guidebook: Competencies for Professional Practice as a common set of principles or standards for coaching in early childhood education settings. Additional Coach Booster trainings that focus on the five domains of the competencies are offered to coaches throughout the year: Setting the Foundation, Co-Creating the Relationship, Facilitating Learning Through Coaching Strategies, Assessing the Success of the Coaching Partnership, and Coaching for Equity. In 2022, the fifth domain, "Coaching for Equity" was added to the Competencies. Domains 1-4 were presented as Coach Booster topics in 2022, each with three separate sessions for coaches to choose from. In June 2022, new coaches began receiving paper copies of the newest edition of the Competencies. Additionally in 2022, the Coach Development Network (CDN) created a website that acts as a coaching hub for coaches across the state. This website houses the Competencies as well as many additional resources for coaches and can be found at www.coachdevelopmentnetwork.com. Plans for 2023 include a Coach Booster on Domain 5, as well as ongoing training for Domains 1-4.

1i. Support coaches in use of their coaching data to facilitate fidelity to the coaching process. The Pyramid State Leadership Team (PSLT) Goal Group 3 continues to develop methods of support for coaches using their data. A need was identified for coaches to better understand Teaching Pyramid Observation Tool (TPOT) data without needing to complete the two-day training of observers. RiR and MMI are working together to create a short training that can be completed online at any time that would help coaches and directors better understand the TPOT as a tool and the data it collects. Several Rooted in Relationships coaches attended the Coach Booster Training on Coach Competencies Domain 4: Assessing Success of the Coaching Partnership. $

1j. Rooted in Relationships coaches (communities select) and staff will attend the National Training Institute-Addressing Challenging Behaviors Conference annually to stay apprised of current research and practices. In 2022 the National Training Institute-Addressing Challenging Behaviors Conference was held in person after a two-year conference hiatus due to the pandemic. RiR supported coaches, coordinators, trainers, and providers to attend (each Community must budget for a minimum of two participants), as well as three RiR staff members and one evaluator from MMI. Rooted in Relationships staff were asked to deliver three presentations at this national conference in 2022; Parents Interacting with Infants (PIWI) in Nebraska, Community-Wide Implementation in Nebraska which highlighted the work in Dakota County, and the work that Nebraska has done with the Pyramid State Leadership Team regarding data collection and equity work. Nebraska was invited to present again in 2023 on the work that the Pyramid State Leadership Team has done around equity, diversity, and inclusion. $

1k. Continue to participate and co-lead the Pyramid State Leadership Team (PSLT) to implement the Pyramid process consistently in a variety of settings. A Rooted team member co-leads the PSLT with a Nebraska Department of Education (NDE) staff member who is responsible for implementing the statewide Multi-Tiered System of Support (MTSS) Pyramid project. The PSLT has a work plan with four work groups carrying out strategies developed in the plan. In 2021 and 2022, the PSLT has had an increased focus on editing the workplan to ensure diversity, equity, and inclusion goals are written in. In 2023, the co-leads of the PSLT will be presenting at a national conference on their equity work of the PSLT. Goal Group 4 of the PSLT has planned a retreat for all PSLT members in March 2023, which will consist of a training on microaggressions by Dr. Ferial Pearson. $ at times, such as to support speaker.

1l. Continue to explore and document community wide Pyramid implementation; identify infrastructure needs to be addressed and creative intersections communities discover that can be replicated. The Rooted team continues to gather information from community innovation to explore and share with other communities. Community wide strategies are shared during quarterly meetings when all the Rooted coordinators and lead coaches are together with Rooted staff. In some regions, teams have formed (Early Learning Connection Coordinators, Early Learning Coach Consultants, new Educational Service Unit (ESU) Professional Development staff, and others) to develop a community wide Pyramid strategy. RiR staff will continue to learn, share and expand on this knowledge now that further regional capacity has been built.

1m. Continue to partner with Sixpence Child Care Partnerships (CCP) to offer communities the opportunity to engage in best practices and increase quality in center-based child care settings. Many Sixpence Child Care Partnership coaches attended the Pyramid Training of Trainers (TOT) this year. RiR and CCP are working together to determine best practices around seamless coaching between initiatives. Much of the guidance being developed refers to the successful pilot implemented in the Panhandle between these coaching initiatives.

1n. Focus on development of integrated early childhood work plans in communities across initiatives. Of the thirteen communities currently implementing the RiR package, eight have integrated work plans across EC initiatives.

Activity 2: Expand the Capacity for Delivery of Evidence-Based Practices influencing Early Childhood Mental Health (ECMH)

2a. Focus on building Early Childhood Mental Health (ECMH) infrastructure through coordination of efforts with regional and state partners to adequately support and sustain implementation at the state, community, program, and family level. As mentioned in 1l, regional work is occurring. Additionally, Rooted continues to partner with NRPVYC at UNL to train and support the ECMH workforce. This year they partnered on an application to the Behavioral Health Education Center of Nebraska (BHECN) to further workforce support. As stated elsewhere, connections with multiple partners at all levels are ongoing and under constant development. $

2b. Continue to partner and support training of additional therapists in Child Parent Psychotherapy (CPP) and Parent Child Interaction Therapy (PCIT) as well as offer additional opportunities for them to enhance their skills and receive support as a practitioner. In 2022, UNL-NRPVYC trained practitioners in these therapy modalities: CPP-42, PCIT-32. Practitioners were offered support through Counselor Cafes, reflective practice and webinar training series.

2c. Continue to participate as members and co-lead of the Coach Collaboration Team (CCT) and engage on both subgroups (Systems Infrastructure and Coach Development Network (CDN)) to refine standardized processes for coach training (initial and ongoing), methods of communication among coaches, strategies for reducing provider coaching overload, and alignment of coaching processes and practices across initiatives. These teams continue to provide the venue for communication and collaboration across coaching initiatives. The work of these teams is outlined in the report narrative and throughout this document.

2d. Partner to build the statewide capacity for reflective consultation via additional training across systems. Maintain the current group of eight (soon to be eleven) trainers and offer additional opportunities for those to both be trained in and/or receive reflective consultation. Continue to monitor (and support) the need for additional trainers in both the practitioner and supervision model. $

2e. Continue to support Circle of Security Parenting (COSP) implementation fidelity through the use of reflective consultation, fidelity coaching, and additional training opportunities. Facilitators were able to participate in any number of twenty-four offered reflective consultation sessions throughout the year, three fidelity coaching opportunities, or two training series. Over thirty facilitators participated in reflective consultation, thirteen completed fidelity coaching, and thirty-seven participated in the training series. $

2f. Lead the COSP Statewide Leadership Team by implementing the developed work plan to support facilitators in the field and develop necessary infrastructure to ensure success, this includes meeting with Department of Health and Human Services (DHHS) personnel across divisions to fund common strategies and coordinate access to COSP at the community level. Four COSP Leadership team meetings were held and included partners from DHHS, Nebraska Association for the Education of the Young Child, Early Development Network, Head Start, etc. Additionally, new funding opportunities were explored and applied to enable further expansion.

2g. Develop tools and support for Circle of Security Classroom(COSC). Expand the current group of facilitators that have this endorsement and offer support so that early care professionals can participate. Ten additional facilitators were trained in COSC in 2022, bringing Nebraska's total to forty. Monthly reflective consultation, and a session of fidelity coaching were all supported for facilitators who offer COSC. Preschool Development Grant (PDG) funding has supported over 25 programs in 2022, in addition child care providers receive a stipend for completing the program. $

Activity 3: Support Policy Development that Directly Impacts Early Childhood Mental Health

3a. Continue to participate and bring recognition to early childhood mental health (ECMH) systems needs in state level System of Care planning and implementation led through Nebraska DHHS, Division of Behavioral Health (DBH). As the Division of Behavioral Health reevaluates their plan and thinking for System of Care, the Rooted team, and System of Care administrator at DBH communicate regularly about ECMH system needs.

3b. Collaborate with First Five Nebraska (FFN) on a policy agenda related specifically to early childhood mental health/social emotional development. Several meetings have been held to share information with FFN staff about the current status of ECMH in Nebraska and identified gaps and barriers.

3c. Continue to meet with the Nebraska Early Childhood Partners to develop a policy agenda in Nebraska related to supporting quality environments that include social emotional components. Rooted staff participate in monthly meetings to share information and identify areas of collaboration.

3d. In partnership with NDE, continue to build upon existing Early Learning Connection (ELC) Coordinator and Early Learning Connection Coach Consultant (ELCCC) infrastructure for professional development to include coach training, coordination and support at a regional level as well as

embedding Pyramid training at a regional level. Members of the RiR team meet regularly with the ELC Coordinators and Coach Consultants to ensure cross-system communication and alignment. The ELCCCs assist heavily in planning the yearly Coach Boosters, and three out of five ELCCCs are trainers for the Early Childhood Coach Training or the Pyramid Coach Training. Additionally, many ELC Regions are offering Pyramid Model Training to providers in their respective regions in response to staff turnover and to promote sustainability.

Activity 4: Engage in State Level Collaboration across Systems

4a. Transition the quarterly Rooted in Relationships Implementation Team meeting that includes cross-systems stakeholders who collaborate regarding ECMH activities and initiatives statewide to Nebraska Association for Infant Mental Health (NAIMH) meetings. In 2022, this transition took place; quarterly meetings are occurring, anyone interested can attend the Infant/Early Childhood Partners meeting to share and learn without being a member of NAIMH. The NAIMH co-leads facilitate this meeting.

4b. Participate on various collaborative groups across systems to stay connected at the state and community levels. These include but are not limited to the: Early Childhood Interagency Coordinating Council (ECICC), Early Learning Connection Coordinators state partners meeting, Child Care Referral Network (CCRN) collaboration, Nebraska Early Childhood Partners, Connect the Dots, Nebraska Partnership for Mental Healthcare Access in Pediatrics (NEP-MAP), etc. Ongoing participation is occurring, and additional groups have asked for staff inclusion this year such as the Lead Prevention Advisory Group. Staff support. Additionally, continued engagement with the EC Huddle stakeholders, originally a daily pandemic related meeting, now meets once monthly with 50+ consistent participants.

4c. Continue work with the Nebraska Association for Infant Mental Health (NAIMH). RiR staff are collaborating to ensure messaging around Infant and Early Childhood Mental Health has continuity and supports NAIMH to bring individuals from multiple disciplines together to discuss, collaborate, and strategize new ways to support Infant and Early Childhood Mental Health across Nebraska. NAIMH continues to grow and has 158 members in 2022, up from 112 members in 2021. NAIMH members developed new materials geared towards child care professionals and parents. https://neinfantmentalhealth.org/resources/. A NAIMH annual retreat was held in October and sixteen members were in attendance. $

4d. Collaborate with NAIMH to offer Infant Mental Health Endorsement (IMH-E) to individuals across all disciplines interacting with young children and families through the Alliance for the Advancement of Infant Mental Health. IMH-E is open and available in Nebraska. Seven individuals were endorsed as part of the initial leadership cohort in Nebraska this year. Additionally, nine individuals have submitted their application for endorsement. Rooted supported staff time to provide four learning opportunities at conferences and webinars to share information related to endorsement, and staff

to attend the annual Alliance for the Advancement of Infant Mental Health Summit. $

Activity 5: Engage in Continuous Quality Improvement

5a. Continue to contract with the Munroe-Meyer Institute (MMI) to provide both process and outcome evaluation. MMI continues to manage third party evaluation for Rooted communities. This year a section for systems evaluation was added to the Pyramid Evaluation Guidebook to further support communities in facilitating the evaluation of the systems strategies they have chosen. $

5b. Implement ongoing evaluation and continuous quality improvement based on feedback from community stakeholders, coaches, and child care providers. Evaluation data inclusive of that from focus groups and stakeholder surveys is thoughtfully processed and changes are often initiated based on the feedback. Additionally, a statewide coach survey led by UNL was developed including feedback from the CDN. Information gathered will be utilized for Continuous Quality Improvement (CQI) related to coaching.

5c. Continue to build statewide capacity for Teaching Pyramid Observation Tool (TPOT) and Teaching Pyramid Infant-Toddler Observation Scale (TPITOS) assessments by supporting interested coaches to attend the necessary training and offering training, as needed, in cooperation with NDE. A TPOT training was held in June in Kearney, Nebraska. Ten new observers attended the training and completed the final exam. In August, a TPITOS training was held in Fremont, Nebraska. Ten new observers attended and completed the exam. Interested persons can also take the TPOT and TPITOS training as a pre-session at the NTI conference, however at this point Nebraska is able to conduct these trainings in-state and at a reduced cost compared to the national trainings so nearly all Nebraskans are now trained in state. $

5d. Continue use of evaluation tools and processes developed for COSP that are being utilized by RiR sites, Community Well-Being Collaboratives, Nebraska Extension Educators and COSP Facilitators across the state. Support development and dissemination of biennial evaluation report. COSP and COSC data was collected throughout the year by MMI and supported by Rooted. In early 2023, the COSP evaluation report will be completed for the 2021-2022 years. $

5e. Develop standardized practices, when applicable, to evaluate systems-level strategies in communities. As mentioned in 5a, a systems guidebook was developed this year and was shared with communities to assist in communication about systems level strategy evaluation. https://rootedinrelationships.org/resources/process-guide/evaluation.html $

Activity 6: Support Equitable and Inclusive Practices

6a. Identify and pursue opportunities that promote equity in implementing Pyramid practices in communities. Through varied funding sources, Nebraska Pyramid training materials were translated into Spanish which has allowed communities to identify Spanish-speaking providers in their community to include in their provider cohorts of implementation. $

6b. Collaborate with system partners to translate early childhood mental health resources and materials into Spanish. NAIMH resources, PIWI materials, and Pyramid training curricula for childcare providers and families were translated into Spanish. $

6c. Review evaluation tools completed by RiR providers and coaches to consider ways that additional information could be collected that would help RiR staff, coordinators, and coaches to better understand issues that may impact equity in communities. This year the RiR team worked closely with all coaching initiatives across the state to update and prepare a statewide coaching survey to be sent out to all early childhood coaches. This survey is expected to be sent out in 2023 and will collect demographic information on coaches for the first time. This will help RiR and other initiatives to compare the demographic information of the coaches to the providers and children being served.

6d. Continue to collect and review data related to suspensions and expulsions for child care providers participating in RiR. Rooted continues to collect and respond to this data reported by RiR coaches. The total number of suspensions and expulsions remains very low, so aggregate data is not shared widely, but communities are provided their own data around suspensions and expulsions and are offered TA if this is something they want to continue to address. $

6e. Collaborate with other initiatives such as Sixpence to address suspension and expulsion concerns noted in data. We have not begun these conversations to date.

6f. Support the recruitment and training of individuals that speak languages other than English in ECMH practices such as COSP, Child Parent Psychotherapy (CPP), Reflective Practice (RP), Parents Interacting with Infants (PIWI), and Parent Child Interaction Therapy (PCIT). This year the PIWI team brought on a new trainer who will be able to complete the training of facilitators in Spanish once all materials are translated which is expected in 2023. Only recently did PIWI trainers begin capturing languages other than English spoken by facilitators, but anecdotally we know that several trained facilitators speak Spanish and one speaks Arabic. In 2022, new COSP Facilitators were supported to be trained that speak Arabic, Dari, Farsi, Karen, Pasto, Nuva, Spanish, Thai, and Vietnamese. Evaluation materials for COSP were translated into these languages and materials were obtained from Circle of Security International (COSI). $

6g. Continue to participate as members of the Coach Development Network to embed coaching practices focused on diversity, equity, and inclusion into The Nebraska Early Childhood Coaching Guidebook: Competencies for Professional Practice, including adding a fifth domain: Coaching for

Equity. The fifth domain was added this year with plans to present to coaches through Coach Booster training are planned for 2023.

6h. Lead the State Pyramid Leadership Team in evaluating the work plan to ensure prioritization of equitable practices in statewide Pyramid Model implementation. A moment of reflection has been added to start the agenda at every quarterly PSLT partners meeting to think about our work and center ourselves around promoting equity. Goal Group 4 is also reviewing the language of the mission and vision statements with an equity lens.

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 9, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Lupe Stevens, Program Director of Transition
Lindy Foley, Office Administrator of Nebraska VR

PROPOSED AGENDA ITEM: Authorize the Commissioner to contract with Public Consulting Group from April 17, 2023-August 30, 2023

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION: In February 2023, Nebraska VR requested proposals to develop a rate setting methodology to determine costs of:

- providing worksite skills training (WSST) to Nebraska VR potentially eligible and eligible students with disabilities; and
- assisting in the development of standard qualifications and training materials for worksite skills trainers.

This includes a comprehensive review of WSST activities currently provided, the standard qualifications for worksite skills training, collections of provider costs and analysis, rate recommendations for services, development of training materials to be used for training providers, and projected fiscal impact to the agency.

Two proposals were received, reviewed and scored. Public Consulting Group, LLC (PCG) scored the highest and was selected by Nebraska VR. PCG previously worked with Nebraska VR to develop rate setting methodologies for supported employment and self-employment. PCG has provided rate setting projects in states such as Michigan, Ohio, Florida, and Texas. PCG's staff has a combined 50+ years of experience partnering with service agencies to improve financial operations and outcomes for individuals with disabilities.

The anticipated contract duration is April 17, 2023 to August 30, 2023.

PCG and Nebraska VR will have on-going status meetings throughout the course of the project. In addition, PCG will provide training and technical assistance to Nebraska VR staff and providers.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: $137,256.00

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Rehabilitation Services – Vocational Rehabilitation Grants to States 84.126A

TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

- New or Renewal: New

- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Competitive Negotiation

- Rationale for method of procurement: A Request for Proposals was publicly posted on the websites of the Nebraska Department of Administrative Services, Nebraska Department of Education, and Nebraska VR. The RFP was also shared on VR's Facebook, Twitter, and LinkedIN accounts. The proposals were reviewed and scored by a team of 6. This contract does not create an employee/employer relationship.

- Rationale for contractor selection: The PCG proposal earned the highest overall score. PCG was the only proposal with demonstrated experience developing a cost methodology for vocational rehabilitation rates. Additionally, PCG has completed two successful cost rate studies for Nebraska VR which gives confidence the work will be completed with the diligence and expertise outlined in the proposal. This contractor is familiar with Nebraska VR's case management data, rate structures, and operational policies and procedures. Based on the higher score and PCG's experience completing similar work for Nebraska VR and other state vocational rehabilitation agencies, PCG was selected for this contract.

TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

PROPOSED AGENDA ITEM RATIONALE

DATE: **March 24, 2023**

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Kristin Yates, Information Systems Officer
Tibor Moldovan, Office of Technology Services Administrator
Lane Carr, Policy and Strategic Initiatives Administrator

PROPOSED AGENDA ITEM: Authorize the Commissioner to contract with Janus Software, Inc. for information security assessment, disaster recovery planning and policy development.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION:
Technological innovation has expanded exponentially in recent years, bringing with it a significant increase in cybersecurity attacks intended to acquire data or impair key business processes. State government agencies and the education sector in general are not immune from these increasingly sophisticated cyberattacks. In 2022, United States government agencies were hacked via a vulnerability in network management software.[1] Closer to home, in early 2023 both the Des Moines Public Schools[2] and Minneapolis Public Schools[3] experienced ransomware attacks which impacted operations and resulted in the unauthorized release of data. NDE, like most education-related entities, holds a large amount of student, teacher and staff data that are integral to our daily business functions, compliance reporting requirements and in providing assistance to students, schools and school districts. NDE has both a legal and ethical obligation to ensure that we act proactively to ensure the security of the data we hold as well as responsibility for implementing preventative measures and engaging in comprehensive planning to ensure the continuity of our business operations. NDE currently maintains security controls aligned to the NIST 800-53 security framework[4] to safeguard our operations and data assets, but the use of third-party vendors to assess potential vulnerabilities is an industry-standard practice.

NDE is seeking to contract with Janus Software, Inc. to conduct an information security assessment and penetration testing on existing NDE networks and applications to gain a better understanding of any potential security vulnerabilities existing in NDE's network, IT infrastructure and applications. A copy of Janus Software's proposal is attached as Appendix A. Janus Software will provide a detailed report of any vulnerabilities discovered, assess the risks related to these vulnerabilities and facilitate planning for remediation implementation. Janus Software will also assist NDE staff in proactive business impact analysis,

[1] Cybersecurity: Federal Response to SolarWinds and Microsoft Exchange Incidents | U.S. GAO
[2] UPDATES: DMPS Network Outages and Interruptions - Des Moines Public Schools (dmschools.org)
[3] Updates: Restoring MPS Systems and Protecting Personal Data (mpls.k12.mn.us)
[4] SP 800-53 Rev. 5, Security and Privacy Controls for Info Systems and Organizations | CSRC (nist.gov)

TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

disaster recovery planning and additional policy development to help ensure NDE's capacity to respond to cybersecurity attacks or other potential disasters (e.g. pandemics, natural disasters) that could impact our services.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: $245,485.35

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: ESSER III Funds
- New or Renewal: New
- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Competitive Negotiation
- Rationale for method of procurement: NDE solicited proposals from multiple potential contractors via a publicly posted RFP. Conditions were not appropriate for the use of Sealed Bids and Small Purchase Procurement could not be used because the contract was expected to exceed $50,000.
- Rationale for contractor selection: Out of the fourteen proposals submitted, the evaluation committee rated the Janus Software, Inc. proposal the highest with an average score of 508.67 out of a possible 600 points.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

**Updated 02.07.2023*

TEL 402.471.2295
FAX 402.471.0117
P.O. Box 94987
Lincoln, NE 68509-4987
education.ne.gov

Appendix A

Information Security Assessment and Penetration Testing

Solicitation Number: NDERFP2212

Prepared for:
State of Nebraska
Nebraska Department of Education

January 23, 2023

Prepared by:
JANUS Software, Inc.
d/b/a JANUS Associates
2 Omega Drive
Stamford, CT 06907
Contact: Patricia Fisher
Phone: 203-251-0200
patfisher@janusassociates.com

CELEBRATING 30+ YEARS PROTECTING client data since 1988

Table of Contents

FORM A – CONTRACTOR PROPOSAL POINT OF CONTACT III

REQUEST FOR PROPOSAL FOR CONTRACTUAL SERVICES FORM IV

EXECUTIVE SUMMARY 1

CORPORATE OVERVIEW 5

CONTRACTOR IDENTIFICATION AND INFORMATION 5
FINANCIAL STATEMENTS 5
CHANGE OF OWNERSHIP 20
OFFICE LOCATION 20
RELATIONSHIPS WITH THE STATE 20
CONTRACTOR'S EMPLOYEE RELATIONS TO STATE 20
CONTRACT PERFORMANCE 20
SUMMARY OF CONTRACTOR'S CORPORATE EXPERIENCE 20
SUMMARY OF CONTRACTOR'S PROPOSED PERSONNEL/MANAGEMENT APPROACH 24
SUBCONTRACTORS 58

TECHNICAL APPROACH AND METHODOLOGY 59

PROPOSED PROJECT 59
APPROACH 59
TESTING METHODOLOGY 64
PENETRATION TESTING 66
APPLICATION ASSESSMENT 72
WIRELESS ASSESSMENT 73
SOCIAL ENGINEERING 74
RETEST 76
PHYSICAL SITE TESTING 76

POLICY PLANNING AND DEVELOPMENT 77

POLICY AND PROCEDURE REVIEW 77
BUSINESS IMPACT ANALYSIS 78
DISASTER RECOVERY PLANNING 84
PROCEDURES AND POLICIES TO COORDINATE RESPONSE, RECOVERY, AND RESUMPTION 88

PROJECT OUTCOMES 88

DELIVERABLES 88

PROJECT MANAGEMENT APPROACH 91

OPTIONS 95

REMOTE CONNECTION 95
DEVELOPMENT OF PLAN OF ACTION AND MILESTONES 95
ROADMAP DEVELOPMENT 95

PROJECT TIMELINE 96

RESOURCES NEEDED TO COMPLETE THE PROJECT 100

NDE RFP TERMS AND CONDITIONS - SECTIONS II – VI 102

JANUS EXPERIENCE AND CAPABILITIES 120

JANUS CAPABILITIES 124

DESCRIPTION OF ASSUMPTIONS 126

CLIENT DATA 128

OTHER ITEMS 129

SERVICE STRATEGY 129
VENDOR NEUTRALITY 129
BONDING AND BACKGROUND CHECK PROCEDURES 129
CHANGE ORDER PROCESS 129

APPENDICES 130

APPENDIX A – TOOLS 130
APPENDIX B – SAMPLE DELIVERABLES 136
APPENDIX C – CLIENT COMMENTS 191

FORM A – CONTRACTOR PROPOSAL POINT OF CONTACT

Form A
Contractor Proposal Point of Contact
Request for Proposal Number 2207

Form A should be completed and submitted with each response to this solicitation. This is intended to provide the State with information on the contractor's name and address, and the specific person(s) who are responsible for preparation of the contractor's response.

Preparation of Response Contact Information	
Contractor Name:	JANUS Software, Inc., d/b/a JANUS Associates
Contractor Address:	2 Omega Drive Stamford, CT 06907
Contact Person & Title:	Patricia A. P. Fisher, President & CEO
E-mail Address:	patfisher@janusassociates.com
Telephone Number (Office):	203-251-0200
Telephone Number (Cellular):	203-249-8900
Fax Number:	203-251-0222

Each contractor should also designate a specific contact person who will be responsible for responding to the State if any clarifications of the contractor's response should become necessary. This will also be the person who the State contacts to set up a presentation/demonstration, if required.

Communication with the State Contact Information	
Contractor Name:	JANUS Software, Inc., d/b/a JANUS Associates
Contractor Address:	2 Omega Drive Stamford, CT 06907
Contact Person & Title:	Jeannette Kearny, Proposal Manager
E-mail Address:	jeannettek@janusassociates.com
Telephone Number (Office):	203-251-0213
Telephone Number (Cellular):	703-927-4408
Fax Number:	203-251-0222

REQUEST FOR PROPOSAL FOR CONTRACTUAL SERVICES FORM

REQUEST FOR PROPOSAL FOR CONTRACTUAL SERVICES FORM

CONTRACTOR MUST COMPLETE THE FOLLOWING

By signing this Request for Proposal for Contractual Services form, the contractor guarantees compliance with the procedures stated in this Solicitation, and agrees to the terms and conditions unless otherwise indicated in writing and certifies that contractor maintains a drug free work place.

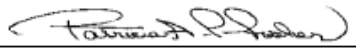
Per Nebraska's Transparency in Government Procurement Act, Neb. Rev Stat § 73-603 DAS is required to collect statistical information regarding the number of contracts awarded to Nebraska Contractors. This information is for statistical purposes only and will not be considered for contract award purposes.

N/A NEBRASKA CONTRACTOR AFFIDAVIT: Bidder hereby attests that bidder is a Nebraska Contractor. "Nebraska Contractor" shall mean any bidder who has maintained a bona fide place of business and at least one employee within this state for at least the six (6) months immediately preceding the posting date of this Solicitation.

N/A I hereby certify that I am a Resident disabled veteran or business located in a designated enterprise zone in accordance with Neb. Rev. Stat. § 73-107 and wish to have preference, if applicable, considered in the award of this contract.

N/A I hereby certify that I am a blind person licensed by the Commission for the Blind & Visually Impaired in accordance with Neb. Rev. Stat. §71-8611 and wish to have preference considered in the award of this contract.

FORM MUST BE SIGNED USING AN INDELIBLE METHOD (NOT ELECTRONICALLY)

FIRM:	JANUS Software, Inc., d/b/a JANUS Associates
COMPLETE ADDRESS:	2 Omega Drive, Stamford, CT 06907
TELEPHONE NUMBER:	203-251-0200
FAX NUMBER:	203-251-0222
DATE:	January 23, 2023
SIGNATURE:	
TYPED NAME & TITLE OF SIGNER:	Patricia A. P. Fisher, President & CEO

EXECUTIVE SUMMARY

JANUS Software, Inc., d/b/a JANUS Associates (JANUS) is pleased to present the Nebraska Department of Education (NDE) with this proposal for an Information Security Assessment and Penetration Testing of NDE's data centers. We have broad experience in assessing state environments and will bring that experience to this project.

JANUS was actually founded to perform security assessments and audits as one of our core specialties, in 1988. Our founder was in charge of IBM's own data security for Latin America and Canada and left to found JANUS to serve the growing needs of data security, before the term "cyber" existed. At that time, the focus was IBM mainframes where JANUS assessed many large corporate and government organizations. However, as the Internet came along, JANUS immediately embraced that technology and has progressed along with the growth of the Internet since that time – continuing with our security auditing and penetration testing of government agencies as well as across many other industries.

However, security testing has recently changed. Due to the complexity of today's environments, there is a severe shortage in technical assessment skills to do more than run automated tests. Our assessments and penetration tests also contain a highly technical bent so that you can determine what unseen, but very important, issues exist in your computing processes and practices. Without this element, there can be no sound security. Our clients are highly automated, and they cannot easily determine how adequate the security of their operations is without significant technical experts examining the unseen, internal operation of their environment. JANUS is assisting them to better protect by focusing our assessments on the technical as well as the managerial, operational, and environmental aspects of assessment that may be more traditional.

We have never veered from our cyber security roots. We are still security experts – but, today, in all the technologies that have come along in the last 30+ years and for all the regulatory standards that are currently in effect. We have the credentials, past performance, and high-quality reputation for producing thorough results that only seasoned security specialists can provide to this project.

The type of activities and testing that make up this project are what JANUS was founded to perform, and what we have continued to do for our entire history. We bring you extensive experience across a wide variety of client technical environments, so we see a broad array of problems. This provides us with deep experience in extremely detailed issues which we will bring to your project. We have recently signed similar contracts with Kansas, South Dakota, Minnesota, and Wisconsin, to name a few of your neighbors and will also serve you well.

JANUS' success in this industry has been based, to a great extent, on our care for our clients. This results from our flexibility to meet specific client needs (there are always twists and turns in any project); from our drive for high quality and thorough results; and for work with our clients as a partner. Together, these have led to a large group of very successful projects. Your expectations should be high with your cyber security partner and we will always strive to meet those. Our resources are very skilled and highly trained personnel who are employees, not subcontractors. Therefore, we can better control our drive for high quality and continuously increase our employees' skills. Just within the past few months we have completed similar projects for the Wisconsin Department of Health (a repeat client), the Indiana State Lottery Commission (the Hoosier Lottery) and many others.

We have a thorough methodology designed to ensure that we also focus on how someone might circumvent your processes and cause NDE harm. We also have processes explained more fully in a later section to produce quality results that are well written, technically correct, and thoroughly researched, including technical analyses.

We regularly perform our projects on-time because we have learned to break down our work into small segments which are able to be sized properly in our proposals. This results in a thorough understanding of what we need to do, assignment of the correct skills with which to do it, and development of thoughtful recommendations. Finally, by performing projects with our own employees, we bring a continuous level of excellence and experience to all our projects.

JANUS is the longest operating information security firm in America and has an extensive history of performing security/vulnerability assessments/audits and penetration testing. This longevity has allowed JANUS to train our employees over a period of many years in all the technologies that are needed. Since our founding in 1988, JANUS has remained a private, woman-owned small business that is focused on providing leading edge information security services and we have extensive experience in undertaking an assessment such as requested by the NDE. JANUS regularly provides similar types of services for federal, state and local government entities, utilities, private sector businesses, education, gaming/tribal entities, and not-for-profit organizations. Examples of recent similar projects include the State of Department of Information Technology; the Gila River Casinos; the Atlanta Regional Homeland Security Planning Commission; Massachusetts Water Resources Authority; New York State Insurance Fund; and the New York State Teachers' Retirement System, amongst many others.

We perform hands-on examination and thorough verification of your environment to be sure that our results are accurate. Unlike many firms, we ensure that we have found the source of the problem, not simply one of its symptoms so that you can accurately remediate it.

With this proposal we believe we offer exceptional value that is well above what is typically provided with such an engagement. JANUS is a quality-oriented consulting company. Therefore, we cannot necessarily compete as the lowest cost provider. However, we bring so much additional value that we

are truly the lowest Total Cost of Ownership company for our clients, in the long-term. Some of our unique capabilities are defined within this response but we would like to reiterate them here:

- Work that is far more detailed than most firms have the skills to provide;
- Findings that provide significantly more relevant and actionable information than is typical;
- Explanation of business risk to assist management (rather than simply technical staff) in understanding the significance of each vulnerability found as it relates to the NDE's specific operations and/or business;
- In technical examinations, hands-on manual manipulation and non-destructive testing to prevent system damage while minimizing "false positives" which, otherwise, the NDE would need to investigate after the project's completion;
- Knowledge transfer to enable NDE IT staff to continue advanced security analysis after we are finished; and
- Daily out-briefs and a comprehensive fieldwork debrief at the conclusion of field-work activities.

JANUS brings the NDE a full-service cyber security solution, focused on conducting security assessments of all types along with an understanding of security engineering and implementation of security solutions within an IT environment. Security audits/assessments have been our core competency for over 34 years. As such, we have a very well-honed hybrid methodology based on recognized industry testing standards and proprietary JANUS methods that have been utilized in many hundreds of similar projects, over the years. We will first prepare our test plan and Rules of Engagement (that we discuss with you) to guide our activities and ensure that the scope is what was intended. We will then begin the testing to determine what problems we can uncover as defined within the mutually agreed upon Plan. Following these efforts and the actual examination and testing, a detailed draft report will be prepared for review and comment by NDE staff. Upon completion of your feedback review the final deliverables will be prepared and delivered, as agreed to.

The report that JANUS will produce will contain thorough, detailed findings and recommendations that will provide the NDE with actionable results. These reports will allow NDE IT management to quickly understand each problem and determine what actions need to be taken. Our analysis and detailed reporting offers benefits many levels above those of our competitors and this has been confirmed to us by our clients. This level of excellence is the direct result of the decades-long experience of our team and the dedication that only a tightly focused group can offer.

We have the right people and expertise. JANUS' experience has been gained from a long history of successful "on-time, within budget" performance resulting in consistently high client satisfaction with a core focus on security and risk management. JANUS staff members possess many years of experience in projects like the one now contemplated by NDE, and we will bring a strong solution, by experts who work with this type of project on a daily basis.

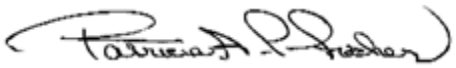
JANUS also has built a strong reputation for flexibility to meet client needs. This is due to the skills and professionalism of JANUS staff as well as our firm's dedication to being your partner and working with you to achieve the best result for you – all while remaining free of any vendor hardware or software affiliations, or any conflicts of interest.

We are a vendor-neutral firm, meaning that we have no auxiliary services that would compromise our testing and advice. Managed services, accounting, software companies, and legal firms are not specialists in security testing and assessments/audits or remediation advice. They all either focus on IT implementation or in other skills and state that they perform security assessments because clients ask for these services. However, JANUS was founded to perform security audits, vulnerability assessments, penetration tests, and security strategy, and has all the analytical skills required, not simply implementation skills. As a result, our clients find that our results are more focused, bring more insight, and are of a higher quality than other types of firms.

As the oldest continuously operating security consultancy in the nation, JANUS has an unblemished record of performance with our clients. JANUS is a certified woman-owned small business and is able to offer the highest quality services at low costs by carefully controlling our expenses and cash flow.

Thank you for allowing JANUS the opportunity to respond to this request. JANUS management and staff look forward to working with your team to meet your security goals and objectives and to exceed expectations as a service provider.

Sincerely,



Patricia Fisher
President and CEO

CORPORATE OVERVIEW

Contractor Identification and Information

The contractor should provide the full company or corporate name, address of the company's headquarters, entity organization (corporation, partnership, proprietorship), state in which the contractor is incorporated or otherwise organized to do business, year in which the contractor first organized to do business and whether the name and form of organization has changed since first organized.

JANUS Software, Inc., d/b/a JANUS Associates

Headquarters: 2 Omega Drive, Stamford, CT 06907

JANUS is a C Corporation formed under the laws of the State of Florida – established as JANUS Associates, Inc. on December 16, 1988 and incorporated as JANUS Software, Inc. on February 26, 1990.

Financial Statements

JANUS is a privately held corporation and does not release detailed financial statements. However, the length of the company's tenure (34 years) and the scope of clients and projects, demonstrate JANUS' financial viability (including the fact that we currently perform federal and state contracts as a prime contractor). As proof of this we are submitting, on the following pages, our Dun & Bradstreet Business Information Report which should provide NDE with an indication of our strong financial stability. JANUS will work with NDE to privately submit additional documentation if this becomes necessary.

dun & bradstreet

Business Information Report Snapshot

JANUS SOFTWARE, INC.

D-U-N-S: 80-378-3315
ADDRESS: 2 Omega Dr, Stamford, CT, 06907, United States
Date: 11/02/2022

RISK ASSESSMENT

SCORES AND RATINGS

Max. Credit Recommendation	PAYDEX® SCORE	Delinquency Predictor Percentile	Financial Stress Percentile	Supplier Evaluation Risk Rating
US$ 135,000	80 LOW RISK	96 LOW RISK	94 LOW-MODERATE RISK	2 LOW RISK

MAXIMUM CREDIT RECOMMENDATION

Overall Business Risk

LOW | LOW-MODERATE | MODERATE | MODERATE-HIGH | HIGH

Maximum Credit Recommendation

US$ 135,000

The recommended limit is based on a low probability of severe delinquency.

Dun & Bradstreet Thinks...

- Overall assessment of this organization over the next 12 months: VERY STABLE CONDITION
- Based on the predicted risk of business discontinuation: HIGH LIKELIHOOD OF CONTINUED OPERATIONS
- Based on the predicted risk of severely delinquent payments: VERY LOW POTENTIAL FOR SEVERELY DELINQUENT PAYMENTS

PAYDEX® SUMMARY

3 Months

When weighted by dollar amount, payments to suppliers on average, are on time. Value is based on payments collected over the last **3 months**.

24 Months

PAYDEX®

Based on 24 months of data

80

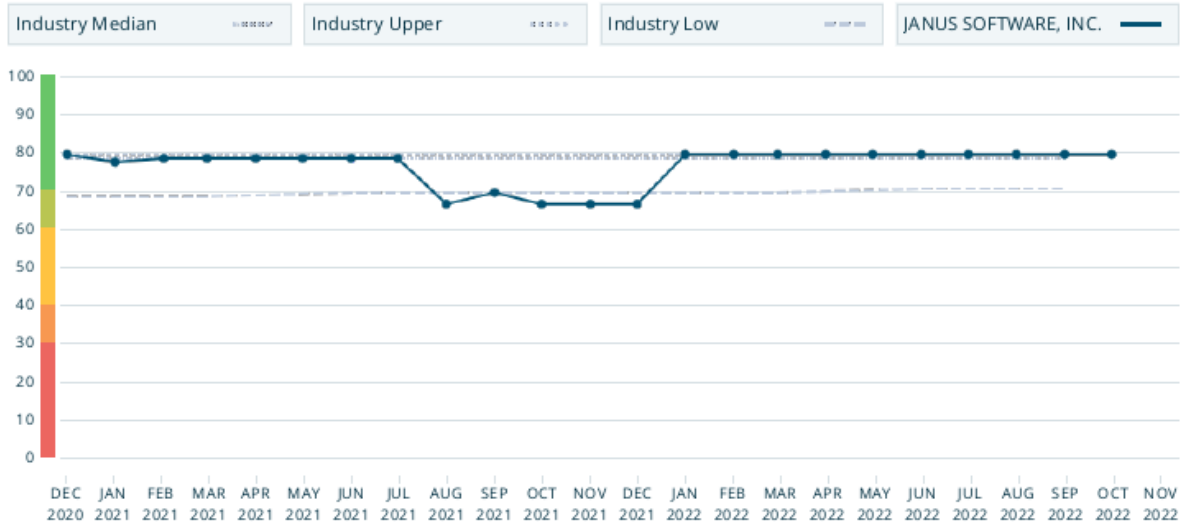
Low Risk (100) High Risk (1)

Based on a D&B PAYDEX® of <

Risk of Slow Pay
LOW

Payment Behavior
Pays On Time

Business and Industry Trends 7371 - Custom computer programming



DELINQUENCY PREDICTOR SCORE

96

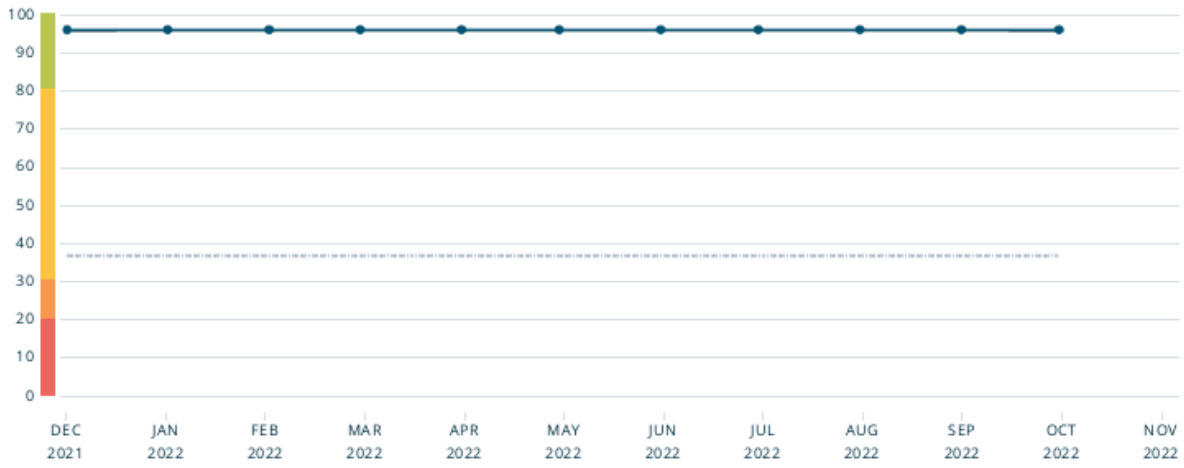
Low Risk (100) High Risk (1)

Higher risk industry based on delinquency rates for this industry

Based on a D&B Delinquency Predictor Percentile of

Level of Risk	Raw Score	Probability of Delinquency	Compared to Businesses in D&B
LOW	601	1.07%	10.2%

Business and Industry Trends 7371 - Custom computer programming



FINANCIAL STRESS SCORE

94

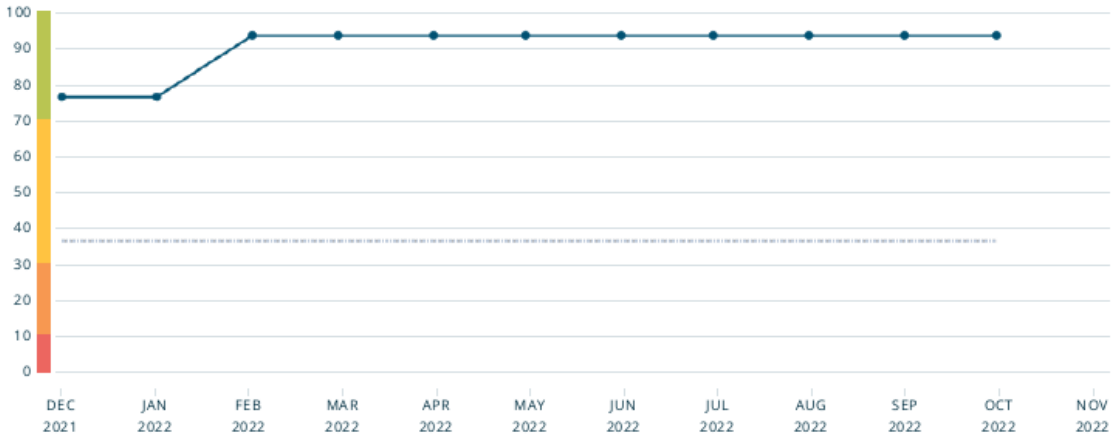
Low Risk (100) High Risk (1)

Based on a D&B Financial Stress Percentile of

- Low proportion of satisfactory payment experiences to total payment experiences
- UCC Filings reported
- Unstable Paydex over last 12 months
- Higher risk legal structure

Level of Risk	Raw Score	Probability of Failure	Compared to Businesses in D&B
LOW-MODERATE	1564	0.05%	0.48%

Business and Industry Trends — 7371 - Custom computer programming



SUPPLIER EVALUATION RISK RATING

2

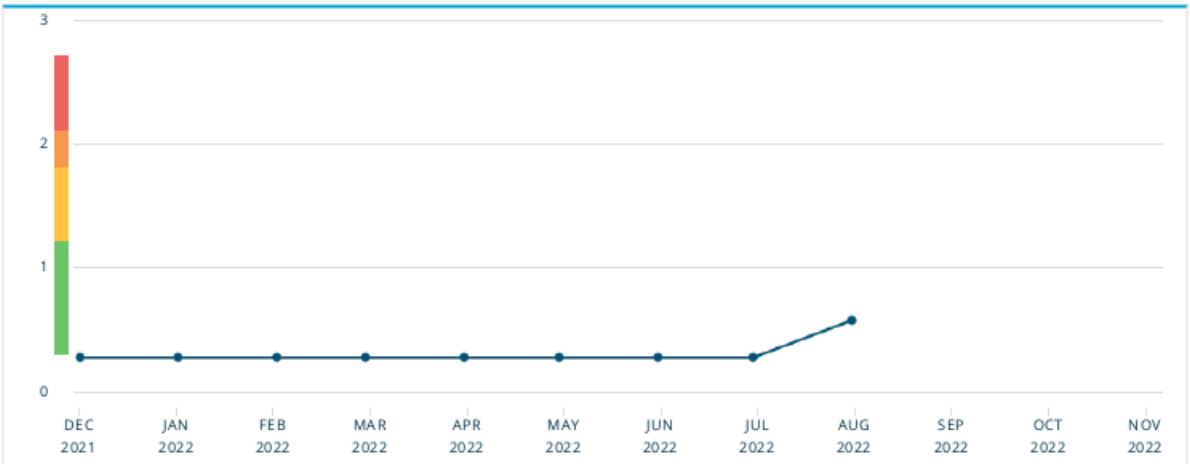
Low Risk (1) High Risk (9)

Based on a Supplier Evaluation Risk Rating of -

Factors Affecting Your Score

- Limited business activity signals reported in the past 12 months
- Unstable Paydex over last 12 months

Business and Industry Trends — 7371 - Custom computer programming



D&B RATING

Current Rating as of 06-27-2017		Previous Rating	
Employee Size	Risk Indicator	Employee Size	Risk Indicator
1R: 10 employees and over	2: Low Risk	1R: 10 employees and over	3: Moderate Risk

TRADE PAYMENTS

TRADE PAYMENTS SUMMARY

Based on 24 months of data

Overall Payment Behavior	% of Trade Within Terms	Highest Past Due
0 Days Beyond Terms	100%	US$ 0
Highest Now Owing: US$ 2,500	Total Trade Experiences: 12 Largest High Credit: US$ 10,000 Average High Credit: US$ 3,000	Total Unfavorable Comments : 0 Largest High Credit: US$ 0 Total Placed in Collections: 0 Largest High Credit: US$ 0

TRADE PAYMENTS BY CREDIT EXTENDED

$ CREDIT EXTENDED	% OF PAYMENTS WITHIN TERMS	# PAYMENT EXPERIENCES	TOTAL & DOLLAR AMOUNT
OVER 100,000	0%	0	$0
50,000 - 100,000	0%	0	$0
15,000 - 49,999	0%	0	$0
5,000 - 14,999	100%	1	$10,000
1,000 - 4,999	100%	3	$4,500
UNDER 1,000	100%	1	$500

TRADE PAYMENTS BY INDUSTRY

Collapse All | Expand All

Industry Category	Number of Payment Experiences	Largest High Credit (US$)	% Within Terms (Expand to View)
87 - Engineering Accounting Research Management And Related Services	1	10,000	
8741 - Management Services	1	10,000	100
55 - Automotive Dealers And Gasoline Service Stations	1	1,000	
5511 - Ret New/used Autos	1	1,000	100
61 - Nondepository Credit Institutions	1	1,000	
6153 - Short-trm Busn Credit	1	1,000	100

▾48 - Communications	1	500	
4813 - Telephone Communictns	1	500	100
▾73 - Business Services	1	0	
7389 - Misc Business Service	1	0	100

TRADE LINES

Date of Experience	Payment Status	Selling Terms	High Credit (US$)	Now Owes (US$)	Past Due (US$)	Months Since Last Sale
09/2022	Prompt	-	-	2,500	0	1 Month
09/2022	-	Cash Account	100	-	-	1 Month
08/2022	Prompt	-	10,000	0	0	Between 6 and 12 Months
06/2022	Prompt	-	500	0	0	Between 2 and 3 Months
06/2022	-	Cash Account	50	-	-	1 Month
05/2022	-	Cash Account	50	-	-	Between 2 and 3 Months
04/2022	-	Cash Account	100	0	0	Between 4 and 5 Months
04/2022	-	Cash Account	100	-	-	1 Month
12/2021	satisfactory	-	1,000	1,000	0	-
12/2021	-	Cash Account	100	-	-	1 Month
08/2021	Prompt	-	1,000	1,000	0	1 Month
10/2020	-	Cash Account	50	-	-	1 Month

EVENTS

LEGAL EVENTS

The following Public Filing data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

SUITS		JUDGEMENTS		LIENS		UCC FILINGS	
TOTAL	0	TOTAL	0	TOTAL	0	TOTAL	17
LAST FILING DATE	-	LAST FILING DATE	-	LAST FILING DATE	-	LAST FILING DATE	01/10/2022

General: The public record items contained in this report may have been paid, terminated, vacated or released prior to the date this was reported. This information may not be reproduced in whole or in part by any means of reproduction.

UCC Filings: There may be additional UCC Filings in the D&B file on this company which are available by contacting 1-800-234-3867.

Suits, Liens, Judgements: There may be additional suits, liens, or judgements in D&B's file on this company available in the U.S. Public Records Database that are also covered under your contract. If you would like more information on this database, please contact the Customer Resource Center at 1-800-234-3867.

Lien: A lien holder can file the same lien in more than one filing location. The appearance of multiple liens filed by the same lien holder against a debtor may be indicative of such an occurrence.

EVENTS

UCC Filing - Original

Filing Date	2021-09-27
Filing Number	0005017873
Received Date	2021-11-16
Collateral	All Negotiable instruments including proceeds and products - All Inventory including proceeds and products - All Account(s) including proceeds and products - All Computer equipment including proceeds and products - and OTHERS
Secured Party	U.S. SMALL BUSINESS ADMINISTRATION, BIRMINGHAM, AL
Debtors	JANUS SOFTWARE, INC,
Filing Office	UCC COMMERCIAL RECORDING DIVISION, HARTFORD, CT

UCC Filing - Original

Filing Date	2020-12-03
Filing Number	0003415908
Received Date	2021-01-22
Collateral	Negotiable instruments including proceeds and products - Inventory including proceeds and products - Account(s) including proceeds and products - Assets including proceeds and products - and OTHERS

Secured Party	IRM VENTURES CAPITAL, LAKEWOOD, NJ
Debtors	JANUS SOFTWARE, INC. JANUS ASSOCIATES, INC
Filing Office	UCC COMMERCIAL RECORDING DIVISION, HARTFORD, CT

UCC Filing - Original

Filing Date	2020-11-02
Filing Number	0003410830
Received Date	2021-01-08
Collateral	All Accounts receivable - All General intangibles(s) - All Chattel paper - All Contract rights
Secured Party	AJ EQUITY GROUP LLC, BROOKLYN, NY
Debtors	JANUS SOFTWARE, INC
Filing Office	UCC COMMERCIAL RECORDING DIVISION, HARTFORD, CT

UCC Filing - Original

Filing Date	2020-10-23
Filing Number	0003409008
Received Date	2020-12-18
Collateral	All Accounts receivable - All General intangibles(s) - All Chattel paper - All Contract rights
Secured Party	RIVER CAPITAL PARTNERS, BROOKLYN, NY
Debtors	JANUS SOFTWARE, INC.
Debtors	and OTHERS
Filing Office	UCC COMMERCIAL RECORDING DIVISION, HARTFORD, CT

UCC Filing - Amendment

Filing Date	2020-08-28
Filing Number	0003399351
Received Date	2020-09-03
Original Filing Date	2019-02-27
Original Filing Number	0003291738
Secured Party	CORPORATION SERVICE COMPANY, AS REPRESENTATIVE, SPRINGFIELD, IL
Debtors	JANUS SOFTWARE, INC.
Filing Office	UCC COMMERCIAL RECORDING DIVISION, HARTFORD, CT

UCC Filing - Original

Filing Date	2020-02-07

Filing Number	202000833681
Received Date	2020-02-25
Collateral	Account(s) and proceeds - General intangibles(s) and proceeds - Chattel paper and proceeds - Equipment and proceeds
Secured Party	NAVITAS CREDIT CORP., COLUMBIA, SC
Debtors	JANUS SOFTWARE, INC.
Filing Office	SECRETARY OF STATE/UCC DIVISION, TALLAHASSEE, FL

UCC Filing - Original

Filing Date	2020-01-21
Filing Number	0003351133
Received Date	2020-03-10
Collateral	Leased Equipment and proceeds
Secured Party	DE LAGE LANDEN FINANCIAL SERVICES, INC., WAYNE, PA
Debtors	JANUS SOFTWARE, INC.
Filing Office	UCC COMMERCIAL RECORDING DIVISION, HARTFORD, CT

UCC Filing - Original

Filing Date	2019-11-13
Filing Number	0003339666
Received Date	2019-12-10
Collateral	Negotiable instruments including proceeds and products - Inventory including proceeds and products - Account(s) including proceeds and products - Assets including proceeds and products - and OTHERS
Secured Party	CORPORATION SERVICE COMPANY, AS REPRESENTATIVE, SPRINGFIELD, IL
Debtors	JANUS SOFTWARE, INC.
Debtors	and OTHERS
Filing Office	UCC COMMERCIAL RECORDING DIVISION, HARTFORD, CT

UCC Filing - Original

Filing Date	2019-09-13
Filing Number	0003329261
Received Date	2019-10-04
Collateral	Negotiable instruments including proceeds and products - Inventory including proceeds and products - Account(s) including proceeds and products - Assets including proceeds and products - and OTHERS

Secured Party	CORPORATION SERVICE COMPANY, AS REPRESENTATIVE, SPRINGFIELD, IL
Debtors	JANUS SOFTWARE, INC.
Debtors	and OTHERS
Filing Office	UCC COMMERCIAL RECORDING DIVISION, HARTFORD, CT

UCC Filing - Original

Filing Date	2019-02-27
Filing Number	0003291738
Received Date	2019-03-29
Collateral	Inventory including proceeds and products - Assets including proceeds and products - Account(s) including proceeds and products - Farm products/crops including proceeds and products - and OTHERS
Secured Party	CORPORATION SERVICE COMPANY, AS REPRESENTATIVE, SPRINGFIELD, IL
Debtors	JANUS SOFTWARE, INC.
Filing Office	UCC COMMERCIAL RECORDING DIVISION, HARTFORD, CT

UCC Filing - Continuation

Filing Date	2017-07-17
Filing Number	201701865120
Received Date	2017-07-18
Original Filing Date	2012-07-25
Original Filing Number	201207210143
Secured Party	STATE OF CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, HARTFORD, CT
Debtors	JANUS SOFTWARE, INC.
Filing Office	SECRETARY OF STATE/UCC DIVISION, TALLAHASSEE, FL

UCC Filing - Original

Filing Date	2012-07-25
Filing Number	201207210143
Received Date	2012-08-09
Collateral	Negotiable instruments including proceeds and products - Inventory including proceeds and products - Account(s) including proceeds and products - Assets including proceeds and products - and OTHERS
Secured Party	STATE OF CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, HARTFORD, CT
Debtors	JANUS SOFTWARE, INC.

Filing Office	SECRETARY OF STATE/UCC DIVISION, TALLAHASSEE, FL

COMPANY EVENTS

The following information was reported on: 12-16-2020

The Connecticut Secretary of State's business registrations file showed that Janus Software, Inc was registered as a Corporation on February 26, 1990.

Business started 1990. 100% of capital stock is owned by officers.

PATRICIA FISHER born 1941. 1990-present active here.

Affiliate: The following is related through common ownership and/or financial interest. Janus Associates Inc, Stamford, CT, started 1988. DUNS #-385-6384. Operates as computer security consulting service and software development. Intercompany relations: None reported by management.

Business address has changed from 1281 East Main St, Stamford, CT, 06902 to 1010 Summer St, Stamford, CT, 06905.

Business address has changed from 9 W Broad St, Stamford, CT, 06902 to 1055 Washington Blvd 8th Fl, Stamford, CT, 06901.

Business address has changed from 1055 Washington Blvd 8th Fl, Stamford, CT, 06901 to 4 High Ridge Park Ste 105, Stamford, CT, 06905.

Business address has changed from 4 High Ridge Park Ste 105, Stamford, CT, 06905 to 4 High Ridge Park, Stamford, CT, 06905.

Business address has changed from 4 High Ridge Park, Stamford, CT, 06905 to 2 Omega Dr, Stamford, CT, 06907.

SPECIAL EVENTS

12-16-2020

JANUS SOFTWARE INC was reported by the SBA as a recipient of a loan for $264,450 from Webster Bank, National Association on 04/30/2020 under the Paycheck Protection Program as authorized under the CARES Act of 2020.

07-20-2020

On July 6, 2020, the SBA announced that this business was approved for a loan between $150K - $350K from Webster Bank, National Association through the SBA's Paycheck Protection Program, as part of the CARES Act, in response to the COVID-19 pandemic. The amount of the actual loan may vary from the approved amount.

07-12-2019

Business address has changed from 4 High Ridge Park, Stamford, CT, 06905 to 2 Omega Dr, Stamford, CT, 06907.

Financials

D&B currently has no financial information on file for this company.

COMPANY PROFILE

COMPANY OVERVIEW

D-U-N-S 80-378-3315	**Mailing Address** 2 Omega Dr, Stamford CT 06907, US	**Annual Sales** -
Business Form Corporation (US)	**Telephone** (203) 251-0200	**Employees** 57
Date Incorporated 02/26/1990	**Fax** -	**Age (Year Started)** 32 years (1990)
State of Incorporation Florida	**Website** -	**Named Principal** PATRICIA FISHER, PRINCIPAL
Ownership -	**Line of Business** Custom computer programming	**SIC** 7371

OWNERSHIP

FAMILY TREE SUMMARY

Members in the Tree	Subsidiaries of this Company	Branches of this Company
6	1	4

FAMILY TREE

- (HQ) **Janus Software, Inc.** 803783315 Stamford, CT
  - (S) **Janus Associates, Inc.** 612603415 Stamford, CT
    - (B) **Janus Associates, Inc.** 603673810 Stamford, CT
    - (B) **Janus Associates, Inc.** 178407040 Washington, DC
    - (B) **Janus Associates, Inc.** 148057131 Baltimore, MD
    - (B) **Janus Associates, Inc.** 170762194 Waltham, MA

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Change of Ownership

Not applicable.

Office Location

JANUS Software, Inc., d/b/a JANUS Associates
2 Omega Drive
Stamford, CT 06907

Relationships with the State

Not applicable.

Contractor's Employee Relations to State

Not applicable.

Contract Performance

JANUS has not had any contracts terminated.

Summary of Contractor's Corporate Experience

Information Security Assessment and Penetration Testing has been one of JANUS' specialties over our 34-year history. Below are just a few projects that we have selected to present (each have been completed by JANUS as the contractor).

Contract Name: Security Risk Assessment/Penetration Testing **Customer Name: Minnesota State Lottery (MSL)**		
Contract/Purchase Order Number: PO #: 40189/PO #: 42975	**Contract Type:** Fixed	**Total Contract Value:** $61,425.00 $48,882.00
Brief Description of Work Performed: The Minnesota State Lottery (MSL) contracted JANUS to identify risks in MSL's enterprise. The scope of the assessment included the following: • An external penetration test, for the vantage point of an outside attacker seeking to breach the external Internet defenses. • An internal penetration test, for the vantage point of an insider with access to MSL information systems, to include the iSeries, web applications, and network infrastructure. • JANUS conducted a vulnerability assessment of the iSeries servers.		

- JANUS reviewed the network infrastructure configurations and rule sets to identify any security risks.
- JANUS conducted a technical security controls assessment to identify any risks with MSL security policies, standards, and procedures.

All assessments included, but were not limited to, tests for minimum technical security controls defined by authoritative security guidelines and frameworks, including the following:

- National Institute of Standards and Technology (NIST) Special Publication 800-53: "Recommended Security Controls for Federal Information Systems and Organizations;" and
- Open Web Application Security Project (OWASP) Top 10 Web Application Security Risks.

The assessment (external and internal) was conducted in phases which began on February 14, 2017 and ended on March 10, 2017. The schedule was as follows:

- External vulnerability scan and penetration test: February 14 – February 17, 2017;
- Internal vulnerability scan and penetration test: February 27 – March 3, 2017; and
- Examination of security-related documentation, and interviews with MSL stakeholders: February 27 – March 10, 2017.

JANUS provided assessment results in a report that showed where MSL is doing well compared with its peers, and areas of risk where MSL can improve. Risks were prioritized in terms of likelihood, impact, and cost of remediation.

Second project: JANUS performed Penetration Testing to include the following:

- Internal and External Vulnerability Assessments
- Mainframe Vulnerability Assessment
- Network Security Architecture – Device Configuration
- Technical Security Controls and Mechanisms Review
- Documentation of Recommendations

Third project: JANUS continued to provide additional penetration testing for the Lottery.

Period of Performance:	**Technical/Project Manager:**	**Contract Officer:**
February 2017 – April 2017 May 2019 – June 2019 March 2020 – January 2021	Benjamin P. Freedland General Counsel Minnesota State Lottery 2645 Long Lake Road Roseville, MN 55113 Phone: 651-635-8213 Email: ben.freedland@mnlottery.com	N/A

Contract Name: Network Risk Assessment **Customer Name: Cable ONE, Inc.**		
Contract/Purchase Order Number: PO #RO466312	**Contract Type:** FFP	**Total Contract Value:** $56,122.50
Brief Description of Work Performed:		

Cable ONE requested a Network Risk Assessment of the Cable ONE environment in a holistic vs. granular review including a detailed examination of the entire network environment. The project objective was to help clarify what Cable ONE is currently doing well and ways it can improve the Information Security and Risk Management Program at Cable ONE. The risk assessment included the following:

1) A holistic risk assessment to examine the environment
2) Determination of what is working well and ways of improving the program

JANUS provided the following deliverables:

1) A presentation of the results of the risk assessment
2) Prioritization of identified risks, along with suggested steps for remediation of identified risks

A second project is currently underway.

Period of Performance:	**Technical/Project Manager:**	**Contract Officer:**
March 2020 – May 2020 May 2022 – October 2022	Rick Hacker, CISM, CRISC, GRCA, GRCP, ITIL 4 Managing Professional, Lean IT, PCI ISA Information Security GRC Lead Cable ONE, Inc. 210 E. Earll Drive Phoenix, AZ 85012 Phone: 602-364-6419 Email: ricky.hacker@sparklight.biz	N/A

Contract Name: IT Auditing
Customer Name: Wisconsin Department of Employee Trust Funds

Contract/Work Identification Number: ETI0049	**Contract Type:** Time and Materials	**Total Contract Value:** $249,394.95 (to-date)

e. Brief Description of Work Performed:

The purpose of this project was to provide the State of Wisconsin Department of Employee Trust Funds (Department) with IT audit services for the following:

- On-site information technology (IT) auditing services in the areas of information security, IT organizational effectiveness, legacy application support and business continuity management;
- Non-audit consulting, advisory and review services in the areas of systems development lifecycle (SDLC), endpoint imaging, data management, system implementation, data loss prevention, data privacy review, identity access management (IAM), eDiscovery and records management; and
- Ad hoc work as needed and as negotiated between the Department and the Contractor.

During the first fiscal year (2020), JANUS performed approximately six audits, including penetration tests, focusing on the IT technical environment. The general areas of focus were:

I. IT Governance Assessment – JANUS reviewed the leadership, organizational structure, processes, policies, and procedures that ensured the Department's IT department supported and carried out the Department's IT Strategic Plan and objectives. This review was performed by evaluating the five domains of IT governance as defined by COBIT 5.

II. Network Security Assessment – JANUS conducted an internal and external vulnerability assessment to

determine if processes, procedures, and configurations were adequately designed and implemented to provide reasonable protection against malicious attacks.
III. IT General Security and Privacy Controls Assessment – JANUS confirmed the operating effectiveness of the Department's IT general controls for a sample of applications related to security, change management/system development, batch scheduling, and backup and recovery.
IV. Program Maturity Assessment – JANUS performed a maturity assessment of the Agency's processes and controls and graded the maturity of its vulnerability management program.

For each engagement, JANUS prepared an executive summary, summary of findings and detailed findings which were written for each audience. Further, JANUS prepared an end of engagement presentation when requested and delivered to senior management, audit committees and its Board of Directors.

Period of Performance:	**Technical/Project Manager:**	**Contract Officer:**
FY 2020 through FY 2023 Current projects are underway	Yikchau Sze Director of Internal Audit Wisconsin Department of Employee Trust Funds 4822 Madison Yards Way Madison, WI 53705-9100 Phone: 608-261-8938 Email: yikchau.sze@etf.wi.gov	Beth Bucaida Wisconsin Department of Employee Trust Funds Hill Farms State Office Building 8th Floor North Tower 4822 Madison Yards Way Madison, WI 53705-9100 Phone: 608-267-3933 Email: ETFSMBProcurement@etf.wi.gov

Contract Name: Security Assessment of the Minnesota Eligibility Technology System (METS)
Customer Name: Minnesota IT Services (MNIT)

Contract/Purchase Order Number:	**Contract Type:**	**Total Contract Value:**
Swift Work Order #: 110654 PO #: H5501-3000045470/H5501-3000046767 (2016) Contract No. 141721 (2021-2022)	Time and Materials Fixed Price	$79,942.00 $74,469.00

Brief Description of Work Performed:

JANUS completed a security assessment of the Minnesota Eligibility Technology System (METS) that satisfied all federally mandated requirements in the framework for the independent assessment of Security and Privacy Controls, version 2.0. The security assessment evaluated METS implementation of, and compliance with the Minimum Acceptable Risk Standard for Exchanges (MARS-E) controls, version 2.0, in METS.

JANUS worked with MNIT staff throughout the security assessment to develop a testing plan that would utilize JANUS' experience in selecting appropriate controls for review (standardized 1/3 year reporting was not yet in effect), while meeting federal requirements for independent assessments. Appropriate test scripts were customized and utilized throughout the assessment.

JANUS reported any critical findings to MNIT management immediately and provided MNIT with weekly documentation of work completed. After obtaining approval from MNIT before conducting any

automated scans or tests of controls, JANUS produced the formal written report that summarized the assessment results, in a format that aligns with federal MARS-E requirements. Additional documentation was supplied to CMS and JANUS worked with both MNIT and CMS staff throughout the process. JANUS also performed a second MARS-E assessment, for one-third of the controls.		
Period of Performance: June 10, 2016 – August 15, 2016 September 1, 2021 – March 29, 2022	**Technical/Project Manager:** Chris Luhman Information Security Director Office of Information Security Minnesota IT Services 540 Cedar Street St. Paul, MN 55155 Phone: 651-431-2850 Email: chris.luhman@state.mn.us	**Contract Officer:** N/A

Additional past projects are available and will be provided upon request.

Summary of Contractor's Proposed Personnel/Management Approach

Primary persons who will be assigned to this contract are employees of JANUS and are fully qualified to perform the work required and meet the needs of the NDE. As a partner for physical penetration testing services, JANUS utilizes a U.S. Veteran-Owned Business, FireWatch Solutions, Inc. FireWatch provides services throughout the nation.

JANUS staff has the high skills and specific knowledge required to complete this project, therefore there is not a need to utilize a subcontractor.

Name	Role
Patricia Fisher	Executive Oversight
Adam Fisher	Project Management/Team Lead
Mohsan Farid	Subject Matter Expert
Roger Colón	Subject Matter Expert
Arian Eidizadeh	Subject Matter Expert
Aaron Sanderson	Subject Matter Expert
James Carruth	Senior Auditor
Andrew Jansen	Assessor
Jason Weixel	Assessor

Executive Oversight

Patricia Fisher has a background of 34 years of information security and technology involvement, including experience in both technical and management roles. She has designed applications, managed application design, managed IBM's accounting technology, directed large data centers for IBM, where

she also served for several years as the Executive Assistant to IBM's Chief Information Officer and managed the Information Security & Business Continuity Programs for IBM's Latin American and Canadian sites. In 1988 she founded JANUS Associates, Inc., the first independent firm in the United States specializing in information risk management, Information Technology controls, security and business continuity for government and industry. Serving clients throughout the U.S. and internationally, she has a long history of providing strong leadership in the IT and security fields. She formerly served on the audit committee of the New York City Housing Authority as its IT and security expert; is on the Board of the Connecticut Technology Council; and serves as a member of the International Information Security Standards guidance board. Ms. Fisher holds both a B.A. (Maxwell School of Economics) and M.B.A. from Syracuse University and completed extensive post-masters work at Pennsylvania State University in Computer Science. She holds CGEIT (Certified in the Governance of Enterprise Information Technology) and CRISC (Certified in Risk of Information Security Controls) certifications from ISACA, as well as the MBCI certification from the Business Continuity Institute, and is a Certified Data Privacy Solutions Engineer (CDPSE).

Ms. Fisher will bring a strong executive oversight capability to the overall project and will focus on NDE's needs while the Project Manager will focus on moving the tasks forward. She will conduct regular checkpoints with the on-site members of the team (and your staff as appropriate) to determine status, review risks, and understand possible issues. The JANUS Project Manager and Oversight Executive will also meet with your appropriate Project Manager as needed to discuss concerns (if any), where efficiencies may be incorporated, etc. to ensure that the JANUS team is undertaking what NDE stakeholders need to result in a successful project.

References

Irene Brook, CISA
Associate Director of IT Security & Compliance
Access Health CT
280 Trumbull Street
Hartford, CT 06103
Phone: 860-757-5345
Email: irene.brook@ct.gov

Steve Wagner
Director, Information Technology
Connecticut Lottery Corporation
777 Brook Street
Rocky Hill, CT 06067
Phone: 860-713-2734
Email: steve.wagner@ctlottery.org

Alex M. Corl
Chief Financial Officer & Treasurer
The Lee Company

2 Pettipaug Road
Westbrook, CT 06498
Phone: 860-399-6281 ext. 2474
Email: corla@theleeco.com

Project Management/Team Lead

Adam Fisher manages all technical testing projects including vulnerability assessments and penetration tests for major JANUS clients. He has an extensive background in system-level requirements and application code issues and has performed application security code reviews for major federal, state, and corporate clients. Mr. Fisher has a practitioner's expertise in systems integration and testing, network architecture, and IT operations which is so essential in accurately analyzing realistic and actionable alternatives in IT environments. He is one of the key subject matter experts in charge of JANUS' own IT operation and has hands on experience maintaining system availability and integrity. He also reviews every penetration testing/vulnerability assessment for technical quality. He is also an expert in biometric security. Mr. Fisher is an electrical engineer and focuses his security testing on the more technical components of tasks. He graduated from Boston University with a Bachelor of Science in Computer Engineering and leads JANUS' technical team. Mr. Fisher is an experienced application security consultant and is a certified Offensive Security Wireless Professional (OSWP) as well as a Certified Data Privacy Solutions Engineer (CDPSE).

References:

Ben Slutzky
IT Operations Administrator
Computer Science Department
Boston University
620 Albany Street
Boston, MA 02118
Phone: 617-358-9033
Email: bslutzky@bu.edu

José Mendez
Information Technology Operations Manager
Earthjustice
1001 G Street NW, Suite 1000
Washington, D.C. 20001
Phone: 202-667-4500 ext. 5212
Email: jmendez@earthjustice.org

David Girardin
Senior Network Engineer
Digi International, Inc.
10 Norden Place
Norwalk, CT 06855

Phone: 203-257-3216
Email: david.girardin@digi.com

Subject Matter Experts

Mohsan Farid has 20 years of technical security experience within commercial and government organizations. He focuses on threat and vulnerability assessments as well as penetration testing of electronic networks and utilizes his engineering skills to determine in-depth network and application weaknesses. He also brings a strong understanding of system security and posture with respect to today's exploits. He performs mobile, internal assessment, and web/network penetration testing for various clients. He has led pen testing engagements in support of customers such as Rapid7, Akamai, Stratfor, Intelligence, DC WASA, Empire State, NYC, and federal agencies such as the Internal Revenue Service, Bureau of Public Debt, Homeland Security, Interior, and the Federal Reserve. In addition to penetration testing, he conducts System Test and Evaluation (ST&E) for federal information systems in accordance with NIST standards and oversees and manages the delivery of security assessment services to commercial and federal customers. Mr. Farid led the FedRAMP initiative as a 3PAO technical lead for Akamai. He has the following certifications: Certified Information Systems Security Professional (CISSP); Federal Information Technology Security Professional (FITSP-A); Certified Ethical Hacker and Countermeasures V6 (C|EH); Certified Secure Software Lifecycle Professional (CSSLP); Certified Network Defense Architect (C|NDA); Certified Expert Penetration Tester (CEPT); Certified Security Analyst (E|CSA); Licensed Penetration Tester (LPT); Certified Penetration Tester (CPT); and Qualified Ethical Hacker (QEH). He holds a B.S. from Virginia Commonwealth University.

References:*

Deborah Somerville
VP, Compliance & Risk
Aligned Data Centers
2800 Summitt Avenue
Plano, TX 75074
Phone: 504-250-8351
Email: deborah.somerville@aligneddc.com

A. Simon Charles
Director of Information Technology
APTMetrics
One Thorndal Circle, Second Floor
Darien, CT 06820
Phone: 203-202-2454
Email: ascharles@aptmetrics.com

Kevin J. Burns
Chief Information Security Officer
Draper Laboratory
Information Technology Division

555 Technology Square
Cambridge, MA 02139
Phone: 617-258-2277
Email: kburns@draper.com

*Please note that due to the nature of each project, Mr. Farid may not have had any contact with the clients listed above. The work that Mr. Farid performs on their systems does not always require direct contact with the client.

Roger Colón is a senior level Information Technology (IT), Information Security, Information Assurance, and Cyber Security vCISO, engineer, ethical hacker, and IT auditor with over 20 years of experience. He also has a significant background in building and managing cyber security programs, systems, and applications. Other major security experience is in security governance projects, architecture, engineering, security testing, and assessing security-related controls. Operational experience includes monitoring, auditing, penetration testing, vulnerability management, delivering security awareness & training, and developing security-related documentation. He holds a M.S. in IT Management and a B.S. in Information Systems. He is certified as a CISM, CISSP, CSSLP, CFCP, CICP, CEH, CCSK, CDPSE, CCP (Certified CMMC Professional), CISO, and COMP TIA A+ and Security+. He also holds IT Infrastructure Library (ITIL) v3, and CxSAST Static Application Security Testing certifications; and Microsoft Certifications: Azure Security Engineer Associate, Azure Fundamentals, and Azure Solutions Architect Expert.

References:*

Michael Himmelstein
Information Security Manager
The City University of New York
395 Hudson Street, 6th Floor
New York, NY 10014
Phone: 646-664-2031
Email: michael.himmelstein@cuny.edu

Tony Mastrofrancesco
VP/IT Director – Technology Infrastructure & Security
MBI, Inc.
47 Richards Avenue
Norwalk, CT 06854
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Email: tmastro@mbi-inc.com

Michael Salz
Chief Information Officer
Rockefeller Group
1271 6th Avenue, 24th Floor

New York, NY 10020
Phone: 212-282-2841
Email: msalz@rockefellergroup.com

*Please note that due to the nature of each project, Mr. Colón may not have had any contact with the clients listed above. The work that Mr. Colón performs on their systems does not always require direct contact with the client.

Arian Eidizadeh is a cyber security professional who focuses on improving security infrastructure and environments. He performs highly technical analytical tasks as a technical member of JANUS' staff, performs research on needed topics, and has grown over the past three years to perform activities within our penetration testing team for a wide variety of JANUS clients. Mr. Eidizadeh has strong technical skills and when not working continues to perform cyber security initiatives such as Capture the Flag activities, participating in HackUMBC, Cyber Dawgs, and other cyber groups. He has a Bachelor's Degree in Information Systems from the University of Maryland, Baltimore County and is a certified Practical Network Penetration Tester (PNPT).

References:*

Christopher "C.J." McCarey
Director of IT Security/CISO
Gila River Hotels & Casinos
P.O. Box 6790
Chandler, AZ 85246
Phone: 520-796-7161
Email: christopher.mccarey@gila.casino

Edward Pluth
Network Security Engineer – Electric Utility
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Naperville, IL 60540
Phone: 630-305-5980
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Montrey Jackson
Lead Infrastructure Engineer
The Westminster Schools
1424 West Paces Ferry Road, NW
Atlanta, GA 30327
Phone: 404-609-6405
Email: montreyjackson@westminster.net

*Please note that due to the nature of each project, Mr. Eidizadeh may not have had any contact with the clients listed above. The work that Mr. Eidizadeh performs on their systems does not always require direct contact with the client.

Aaron Sanderson has 26 years of IT networking and 16 years of cyber security technical experience as a highly effective penetration tester, cyber forensics consultant, and subject matter expert to military agencies, U.S. defense organizations, and commercial enterprises. He mentors security personnel on new techniques designed to improve security posture and he is a researcher of various threat actors to bring knowledge of new attack methods to clients. Mr. Sanderson has an active Top Secret/SCI with current SSBI clearance, is a Certified Information Systems Security Professional (CISSP) and a Certified Ethical Hacker (CEH).

References:*

Steve Wagner
Director, Information Technology
Connecticut Lottery Corporation
777 Brook Street
Rocky Hill, CT 06067
Phone: 860-713-2734
Email: steve.wagner@ctlottery.org

John Flynn
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New York, NY 10279
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Email: jflynn@nycppf.org

A. Simon Charles
Director of Information Technology
APTMetrics
One Thorndal Circle, Second Floor
Darien, CT 06820
Phone: 203-202-2454
Email: ascharles@aptmetrics.com

*Please note that due to the nature of each project, Mr. Sanderson may not have had any contact with the clients listed above. The work that Mr. Sanderson performs on their systems does not always require direct contact with the client.

Senior Auditor/Assessors

James Carruth is skilled in working in regulated environments to safeguard client assets, sensitive data, and critical business systems to protect from intrusion, data corruption, and loss. He has 20 years of experience building, enhancing, and integrating highly available, secure, and compliant infrastructures. He has a vast knowledge base in network architectures; infrastructure builds; government compliance; network security/privacy issues; network management and monitoring systems; business continuity planning best practices; and analysis and design. He focuses on mitigating a variety of risk factors with robust Business Continuity Planning practices, adherence to SLAs, and full compliance with SSAE16, SOC 2 audit standards. Mr. Carruth graduated magna cum laude with a B.S. in Computer Information Systems. He holds CISSP (Certified Information Systems Security Professional) and CDPSE (Certified Data Privacy Solutions Engineer) certifications.

References:

Karla Burkholder, Ed.D.
Director of Technology
Schertz-Cibolo-Universal City Independent School District
1060 Elbel Road
Schertz, TX 78154
Phone: 940-367-6841
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Irene Brook, CISA
Associate Director of IT Security & Compliance
Access Health CT
280 Trumbull Street
Hartford, CT 06103
Phone: 860-757-5345
Email: irene.brook@ct.gov

Monica Sevy
Vice President of Information Technology
Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111
Phone: 415-217-2131
Cell: 415-720-8330
Email: msevy@earthjustice.org

Andrew Jansen is an experienced risk management and IT professional who understands government agency security and IT processes and procedures. He has over 15 years of data assurance experience with government policies and thoroughly understands the IT operational requirements within these types of environments. He has developed documentation and training for customer organizations. Mr.

Jansen has a BBA in Management Information Systems from Texas Tech University and an MBA from the University of Tennessee at Chattanooga. He is also a Certified Information Systems Security Professional (CISSP).

References:*

Irene Brook, CISA
Associate Director of IT Security & Compliance
Access Health CT
280 Trumbull Street
Hartford, CT 06103
Phone: 860-757-5345
Email: irene.brook@ct.gov

Mark Robinson
Deputy Director
Wisconsin Department of Employee Trust Funds
4822 Madison Yards Way
Madison, WI 53705-9100
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Email: mark.robinson@etf.wi.gov

Lawrence Montle, CISA, CIPP, PLS
Chief Information Security and Privacy Officer
New York State Insurance Fund
199 Church Street
New York, NY 10007
Phone: 631-756-4178
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Jason Weixel has 20 years of security and network technical experience, working with clients and staff and is focused on ensuring strong security and IT controls and implementations. He has provided extended expertise for less experienced staff members in solving complex issues in both IT and security matters. Mr. Weixel has significant experience in IT networking needs of corporate clients along with troubleshooting and strategic initiatives. He is a Certified Information Systems Security Professional (CISSP), Certified in Risk and Information Systems Control (CRISC), a CMMC Registered Practitioner, and holds the following Microsoft Certifications: Comptia Security+, Microsoft Certified Systems Engineer, Microsoft Certified Systems Administrator, Citrix Certified Enterprise Administrator, Citrix Certified Administrator, Microsoft Certified Professional, Comptia A+.

References:*

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Office of Information Security
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Manuel Arrington
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Prince George's Community College
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Largo, MD 20774-2199
Phone: 301-546-0635
Email: arringma@pgcc.edu

Saliu Maama
Information Security Engineer
Department of Human Services
State of Minnesota
540 Cedar Street
St. Paul, MN 55101
Phone: 651-431-4434
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*Please note that due to the nature of each project, Mr. Weixel may not have had any contact with the clients listed above. The work that Mr. Weixel performs on their systems does not always require direct contact with the client.

Resumes are provided on the following pages.

Resumes

Patricia A. P. Fisher

Function and Specialization
Executive Oversight Management

- IT Governance
- Project Management
- Strategic Analysis
- Risk Management
- Security Analysis/Assessment

Clearance
Top Secret Clearance – Inactive

Representative Clients
Commonwealth of Massachusetts
Centers for Medicare & Medicaid Services
Community Health Network of Connecticut
Commonwealth of Pennsylvania
Capital District Transportation Authority
City of Naperville (IL)
Wicomico County Public Schools (MD)
Travis County (TX)
Connecticut State Lottery Corporation
Indiana State Lottery Commission

Certification(s)
CGEIT – Certified in the Governance of Enterprise IT (ISACA)
CRISC – Certified in Risk and Information Security Controls (ISACA)
CDPSE – Certified Data Privacy Solutions Engineer

Background
Ms. Fisher has 34 years with JANUS where she specializes in both the governance of Information Technology and information security and risk management projects, providing analysis and strategic advice to executive boards and leadership teams of JANUS' clients. Her time with JANUS was preceded by 11 years at IBM as Country Manager, Information Security & Business Continuity for Latin America and Canada. Prior to that she also managed large corporate Data Centers for IBM as well as large-scale application development projects. She has led a wide variety of projects over many years for government entities and not-for-profit customers, and is a highly sought after speaker and writer of articles. Ms. Fisher is a former member of the New York City Housing Authority's Audit Committee and served as the IT expert for the Committee.

Experience
JANUS Software, Inc. (d/b/a JANUS Associates) **December 1988 – Present**

- Completed security process improvement project for large transit authority.
- Performed CISO services for regional healthcare firm to assist it to drive needed security programs.
- Conducted high level strategic Information Technology review of state contractor firm to assist in developing budget, setting priorities, analyze staffing, and determine comprehensiveness of policies and procedures.
- Project oversight manager of Current-State/Future-State IT assessment for large state agency.
- Project oversight executive for major Independent Verification and Validation project for State Department of Revenue.
- Project oversight executive for information security contract for large federal healthcare organization.
- Advises senior executives at Fortune 100 companies and federal agencies on IT risk, staffing, and security initiatives.
- Led major corporate business and technology IT technical and business justification projects.
- Advised insurance clients on HIPAA, IT security requirements.
- Formulated and led team to design biometric identity management product.
- Designed Risk Management programs, methods for large organizations.
- Managed establishment of Risk Management program for federal agency.
- Advised senior security management of large financial institutions on corporate governance, organizational structure.
- Managed large information security projects for various public and private clients.
- Designed and provided executive and employee training throughout U.S. for large television/news organization.
- Defined and oversaw execution of technical IT business justification process for large commercial financial organization.

MBCI – Member, Business Continuity Institute

Education

B.A., Economics, (Maxwell School) Syracuse University

M.B.A., Marketing, Syracuse University

Post Masters Computer Science and Doctoral Studies, Pennsylvania State University & State of New York at Albany

- Performed one-on-one executive information security tutoring for large corporations.
- Performed agency-wide information security strategic program review for large federal health agency.
- Defined information technology/security strategies for various large client organizations.
- Designed and performed information security training sessions for corporate clients.
- Developed standardized risk assessment evaluation methodology for federal healthcare agency.
- Managed general support system and application HIPAA system control assessment process for CMS.
- Led security risk assessments/penetration tests for major multi-national and government clients.
- Performed Business Impact Analyses for Fortune 100 corporations, large banks, brokerages.
- Led security penetration tests and vulnerability analyses for international and U.S. clients.
- Completed Disaster Recovery Plans to fulfill prime contractor requirements for federal agency systems.
- Performed security/recoverability audit for international bank.
- Advised clients on improvements in security awareness programs; developed tools/techniques for training.
- Developed software sensitivity certification and governance process for NASA's International Space Station project.
- Conducted certifications of adequacy of Commercial-off-the-shelf and custom software/systems to meet NASA security/recovery criteria for contractors.
- Managed security sensitivity certification process for large federal prime contractor.
- Designed continuity test plans for various clients and monitored test execution.
- Conducted risk analyses, policy and procedure development, education, business continuity planning for commercial and governmental organizations.
- Performed strategic security administration study for Fortune 100 insurance firm.

International Business Machines, Inc. **August 1977 – December 1988**
Information Security Program Manager

- Performed critical consulting role during planning and justification of major disaster recovery proposal that resulted in present IBM hot-site offering.
- Consulted with key international and domestic IBM customers regarding recovery needs, information security problems.
- Conducted U.S.-wide fraud audit resulting in criminal prosecution.
- Managed international information security program for IBM internal Latin American sites.
- Designed and conducted international training programs for information security initiatives.
- Advised senior level executives on country/site security status throughout Latin America and Canada.
- Directed short-term assignees from Latin countries.
- Supervised budget/financial aspects and risk management of international program.
- Developed measurement techniques to achieve proper level of control.

- Designed series of security metrics to measure improvements in IBM program.
- Developed strategic/business focus for America's Group advising on security and selling IBM approach.
- Structured disaster recovery offerings to market to key customers (domestic and Latin).
- Provided security consulting services for IBM key customers.
- Conducted customer educational seminars for senior executives, staffs and information security personnel.
- Managed multi-divisional financial planning, product inventory, and pricing applications.
- Managed financial accounting Information Technology services for largest IBM division.
- Performed technical assessment and final financial approval for multi-divisional capital requests (in excess of $230 million per quarter).
- Revised methodology for quarterly capital investment process resulting in release of dollars to the IBM divisions.
- Operated large headquarters data center, 107 staff upon completion of assignment (operations, systems support, networking, information center, etc.).
- Managed staffing reduction of 25% over three years while consistently achieving 99.9% availability with sub-second response to 1800 users.
- Directed planning requirements for new IBM major computer center site.
- Managed data center recovery programs.
- Divisional management of United Way campaign – achieving highest participation/contribution rate ever in IBM while managing to lowest expenditure in the entire corporation.
- Designed state-of-the-art computer command center off raised floor.

Other Experience and Professional Accomplishments

Professional Education

Goldman Sachs 10,000 Small Businesses Graduate

IBM President's Class; IBM Advanced Middle Manager's Class; IBM Advanced Business Institute

Awards, Honors, Service

Charter Oak College; Curriculum Committee.

Connecticut Technology Council Vice-Chair; Board of Directors (2011 – 2016); Chair of Cyber Security Committee (2013 – current)

Many others…will be provided upon request.

Selected Publications/Presentations

Cyber Risk in Captive Insurance Organizations, 2014

Information Security Governance, Eastern European National Information Security Conference, Czech Republic, Keynote Speaker on information security governance and program maturity, 2013

Many others…will be provided upon request.

Selected Interviews/Appearances

Regional News Network (RNN): Richard French Live, panel discussion regarding NSA Ruling, December 18, 2013

Radio Free Europe, "Viruses – Why People Write Them," January 30, 2004

Information Architect Newsletter, "Mainframe Connectivity to the Internet," February 4, 2002

Many others…will be provided upon request.

Adam Fisher

Function and Specialization
Project Manager/Team Lead

- Information Security
- IT Implementation
- Risk Management
- FISMA Assessments
- Penetration Tests
- Security Assessments

Clearance
U.S. Federal Civilian Agency High Public Trust PT6

Representative Clients
Commonwealth of Massachusetts
New York State
Centers for Medicare & Medicaid Services
City of Naperville, IL
Commonwealth of Pennsylvania
Wicomico County Public Schools (MD)
St. Clair County (IL)
Gila River Hotels and Casinos
Connecticut State Lottery Corporation
Indiana State Lottery Commission
Minnesota State Lottery

Certification(s)
Offensive Security Wireless Professional (OSWP)
Certified Data Privacy Solutions Engineer (CDPSE)

Education
B.S., Computer Engineering, Boston University, 1995

Background
Mr. Fisher has over 20 years of technical leadership and project management experience in risk assessments, information security, Independent Verification and Validation, penetration testing, application reviews, and systems analysis for major JANUS clients. He has an extensive background in system-level requirements and application code issues and has performed application security code reviews for major government and corporate clients. He is also an expert in biometric and multi-factor authentication and security and designed all the security features into a commercial biometric product. He is an experienced programmer and worked on the U.S. Patriot Missile programming team for several years.

Experience

JANUS Software, Inc. (d/b/a JANUS Associates) **March 1999 – Present**

Project Management

- Project managed development of new software solution involving complex components and interoperability requirements.
- Developed system requirements for multiple project builds.
- Managed and performed software testing of new versions of software builds.
- Developed requirements for, researched available products, and oversaw implementation of COTS product software installer module.
- Developed and gave technical presentations to high-ranking officers at Fortune 500 Companies, government officials, and contractors.
- Piloted biometric security solution for U.S. Office of Secretary of Defense.
- Managed new technology logistics between sales, marketing and development.
- Maintained associations with product partners and future/current clients.
- Performed on-site biometric installation and support for numerous clients.

Subject Matter Expert

- Structures and leads many advanced penetration tests for JANUS clients.
- Led IT re-architecture and re-organization for advanced manufacturing client.
- Assists JANUS clients in solving difficult security connectivity and infrastructure issues.
- Performed application security code reviews for web facing applications for major U.S. insurance company.
- Performed HIPAA compliance and risk assessments for U.S. Centers for Medicare & Medicaid Services for several years.
- Performed an in-depth research product assessment for government agency for needed software solutions.
- Tested major federal data center for adequate controls over risk and implementation of security requirements.
- Performed multiple system security tests for a major national corporation.
- Performed operating system, network, and physical risk assessment for major private brokerage firm.

Technical Training/Skills

C, C++, Java, JavaScript, PHP, XML, Python, Android Mobile Development, Visual Basic, Perl, PowerShell, SQL, HTML, Common Gateway Interface Programming (CGI), Oracle Databases, MySQL, Intel 80x86 Assembly, Pascal, Intel and Motorola micro-controllers, biometric devices (proprietary and BioAPI), Lab View, DOS, Windows 3.x/9x/NT/2x/XP/2K3/Vista/2K8/7/8/2K12, UNIX, Linux, Desktop Publishing, Computer Hardware Design, Network Design and Installation, FTP, Telnet, TCP/IP, Microsoft Active Directory (AD) Administration, Microsoft DNS Server 2.0, Microsoft DHCP Server, Microsoft IIS, Microsoft Active Server Pages, Microsoft Internet Security Accelerator (ISA), Microsoft SQL 7.0/8.0, Apache Web Server, VMWare ESXi

OWASP ZAP, Metasploit, Nessus, Rapid7, Nmap, Cisco routers, CORBA, RMI, DCOM, Enterprise Java Beans, Service Oriented Architecture. OWASP-based security assessments, Single Sign-On (SSO) development with three tier architecture, testing multiple environments, firewall configuration, wireless security analysis, web-based kiosk security configuration reviews, automated source code and manual source code reviews, biometric integration with active directory.

- Performed application security code reviews for large federal government agency sensitive programs.
- Performed risk assessment and penetration test for global telecom organization.
- Senior security and risk advisor for major smart grid devices for major manufacturer.
- Performed multiple external and internal penetration tests and vulnerability assessments for major JANUS clients.
- Designed and implemented information security controls for biometric security product.
- Worked with biometrics vendors to integrate their products in secure manner.
- Advised on security of biometric products to various vendors.
- Developed technical test protocols designed to test new applications for vulnerabilities.
- Co-lead on the design and development of a new cutting-edge security package.
- Prepared security solutions for web-based security training modules for large government agency.

Raytheon **June 1995 – February 1999**
Engineer

- Created a DOS-based GUI in ANSI C to monitor real-time simulation variables in missile simulation data analysis.
- Software lead on a multi-million-dollar upgrade of outdated legacy computer system. Duties entailed system concept design and requirements.
- Using National Instruments LabView, designed a Graphical User Interface (GUI) for the testing, calibration and usage of multiple I/O ports on a UNIX based system for real-time usage.
- Designed and implemented a real-time GUI interface for monitoring of real-time missile simulation. Built the application in Visual C++ using Microsoft's MFC and OpenGL Graphics standard.

Other Experience and Professional Accomplishments

Mentor of high school robotics team in West Hartford to assist them with programming.
Volunteer at Boston Children's Museum Computer Clubhouse instructing inner-city children in computer technology.

Team Leader of a successful project group that designed and constructed a monitoring device for measuring the amount of deflection in a sailboat's mast. Duties included physical design of the main computer and assistance in programming of the micro-controller component.

Function and Specialization
Subject Matter Expert

- Information Security
- Penetration Testing
- Security Assessments
- Web Application Testing
- Firewalls
- Tools

Clearance
Department of Defense, Secret
Department of Homeland Security, Secret
Department of Interior, Secret
Department of Treasury, Secret

Representative Clients
Department of Defense
New York Power Authority
New York State Teachers' Retirement System
Draper Laboratory
Madison County Government
City of Naperville (IL)
St. Clair County (IL)
Minnesota State Lottery

Certification(s)
Certified Information Systems Security Professional (CISSP) – 2008
Federal Information Technology Security Professional (FITSP-A) – 2010
Certified Ethical Hacker and Countermeasures V6 (C|EH) – 2010
Certified Secure Software Lifecycle Professional (CSSLP) – 2009

Mohsan Farid

Background
Mr. Farid has 20 years of technical, security, and customer service experience within government and commercial industries. He currently uses his technical experience to develop, test, and engineer security assessments for various DoD and commercial entities.

Experience

JANUS Software, Inc. (d/b/a JANUS Associates) **February 2017 – Present**
IT and Security Consultant

- Conducts advanced red/blue team projects for clients.
- Performs advanced tests for utilities including for radio, cellular, wireless, and computer based environments.
- Performs security scans, analyses, and penetration tests of client networks and operating environments.
- Conducts advanced security assessments and penetration tests of utilities, government agencies, and commercial enterprises.

Pervade Security **June 2013 – February 2017**
Penetration Tester

- Performed mobile, internal, and web penetration testing for various clients.
- As a pen tester for the IRS Penetration Test Code Analysis team, responsibilities included: managing all aspects of assessment and response engagements from launch to completion.
- Internal/external penetration testing, vulnerability assessments, and web application penetration testing.
- As a mobile security penetration tester for various clients, responsibilities included testing mobile applications and platforms such as IOS, Android, Windows Mobile, while leveraging the OWASP Mobile Top 10.

Vector Detectors **December 2012 – June 2013**
Independent Security Consultant/Cofounder

- Provided security consulting services ranging from internal/external penetration testing, vulnerability assessments, and web application pen testing.

Knowledge Consulting Group **March 2012 – December 2012**
Senior Penetration Test Engineer

- Internal/external penetration testing, vulnerability assessments, and web application pen testing.
- Led pen testing engagements in support of the KCG Cyber Attack & Penetration Division for various customers.
- Conducted ST&E for federal information systems in accordance with NIST standards and oversaw and managed the delivery of security assessment services to commercial and federal customers.
- Led the FedRAMP initiative as a 3PAO technical lead for Akamai.

Certified Network Defense Architect (C|NDA) – 2011
Certified Expert Penetration Tester (CEPT) – 2012
Certified Security Analyst (E|CSA) – 2010
Licensed Penetration Tester (LPT) – 2011
Certified Penetration Tester (CPT) – 2012
Qualified Ethical Hacker (QEH) – 2011

Education

Bachelor of Science in Business, Virginia Commonwealth University

Technical Skills

OS/Applications: Windows, OS X, Linux: Redhat Enterprise, CentOS, Debian, Kali Ubuntu, Fedora, Suse, Slackware, Mandrake, Enigma, Red Hat, Beehive, Knoppix STD, NST, BackTrack, Samurai, VMware ESXi Unix: Solaris, FreeBSD/Open BSD, Open VMS, Novell

Forensic Software: Autopsy, SleuthKit, dd/dc3dd, PTK, DD, Pasco

GOTS Scripts: DISA Unix SRR, Oracle SRR, SQL SRR, WebSRR, and Gold Disk

Penetration and Vulnerability Scanning Software: Metasploit, Responder, Core Impact, Nmap, Nessus, AppDetective, ISS, FoundStone, WebInspect, Retina, Nikto, NTOSpider, SuperScan, Netscan, Retina, X-Scan, AIX, Unicornscan, Sshmitm, Webmitm, Arpspoof, Hydra, Cain and Abel, TCP DUMP, Netcat, Cryptcat, Hping, Xscan, AutoScan, Firewalk, DNSwalk, Fport, HttpPrint, Immunity Canvas, OpenVaus, admsnmp, Cisco Global Exploiter, Fierce, Maltego, Mantra, SQL Ninja, snmpenum, onesixtyone, Armitage,

- Managed all aspects of assessment and response engagements from inception to completion.

Telos Corporation **February 2008 – March 2012**
Senior Security Engineer

- Conducted vulnerability assessments, penetration testing, and web application assessments. Performed multi-scaled analysis ranging from large scale vulnerability to automated and manual penetration testing in addition to web application testing. Vulnerability assessments are in accordance with the DoD.
- Information Assurance Certification and Accreditation Process (DIACAP, DITSCAP, AR 25-2, and NIST SP 800 series).
- Managed all aspects of assessment and response engagements from inception to completion.
- Leveraged the Application Security and Development Security Technical Implementation Guide and OWASP to provide security guidance for use throughout the application development lifecycle.
- Provided the guidance needed to promote the development, integration, and maintenance of secure applications.
- Utilized VMware ESXi server to develop a lab environment for application security and penetration testing.
- Consolidated and analyzed the output from the findings tools and presented them in the form of a vulnerability matrix consisting of a POA&M, DIP, SIP, and DIACAP scorecard.

Security University **August 2010 – December 2010**
Intern

- Immersed students into an interactive environment where they were shown how to scan, test, hack and secure their own systems. The lab intensive environment gives each student in-depth knowledge and practical experience with the current essential security systems.

IntelliDyne, LLC **October 2006 – February 2008**
Security Engineer

- Performed vulnerability assessments and application testing in accordance with the DoD Information Technology Security Certification and Accreditation Process (DITSCAP).
- Responsible for evaluating application security within the Software Development Lifecycle (SDLC) of clientele.
- Assisted in the design, development, testing, deployment, and maintenance of secure applications.
- Evaluation of system documentation such as SSAA and SDD.
- Conducted technical interviews with developers and program security personnel.
- Developed detailed test plans for identifying the system accompanied by its components, security requirements, in addition to testing methodologies and tools.
- Facilitated negotiations with all Points of Contact (POC) for system testing in order to establish testing time, location, and to provide those who were tested with an understanding of what to expect during the auditing phase.
- Performed vulnerability and application testing using tools such as DISA SRR scripts, Nessus/Newt, AppDetective, ISS, FoundStone, WebInspect, John the Ripper, Nmap, and Cain and Abel.

Karmetasploit, Social Engineering Tool kit (SET), WCE Windows credential editor, Nexpose; Browser exploitation framework, Mimikatz

Sniffers: Ethereal, Etherape, Ettercap Wireshark, Dsniff, Kismet, tcpdump

Debug/Reverse Engineering: Peach Fuzz, FileFuzz, !Exploitable, DebugDiag, Spike, Immunity Debugger, IDA Pro, Ollydbg, windbg

Web Application: Burp Suite Pro, SQLMap, AppScan, ZAP proxy, Tamper Data, Acunetix, Paros, WebScarab, w3af, Wfuzz, WebInspect, Nikto, NTO Spider, Net Sparker

- Consolidated and analyzed the RAW data from the findings tools and presented them in the form of a vulnerability matrix with recommendation for mitigation or elimination of the identified risks for both technical and managerial audiences.

AcquireSoft **April 2002 – October 2005**
Technology Officer

- Managed a team of engineers in Information Security evaluation, design and implementation of AcquireSoft's technical infrastructure.
- As the director of the AcquireSoft Risk Management process, performed regular data hygiene activities in addition to creating and administering internal and client databases.
- Responsible for the development and maintenance of the IT Audit mission, strategy, procedures, secure application development, and risk assessments.
- Secure application development conducting code reviews for security flaws for various customers.
- Trained developers on secure development standards.
- Performed routine data encryption for internal security purposes along with clientele data, and installed and configured ERP solutions.

Item Inc. **April 2000 – December 2002**
Systems Engineer and Sr. Network Administrator

- Designed, tested, and implemented systems that focused on the infrastructure components. This included network switches, routers, LAN/WAN connectivity, remote access, Windows NT and Active directory domain design and implementation, network management design and implementation.
- Performed network security/information assurance activities including active audits, firewall, and Intrusion Detection System (IDS) configurations.
- Responsible for installing and maintaining networks on-site and off-site. In this capacity duties included the configuration of client systems including server and workstation operating systems, configured customer databases to custom specifications to best meet needs, and performed upgrades to products with optimum security settings/permissions.

RCN Internet **May 1999 – March 2000**
Help Desk Support

- Analyzed and diagnosed Internet and operating system related errors while providing client with superior customer service.
- Exceptional skills in problem solving and diagnostics.
- Removed Internet related viruses through DOS, connecting into mail servers, troubleshooting modems, installing and re-installing drivers, com ports, configuring receive and transmit buffers, communicating and running diagnostics, and resetting modems with initiation strings.
- Performed advanced operating system trouble shooting such as extracting Winsock's and manually uninstalling DUN, manual repairing and uninstalling IE 4 and 5.
- Edited registry settings, scanning critical system files and replacing them if they were corrupt.
- Optimized Internet connections; power cycled cable modems and tweaked registry settings for optimal performance.

Function and Specialization
Subject Matter Expert

- Penetration/Vulnerability Testing
- Security Awareness & Training
- Information Security
- Information Assurance

Clearance
Internal Revenue Service (IRS) Minimum Background Investigation (MBI)
Public Trust – Moderate (5C)
Public Trust – High Risk (6C)

Representative Clients
Capital District Transportation Authority
Draper Laboratory
Madison County Government
Mohegan Sun Casino
City of Naperville (IL)
St. Clair County (IL)
Gila River Hotels and Casinos
Connecticut State Lottery Corporation
Indiana State Lottery Commission
Minnesota State Lottery

Certification(s)
CompTIA A+ and Security+ – 2001 and 2005
DISA Systems Administrator – 2002
ISC^2 Certified Information System Security Professional (CISSP) – 2007

Roger Colón Jr.

Background
Mr. Colón is a highly experienced and certified Information Technology (IT), information security, penetration testing, information assurance, cyber security engineer, ethical hacker, and IT auditor with over 20 years of penetration testing and other security experience, to include significant experience in building and managing cyber security programs, systems, and applications. Other significant experience in security architecture, engineering, infrastructure and technology security testing, and assessing security-related controls. Operational experience includes monitoring, auditing, pen testing, vulnerability management, delivering security awareness & training, and developing security-related documentation.

Experience
JANUS Software, Inc. (d/b/a JANUS Associates) **August 2016 – Present**
Director, vCISO Services
- Assists state, commercial, and healthcare entities to improve security.
- Conducts network analyses to determine security issues, performance, and how to re-architect for the future.
- Performs infrastructure and architectural assessments to determine compliance and adherence to standards and controls.
- Performs cyber security strategic and operational tasks for clients.

Senior Security Engineer
- Performs government and commercial penetration tests and cyber security assessments to determine security risks of JANUS clients. Penetration testing is conducted against network infrastructure, general support systems, web applications, to include those supporting ICS and SCADA systems.
- Assists state, commercial, and healthcare entities to improve security.
- Completes application assessments for wide variety of application technologies including Oracle.
- Performs cloud security penetration tests and compliance assessments.
- Performs HIPAA, CIS, NIST gap analyses, compliance reviews, and assessments for commercial and government entities.
- Conducts network analyses to determine security issues, performance, and how to re-architect for the future.
- Performs infrastructure and architectural assessments to determine compliance and adherence to standards and controls.
- Performs security assessments for wide range of JANUS clients.

Advanced Threat Analysis, Inc. (ATA) **December 2012 – February 2016**
Senior Penetration Tester/Senior Security Engineer
- Conducted manual web application, and manual infrastructure penetration testing. Utilized industry best practices and research to exploit vulnerabilities with automated and manual techniques.

Certified Secure Software Lifecycle Professional (CSSLP) – 2009
Certified FISMA Compliance Practitioner (CFCP) – 2010
Core Impact Certified Professional (CICP) – 2009
IT Infrastructure Library (ITIL) v3 – 2010
Certified Information Security Manager (CISM) – 2017
Certified Ethical Hacker (CEH) – 2017
Certificate of Cloud Security Knowledge (CCSK) – 2019
Static Application Security Testing (CxSAST) – 2019
Certified Data Privacy Solutions Engineer (CDPSE) – 2020
Microsoft Certified Azure Security Engineer Associate – 2021
Microsoft Certified Azure Fundamentals – 2021
Microsoft Certified Azure Solutions Architect Expert – 2021
Certified CMMC Professional (CCP) – 2022
Certified Chief Information Security Officer (CISO) – 2022

Education

George Washington University Master Certificate, IT Project Management – 2010
American Intercontinental University, Master of Science, IT Management – 2004
University of Phoenix, Bachelor of Science, Information Systems – 2002
Anne Arundel Community College, Associate of Arts, Spanish – 2000

- Developed scripts to simplify testing of infrastructure/applications; scripts may include discovery and/or exploits Senior information security consultant for the federal and commercial sectors: Provided security engineering, cyber security event log monitoring, program management, IT auditing, implementation management, risk management, security controls assessments, vulnerability management, and penetration testing support on major applications, systems, and mobile technology.
- Utilized the following laws, or guidance when delivering consulting services: FISMA, NIST, DIACAP, CIS, OWASP, OMB Circular A-123, FIPS, PCI, FISCAM, HIPAA, and SOX.
- Provided subject matter expertise related to the risk management framework, and how to apply it to ICS, SCADA, and the Smart Grid for a major energy provider in Maryland.
- Developed the security-related documentation, to include the System Security Plan, Information Technology Contingency Plan, and the Disaster Recovery Plan for the Smart Grid for a major energy provider in Maryland.
- Conducted SCAs, IT auditing, vulnerability scanning, network, wireless, and web application penetration testing for the IRS, DOJ EOUSA, NOAA SOC and NOC, CMS, DOE, VA, M&T Bank, EMC, Community First Fund, DHS, and United States Bank.
- Utilized commercial and open source solutions to conduct automated vulnerability scanning and penetration testing. Scanned web applications and general support systems for vulnerabilities.
- Briefed upper management on issues identified on their systems or with their processes.
- Developed the Rules of Engagement (ROE) and obtained organization approval before conducting any pen testing or ethical hacking; ROE included tool set and scripts to be used during the assessment/testing.
- Performed threat modeling and identified architectural risks that can be exploited through penetration testing.
- Based on research and industry best practices, developed Standard Operating Procedures (SOPs) on how to identify and validate weaknesses/vulnerabilities on web applications and their supporting systems (infrastructure) to include servers, database servers, mainframes, and databases. SOPs included step by step procedures to be used during the test, not including research.
- Utilized Metasploit where possible to exploit any vulnerabilities where an exploit does exist. Modified open source scripts when necessary to exploit vulnerabilities. Used manual test procedures to validate any vulnerabilities.
- Rooted Android mobile devices and utilized them for reconnaissance and discovery on networks, and some scanning.
- Performed static and dynamic application security on bank mobile applications while they are in development, testing, and in production.
- Oversaw the security engineering and implementation of the infrastructure supporting the Affordable Care Act (ACA) applications.
- Supported event log monitoring, vulnerability management, change management, penetration testing of different ACA releases, and audit plan testing. Supported the integration and configuration of Guardium, SiteMinder, JBoss, webMethods, Oracle, ArcSight, and Greenplum into ACA.

Internal Revenue Service (IRS) **April 2007 – November 2012**
Director/Associate Director/Senior Security Engineer/Penetration Tester/Source Code Analyst

- Performed source code analysis and penetration testing on over 200 information systems to include CADE and CADE2, EFDS, Where's My Refund, Filing Information Returns Electronically (FIRE), AMS, RRP, CSAT, and other IRS information systems. As a Sr. Security Engineer and the Associate Director, Security Engineering, managed and performed security engineering and information security controls testing, to include security controls assessments, vulnerability assessments, and penetration tests on client network devices.
- Regularly briefed customers and clients on program/project progress; conduct Security+ and CISSP training on-site.
- As the Associate Director, Cybersecurity Operations, safeguarded the confidentiality, integrity, and availability of IRS information systems and taxpayer data through security engineering requirements, 24x7x365 event log monitoring, continuous monitoring of vulnerabilities, delivering security awareness briefings, incident handling, and implementing enterprise solutions to include MAs and GSSs that process, transmit, or store PII and/or SBU data.

Anne Arundel Community College **January 2005 – January 2015**
Adjunct Faculty/Instructor

- Mentored, instructed, and provided students in-depth coverage of the current security risks and threats to an organization's data. Also served the needs of individuals seeking to pass the CompTIA Security+, Net+, Linux+, and CISSP certification exams.

KPMG, LLP **October 2004 – April 2007**
Information Security Services Consultant/Pen Tester/Team Lead/Senior IT Auditor

- Member of the Information Security Services (ISS) Team leading and providing Information Security and IT Audit support to the federal government and commercial entities throughout the United States using NIST and DIACAP.
- Successfully traveled to over 30 sites and assessed over 30,000 information systems through active vulnerability scanning and infrastructure penetration testing in a three-year period, to include exploiting over 400 of those systems.
- Led and performed Security Engineering reviews, Infrastructure and Application Vulnerability Assessments, Penetration Testing, C&A, Policy Review, DR/BCP, Risk Assessments, Ethical Penetration Testing, Wireless Reviews, IT General Controls, Security Controls Assessments, Applications testing in support of FISMA and FISCAM audits.
- Utilized knowledge of OMB-A 130, Appendix III, NIST guidelines and DIACAP, to support the preparation and approval of SSPs or SSA&As; support POA&M management.
- Hands on experience in installing, configuring, testing, and hardening operating systems and applications to include RACF.

Law Enforcement and Other Experience and Professional Accomplishments

Northrop Grumman Mission Systems - NSA and DHS, 02/99 – 09/04 - Senior Systems and Network Security Engineer

Fuentez Systems Concepts, Inc. - DISA, 11/02 – 05/03 - Senior Systems and Network Engineer

Sterling Software - Office of Naval Intelligence, 06/98 – 02/99 - Software and Security Engineer

United States Navy - Naval Security Group Activity, 06/88 – 05/98 - Spanish Language Analyst/Jr. Sys. Admin

Function and Specialization
Subject Matter Expert

- Penetration/Vulnerability Testing
- Network Security
- Cyber Security

Representative Clients
Massachusetts Water Resources Authority
Capital District Transportation Authority
Dormitory Authority of the State of New York
New York State Teachers' Retirement System
Wisconsin Department of Employee Trust Funds
Gila River Hotels and Casinos
Indiana State Lottery Commission
Minnesota State Lottery

Certifications
Practical Network Penetration Tester (PNPT)

Education
University of Maryland, Baltimore County, Information Systems, May 2020

Technical Skills
Linux (Kali Linux, Parrot OS); Python; Responder; Nmap; Burp Suite; Metasploit; VMware; Discover; Impacket; Prowler; OSINT; JTR; Hashcat; Mimikatz; Nikto; theHarverster; ZAP; Bash;

Arian Eidizadeh

Background
Cyber Security Analyst with a strong focus in ethical hacking, penetration testing, vulnerability analysis, and network security. Currently performing cyber security projects including technical, networking, and informative penetration test results.

Experience
JANUS Software, Inc. (d/b/a JANUS Associates) **August 2018 – Present**
Security Analyst

- Active Directory penetration testing against Fortune 1000 companies, federal agencies, and other critical environments.
- Covers Penetration Testing Execution Standard (PTES) Standard for Internal Penetration Testing.
- Perform Red Team Operations.
- Cracks password hashes (NTLM, NETNTLMV1, NETNTLMV2, MSSQL, and more).
- Performs Internet penetration testing (Blackbox/Graybox/Whitebox testing) and network architecture reviews (manual/automated).
- Conducts Purple Team assessments using the MITRE ATT&CK Framework.
- Assesses the security posture of web applications and other external penetration procedures using the OWASP Top 10.
- Executes manual internal penetration assessments to identify vulnerabilities and flaws that may negatively impact a business's overall security.
- Performs assessments of security awareness training using social engineering.
- Engages in wireless testing attacks such as the PMKID attack.
- Decrypts critical data with services that cover applications, databases, and other files.
- Works on improvements for provided security services, including the continuous enhancement of existing methodology material and supporting assets.

Other Experience and Professional Accomplishments
Personal Projects
SQL Injection Attack (02/2019 – 04/2019)

- Create, exploit, and defend against a SQL injection attack.
- Wrote a program that accepts user input and demonstrates how various inputs could be used to create a SQL injection attack.
- Successfully sanitized user input to mitigate any SQL injection attacks.

Spectre and Meltdown Research (10/2018 – 12/2018)

- Investigated the Security risks of Spectre and Meltdown on processors.
- Developed theoretical solutions to the issue.
- Presentation on Spectre's abuse of branch prediction and speculative execution.

Achievements
Successfully exploited several critical vulnerabilities leading to full system compromise. (08/2018 – Present)

- Exploited numerous Metasploitable, HackTheBox, and DVWA Virtual Machines

Phishing; Spiderfoot; Hydra; Ettercap; Nessus; OWASP; Purple Team; Red Team; Active Directory; Kerberos; SMB; OSI Model; Password Cracking; Windows Security; CrackMapExec; C2 Servers; Atomic Red	Unix Badge (07/2019 – 07/2019) • Obtaining this badge demonstrates the understanding and completion of challenges covering the security of Unix/Linux systems. This includes the detection and exploitation of weak permissions, misconfiguration of common services (MySQL, Tomcat...) as well as misconfigurations of sudo. <u>Labs</u> • Executed command injection attacks to alter a database. (Professional Working Proficiency) • Conducted SQL attacks to tamper/reveal data. (Professional Working Proficiency) • Utilized Burp Suite and Burp Site Crawler to Asses Web Application security. (Professional Working Proficiency) • AD LLMNR/NBT-NS Poisoning and Relay attacks. (Professional Working Proficiency) • Managed code review scans and reports to locate potential flaws and determine areas of improvement within a clients' codebase. <u>Organizations</u> • HackUMBC (04/2018 – 04/2018) ○ Collaborated on mobile, web, and hardware projects for the tech innovation marathon. • Cyber Dawgs (08/2017 – 05/2019) ○ Participated in weekly CTF's, utilized tools in Kali Linux for various offensive and defensive security purposes. • Persian Student Association (07/2019 – 05/2020) ○ Publican Relations

Function and Specialization
Subject Matter Expert

- Penetration Testing
- Cyber Forensics
- Website Scanning and Exploitation Tools
- Vulnerability Scanning
- Incident Response and Reporting
- Network/Endpoint/Information Security
- Computer Network Defense

Clearance
Active Top Secret/SCI with current SSBI

Representative Clients
Department of Defense
Connecticut Lottery
New York City Police Pension Fund
New York State Teachers' Retirement System
Connecticut Health Insurance Exchange (d/b/a Access Health CT)
Atlanta Regional Commission

Certification(s)
Certified Information Systems Security Professional (CISSP)
Certified Ethical Hacker (CEH)

Education
Associate's Degree, Interdisciplinary Studies, Cascade

Aaron Sanderson

Background
Twenty-seven years of IT networking and sixteen years of cyber security technical experience as a highly effective penetration tester, cyber forensics consultant, and subject matter expert to military agencies, U.S. defense organizations, and commercial enterprises. Mentors security personnel on new techniques designed to improve security posture. Researcher of various threat actors to bring knowledge of new attack methods to clients.

Experience

JANUS Software, Inc. (d/b/a JANUS Associates) **October 2020 – Present**
Senior Security Analyst

- Provides penetration testing support to JANUS clients utilizing broad range of techniques and processes.
- Advises JANUS clients on improved security capabilities and defenses.

Aermor **November 2019 – October 2020**
Red Team Operator/Penetration Tester/Threat Analyst

- Served on the Navy Red Team (one of nine NSA Certified DoD Red Teams) to provide Cyber Threat Emulation during Fleet, Command, and Joint Exercises during pre-deployment training, acquisition program assessments, and operational readiness assessments.
- Acted as a penetration tester using current threat techniques and performed as part of an opposition force team to scan, identify and analyze vulnerabilities, employ exploits, establish persistence, escalate privileges and create effects on target systems, under clear rules of engagement with formal approval and authorities.
- Provided resident subject matter expertise, and provided advice and mentorship to DoD enlisted pen testers.
- Utilized Open Source, Commercial, and Government reporting on emerging tools, techniques, and procedures used by the pen testing community and Advanced Threat Groups to create focused training and threat campaign plans.

Apogee Engineering **December 2018 – November 2019**
Penetration Tester

- Analyzed the results from automated web testing tools to validate findings, determine their business impact, and eliminate false positives.
- Demonstrated expertise with website scanning and exploitation tools such as but not limited to: HP WebInspect, Burp Suite, etc.
- Supported execution of and help in development of TTPs for website penetration testing or Blue Teaming.
- Used commercial and open source network cyber assessment tools (e.g. Nmap, Metasploit, and Nessus).

College, Portland, OR – 1994 to 1998

Technical Skills

HP WebInspect; Burp Suite; Nmap; Metasploit; Nessus; Windows; Linux; HTTP/HTTPS; FTP; PKI; Microsoft (PowerShell, WinDBG, SysInternals); Wireshark; Kali; Cobalt Strike; Active Directory; DNS; VMWare; TCP/IP

- Exploited common vulnerabilities and misconfigurations associated with common operating systems (Windows, Linux, etc.), protocols (HTTP, FTP, etc.), and network security services (PKI, HTTPS, etc.).
- Produced written reports and briefs on the results of penetration tests.
- Conducted planning and executed Blue Teaming, Penetration Testing and/or Capture the Flag events.
- Researched various cyber actors' TTPs, organizational structures, capabilities, personas, and environments, and integrated findings into Cyber Blue Teaming or penetration test operations.
- Developed and utilized testing methodology for threat emulation and vulnerability validation.

Aermor **August 2018 – December 2018**

Cyber Forensic Analyst

- Network Forensic Analyst augmenting Cyber Defense Command watch floor capabilities.
- Utilized Open Source and Proprietary IDS, IPS, and SIEM to conduct Threat Hunting and develop incident reporting.

EWA Warrior Services **March 2018 – August 2018**

Red Team Operator/Penetration Tester/Threat Analyst

- Served on the Navy Red Team (one of nine NSA Certified DoD Red Teams) to provide Cyber Threat Emulation during Fleet, Command, and Joint Exercises during pre-deployment training, acquisition program assessments, and operational readiness assessments.
- Acted as a penetration tester using current threat techniques and performed as part of an opposition force team to scan, identify and analyze vulnerabilities, employ exploits, establish persistence, escalate privileges and create effects on target systems, under clear rules of engagement with formal approval and authorities.
- Provided resident subject matter expertise, providing advice and mentorship to pen testers.
- Utilized open source, commercial, and government reporting on emerging tools, techniques, and procedures used by the pen testing community and Advanced Threat Groups to create focused training and threat campaign plans.

Symantec **August 2004 – March 2018**

Principal Security Consultant (December 2013 – March 2018)

Resident Consultant acting as staff augmentation to a DOD contract providing expert level assistance to protect and manage critical assets. Duties included:

- Performed assessment, design, implementation, incident planning and forensic services for a global enterprise network while remaining in compliance with applicable regulations and policies.
- Use standard Microsoft (PowerShell, WinDBG, SysInternals) and Open Source (Wireshark, Nmap) tools to quickly determine root cause and remediation of multivendor incidents.
- Served as a subject matter expert on emerging vulnerabilities and threat actors.

Senior Business Critical Services Remote Product Specialist (May 2012 – December 2013)

- Delivered a polished, high-touch level of technical product support to a portfolio of high profile and high impact customers while managing a customer's support experience.
- Served as a trusted advisor and subject matter expert to assist customer with securing their environment, complying with applicable regulations, responding to security incidents, and used Security Assessment tools (Nmap, Nessus, Metasploit) to demonstrate potential risk to customer leadership.
- Participated in, and lead activities (training, mentoring, projects, etc.) to help strengthen the technical abilities of peers and other teams.
- Drove continued self-development in both technical and professional areas to optimize effectiveness in role.

BCS Remote Product Specialist (April 2008 – May 2012)

- Delivered a polished, high-touch level of technical product support to a portfolio of high profile and high impact customers while managing a customer's support experience.
- Served as a trusted advisor and subject matter expert to assist customer securing their environment, complying with applicable regulations, responding to security incidents, and assist with demonstrations of potential risk to customer leadership.
- Participated in activities (training, projects, etc.) to help strengthen the technical abilities of peers and other Enterprise Support teams.
- Drove continued self-development in both technical and professional areas to optimize effectiveness in role. Additionally, served as an Incident Manager for Symantec Business Continuity Program.

Technical Support Analyst (August 2004 – June 2005)

- Delivered excellent customer support for Symantec Security Products to include AntiVirus, Firewall, AntiSpam, and Content Filtering; on Windows and Linux platforms.

Stream International **September 1998 – August 2004**
Support Representative

- Provided Outsourced Technical Support for a wide range of consumer and business products ranging from dial-up ISP support to enterprise network hardware (Hubs, Switches, Routers, RAS Hardware, and Firewalls).
- Technical Support Representative (Norton), Eugene, Oregon (May 2003 – August 2004)
- Senior Network Support Representative (3Com), Beaverton, Oregon (October 2000 – May 2001)
- Network Support Representative (3Com), Beaverton, Oregon (November 1999 – October 2000)
- Software Support Representative (Earthlink, 3Com), Tigard, Oregon (September 1998 – November 1999)

Cascade College **August 1994 – May 1998**
IT Services Representative

- Grew a campus network starting with the unboxing of four Windows 3.11 systems sharing a printer to a Campus Area Network with 500 network drops across six buildings served by Windows NT 4.0 and Linux servers.

Other Experience and Professional Accomplishments
United States Army, Sergeant First Class

James Carruth

Function and Specialization
Senior Auditor

- Infrastructure Security
- Networking
- Network Architecture
- Compliance
- Banking, Finance

Representative Clients
TriNovus Systems (banking networking)
Travis County District Attorney
City of Hartford (CT)
City of Naperville
Aligned Energy
Minnesota State Lottery
Wicomico County Public Schools (MD)
Travis County (TX)
Gila River Hotels and Casinos
Connecticut State Lottery Corporation
Indiana State Lottery Commission

Certification(s)
Certified Information Systems Security Professional (CISSP)
Certified Data Privacy Solutions Engineer (CDPSE)

Education
B.S., Computer Information Systems, Park University, Parkville, MO (magna cum laude) – 2000

Technical Skills

Background
Twenty-two years of experience building, enhancing, and integrating highly available, secure, and compliant infrastructures. Vast knowledge base in network architectures; infrastructure builds; government compliance; network security/privacy issues; network management and monitoring systems; business continuity planning best practices; and analysis and design. Focuses on mitigating a variety of risk factors with robust Business Continuity Planning practices, HIPAA security, adherence to SLAs, and full compliance with SSAE16, SOC 2, and PCI audit standards. Skilled in working in regulated environments to safeguard client assets, sensitive data, and critical business systems to protect from intrusion, data corruption, and loss.

Experience

JANUS Software, Inc. (d/b/a JANUS Associates) **July 2017 – Present**
Director, Audit & Assessment

- Manages large client security and risk assessments.
- Performed multiple network architecture compliance advisement for client institutions.
- Performs security compliance and risk assessments for wide variety of clients using standards/requirements such as Centers for Medicare & Medicaid Services Acceptable Risk Standards (CMS/ARS), HIPAA, FISMA, and FFIEC/NCUA
- Analyzes networks and works with IT departments to improve security architecture and environment.

TriNovus Systems, Lubbock, TX **February 2005 – July 2017**
Network Services Director

Recruited for position and brought on board to mature an infrastructure that was not well structured and lacked full disaster recovery capabilities. Lead a team of up to five members in the build, management, and support of a high availability, core processing data center infrastructure for banking clients, who have no tolerance for unexpected downtimes.

- Managed networks and systems for a heterogeneous environment comprised of VMWare, Windows, Linux, Mac, and IBM iSeries systems. Experienced in vendor and contract management, and product research and evaluation.
- Created a technology and capability Roadmap for the execution of a well-defined strategy plus the tactics and timelines to implement that strategy. Addressed such issues as the replacement of depreciated systems, vulnerability remediation, and compliance with encryption standards and regulations.
- Within a highly-regulated industry, managed compliance and auditing projects related to FFIEC, OCC, FDIC and Texas State Department of Banking oversight and SSAE16, SOC 2. Areas included business continuity planning, disaster recovery testing, vendor management, Active Directory management, patch management, anti-virus management, 3rd party software patch management, intrusion detection/prevention systems, external penetration testing and remediation, internal vulnerability scanning and remediation and network file system segregation.

Protocols: TCP/IP / DHCP / DNS / WINS / IPX / SPX / IPSec / DLC / NetBEUI NetBIOS / SNMP / VPN / PPP / PPTP / L2TP / VoIP / SIP / POP3 / SMTP / IMAP / SSH / SMB / Telnet / HTTP / HTTPS / NTP
Access Control: RADIUS / LDAP / RSA / DUO
Encryption: Bitlocker / PGP / VeraCrypt / AxCrypt
Network Access & Peripherals: Secure Access Gateways · Web Proxies · Spam Filters - Print Servers; Proxy Servers · Switches · Routers · Bridges · Wireless Access Points · Patch Panels · Copper & Fiber Optic Cabling · Equipment Closets · Thin Clients
Operating Systems: all Windows clients and servers; Journaled, Raw File Systems (FAT/FAT32/NTFS/Ext2/Ext3); Novell NetWare 6.x; Linux (Debian derivatives); DOS Command Line/Scripting; Windows Power Shell; VMware ESX Server
Software: Microsoft - Word, Access, PowerPoint, Excel, Works, Outlook, Active Directory, SMS, FrontPage, Project, IIS 5.0/6.0/7.0; Miscellaneous: Mail Enable - Network health and event monitoring · Remote Access · Malware Protection: Norton / McAfee / Trend Micro / Kaspersky / Sophos / F-Secure / Webroot

- Based on successes building friendly and professional relationships, worked closely with clients to determine thorough understanding of needs upon which to determine success, and complied with quality management and continuous improvement standards.
- Developed team competencies in network and system troubleshooting, software distribution and updates, router and domain name management, performance monitoring, error validation, and support practices.
- Provided application management support focused on network security, resiliency, business continuity, and disaster recovery. Deployed enterprise class solutions for Internet and email proxy appliances, firewalls, WAN link resiliency, and network infrastructure.
- Defined and executed a Disaster Recovery and Business Continuity Plan for an infrastructure that supported 32 financial institutions.
  - Implemented BGP and autonomous system routing, allowing customers greater access to SaaS services in the event of a communications failure with primary vendor.
  - Created a production environment capable of near time local replication and daily replication to primary DR site, utilizing VMWare and 3rd party VM centric tools. The current robust environment is tested twice yearly with customer participation.
- Virtualized environment on a limited initial budget to progressively piece together the backbone of VMWare environment. Consolidated the most critical systems to just ten servers, resulting in a simplified support model with lower costs, as well as horizontal scalability as needed.
  - Expanded VMWare environment to include 70 percent of production systems, with an established DR location.
- Performed IT consulting for community banks, providing everything from building public websites, hosting email domains, and managing DNS to supporting servers, desktops, printers, routers and firewalls. Provided services for 13 banks.
- Deployed an open source tool (Nagios) as an "up/down" network monitor to alert when production, disaster recovery and customer managed systems became unresponsive.

Travis County District Attorney, Austin, TX **April 1993 – February 2005**
Senior Network Analyst (January 2001 – February 2005)

Provided technical support for an IT infrastructure distributed across three locations for a state government office with 300 employees.

- Led two network analysts in the maintenance and support of a heterogeneous network environment comprised of a high availability NetWare 6.5 cluster, Linux, Windows, and IBM AS400 systems.
- Created numerous Crystal Reports using data derived from the County's criminal justice system for such purposes as case load management, recidivism rate tracking, victim/witness tracking, and correspondence, among others. Delivered reports via the web.

Senior Financial Analyst (April 1993 – December 2000)

Budget Manager and Principal Accountant for Public Integrity Unit, a state funded prosecution department of the Travis County District Attorney.

Other Experience and Professional Accomplishments

United States Marine Corps, Jacksonville, NC **April 1987 – April 1993**
Sergeant, Active Duty Military

Andrew R. Jansen

Function and Specialization
Assessor

- Project Management
- Data Assurance
- Software Development
- HIPAA Standards
- NERC/CIP Compliance

Certification(s)
Certified Information Systems Security Professional (CISSP)

Representative Clients
Connecticut Health Insurance Exchange (d/b/a Access Health CT)
Wisconsin Department of Employee Trust Funds
Wisconsin Department of Health Services
Vermont Department for Children and Families
Cable ONE, Inc.
New York State Insurance Fund

Education
The University of Tennessee at Chattanooga, MBA
Texas Tech University, BBA-Management Information Systems

Technical Skills
Protocols: TCP/IP / DHCP / DNS / WINS / IPX / SPX / IPSec / DLC / NetBEUI NetBIOS / SNMP / VPN / PPP / PPTP / L2TP / VoIP / SIP /

Background
Accomplished information technology professional with project management and leadership experience. Over 15 years of experience in data assurance, secure software development and design, hardware installation and troubleshooting, helpdesk, and customer support. Experience in a health services environment and in financial compliance roles. Excellent verbal and written communication, customer service, and analytical skills as demonstrated by earning a Master of Business Administration as well as many years of experience in customer-focused work environments.

Experience

JANUS Software, Inc., d/b/a JANUS Associates **March 2022 – Present**
Security Analyst

- Performed security assessments in compliance with HIPAA MARS-E requirements.

Knox County Government – Department of Finance **February 2016 – March 2022**
Information Systems Technician
A role, which began technical in nature, grew to encompass a leadership function. Responsibilities expanded to include project management, supervision, and independent execution of finance processes.

- Project management—served as project lead for the conversion from Kronos to the ExecuTime Time and Attendance system to better integrate with the county's Tyler Munis ERP, streamlined the payroll function, and facilitated the transition to electronic timesheets.
- Served as the system administrator and information security lead to ensure that system security measures complied with county, state, and federal requirements for protecting sensitive personally identifiable information (PII) and Federal Tax Information (FTI).
    - Affordable Care Act privacy and security requirements aligned with 45 CFR § 155.260
    - Internal Revenue Service security requirements aligned with IRS Publication 1075
    - Tennessee Code § 47-18-2110 Protecting social security numbers from disclosure
    - Tennessee Code § 56-2-1004 Information Security Program
- Developed internal training materials for the use of and administration of departmental information processing assets to include:
    - ExecuTime
    - Tyler Technologies Munis ERP
- Provided excellent in-person and remote training and presentations to department leadership and staff on Munis and ExecuTime operations.
- Directed and administered day-to-day activities for Finance Department IT team and contractors.

POP3 / SMTP / IMAP / SSH / SMB / Telnet / HTTP / HTTPS / NTP
Access Control: RADIUS / LDAP / RSA / DUO
Encryption: Bitlocker / PGP / VeraCrypt / AxCrypt
Network Access & Peripherals: Secure Access Gateways · Web Proxies · Spam Filters - Print Servers; Proxy Servers · Switches · Routers · Bridges · Wireless Access Points · Patch Panels · Copper & Fiber Optic Cabling · Equipment Closets · Thin Clients
Operating Systems: all Windows clients and servers; Journaled, Raw File Systems (FAT/FAT32/NTFS/Ext2/Ext3); Novell NetWare; DOS Command Line/Scripting; Windows Power Shell; VMware ESX Server
Software: Microsoft - Word, Access, PowerPoint, Excel, Visual Basic 6, Works, Outlook, Active Directory, SMS, FrontPage, Project; Miscellaneous: PL/SQL · Tyler Munis ERP · ExecuTime Time and Attendance · Kronos UKG · Remote Access · Malware Protection: Norton / McAfee / Trend Micro / Kaspersky / Sophos / F-Secure / Webroot

- Developed departmental strategic plan to implement new technologies and processes to streamline functions and meet updated standards.
- Utilized Crystal Reports to develop, prepare, and analyze custom reporting solutions to meet the information and data needs of departmental and executive county leadership.

STARCARE Specialty Health System **September 2008 – February 2016**
Programmer
As a programmer for STARCARE, developed complex systems used for data analysis and reporting of clinical and business information to the State of Texas Health and Human Services (Texas HHS). Designed, maintained, and validated data transfer processes, assisted staff in developing solutions for software and data reporting issues. Notable HIPAA and Texas Administrative Code (TAC § 202 and control standards) compliant projects included:

- Development of a system to manage and report clients' encounter data (ICD-9 codes), including the creation of electronic data interchange (EDI) files for required State of Texas reporting (lead developer and data assurance architect).
- Development of an electronic medical record (EMR) system (assistant developer).
- Development of a purchase/dispense system for a patient methadone program.
- Revision and enhancement of existing applications for operating efficiency and procedural changes.

Andeler Corporation **May 2003 – September 2008**
General Manager/Data Architect
Oversaw daily operations of a start-up retail electric utility provider. Instrumental in the development of back-office processes, as well as business growth opportunities. Primary contact for relations with electric generators, transmission and distribution service providers, and the Public Utility Commission. Responsible for North American Electric Reliability Corporation and Critical Infrastructure Protection (NERC/CIP) compliance. Developed and maintained NERC/CIP data compliant database used for customer and meter data, accurate billings, and escalated customer issues.

- Managed retail customer center operations for over 2,500 customers.
- Facilitated ERCOT (Electric Reliability Council of Texas) relations.
- Scheduled day-ahead power and processed EDI transactions.
- Served as emergency contact for electric generators and transmission and distribution service providers.
- Developed and provided oversight for customer tracking and invoicing system (application layer and database backend systems).

Stratos Aviation, Inc. **September 2001 – May 2003**
Chief Flight Instructor
Served as the Chief Flight Instructor for a 14 CFR Part 61 flight school. Provided ground and flight instruction to students earning private and commercial certificates, and instrument ratings.

- Provided in-flight and ground instruction in aircraft and classroom environments.
- Performed flight reviews to licensed pilots to meet 14 CFR Part 61 §61.56.
- Achieved and exceeded the standards set by the FAA for private and commercial pilot certificates and instrument ratings.
- Managed maintenance of flight school's five rental and training aircraft to meet and surpass FAA safety standards.

City of Lubbock – Information Technology **January 1997 – September 2001**
End-User Support Technician

Provided phone and on-site helpdesk support for city-wide operations (1,500 employees). Performed hardware troubleshooting and repair, as well as new equipment installations.

- Demonstrated exceptional skills in professionalism and responsiveness.
- Gained valuable experience in communicating to customers with varying levels of knowledge and skill.
- Provided special assistance to key constituents and departments including Police, Office of the Mayor, and City Council.
- Documented call ticket solutions accurately and thoroughly.
- Supported a variety of software, hardware, and networks.

Function and Specialization
Subject Matter Expert

- Information Security
- IT Management
- Project Management
- Vendor Management
- Strategic Planning
- Network Administration

Representative Clients
State of Minnesota Department of Human Services
Indiana State Lottery Commission
Wisconsin Department of Employee Trust Funds
Earthjustice
National Government Services
Elgin Community College

Certifications
Certified Information Systems Security Professional (CISSP)
CMMC Registered Practitioner
Comptia Security+
Comptia A+
Microsoft Certified Systems Engineer
Microsoft Certified Systems Administrator
Microsoft Certified Professional
Citrix Certified Enterprise Administrator (CCEA)
Citrix Certified Administrator (CCA)
Certified in Risk and Information Systems Control (CRISC)

Jason Weixel

Background
Twenty years of security and network technical experience, working with clients and staff and is focused on ensuring strong security and IT controls and implementations. Provided extended expertise for less experienced staff members in solving complex issues in both IT and security matters. Significant experience in IT networking needs of corporate clients along with troubleshooting and strategic initiatives.

Experience

JANUS Software, Inc. (d/b/a JANUS Associates) **November 2021 – Present**
Security Analyst
- NIST, HIPAA and Medicare MARS-E vulnerability and compliance assessment of large state health system exchanges and clients subject to NIST controls.
- Review and assessment of IT security documentation.
- State lottery compliance assessment.

Right Hand Technology Group, Inc, **January 2020 – October 2021**
Senior Security Consultant
- Senior IT Staff Member working with the security team to create security processes for clients in order to provide services following the NIST framework with regular monitoring and reassessment.
- Acted as outsourced CISO and CIO for clients steering cybersecurity governance, evaluating risk and business continuity and guiding the client to the proper solutions to fit the business goals and needs.
- Worked with clients to implement adequate security policies, controls and procedures.
- Focused on Cybersecurity Maturity Model Certification process with clients to ensure main objective of security compliance, particularly CMMC in the manufacturing industry.
- CMMC and NIST 800-171 compliance assessments for manufacturers.
- DoD Supplier Performance Risk System reporting.
- CMMC System Security Plan and Plan of Action and Milestones development.

Intech Solutions **August 2017 – July 2019**
Senior Systems Engineer
- Senior IT Staff Member that guided, mentored, and trained other team members while delivering projects and performing risk assessments.
- Primarily responsible for 3rd level ticket escalations, project management, risk assessments and working with ownership in growing the company.
- NIST 800-171 and NIST 800-53 compliance assessments and remediation recommendations.
- Supported the junior staff in managing and troubleshooting over 1200 endpoints across multiple clients.

Education

Westmoreland County Community College 1993 – 1994

Computer Learning Center – Microsoft Certifications 1999

Technical Skills

Active Directory (10+ years)
Citrix (10+ years)
Exchange (10+ years)
Microsoft OS Platforms; VMware; Cisco; VoIP; Microsoft Hyper-V; Ubiquity; SonicWall; SharePoint; Symantec; Team; CrowdStrike; Sophos; Perch SIEM; Datto; SAN; ConnectWise

Premier Comp Solutions **2016 – 2017**
IT Manager

- Senior IT Manager that provided guidance and coordination of the company to achieve the SOC2 certification. The position included overseeing management of the company help desk, managed service providers and all IT related vendors.
- Primarily responsible for project management, risk assessments, business continuity planning and ensuring compliance to meet SOC2 standards.

Right Hand Technology Group, Inc, **July 2013 – July 2016**
President of Operations

- Appropriately orchestrated operations, project management and delivery for over 30 clients, focusing on monitoring, management and backup solutions for over 500 workstations and 100 servers internationally while facilitating continuous consultation on business continuity planning, disaster recovery and compliance.
- Dynamically meshed long-term business objectives for multiple ongoing projects, additionally undertaking responsibility in other areas including sales and marketing.

Essentialink Limited **2011 – 2013**
Senior Systems Administrator

- Top level engineer responsible for management liaison to 10 clients across the U.S. and in some cases overseas.
- Effectively maintained continuous lines of communication and conjunctionally worked with a team to execute projects that included infrastructure and software upgrades. The projects included creating virtual infrastructures using Citrix, Hyper-V and VMWare with a storage area network backend.
- Consultation included advisory role in security, business continuity and compliance matters.

Financial Dimensions, Inc. **2006 – 2011**
Network Administrator

- IT management ensuring the continued viability of technical solutions and support for a mortgage services company consisting of 125 users.
- Responsible for the successful implementation of strict regulatory compliance for clients in the banking industry, working closely with the development and mentorship of staff to ensure proper execution of projects using agile project management tools and six sigma.
- Active Directory 2000/2003 design and management, including managing users, creating logon scripts, setting system policies, and remote deployment of .msi packages.
- Management of VSphere as well as Iwatsu telephone sphere.
- Designed, deployment, management and support of VMware ESXi, Citrix Presentation Server 5, Xen App, and Terminal Server 2008.
- Network installation and maintenance of Cisco 4506, 2590 and 1605 routers and switches.
- Migration from Microsoft Exchange 2000 to 2003 to 2007.
- Installation of Microsoft Share Point Team Services using a SQL back end database for local Intranet and application use.
- Installation, configuration and support of Trend Micro and Kaspersky antivirus solution, I Hate Spam for Exchange, SonicWall firewall, and Quantum Tape Backup Library and Veritas Backup Exec 10/11.
- Analysis and resolution of Windows Server and Windows Client OS issues.

CyBerJaz Corp. **2005 – 2006**
Systems Administrator

- Consultation services provided for small and medium size businesses in the Pittsburgh area. Services included:
  - Windows 2003 Active Directory, Citrix Presentation Server 4.0/ XP, Microsoft SharePoint Team Services, SharePoint Portal, Microsoft Exchange Server 2003 and Blackberry installations.
  - Management of active directories and servers, client troubleshooting and repair, antivirus deployment and backup configurations and strategies in different organizational environments.
- Installation and support of Citrix MetaFrame Presentation Server 4.0 and XP server farms consisting of 1 to 3 servers for internal and external use.
- Migration from Microsoft Exchange 2000 to 2003.
- Installation of Microsoft SharePoint Team Services using MSDE and SharePoint Portal Server using SQL as the database.
- Installation and management of Active Directory 2003, including managing users, creating logon scripts, setting system policies, and remote deployment of .msi packages.
- Setting up back up procedures including hardware and Veritas Backup Exec versions 8, 9 and 10 software installation and configuration.
- Deployment and configuration of Symantec Antivirus versions 9 and 10.
- Installation and configuration of I Hate Spam for Exchange.
- Thirty user Blackberry Server deployment.
- Analysis and resolution of Windows Server and Windows Client OS issues.
- SonicWall configuration and installation, including device to device VPN over a WAN.

IDL Inc. **2001 – 2005**
Help Desk Technician

- Planning, installation and support to server and client hardware and software was provided for a 350 user and multi-location environment, including nine nationwide remote offices, working in conjunction with the Network Administrator while assuming the role of main telecommunications and help desk contact.
- Worked with and provided evidence to assessors through SOX compliance audit.
- Citrix Certified Administrator responsible for maintaining a three server MetaFrame XP server farm.
- Assisted in a 250 user Active Directory upgrade from Windows NT and Exchange Server 2000 to 2003.
- Acted as the telecommunications administrator, performing PBX moves, adds and changes, handling cellular contracts and assisting in local, long distance and data circuit contracts.
- Administered SharePoint Portal Server 2000/2003 including configuring and creating users and sites.
- Installation and configuration of Cisco 1000/2000/4000 series switches and routers as well as SonicWall firewalls for host and remote locations.
- Primary help desk contact for over 350 users including a 30 user Mac Networks nationwide.
- Performed daily backups using Veritas and Arcserve backup software.

Subcontractors

FireWatch Solutions Inc.

FireWatch Solutions, Inc. is JANUS' partner. During the early days of the pandemic we sought a disabled business to work with on two projects. We discovered FireWatch, a Service Disabled Veteran-Owned Small Business founded by a disabled veteran who served 15 years in the Marine Corps and who earned a Silver Star in Afghanistan.

FireWatch has proven to be a very good business partner, providing high quality results. It is well versed with conducting physical security assessments taking a holistic view of the human and technical elements that make up a protective posture. Integrating special operations and private security experience, our employees understand the multifaceted components required to keep facilities and personnel safe in a fluid risk environment. Depending on needs, they can examine the full spectrum of physical security to include:

- Screening, vetting, and onboarding of new security staff
- Policies, procedures, and protocols
- Security staff training levels
- Access control measures, perimeters, barriers
- Camera surveillance systems
- Security lighting
- Environmental systems
- Emergency response systems
- Sensitive material storage
- Liaison with external agencies

TECHNICAL APPROACH AND METHODOLOGY

JANUS works with the leading methodologies of today, including the Penetration Testing Execution Standard (PTES) and the MITRE ATT&CK framework tactics. We have incorporated the best of these techniques into our processes to ensure that our clients obtain a strong, thorough, customized test.

We outline, in the following sections, our approach and how we anticipate structuring the project and implementing the steps of the tasks so that we follow a logical progression, working from outside your environment into the more internal components.

Proposed Project

Assessments such as this are a specialty of JANUS'. From our many years of experience and having worked with a large number of organizations, we understand the significant issues that government institutions must manage – particularly the need to be inclusive for the citizenry yet still protect and have the security infrastructure to do so. We understand these types of projects and, although we have developed a thorough methodology that has been honed from many hundreds of similar tasks over our 34-year history, we also offer flexibility in meeting your standards. Since we sell no products or software, we will provide an independent perspective with no conflicts of interest that might result from any other involvement with NDE.

Our scope will include the areas you have identified in your Request for Proposal (RFP):

1) Penetration Testing
    a. External Network Vulnerability Assessment and Penetration Testing
    b. Internal Network Vulnerability Assessment and Penetration Testing
    c. Wireless Network Assessment and Penetration Testing
    d. Application Penetration Testing
    e. Client-Side Penetration Testing (social engineering)
    f. Physical Penetration Testing
2) Policy Planning and Development
    a. Business Impact Analysis
    b. Disaster Recovery Planning
    c. Policy Development

Approach

No matter what type of security assessment or audit is being performed, today's approach must be based on best practices and regulations but also be flexible to meet business needs. This means your organization's priorities must first be understood, and then your security components must reflect these business realities. Not all vulnerabilities create the same level of risk for an organization, and not every organization has the budget or personnel to mitigate every

risk. A second important component of this methodology is a risk acceptance component, i.e., determining which risks NDE might be willing to live with, and which you are not.

Although this sounds quite simple and straightforward, it is not. Frequently, we review security projects completed by other vendors and find them lacking in both thoroughness and quality. For example, in technical testing, many firms utilize Nessus for large components of their work but specialists such as JANUS understand that Nessus only examines certain ranges – many are left out. Some regularly used Nessus plugins also provide misleading information for which our staff understands how to compensate. For reasons such as these it is critical to use combinations of tools in technical verification of controls, which we do to ensure a comprehensive result.

> ***Differentiator*** **-** Ability of JANUS staff to: 1) Understand the weaknesses of commonly used tools such as Nessus and compensate; and
> 2) Have such significant experience with tools such as Nessus that we understand its weaknesses and know when not to accept a result because it is erroneous.
> ***Value to Our Client*** **-** Results are accurate and fully investigated.

Our clients inform us that they are regularly presented with the results of automated checklists or appliance-based outputs that no human has analyzed and are then left to determine what next to do to find the actual problem that caused the finding. This results in clients being forced to undertake significant additional work after the vendor has left. We do not do this. As one client recently put it – we use a "hands on" approach. In other words, we verify each finding to determine if it is a false positive or is a real issue for the NDE. This structure holds for all of our audit and assessment types.

> ***Differentiator*** **-** "Hands-on" analysis of all automated results to ensure accuracy and thoroughness. Manual examination and analysis is a part of the JANUS methodology.
> ***Value to Our Client*** **-** Ability to immediately understand the source of the problem, not simply the most obvious symptom, and what is needed to remediate potential exposures.

We also find that other firms follow a prescribed process with little capability to be flexible to meet an organization's unique environment. Although we have a well-tested process, we also are intensively tuned in to your specific needs. Our clients very often provide us with feedback on previous projects and tell us that we are a very different type of company – one devoted to searching out critical vulnerabilities and helping our clients understand them and how to mitigate them. We have performed similar projects for many years and our consultants have a clear understanding of the difference between a risk and a symptom. The result is that our remedies are appropriate to the solution of underlying problems, and do not simply mask visible concerns.

> ***Differentiator*** **-** Flexibility. Our human-oriented methodology allows us to determine when a different approach might be needed to illustrate a specific problem. Also, we are tuned in to your overall project needs so that, if a change in direction is needed (within the hours allocated for the project) we are happy to work with you to achieve your goals.
> ***Value to Our Client*** **-** Meets your project goals even when changes have occurred between completion of the solicitation and the everyday operations of the enterprise.

Results are always investigated, where allowed, to ensure that "false positives" are not left with a client and to ensure that our recommendations relate to the actual problem, not simply a symptom of the problem. This is a major differentiator between us and other firms. We have seen, as an example, firms reporting that a client needs to enforce its security policy. We, however, work at a deeper level:

- Does the client lack a policy that staff needs to follow?
- Is the policy weak and therefore, staff members are not carefully directed in what to do? Or perhaps;
- Are employees simply not following the prescribed policy?

Each of these three examples requires a different remediation/mitigation solution. With many firms, you would need to deduce what the correct mitigation might be; we tell you – thus saving you the time to determine this yourselves – or perhaps, incorrectly remediate.

> ***Differentiator*** **-** JANUS finds the source of the apparent vulnerability which is often more complex than initially presented from scans, appliances, checklists, and less experienced staff.
> ***Value to Our Client*** **-** Ability to rapidly understand what remediation is necessary without need to conduct further investigation after the project is complete.

Because security assessments and penetration tests are core specialties of JANUS, our broad experience and deep expertise allow us to complete more focused analysis at a greater depth than other consulting and auditing organizations. The result is that NDE will receive greater value for your expenditure. This, in turn, will allow you to structure a stronger remediation plan, and bring additional value to your operation over the long run.

Blended Methodology

Our experience crosses many industries, environments, and types of organizations. This experience indicates that some of the *most lethal* vulnerabilities come from network/operating systems combinations or where the boundary of applications meet operating

support systems. These types of environments often cause hidden, detailed security problems that will never be found in a compliance assessment.

Moreover, such combinations are more likely to be known by those with some knowledge of the systems (such as a disgruntled employee, casual vendor, or hacker) which makes them even more potentially dangerous. In addition, business partners are opening up far greater risks to organizations so how they integrate their work into NDE's operations is critical to understand. We assign people to our projects who are both experienced security network engineers and platform specialists as well as process experts. As attested to by our references, this "blended methodology" has been effectively employed and polished through many projects. This methodology also results in cross-trained engineers and consultants who will bring a high-level of varied experience to NDE's project.

Team Effort and Knowledge Transfer

We consider each engagement a team effort; i.e., an effort shared by us and our client. We will work diligently to ensure that we impart as much knowledge to your staff as we can during the project period so that the on-going value of the project is even greater than anticipated. This has been a highly successful strategy for our clients in the past. We believe knowledge transfer is an important component of our work.

> ***Differentiator*** **-** Knowledge transfer – JANUS staff welcomes client personnel to work with us or ask questions about why we do what we do.
> ***Value to Our Client*** **-** Your staff will receive additional knowledge about the security of their systems and applications.

Our staff members are required to operate within a very closely controlled structure for the work. We all understand that, as professionals, we must not undertake any activity that might harm a client or reflect badly on our organization. To begin these types of projects, assigned staff may not start activities until we have been provided a Letter of Authorization[1] from you authorizing access to your environment, networks, etc. Once we have received this letter, testing begins on the basis of the agreed-to scope. A technical lead is appointed for each project and monitors all activity to ensure that tests and examination activities are appropriate and thorough. Periodic status meetings are held with your representatives and high-risk problems, if found, are brought immediately to your attention.

Technical Currency and Results

Our staff is experienced and technologically current since we are constantly performing tasks similar to those requested by this project for a wide variety of public and private sector clients. In addition, our Chief Technical Officer is in charge of providing current and improved technical tools for technical security tasks. He investigates possible additions to our

[1] We will provide a format.

toolbox and when he decides that one fits our needs, he prepares it and provides "learning lunches" for the staff to better understand it and how to use it. He also maintains a server infrastructure that is a practice platform where new tools are utilized by the staff to thoroughly practice with each. He changes out the potential vulnerabilities of the practice environment regularly so that the skills of the technical testers must be continually challenged.

Independent Manual Verification

One of the most important elements of JANUS' assessments is our focus on verifying the initial problems we uncover. Manual verification is an essential component of all JANUS tests, to determine the *actual risk* that an issue, vulnerability, or control weakness may pose in the real world. While automated scans are used in some parts of our projects, other firms often use them to perform the entire project. They simply identify behaviors that are consistent with known vulnerabilities, but these scans will frequently misidentify vulnerabilities, producing "false positives." They also identify general compliance control weaknesses but do not take into consideration any partial remediation you may have undertaken that lowers your potential risk. Automated outputs also produce lengthy reports filled with technical jargon and theoretical risks which may not correspond to actual business impacts in your environment.

We believe that potential issues, control weaknesses, and vulnerabilities also must be inspected using manual methods to verify that the business risk is real. After each issue has been verified, it must be further tested to prove that it can actually be exploited during an attack. Manual verification provides the practical insight needed to prioritize risks and to help the NDE form action plans for remediation.

Technical Testing

We conduct all testing within the parameters of rules-of-engagement that are specified pre-engagement by you (with our advice and counsel). We are highly qualified cyber professionals and, as such, adhere to business-like methods for our assessment processes. Typically, that translates into "no surprises." Our team will work to assess thoroughly and diligently, while ensuring the continuity and safety of your operations.

For the technical elements of testing, utilizing a sampling methodology, the engineers use the means of testing appropriate for the type of network, application, infrastructure, process, operational, and program components in-scope. Further, we assign security engineers and auditors knowledgeable in those, not simply employees who can use a tool. This is very important since interpreting tool results is a major element of all security and risk projects. Manual interpretation must be done by experienced, highly trained personnel, such as we provide, or major problems will be missed. While this affects cost, it provides lower total costs following our activities to the NDE – whose personnel would need to do this analysis prior to remediation if we did not do so.

Testing Methodology

As a part of our regular process, we will begin with research about the target environment. As we complete this we will focus on:

- ***Identifying*** specific threats and risks to your organization to:
  - Understand the actual risk to NDE posed by the specific issues;
  - Test the security controls and environment;
  - Determine if current security measures are actually detecting or preventing potential attacks;
  - Illustrate policy weaknesses;
- ***Recommending*** actions for mitigation;
- ***Assigning*** a "risk rating;"
- ***Calculating*** the effect of the threat or risk;
- ***Documenting*** the problems; and
- ***Prioritizing*** findings by the damage you might sustain if the issue was exploited.

While our technical tests include known vulnerabilities and utilize automated tools, our consultants also seek to go far beyond this by looking at your processes and programs as well as the complex interactions within your operations and the supporting infrastructure. Methodologies also are employed in today's rapidly escalating cyber security attack environment to determine the likelihood of unauthorized exploitation by past and present employees, as well as others. This process is called 'zero trust' assessing and its focus is to prepare you for what an internal person, who has some access inside your external barriers, might be able to undertake to compromise NDE operations. The ability for authorized individuals to circumvent processes has become, by necessity, a major focus area where analysis also will occur – whether through process circumvention or attack.

Preliminary Activities

As soon as possible after the project award has been communicated, a pre-kickoff teleconference is scheduled. In this phase, we launch the project management methodologies and communication protocols by which subsequent phases are governed. This phase typically begins with a conference call with the primary contacts for the project and discussion of the specifics of the project. Agenda topics may include the following:

- Confirmation of scope and deliverables;
- Overview of our process, including a high-level project schedule;
- Roles and responsibilities of key participants;
- Agreement upon procedures for project related communication and sharing of confidential records;
- Initial document request list;
- Arrangement for letters authorizing technical testing/verification; and

- Schedule for the project kickoff.

Our understanding of scope, communication methods, roles and responsibilities, schedules, and other project management topics will be collected into our Plan which will guide our project, allowing us to move speedily through the tasks (to make it efficient for your staff) and utilizing multiple staff who will, by virtue of the structure of the Plan, obtain equally high quality results. Additional components that are included in this teleconference include the following:

- Review terms of the project;
- Arrange for necessary computer access permissions for technical elements of the testing;
- Arrange for letters authorizing technical testing;
- Review the work plan to finalize the timing of tasks;
- Agree upon reporting and communications methods;
- Finalize rules-of-engagement;
- Discuss anticipated impact (if any) of the project on the NDE personnel;
- Identify documentation required by us;
- Introduce NDE and our project staff and review roles;
- Exchange contact information;
- Discuss automated tools to be used in the engagement; and
- Other logistics.

In addition, because we work from a documented plan designed to offer consistency/thoroughness, we will produce this during the earliest phase of the project. This will be discussed with the NDE to ensure its focus and accuracy.

Kickoff Meeting

We will conduct a project kickoff meeting at a time to be mutually agreed upon between us (usually after external Discovery and Attack work). During the meeting, we will request a short introductory session delivered by the most appropriate NDE staff members about the NDE security and compliance environment that is in-scope, the status of the existing risk management program overall, technical items such as network architecture, etc. This provides JANUS consultants with a baseline of your methods and operation so that we can test deeper. JANUS also requests a presentation on organizational structure, overall network components, process controls, and the security elements in place. Also beneficial is information about your security objectives as they relate to your risk tolerance/risk aversion profile, anticipated growth/needs, etc.

In addition, we will refresh everyone on the pre-kickoff items we decided upon together that formed the general foundation upon which we built our Plan so that both the NDE and JANUS have a common understanding of where we are beginning, how we plan to undertake the work, and the needed logistics and communications mechanisms.

Post-kickoff Activities

In our experience from similar projects, the kickoff is a time when the project team starts focusing on specific details of the engagement. While the kickoff meeting is not always the time to get too far into the details, the following topics need to be addressed during or shortly after the kickoff.

- Clarification on roles and responsibilities in the NDE's project, with the understanding that specific designated individuals may be interviewed during the project.
- Are there any security areas that are not applicable or are out of scope?
- What documentation is being requested, and what supporting documentation exists?
- Which specific systems or interfaces will be subject to technical review?

Any open questions are typically addressed within three days of the kickoff meeting. At that point we will finalize our planning and be deep into preparation.

Communications Plan

After the pre-kickoff entry conference call, two tasks are addressed: secure communications, and our work plan. Establishing a trusted protocol of sharing confidential information is a top priority to address at the earliest stages of the project. If the NDE has a preferred solution for sharing confidential documents, we will adopt the NDE's methodology. We also offer, at no charge, to provide a secure web portal dedicated to the assessment. This web portal utilizes encrypted communication and strict access controls for trusted sharing of files. In addition, we will use encrypted Zip files when sharing documents with participants who do not have access to the portal. We will never include unencrypted confidential information in email. The specific methodology(s) chosen should be determined prior to beginning the project in full, so that the agreed upon communication procedures can be described to all project participants at the kickoff.

We also recommend that regularly scheduled status meetings be held regularly after the kickoff and throughout the life of the project.

Because you have requested both a vulnerability assessment and a penetration test (VAPT), we are proposing the following structure for the project, a type that is a regular task at JANUS. In this, below, we present the manner in which we anticipate the project would flow – from the outside of your environment, inward to provide you with a strong, thorough assessment result. The JANUS VAPT consists of three-parts: external penetration testing (labeled "**Eyes-Shut**"), internal penetration testing ("**Eyes-Open**"), and an internal vulnerability assessment.

Penetration Testing

At a time to be mutually agreed upon we will conduct focused external security penetration testing of the public network infrastructure systems and network from off-site to identify ports and services enabled which might allow us to reach within the environment. This activity will

determine if someone could utilize such a method to begin an incursion into NDE systems. In this testing, our consultants seek to gain as much knowledge as they can about the NDE's Internet presence (as it pertains to the target components) using resources available to any technical person via the Internet.

Discovery and Attack

First, we will research information about the State and NDE on the dark web. We will utilize what we find in our attempts to gain access to the network outside the perimeter by penetrating (the Attack), or circumventing, protection mechanisms as your ethical hacker in a non-destructive manner without being provided any information. We anticipate that this testing will encompass at least the following:

- Evaluation of IP address ranges;
- Internet vulnerability scanning;
- Lateral motion within the network;
- Potential compromise of Internet firewalls;
- Potential compromise of web server(s); and
- Other devices identified during testing.

While utilizing an audit plan often suffices in a process or operational audit, we want to note that in this type of assessment, although we utilize a generic plan, our consultants might need to veer from their original testing plans to explore unexpected routes into the network (and/or focus area) that may surface during the testing. From this testing, we will determine where exploitation can occur, begin to document those possibilities, and then follow our Attack process.

We anticipate that the Attack steps will follow our "**Eyes-Shut**" and "**Eyes-Open**" external testing methodology. This means that we will perform our testing, beginning with scanning, from outside, through the Internet with no NDE originated User IDs or information; rather, we will operate initially utilizing only the predetermined IP ranges provided by you to avoid disturbing other organizations. The "**Eyes-Shut**" approach is described below. Potential target hosts are identified, and screen prints taken during the testing to document potential vulnerabilities to be explored in the remaining testing.

Level 1 - "No Knowledge" or "Eyes-Shut" Testing

In this scenario, we typically receive no information regarding available information, User IDs, passwords, remote access numbers, etc. except the IP address range (to avoid accessing other organizations' data). Initial port scans and Internet research with appropriate tools determine what can be seen, what services are running, and what can be accessed, thus providing initial information on vulnerabilities that may exist.

We focus on Internet-facing security devices, seek to discover the presence of open ports and unneeded services, evaluate the devices and systems for possible configuration errors/weak security settings, review the public network security architecture for potential weaknesses, and assess the resiliency to malware and malicious code.

While "**Eyes-Shut**" testing could go on for weeks or months (i.e., a real hacker who wanted to penetrate the environment could spend as long as it would take to gather the information needed), from a cost/benefit standpoint, we believe a limited engagement is more appropriate. A limited engagement will still provide a realistic hacker's eye view of systems; it will *not* yield information about the obscure pathways into the systems, nor will it simulate the view that might be gained by those who already have some information (such as a disgruntled employee). It will, however, reveal many issues.

We will also request you to be cognizant of what activity your incident response team observes. We will "step up" the level of activity – from stealthy to more obvious if you wish – to try to determine how your current incident detection system works and at what level our activities are observed, and we will report this information in our deliverables. To prevent being blocked from testing, we will work with those NDE staff members whom you designate. At the end of this cycle, activities and findings are documented, results analyzed to determine the level of risk, and appropriate remediation/mitigation strategies developed.

Where possible, we will also seek to address the following (among other items), if they are able to be determined as posing as an external penetration tester:

- Implementation flaws/code bugs that could open a vector to attack downstream NDE application software;
- User authentication security;
- Access control mechanisms;
- Data communications integrity and confidentiality protections;
- Session management protections against attacks such as man-in-the-middle, session hijacking or session replay;
- Cryptographic module integrity;
- Adequate input validation protections against attack; and
- Presence of adequate auditing/logging of system events to preserve non-repudiation integrity and assess the capabilities present to detect/alert on targeted attacks or malicious activities.

We utilize a variety of testing and scanning tools for penetration testing tasks such as this. Which ones we will utilize in this project will depend on how far into the NDE environment we can penetrate (please see Appendix A for sample of our major tools). We also are utilizing additional, specialized tools in recent tests such as:

- **Discover**
  - Used for reconnaissance and discovery of Internet-facing information systems.
- **Egressbuster**
  - Used to check egress filtering and identify what if any ports are allowed. If they are, you can automatically spawn a shell for connection back to a Command and Control server.
- **Crackmapexec**
  - A post-exploitation tool that helps automate assessing the security of large Active Directory networks. Built with stealth in mind, CME follows the concept of "Living off

the Land:" abusing built-in Active Directory features/protocols to achieve its functionality and allowing it to evade most endpoint protection/IDS/IPS solutions.

- **Incognito**
  - A security assessment tool that can allow a remote user to escalate domain privileges.
- **PsExec**
  - Is a light-weight telnet-replacement that lets you execute processes on other systems, complete with full interactivity for console applications, without having to manually install client software.
- **Custom Scripting**
  - Scripts developed and/or downloaded to validate and/or exploit vulnerabilities.
- **Operating system commands**
  - Command Line Interface commands used to discover, enumerate, and query information systems; and to validate and/or exploit vulnerabilities.
- **Manual exploits**
  - Manual verification, validation, and exploitation of vulnerabilities.

After the initial discovery, we will then utilize appropriate tools to begin the first layer of testing. We review the results and begin to both 1) apply specialized tools to potential weak areas and 2) utilize manual investigatory techniques to determine what exposures we can uncover, often as the result of utilizing one weakness that allows us a partial way in and expanding on this to keep reaching further into the organization's network to determine if we are able to move laterally through the network or to gain control.

Level 2 - "Eyes-Open" Review

Once the "**Eyes-Shut**" portion of the assignment is complete, the second phase of the penetration test begins. This is an "**Eyes-Open**," internal penetration testing segment of the assessment which seeks to examine the NDE's 'zero trust' process. Zero trust is widely being accepted today as the current way to ensure that NDE processes are protected against internal users and/or anyone else who can obtain access to somewhere on your network (think about the SolarWinds incursion that allowed someone inside the organization who then was able to move throughout a wide variety of environments and commit mischief).

This testing identifies ports and services enabled inside your perimeter within the in-scope environment. In this, our staff takes the perspective of a low-level user attempting to circumvent your controls and policies, yet still operating from off-site, through the firewall. In this, after the initial analysis with no credentials, we will request a basic User ID and password, similar to what an employee (working from home) or one of your vendors might possess. Our consultants draw on information gleaned in "**Eyes-Shut**" testing and attempt to determine passwords and circumvent NDE controls methodically as we move about the network and attempt to move access operating systems and applications, documenting what can be accessed.

In is this step where, when we can penetrate and move laterally through the network, we will also focus on:

- Other network devices
- Databases
- Operating systems
- Reaching enterprise applications
- Web applications
- Other areas

When the external work allows us to penetrate the NDE's control barriers, JANUS consultants will undertake additional vulnerability testing (without denial-of-service). JANUS staff will draw on information gleaned from previous steps and use both vulnerability tools and manual simulation and exploration (not destructive exploitation) most appropriate to the task at hand (and with NDE permission or guidance). This testing forms the basis for reporting on the status and state of technical security controls to reach the servers, desktops, or other in-scope environments from outside the organization.

Other areas are also tested, based on knowledge gained from our consultants' experiences in other sites and of the scope of the project. We will report on exploitable processes, hosts, devices, and vulnerabilities and their level of risk along with known fixes, recommendations and resource estimates to correct or mitigate risk.

A wide variety of issues are investigated, and at a minimum, the following are utilized:

- Injection
- XSS
- XML
- Broken authentication, access control, and session management
- Sensitive data exposure
- Insecure direct object references
- Security misconfigurations
- Failure to restrict URL access
- Insecure deserialization
- Un-validated redirects and forwards
- Insecure cryptographic storage
- Insufficient transport layer protection
- Insufficient logging/monitoring

Level 3 - Internal Penetration Test

We will begin this phase of the project by examining the in-scope environment at a basic level – first, by scanning from inside your perimeter. We then will clarify the trust model, paths of attack, vulnerabilities and weaknesses in the infrastructure and determine where we can upgrade our authority

to operate and access areas of the infrastructure to which we should not be allowed. Through this process, we will try to inspect the overall implementation to ensure that adequate controls have been selected and implemented where necessary to ensure the confidentiality, availability, and integrity of all aspects of the in-scope environment.

To begin the process, at this point is where JANUS should receive the short introductory session delivered by the most appropriate NDE staff members. This provides JANUS engineers with an overview of your operational methods and structure. JANUS also requests a presentation of organizational structure, overall network components, and the network/security structure in place. Also beneficial is information about your security objectives, risk tolerance/risk aversion profile, anticipated growth/needs, etc. This can be accommodated remotely. We will work with you to ensure that a wide variety of vulnerabilities and control weaknesses are addressed, not simply those that can be discovered via scans. To do this, JANUS staff also examines the following, utilizing various techniques and using sampling:

Scanning – We will request credentials for your network and perform internal scanning to determine what initial problems we uncover. Once we complete this step, we will move on to the following items. Various tools are utilized, depending on NDE needs and other items found during the scanning process. We will either work with you to utilize a VM interface, an appliance that we will send you during this closed environment era, or a physical device, if appropriate, depending on needs. We work with you to identify the internal IP addresses in scope. From this the initial scanning is completed. We will determine what access we can acquire and identify the hosts, operating systems, services, servers, etc. upon which we will then perform follow-on work. We utilize a variety of testing and scanning tools for tests such as this. Which ones we will utilize in this project will depend on the NDE environment installed.

Architecture – In examining the architecture, the JANUS team determines how the network is designed, how the servers interconnect, and what the various operability functions are for each. This forms the basis for the technical analysis of the risks inherent within the environment.

Configuration – Configuration review of both the security devices and the network are some of the most overlooked, yet critical, components of security system management. JANUS, as a company that tests many different environments every year to evaluate their system security, encounters a wide disparity between entities.

Target Server Business Processes – Determination of the business processes for which the target servers are used. During this step JANUS gains an understanding of the relative importance of the various servers to the NDE. The engineers utilize this information to better target business risk and opportunities for analysis.

Control Functions – Control functions are reviewed to discern which might be at risk or allow errors. Examination of logical areas for operating platforms will involve manipulation of “other-than-regular”

logical network computing paths to gain access. These paths may lead through convoluted passages and other network segments that may not be accessible initially. JANUS engineers look for other information depending on the pattern of results, and the remaining assignment requirements. Following this, a series of probing exercises is performed. These seek to determine:

- Discrepancies in actual controls vs. intended controls (per appropriate NDE intent through policy and regulations);
- Weak implementation of policy according to industry security controls and best practices; and
- Security exposures that could result from the way multiple boxes are connected (particularly network routers with other boxes) or used together.

Operating System and Network Weaknesses – The next step encompasses investigation of the NDE's operating system, network, and database weaknesses related to the targeted infrastructure (e.g., DNS spoofing), including analytical findings, recommendations, prioritization, and mitigation or closure needs. JANUS examines firewall/router ports, associated identify and access controls, and services enabled to permit access and the configuration of the internal operating systems that permit this access as compared to that recommended by the vendor (along with why variances exist). Upon completion, the JANUS consultants evaluate the implementation of the boxes, how policies are applied, system by-pass capabilities and other vulnerabilities.

Inter-Connectivity – In evaluating inter-connectivity, JANUS examines how the components touch the operating system, what the particular security weaknesses are, and what type of problems procedural tasks cause. Recommendations for risk mitigation are gathered.

Database - We will examine the database structure and develop findings based on the particular database implementation that we find. We will examine how the security requirements of the environment are implemented both in the database process (compliance) and for security risk components (vulnerability assessment). From this examination, we will produce specific findings associated with the database itself.

Application Assessment

Upon completion of our initial testing of the network we will begin In-depth testing to determine if we can reach and compromise access to a sample of applications (number to be determined). Application security tests are handled in a holistic and comprehensive manner to meet the objectives of the review: 1) producing a complete picture of the application's trust model while considering as many avenues of attack as possible, and 2) providing detailed recommendations for improvements. For that reason, a five-phase methodology is utilized in application security reviews.

1. Identification of base technologies;
2. Identification of application components;
3. Identification of known vulnerabilities as well as unknown exposures;
4. Identifying user roles in the application (where possible); and
5. Testing/verification of possible exploits.

In each phase of the assessment, JANUS builds upon the data collected and derived in the previous phases to refine and clarify the trust model, paths of attack, vulnerabilities and weaknesses, and finally recommendations for improvement(s). Through this review process, JANUS inspects the web applications to ensure that proper controls have been selected and implemented to ensure the confidentiality, availability and integrity of all aspects of the applications' processes, and their data.

Identify Base Technologies

This phase consists of two activities. First, JANUS catalogues all the application technologies (e.g., Visual Basic, Java, SQL Server, ASP.NET, etc.) that support the application processing followed by research of each of the technologies to determine potential current (as of the day of review) weaknesses that an application may inherit simply by incorporating the technology.

Identify Application Components

Next, JANUS divides the application into its basic components. These include those components intended for workstations, servers, operating systems, network infrastructure, users, administrators, and the application code itself.

Identify Known Vulnerabilities

From this information JANUS seeks out known vulnerabilities affecting all aspects of the application implementation. Most of these vulnerabilities have existing patches, but hackers regularly exploit systems where patches have not been applied in a timely fashion.

Identify User Roles

The purpose of the role-related testing is to validate that proper access permission and restrictions are assigned for each of the application user roles. Specific role-related tests are assigned to each of the relevant application user roles. For example, in developing the test plan, we may define a variety of role-related test procedures (i.e., attempt to add user, attempt to change password, attempt to access a certain database, etc.). The role-related tests are then assigned to each of the application user roles, based upon the access permissions and expectations associated with each user role.

Test/Verify Possible Exploits

The final phase is to probe the application using test examples to verify the possible security flaws. This testing reveals potential vulnerabilities existing in the way the application is designed that are most feasible to exploit. This testing also uncovers and verifies weaknesses that otherwise might remain unnoticed until sometime in the future when they might create a security vulnerability or application error.

Wireless Assessment

Since the time of COVID-19, JANUS has developed technology that allows us to perform wireless test either remotely – something that very few firms are able to accomplish, or onsite, to meet your needs.

JANUS begins this process by working with you to target a specific site or location on which to conduct the test. We utilize software to gather information about the different types of wireless traffic in the specified area. Using the perimeter established before the test engagement, the JANUS analyst will move around (and inside) the perimeter of the location to determine what the wireless footprint is for the target network and any neighboring networks. This will allow us to see what may be available to an attacker outside the perimeter or available to an employee inside the perimeter.

Once we finish gathering and identifying the target wireless networks' footprints and basic information, we begin the target network testing process. The first step of this process has the JANUS analyst performing passive and active scans of the wireless environment. This helps the tester determine what devices are active in the area. Additionally, during this phase we compare the MAC addresses of all devices located to manufacturer lists or to a list of known MAC addresses. This step helps identify potentially unauthorized wireless devices that may be available to employees or attackers outside the building. After this the JANUS analyst will begin searching for vulnerabilities to determine if there is an actual risk or simply a false positive.

For our wireless tests we utilize a variety of tools. These include:

- Aircrack-ng – suite of tools for monitoring, capturing and exploiting wireless protocols
- NetStumbler – identify protected and/or unprotected wireless LANs
- Kismet – detect wireless networks
- Wellenreiter – discover wireless networks, decode DHCP and ARP traffic, capture wireless traffic
- WaveStumbler – map wireless networks
- APSniff – capture wireless network traffic
- Ethereal – capture, decode, and analyze wireless traffic
- THC-Rut – access wireless access points, spoof DHCP, BOOTP, and ARP requests
- AirSnort – recover/crack WEP encryption keys
- WEPCrack – recover/crack WEP encryption keys

We have conducted many of these types of tests for our clients with results that provided information on a wide variety of unexplained and unauthorized wireless installations.

Social Engineering

During social engineering tests consulting firms used to portray the Social Engineer as the "con man" of this business, taking the low-tech road rather than using programming skills and other cracker techniques. However, this has dramatically changed over the past few years and now it is quite apparent that nation states are regularly utilizing highly sophisticated "advanced persistent threats" (APT) which start with social engineering. In addition, there is a great deal of evidence presented by the FBI that criminal groups are using social engineering to steal from our applications or quietly breach them.

Therefore, the form of social engineering has taken a dramatically more technical approach even though its goal still is to cause a person who uses computer systems to reveal IDs, passwords and other confidential information either through persuasion or theft of data. Highly skilled JANUS engineers perform social engineering tasks to determine what vulnerabilities could be exploited via a real social engineering campaign. JANUS brings that information forward so NDE can protect its applications and infrastructure.

The following types of tactical efforts are utilized. JANUS works with you to decide upon appropriate activities and together, we will select an appropriate test.

Email Phishing Attacks

Send an email to employees. The email would appear to originate from a trusted source within your organization but would not actually be that. The email would also entice the recipient to perform some action. This action can be simply to click on a link that brings him/her to a web page indicating that he/she has just failed a Phishing Test. It may take them to a fake website, which attempts to steal credentials, it may contain carefully programmed, non-destructive malware, designed to capture confidential information. JANUS recently completed a phishing attack for the Commonwealth of Pennsylvania for 78,000 employees.

Malware

With advanced testing, these can also use customized code meant to simulate a malware attack. Malware can be deployed via email attachments, links to websites, or by removable media. However it is deployed, JANUS malware tests are non-destructive. JANUS does not use actual malware created by anonymous coders. JANUS will only use industry standard code, or code specifically developed by JANUS programmers for our clients.

In this, JANUS completes a custom program designed to launch when the target clicks the message. The program retrieves basic system variables that identify the computer name, domain, username, and other standard information. The program does not retrieve confidential information and does not remain on the computer. However, a malicious attacker could use the same technique to gain remote access to the computer and establish an unauthorized Internet connection into the internal network, providing a platform for conducting a serious attack on your confidential data.

The program transmits results back to JANUS Internet servers, using encryption. JANUS can see when removable media has been inserted, by inspecting Internet server logs.

Computers that are properly configured will be immune to this attack. Therefore, JANUS has developed a second method of launching the malware. Several spreadsheets are included in the email, with names such as “1st QTR layoffs” and “executive bonuses.” When a user opens one of these spreadsheets, he/she is directed to click “update” to view confidential information. When “update” is clicked, the malware is executed.

Technological

One type of technological social engineering attack is the use of email attachments that contain malicious code. The subject and body of the email will often appeal in some way to the recipient prompting him/her to open the attachment to gain more detailed information than what was available in the heading.

Telephone

One of the simplest yet most effective attacks is tricking the user into thinking the perpetrator is an administrator and then requesting the password for debugging purposes. A proven method is to impersonate a member of the network staff and call a network user. The social engineer will explain that there was a server crash during the night and is calling to make sure that the user is not having any problems.

Persuasion

Hackers themselves teach social engineering from a psychological point-of-view, emphasizing how to create the perfect psychological environment for the attack. Basic methods of persuasion include: impersonation, ingratiation, conformity, diffusion of responsibility, and plain old friendliness. Regardless of the method used, the main objective is to convince the person disclosing the information that the social engineer is in fact a person that s/he can trust with that sensitive information.

Retest

At a designated time, after some period of remediation activity, JANUS will perform a retest of the findings included in the report (or a subset as defined by management if not all findings are to be remediated). We will assign our testers to review the specific findings and reexamine the environment to ensure that additional issues have not been created. We have estimated a number of hours to dedicate to this task but can adjust that to meet your needs.

Physical Site Testing

Included in this task is a physical security test of the two (2) locations (main office building and VR). A review of physical security is completed to determine how easy or difficult it would be for an unauthorized person to gain access to destroy or steal data or private/confidential NDE information. We will also be observant about other NDE environments (cabinets, vaults, and physical) as well as the data centers are secured. Where we can penetration the exterior, we examine the following types of elements:

- Windows/doors/emergency exits/stairwells
- Camera placement
- Resistance to fire and environmental damage (hurricane, tornado, flood, etc.)
- Existence of generators and emergency lighting – backup power
- Environmental controls – heating, cooling, humidity
- Use of physical access authorizations – ID cards, access cards, keys, biometrics

- Physical access to workstations – Displays – computers left unlocked
- Visitor control policies and procedures
- Power equipment and cabling protection
- Existence of emergency procedures
- Water damage protective mechanisms
- Delivery/disposal policies and procedures
- Electronic device restrictions – wireless, cameras, cell phones, portable computers, USB devices
- Data center wiring/equipment closet security

Where we can penetrate the environment, we typically request that someone from your staff accompany us to perform the review: both to ensure that we can gain access to each area under review, and to also make sure that we do not miss some particular area due to our unfamiliarity with your premises.

POLICY PLANNING AND DEVELOPMENT

Policy and Procedure Review

A review of pertinent policies is a necessary component for a thorough assessment. To accomplish this, during the preparation phase we will request the policies and procedures that are relevant to the scope of this project and begin reviewing and assessing them for adequacy to the standards requirements of your organization.

This includes both the business owners and the IT staff. For the business owners, we schedule interviews to determine the interviewee's familiarity with the policies and procedures. Do they understand them? Do they adhere to them? We ask pertinent questions designed to answer these questions and to uncover information about their overall understanding.

Part of this segment of the review focuses on ensuring that, for those policies in place, staff understands how and is complying with them at all times and that they are appropriate for the environment and are implemented correctly.

We also investigate the technical aspects of policy implementation by verifying that the IT controls in place mirror the required policies and their implementation. This task takes place utilizing technical analysis of how the controls are implemented and are they in accordance with current policies and their adequacy, how they are complied with (determined during the interviews). JANUS expert observations are added regarding how the organization complies with the regulations.

During both the business process peoples' and the IT staff (and selected managers and staff) interviews we focus on each person's understanding of his/her daily tasks (regarding policies) and how they

complete them, as well as the issues they face in completing them. We will, at a minimum, address the following:

- ✓ Network user account adds, moves or changes
- ✓ Data backup procedures, schedules, off-site storage, etc.
- ✓ Server maintenance, patches, and updates
- ✓ End user desk-side support procedures, call tracking, etc.
- ✓ Network documentation procedures
- ✓ Overall Security Policies and Procedures understanding
- ✓ Any written information security plan

We anticipate also utilizing your relevant standards for recommending solutions.

Business Impact Analysis

We begin this project with the initial discovery phase of the Business Impact Analysis (BIA). The BIA will provide a clear understanding of the critical business functions and technology in your environment so that accurate Business Continuity and Disaster Recovery plans can be established. We anticipate that we will proceed in the following manner.

Conducting a Business Impact Analysis (BIA)

How to determine what to approach first in developing Business Continuity (BC)/Disaster Recovery (DR) plans assumes that the planner understands what is important to the NDE The way to find out the specifics of what is critical to NDE operations is to perform a BIA. The BIA will determine which department needs which application, when, where, and for how long.

Access to computing resources can be crucial to the operation of a business. Disruption of computing facilities may not be caused only by a major catastrophe: cyberterrorism, a simple power failure or communication line problem – something outside a business' control – can also cause serious consequences.

When planning for business recovery, managers often assume that a total facility and its computing capability are lost. However, other, less spectacular failures have had more devastating effects. The loss of computers, telecommunications, office space, or support systems can bring an organization's operations to an unscheduled halt.

BIAs need to consider not only foreseeable events (power outages, and natural disasters) but also the often unimaginable ones (e.g., Oklahoma City bombing and the 9/11 World Trade Center destruction). Simple things such as the inability to find building blueprints in Oklahoma City dramatically slowed down the rescue attempts. Not until the fourth day were blueprints obtained. A regional disaster versus a local event can also transform a manageable situation to one that requires an entirely different set of

resources and flexibility. A thorough BIA will point out all critical elements so that as you build your BC/DR plans, the process will ensure that needed elements are understood and can be brought into place during any emergency. The need to think and re-think, understand and revise plans for new challenges is almost a daily requirement.

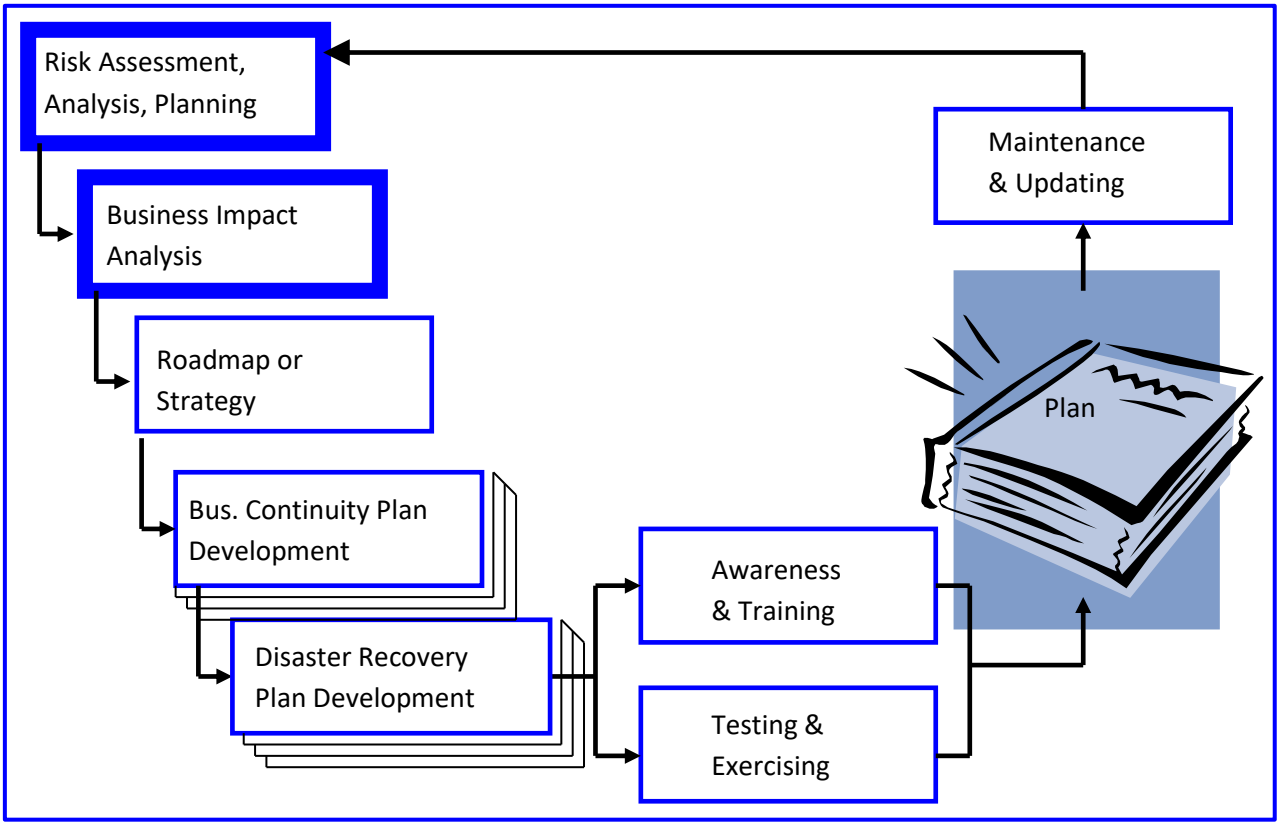
The JANUS Approach

A well-researched and prepared BIA is the cornerstone that could determine how well (or not) an organization continues to flourish after an event. An effective BIA serves to alert management to the range of negative events, foreseeable and often, unforeseeable, that in varying degrees, could impact the integrity of the business. It also focuses closely on exactly which applications and infrastructure elements are needed, and what the upstream and downstream dependencies of those might be.

JANUS has conducted a large number of these analyses in support of business and government operations. While each study is unique to each client's needs and circumstances, there is a common approach and philosophy. During the initial tasks JANUS staff becomes fully conversant with the NDE's business and operating processes and criteria and the systems and standards that support these.

The BIA forms an important component of the Business Continuity Lifecycle and the foundation for developing Business Continuity and Disaster Recovery Plans as illustrated below:

Business Continuity Lifecycle



Note: The segment of this lifecycle in this project that the NDE has selected is depicted in the darkly highlighted boxes, above.

A BIA qualifies and quantifies its findings in terms of cost in time, resources and money: cost of time and revenues lost; cost of reinstatement of facilities; cost of lost opportunities; and cost of any lost corporate image or reputation. The calculation of these potential losses is developed through the use of well-defined risk-measurement techniques. This process starts with a review of the organization chart to find a good cross-section of people to interview. This is followed by a detailed scoping of the project and deliverable prototype design to which the NDE and JANUS agree, then questionnaire customization, validation, and interviews during which the JANUS consultants determine the basic information so that they can advise the NDE on what is needed, when and against which values can be assigned. These values are analyzed by the consultants and compared throughout the various business components. Weights are established based on priorities and needs of the business. The subsequent weighted results provide a determination of each category of impact/cost/importance.

The JANUS consultants must consider both the technical and the commercial aspects of an event. The primary requirement is to assess the impact of possible events on the business, not simply on a technical platform. The JANUS consultants must, therefore, understand the business under study; its asset needs and operations and priorities. JANUS' staff, prior to joining JANUS, enjoyed significant careers in management in various industries as well as being qualified and experienced in their technical specializations.

Each business has unique organizational and operating characteristics. No two companies are exactly alike. Hence JANUS staff's first task is to familiarize itself quickly with your organization, operations, and those assets that may be impacted by unforeseen events or may impact the possible responses to such events since we were there last. We need to know the business reason for the asset's existence before we can apply the various criteria and determine its value within a risk/cost matrix.

The areas of immediate review and assessment within a BIA are:

- Identification of critical business/support functions within the operations.
- Identification of critical resources required to support business unit recovery (e.g., I/S assets, staff, networks, systems and controls, warehousing, transportation, etc.).
- Relationships and dependencies within the enterprise and with vendors and service suppliers.
- Recovery time required by business units.
- Priorities and sequences for restoring the business functions of the organization.
- Estimates of operational and financial impact of extended disruption of operations.
- Evaluation of insurance coverage.
- Potential financial/other losses.
- Additional expenses for business recovery operations.

Prototype Development and Scoping

Early in the project, two critical, yet often overlooked items are attended to, often during the period when interviews are in the process of being scheduled. A detailed project scoping is finalized, if not previously completed, to which all parties then agree. This document is the result of JANUS and NDE staff determining what the important issues are, a plan to address them in the BIA, and a definition of what is "out-of-scope." In this way, both JANUS and the NDE have a solid understanding of what will occur during the consulting engagement.

A prototype of the final deliverable is also prepared and presented to client management for comment. This presents the structure without the content. By submitting such a document early in the process, the NDE can determine what specific elements need to be emphasized for the management and the organization can also determine what type of final deliverable is appropriate – for instance, chart-based or written document. The NDE may choose the format and style of the final deliverable.

First Steps

The first step in completing a well-structured and thorough impact analysis is to determine exactly what risks to continuity exist, what information is most needed, and how quickly it is required. The JANUS approach to conducting an impact analysis is designed to identify "critical" operations for all the business' needs, and to make recommendations that can then be used to identify both those operations that need to be recovered in a prescribed period of time and those that can be recovered later, as needed.

To undertake this, JANUS will customize two questionnaires (executive and other staff). JANUS typically interviews selected executives to understand the strategic direction on which the NDE is embarking (this ensures that recommendations are not solely "technical" but also strategic) and interviews "others" to clarify "how" processes currently work, what the existing interpretation of strategy is, and what everyday interpretation of "critical" is (it often is not what is critical at the executive level of the business).

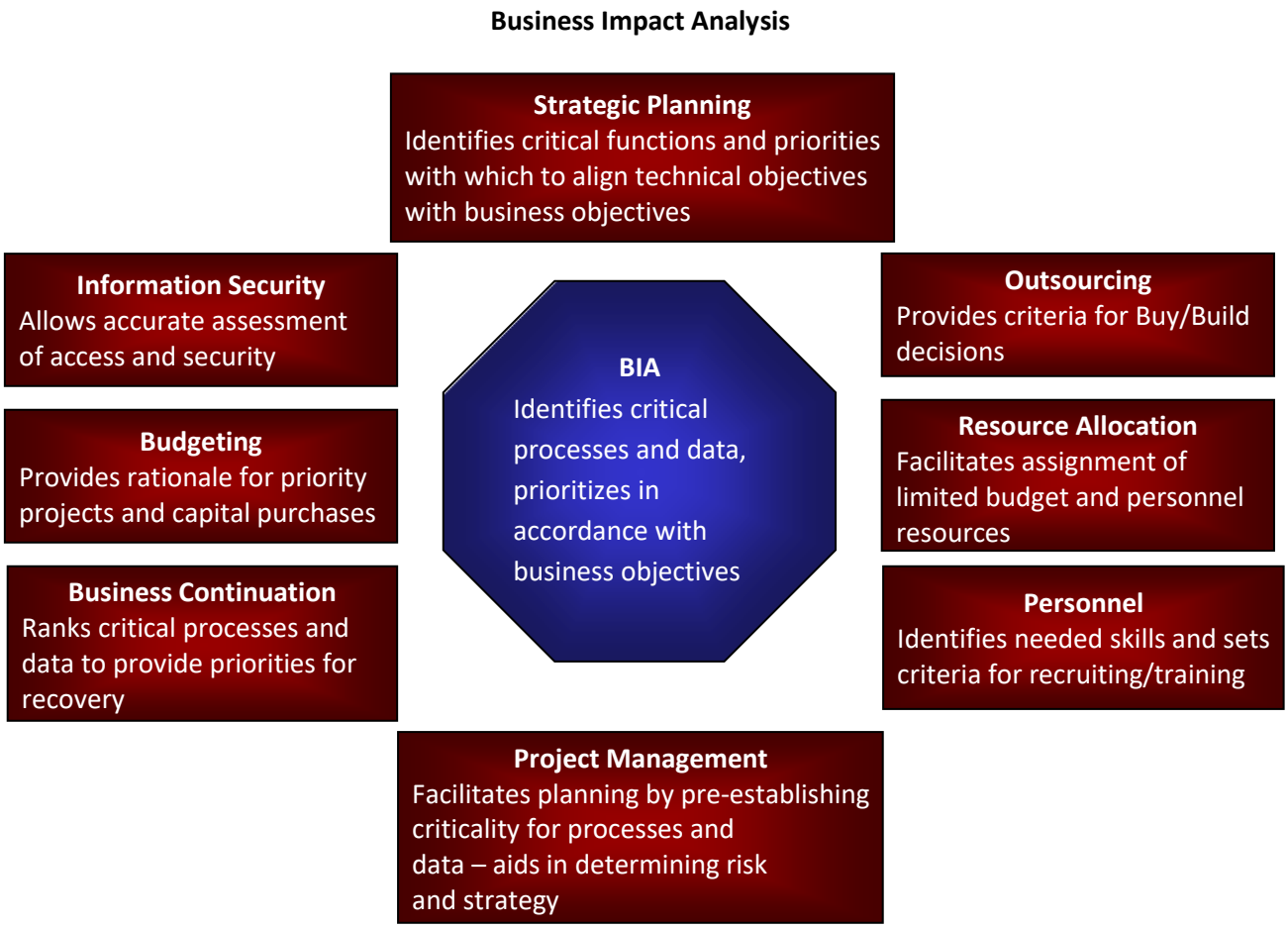
A good cross-section of departments (if not all), and types of people within those departments/ functions are selected to be interviewed (those who understand how processes work as well as the effect of not having those processes). The appropriate questionnaire is then emailed ahead of time to allow for preparation and gathering of statistical information, costs, timings, etc. These questionnaires are not intended to be completed by the time of the interview (but they often are utilized by the interviewees during the interview to help them to organize their thoughts).

Interviews will deal with the responsibilities of each interviewee's functional areas, the business process, how work would be impacted by loss of employee services, the unavailability of primary work premises or information systems. Each interview typically takes from one to two hours. At least an additional hour is necessary to develop notes and immediate reactions to each interview and prepare data for verification. This analysis period is important to prevent facts and details from blending together after several interviews. Thus, a maximum of three to four interviews per day is typical.

Once all the interviews have been completed and missing (or augmenting) documentation and data collected, the analysis period begins.

Holistic Analysis

The analysis is the "heart" of any BIA. Some consultants analyze each department individually and present the results as such. Although JANUS also does this when requested, JANUS typically takes a step back and determines the relevance of operations to the entire organization's business. For instance, when JANUS completed Microsoft's BIA, a small trading floor occupied a corner of one floor of a building. No one thought it important enough to mention to JANUS' consultants but in examining the organization chart we found it, asked about it, and were given the name of the manager. We interviewed him and learned that if the trading floor went down, Microsoft would be operating "blind." It could lose a great deal of revenue overnight and might not be able to meet financial commitments. This became an element of the impact analysis that would never have been recognized without the thoroughness of JANUS consultants.



At Bath Iron Works (BIW), JANUS staff spent time with management analyzing "emerging businesses." These became almost as important as the existing business processes since they were growing rapidly,

were the future of the business, and would be taking over more and more BIW management and staff resources throughout the six months following the BIA. Again, the search for the unexpected or unusual was critical.

A thorough analysis leads to a determination of the impact on resources of being without both "critical" and other operations. The effects of process loss, computer link failure, loss of facilities, resulting revenue shortfalls, customer service interruptions, personnel shortfalls, etc. are all examined.

Collaboration with management or a designated representative will ensure that all important areas are included. This task is the foundation stone upon which a sound BIA is built and, ultimately, it will determine the resources required to protect operations deemed "critical" by the NDE.

While many consultants can conduct interviews, plug data into models, and turn out results, very few organizations can service the complex business needs of an organization. JANUS specializes in these types of BIAs.

During the final presentation by JANUS to the Chairman of the Board of the Ball Corporation (Fortune 100 can and bottle manufacturer), Chairman George Sissel remarked that JANUS was the first consulting organization with whom he had met who had explained the results in language that he could understand. He indicated that most consultants speak "techno-speak" and JANUS did not.

Detailed Analysis

The detailed analysis of each "critical" component, element, etc. is then undertaken. Assessment is made of the current resources that are used to process and control elements, applications, business functions, etc. A review is conducted of the data, systems, hardware and software required for operation of the business. A determination is made if the appropriate information and equipment are backed-up and stored off-site, with a satisfactory retention period instituted. The procedures assuring adequate back-up and archiving of network and telecommunications software are reviewed.

Criticality assessment results are represented typically both quantitatively (where possible) and qualitatively to form the BIA. Quantitative measures are expressed in terms of anticipated monetary losses, such as annualized loss expectancies or single occurrences of loss. Qualitative measures are descriptive, expressed in terms such as high, medium, or low, or rankings on a scale of 1 to 10.

The Risk Assessment and BIA form an important component of the DR Lifecycle and the foundation for developing the DR plan as illustrated:

Recommendations

A set of recommendations will be developed for those operations that must be recovered rapidly (meeting the NDE's stated requirements) to ensure that the business suffers as little as possible after an "event."

Other Important Components of a Business Impact Analysis – the Risk Assessment

A business recovery risk assessment is another important component that is undertaken (as proposed in your project) during the analysis phase to understand specific risks and vulnerabilities within both the operations and the environment that could affect recoverability. Both the processes and the systems flow of the operations are analyzed and the potential risks to the operations based on those vulnerabilities and security exposures are determined.

The final step for all deliverables is the JANUS Quality Assurance process. Every submission must be verified for technical accuracy and form/presentation quality. Following this step, a draft will be submitted to the NDE for approval. Upon completion of the client verification process, the final deliverable and departmental deliverables will be produced.

Disaster Recovery Planning

Part of all "best practices" Disaster Recovery (DR) planning, or "business resilience" (a newer terminology that better describes what is intended), prior to preparing a DR plan is to 1) assess risk, 2) understand the impact that a disaster may have on the IT infrastructure or Cyber Assets (the BIA) and 3) determine what already exists in the plan (if one exists) and what is missing. These are accomplished by completing a Risk Assessment (RA) which you are including this in this solicitation, a BIA (also in this project) and its related gap analysis. Once these initial steps are complete, the input is available upon which to make adequate decisions regarding the level of DR planning needed. At that point, we can begin to develop an actual DR plan based on an agreed-to process and framework. To ensure pragmatic and theoretical success, plans are tested with a simulated scenario and management debriefed to apply lessons learned.

Immediate, practical insight into IID's technology, culture and organizational requirements will be delivered by leveraging the experience obtained by JANUS in working with similar organizations.

Getting Started

JANUS' approach is based on its basic understanding of the wide variety of businesses with which it has worked over the past 34 years in recovery planning. The existing high degree of complexity within today's technology and its need for flexibility to meet future growth and change in all environments requires a major emphasis on innovative back-up and recovery. The complexity of this must not be under-appreciated. However, many typical IT planners do not understand the need to address the myriad issues regarding recovery planning thoroughly. They often believe their mission is to interview a few participants in a department, decide what is mission critical, and assign a recovery objective. This is indeed only a portion of the work.

Pre-Planning

In order to make its engagements as efficient as possible, JANUS requests a pre-planning phase very early in the task. During this period JANUS management will work with NDE management to identify the current IT operational documentation needed along with any other available (and pertinent) documentation so that the foundation of what currently exists can be understood.

During this time period a final project plan is also prepared. This will be submitted to NDE management for approval and a kick-off meeting scheduled. Following the kick-off JANUS will prepare a final report prototype. This is an important step in the process so that NDE management understands what type of Plan will be prepared and to ensure that it is useful. Various organizations have preferences in reporting styles: some prefer written, detailed reports; others prefer presentation styles deliverables. JANUS will discuss the desired style and then prepare a general template to be followed by the JANUS staff. This will be submitted to NDE management for approval early in the project. Also, during this time, JANUS defines a draft timeline for the project and submits it for review. This ensures that JANUS understands the timing needs of client management. After clarification and discussion, JANUS and NDE staffs approve the timeline and implementation activities.

Documentation Review

Baseline Assessment

JANUS will complete a review of current/existing documents available from NDE. The objective of the document review process is to evaluate and record current documented processes that can be used as a base or linked to required plans, policies and procedures, and forms or communication methods, and to identify and record department documentation capabilities and needs in specific areas of consideration in DR planning. A "Document Matrix" will be created. The Matrix will identify documents in place that require modification or updating, and documents needed to complete the DR planning process. This is the first level of the analysis.

The second level will be to examine the current mission critical application processes as presented in the BIA; how they operate; what technology, processes, etc., are needed to meet their intended purposes; and document how these might be impacted during a disaster. These elements will be addressed by presenting a matrix illustrating the component, when it is needed (in the application flow), what problems may be encountered after an event, and how this will impact delivery of the service/product that is the result of the service. Both levels of the analysis will be accomplished through interviews, identification of essential functions, development of recovery priorities, analysis, and synthesis of information. This forms the baseline.

Interviews

Having worked in many different environments, JANUS understands how important it is for all constituencies to buy into the results of the Task. Therefore, JANUS undertakes interviews, select forums with various groups (as pertinent), and listens to their questions, comments and concerns. JANUS management will work with NDE to identify a few departments' target internal business units where interviews should be conducted. From this information, a representative from NDE (Project Liaison person) will be requested to work with JANUS to define who should be interviewed and to establish a schedule so that NDE and department staff time can be scheduled.

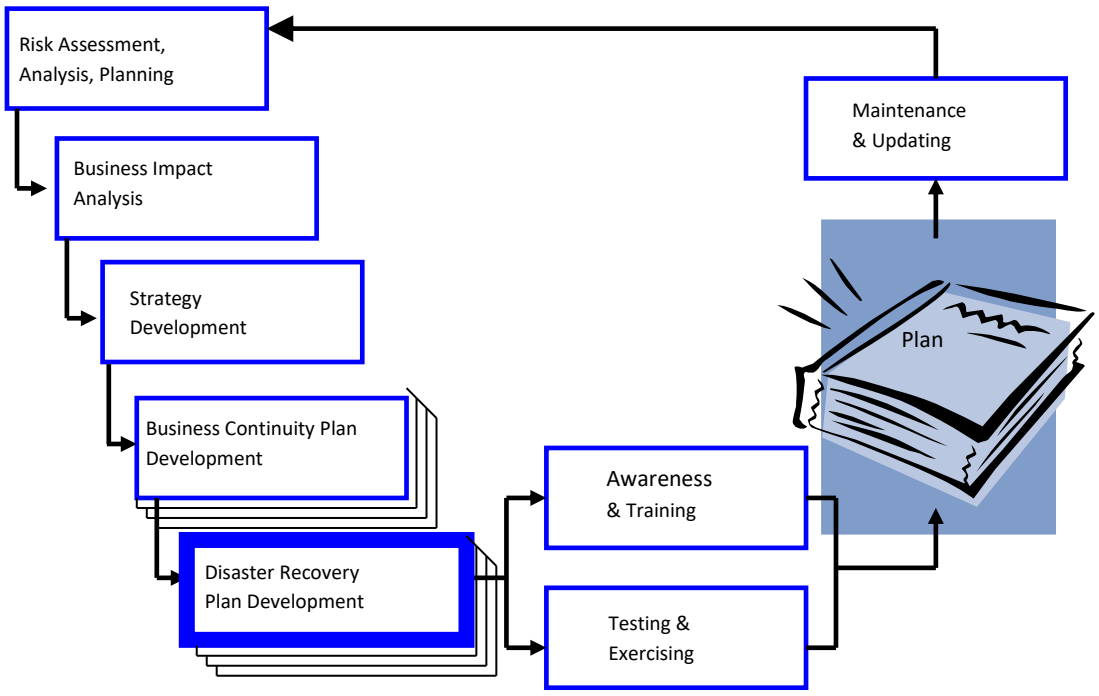
Risk Assessment

Identification of Essential Functions: Using the information and data gathered through the documentation review, the interviews, and on-site tours, JANUS will analyze the identified processes

and cyber assets in relation to compliance with needs, NDE internal policy and procedures, and JANUS experience and industry best practices for DR planning.

An evaluation of the identified cyber assets will be conducted relevant to a DR plan for these assets. We will categorize the value of the system, threats, vulnerabilities, estimated frequency of threat incidence, identification of residual risk and their asset classification.

Disaster Recovery Lifecycle



The illustration above depicts the components associated with the entire DR lifecycle, and the task included in this work, as highlighted in the heavy outline.

In identifying resources and setting recovery priorities, JANUS will cross-check with the various managers that oversee the identified critical functions and cyber assets to determine the appropriate recovery priorities and identify any functions that interact to support the mission or business process. Resource priorities will be identified, dealing with staff, treatment and safety, physical plant and technology to ensure the DR plan will address all the resources needed to perform the IT functions in question, regardless of whether they relate to a computer directly.

The analysis of needed resources and their priorities should be conducted with those who understand how the function is performed and the dependencies[2] of various resources on other resources and other

[2] This is the most critical portion of the DR analysis.

critical relationships. Without this analysis of dependencies, you could wind up with a result such as occurred recently with the failure of the FAA's NOTAM system where the backup relied completely on an element that was within the primary system which when it failed eliminated access to this critical components. It is very important to ensure that this does not occur. Our method will allow a department to assign appropriate priorities to resources since not all elements of all resources are crucial to the critical functions.

JANUS will also address, with the departments, their needs for non-critical, but important cyber assets, for example, applications. A methodology designed to assist in ensuring the continuance of these departmentally critical applications will be prepared and presented to the department management, as identified.

Disaster Recovery Plan (DR Plan)

Prior to developing the process and framework for the DR Plan, JANUS will work with key stakeholders to develop (and document) recovery strategies and solutions. From this, JANUS will be able to prepare a set of processes that follow the NDE-selected strategy and assign responsibilities to organizations and individuals for carrying out specific actions at projected times and in selected places in an emergency or disaster. The plans will identify and assign areas of responsibility common amongst and unique to, each department.

JANUS' Plan process outcome is an organizational and action-guiding document, the purpose of which is to direct the activation of the organization and its assets and drive its decision-making during an actual event. The Plan serves as a top-level guide to roles and responsibilities required to implement the mission, vision, and strategic goals and objectives, and the management framework of the program and organization. The extent of planning requirements will depend on the results of the outage identification and risk assessment phase, department organization, culture and philosophy, applicable regulations and so on.

JANUS will provide NDE with a Plan template designed to facilitate recovery and restoration of IT operations at an acceptable level. The framework will describe and delineate the roles and responsibilities.

JANUS will prepare a Plan process that identifies the critical and time-sensitive applications, vital records, processes, and functions that shall be maintained, and the personnel and procedures necessary to do so. The Plan framework will be developed to cover essential program functions within NDE.

It will also identify critical and time-sensitive missions, applications, processes and functions to be recovered and continued in an emergency or disaster, including alternate operating capabilities; in particular the planning will cover:

The plans will also incorporate early warning actions that may be taken when an event may be imminent and known before it occurs and what types of mitigating activities NDE might incorporate to improve the DR process.

Procedures and Policies to Coordinate Response, Recovery, and Resumption

Plan Team Activation/Deactivation Procedure

Procedures and policies for response, recovery, and resumption require coordination of management structure, task implementation, and contingency and recovery planning that is compliant with statutory and regulatory requirements.

JANUS will guide your development of an activation/deactivation procedure and a planning policy to coordinate the broad spectrum of activities included in the response, recovery, and resumption operations undertaken in disaster response as designated by NDE.

This procedure and policy should consider response issues for communicating relevant information, establishing technical expertise, assessment, and decision-making information. Recovery will address progress and reporting for resumption activities, appropriate notifications, and mobilization of necessary personnel and public information to address on-going status.

PROJECT OUTCOMES

Deliverables

Following our investigation and analysis, we will begin documenting findings, and gathering recommendations to begin the process of preparing our findings and report. The deliverable will utilize the results of all the above efforts to determine what the NDE has in-place today and what we recommend you should undertake to improve the security posture. We also will provide feedback to your staff to discuss what a potential "best practices" NDE security environment is expected to include. We will report according to the following standards, unless you wish others to be the focus:

- Open Web Application Security Project ("OWASP")
- FERPA – Family Educational Rights and Privacy Act
- HIPAA – Health Insurance Portability and Accountability Act
- NIST Cyber Security Framework or 800-53
- Other standards to be discussed

We will incorporate the best of the Penetration Testing Execution Standard (PTES) and the Open Source Security Testing Methodology Manual (OSSTMM) and the MITRE ATT&CK structure as well as the approaches within NIST 800-42 regarding network testing.

This is a customized report. We will have multiple appendices that contain technical information for your systems people to guide them in remediation, but our findings and recommendations will be customized to your particular environment and needs.

The report will also contain a written analysis of each weakness or issue, our conclusions from our assessment, and the specific recommendations for the NDE. The report will be submitted in draft, for management comments, needed clarification, then final version, upon receipt and discussion of both findings and NDE's feedback.

Because this will be a technical assessment; e.g., penetration test and vulnerability assessment, the report will also contain screen shots and detailed information about the issue or gap to guide your technical personnel. We will also hold a feedback session with NDE stakeholders to discuss the draft – particularly the technical elements if you so wish. Once we have your agreement, we will incorporate these into the final report.

Where we are analyzing technical risks (in particular), we typically report our findings regarding priority as Critical, High, Medium, and Low risk. Critical problems (especially technical ones) also are reported immediately to management as soon as they are discovered.

Our reports are prepared immediately after completing testing and are typically available within two weeks, although this does depend somewhat on the number of findings.

For added value, JANUS will include a Reference section following the business risk. This is where we include reference to the specific standards that you agree upon to help you meet your requirements.

The draft report will provide the needed actions, with detailed findings and recommendations (please see Appendix B for typical form of JANUS findings).

Preliminary Draft

Because penetration testing and vulnerability assessing are technical tasks, we incorporate a stronger technical approach to presenting detailed findings than is typical, along with our summarized findings. In this, we summarize not only what we found in the testing, but also, *how we found it*. This will be unusually helpful for your technical staff so they understand what can occur and how it might happen.

For the detailed findings section, each report includes each risk discovered along with detailed analysis of what was found, conclusions, and recommendations. A unique component of JANUS reports, and of significant help to management, is a definition of the business risk that each technical finding causes. This is of great value to management staff for it helps them understand *why* each finding is important to

the NDE's particular business in terms that helps management better understand the need for enhancements or improvements in the system. This helps translates very technical results into business terms that everyone can understand.

Beyond the business risk, the report contains proof of findings in the form of logs, screen shots, IP addresses, and any other proof that JANUS gathers during the testing period.

The report contains screen shots and detailed information of the security issue found and includes:

- Executive summary for a non-technical audience
- Methodology and approach
- Positive security aspects identified (additional value)
- Matrix of vulnerabilities
- Detailed reporting
  - Description of each risk
  - Business risk (potential impact to the NDE business)
  - Priority (severity rating which will address level of impact to the organization)
  - Risk level (probability or likelihood of exploitation)
  - Applicable standard(s)
  - Ease of remediation
  - Estimated work effort for remediation
  - Suggested recommendation(s)
  - Supporting detailed exhibits for vulnerabilities when appropriate
  - Detailed technical vulnerability findings (the specific security concern) and gaps, misconfigurations, and potential breaches
  - Detailed technical remediation recommendations
- Management response
- Supporting detailed exhibits for vulnerabilities (as verification) when appropriate

Both ease of remediation and business risk provide added value and will assist you to evaluate how you will utilize your resources to remediate the problems JANUS uncovers.

Appendices will be included as appropriate including tools utilized and screen captures which are too lengthy for insertion within the finding.

The report will be submitted for your review and feedback, according to contract requirements.

Final Reports

The final report is prepared shortly after receiving management comments in preparation for the final report.

Status Reports

Periodic status reports will be provided that focus on activities completed during the previous period; activities for the next period; issues and problems; project risks; and needs from the NDE.

Form of the Deliverables

We will produce all deliverables in electronic and hardcopy (if required). These can be deposited into JANUS' secure portal for rapid and easy retrieval by NDE staff accompanied by high levels of security – or we can specifically deliver them.

PROJECT MANAGEMENT APPROACH

JANUS is a vendor-neutral company. We take no revenue from vendors and we sell none of their hardware or software. As vendor-neutral consultants to both large and small organizations with complex needs, we subscribe to a high standard of results focused only on you, our potential client, with experienced project management and quality and we keep these foremost in our dealings with clients. JANUS ensures the quality of our services by emphasizing that only performance of the highest caliber meets our standards. Nothing less is tolerated.

JANUS' project managers employ industry recognized methodologies as defined by the Project Management Institute (PMI) when and where appropriate to ensure "sanity" to what are often hectic schedules and complicated tasks.

Project Planning

We are adept at guiding projects to successful completion and are prepared to begin this project within an agreed-to schedule. The project plan developed during the proposal process that enables us to determine fees will be finalized with dates during project initiation and will include detailed project steps and a schedule with dependencies, resource allocation, and estimates of work effort as well as duration. Because we have conducted so many similar projects over so many years, we are adept at foreseeing potential delays and logistical complications, and can develop both our project plan and schedule that anticipate the typical complications that might arise in any project.

During this early phase we will also finalize our plan for undertaking the project. There are two elements to this: first, we align the project schedule with your needs after discussion; and second, we detail how we intend to undertake the various tasks. We will discuss the plan with you to receive concurrence prior to beginning the specific tasks.

Although our management process incorporates the following elements, these will be structured to be as efficient as possible to meet your needs:

- Scope and Cost Management
- Schedule Management
- Human Resources Management

- Communications Management
- Risk Management
- Quality Management

Each topic is discussed in detail below.

Scope and Cost Management

We will include in our planning:

- Regular scope alignments with you;
- Establishing mechanisms that help facilitate identification of changes to our scope and analyzing their impacts; and
- Mechanisms for documenting scope changes and identifying the communications protocols for communicating and gaining approval for any scope change prior to executing work on any new task(s).

These all have an impact on cost. In addition to scope, schedules will be managed to ensure that we meet the due dates of the project, thus also affecting cost.

Schedule Management

JANUS always works from a detailed project plan in MS Project that provides the tasks timeline, and resources for our work on the project along with NDE and third-party vendor dependencies.

Within our planning we establish protocols for schedule management including:

- Frequency of schedule updates;
- Process for creating schedule updates including clear roles and responsibilities between our team, the NDE, and other applicable stakeholders; and
- Protocols for communication of schedule status or changes or approvals.

Human Resources Management

Human resources management is critical to our ability to properly align the appropriate skill sets with project needs. This will be true for this project also where we will need to provide subject matter professionals with security assessment and penetration testing skills. We will discuss ongoing needs with you, as part of our planning, including the following:

- Refinement of the organizational structure offered within this proposal based on input and feedback from you;
- Clear definition of roles and responsibilities within the engagement in coordination with the scope and objectives section of the project;
- How we will manage staff changes (if any); and
- Mechanisms, including communication channels for you, for handling potential performance concerns.

Communications Management

We believe that to be effective in our role, it will be important to define clear communications protocols to provide mechanisms to:

- Report status including establishing templates;
- Communicate status of scope, schedule, progress, and budget; and
- Identify tools for project tracking.

Risk Management

It is important for our team to manage risk within the project. Examples of these risks might include the need to bring in other subject matter professionals to support previously unknown specific project needs or adjust work plans and schedules in response to unforeseen challenges. As a result, we manage possible risks of our work. The approach we use includes a six-step framework process of Plan, Identify, Analyze, Respond, Track, and Communicate. Our team determines risks that will be reported on, through any interim reports. Our goal of risk reporting is to identify risks, and report on them prior to their conversion into issues.

A sample risk issues log is presented below:

Total Issues 16				
Open Issues 13				Closed Issues 3
Critical 0	High 1	Moderate 3	Low 3	

This summary is supported by details behind each of the issues (see below):

Third Party Response		
Status: Open	**Level of Risk:** Moderate	**Stakeholder:** (name)
Description: the [redacted] vendor is not responding to repeated requests for information deemed important to the project.		
Action(s): Escalated to [redacted] management.		

Secure Communication

This project will require sharing confidential information. JANUS avoids using email attachments whenever possible, especially when confidential reports are being shared. To that end, JANUS will establish a secure portal dedicated to this project. Only JANUS team members and duly designated the NDE staff will have access to the portal. The portal is protected by advanced encryption and access controls.

Status Meetings

The purpose of these periodic meetings is to report on tracked project schedules, project milestones, logistics, and any metrics associated with project progress. At a high-level, actual findings and observations from the audit and analysis – or – progress against project tasks will also be shared during the meeting. To be respectful of people's time, we recommend that these meetings be attended by the core project team, with others invited as needed according to the phase of the project or task.

Quality Management

Quality is also part of our project management approach. As consultants to large organizations with complex needs, we subscribe to the standards of true quality and we keep them foremost in our dealings with clients. We believe that quality and information security and control are closely aligned.

How do we avoid quality non-conformance and encourage its opposite, conformance?

Planning

Quality in the control planning process itself equates to results that are effective, efficient, and proportional to the risk involved, no more (to ensure cost effectiveness) and no less (to ensure compliance and adequacy).

Thorough planning and significant experience in the type of assessment NDE is requesting helps to avoid the price of quality non-conformance that has been shown to add so significantly to costs. With the price of non-conformance for American business averaging 25-30 percent of costs (reprocessing, reruns, unplanned service, etc.), this is a situation that is too expensive to continue. No better time exists to ensure quality than in the planning phase.

Review, Checking, and Audit

We stress in our daily work environments the precepts of review, checking, and audit, both for our clients and ourselves. However, prevention is of even more value. We constantly stress prevention, and we assist each other in reviewing and checking tasks geared towards prevention.

Input

We are proud to work in an environment where our employees are highly valued members of the team. Therefore, each individual has an opinion that is considered, not only management's opinion.

The result of this structure has been that all our employees feel they are free to speak up about potential problems before they become actual problems. No problem gets buried. The staff works hard and commits long hours to their projects. However, they each can clearly see the results of their involvement.

OPTIONS

Remote Connection

What an employee does on a mobile device or from a remote business connection can generate a host of issues that your organization would never face if that person were in the office. It is important to test both technical and procedural controls to ensure proper safeguards have been implemented effectively. For technical controls, there are two primary areas of review: the remote access architecture including VPN, and the end-user environment including patch levels and other host controls. For procedural controls, the focus is on reviewing an organization's Remote program policies and procedures.

Beyond the information already gathered, we will examine remote access (both of your devices and access by your partners) and how NDE protects such access. We will review the use of tokens (if utilized) and certificate usage (if they are in place) and examine how monitoring occurs for unauthorized use. Authentication mechanisms utilized by your specific technology will be observed along with the type of keys being accepted during session management and configuration. The consultants will determine if the alerts are tripped and where that occurs and perform a spoof of IP addresses. They will also review protocols in use and determine if they utilize strong encryption. These types of tests will be combined with all the others being completed to produce the final findings.

Development of Plan of Action and Milestones

After completion of an assessment, decisions need to be made regarding what actions should be taken. These should be recorded so that everyone with responsibility for implementation can understand exactly what is expected, by whom, and when. In this way, a regular reporting mechanism is available for management that lays out what will take place, what the deadlines are, and who is responsible for ensuring that the activity is completed. JANUS will work with you to prepare a mechanism (usually a spreadsheet) upon which you can base your reporting requirements with assigned responsibility and deadlines. This gives you the tools that you need to manage remediation activities.

Roadmap Development

As we discover and document risks, if wished, we can also be cataloguing these as to the types of tasks that will be required to solve each. Once we categorize each, we will structure how the NDE can effectively accomplish the appropriate tasks to remediate through development of a Roadmap, in accordance with your Plan of Action and Milestones. This Roadmap, which we are providing more and more for our clients, is prepared after strategy discussions with you so that we, together, understand NDE's strategy and priorities and how the issues found may affect that strategy. From this, we will provide a Roadmap draft. We will discuss this with NDE management to

ensure we are all in agreement for this must be your Roadmap, not a generic one that JANUS supplies. Only then, can your remediation priorities be efficiently determined and assigned out to staff or vendors.

PROJECT TIMELINE

JANUS is available to start this project as soon as the contract or Purchase Order is completed. We have provided the duration within the Project Plan below and can work with NDE to adjust the schedule, as needed.

	Task	Task Name	Work	Start	Finish	Predecessors
1		**Security Project - Nebraska (NDE)**	**1,394.2 hrs**	**Mon 3/6/23**	**Fri 8/18/23**	
2		Project award	0 hrs	Mon 3/6/23	Mon 3/6/23	
3	**1**	**Penetration Testing**	**762 hrs**	**Mon 3/6/23**	**Fri 6/2/23**	
4	**1.a**	**External**	**131 hrs**	**Mon 3/6/23**	**Tue 4/11/23**	
5		**Initial Steps - "Eyes-Shut"**	**76 hrs**	**Mon 3/6/23**	**Mon 3/20/23**	
6		External research and investigation - intelligence gathering/reconnaissance	8 hrs	Mon 3/6/23	Tue 3/7/23	2
7		Discovery	10 hrs	Wed 3/8/23	Thu 3/9/23	6
8		Initial access and attack	24 hrs	Thu 3/9/23	Tue 3/14/23	7
9		Testing	16 hrs	Tue 3/14/23	Thu 3/16/23	8
10		Analysis	18 hrs	Thu 3/16/23	Mon 3/20/23	9
11		**"Eyes-Open"**	**55 hrs**	**Wed 3/8/23**	**Tue 4/11/23**	
12		Additional scanning and examining	6 hrs	Mon 3/20/23	Tue 3/21/23	10
13		Testing and analyzing of exposures, weaknesses	28 hrs	Tue 3/21/23	Fri 3/24/23	12
14		Initial preparation of findings worksheet	6 hrs	Fri 3/24/23	Mon 3/27/23	13
15		**Management Tasks**	**15 hrs**	**Wed 3/8/23**	**Tue 4/11/23**	
16		Status reports/meetings	3 hrs	Wed 3/8/23	Tue 3/21/23	6
17		Project Management	12 hrs	Tue 3/21/23	Tue 4/11/23	16
18	**1.b**	**Internal**	**351.5 hrs**	**Mon 3/6/23**	**Fri 5/26/23**	
19		**Preparation**	**21 hrs**	**Mon 3/6/23**	**Fri 3/10/23**	
20		Initial prep and teleconference to prioritize, lay out process	5 hrs	Mon 3/6/23	Tue 3/7/23	2
21		Portal setup	1 hr	Tue 3/7/23	Tue 3/7/23	20
22		Prepare and obtain approval for Statement of Work	2 hrs	Tue 3/7/23	Tue 3/7/23	21
23		Prepare Project Plan	3 hrs	Wed 3/8/23	Wed 3/8/23	22
24		Discuss Plan with State	2 hrs	Wed 3/8/23	Wed 3/8/23	23
25		Prepare Rules of Engagement (RoE)	3 hrs	Wed 3/8/23	Wed 3/8/23	24
26		Prepare VM or device for sending	4 hrs	Wed 3/8/23	Thu 3/9/23	25
27		Clarify and finalize Plan and RoE	1 hr	Thu 3/9/23	Thu 3/9/23	26
28		State to prepare for device or VM	0 hrs	Thu 3/9/23	Fri 3/10/23	27
29		**Penetration Test (500 IPs max)**	**109 hrs**	**Mon 3/27/23**	**Fri 5/26/23**	
30		Additional discovery	6 hrs	Mon 3/27/23	Tue 3/28/23	14
31		Identification of targets to be tested	3 hrs	Mon 3/27/23	Mon 3/27/23	14
32		Conduct internal scans of network and do reconnaissance	18 hrs	Mon 3/27/23	Thu 3/30/23	31
33		Review results of scans	12 hrs	Mon 3/27/23	Tue 3/28/23	32SS
34		Prioritize targets	4 hrs	Tue 3/28/23	Wed 3/29/23	33
35		Perform attacks	20 hrs	Thu 4/13/23	Mon 4/17/23	42,34
36		Pivoting and exploitation	12 hrs	Tue 4/18/23	Wed 4/19/23	35
37		Determine potential for privilege escalation, data leakage, other issues	12 hrs	Thu 4/6/23	Mon 4/10/23	45
38		**Management Tasks**	**22 hrs**	**Thu 4/13/23**	**Fri 5/26/23**	

39		Status reports/meetings	2 hrs	Thu 4/13/23	Fri 4/21/23	49
40		Project Management	20 hrs	Fri 4/21/23	Fri 5/26/23	39
41		**Internal Vulnerability Assessment**	**150 hrs**	**Tue 3/28/23**	**Tue 4/25/23**	
42		Perform initial testing (based on sample examined) and model threats	12 hrs	Wed 4/12/23	Thu 4/13/23	48
43		Test network	16 hrs	Wed 3/29/23	Fri 3/31/23	44
44		Test access controls	6 hrs	Wed 3/29/23	Wed 3/29/23	34
45		Test servers, operating systems, network	32 hrs	Fri 3/31/23	Thu 4/6/23	43,44
46		Database examination	4 hrs	Mon 4/10/23	Tue 4/11/23	47
47		Virus scanning	3 hrs	Mon 4/10/23	Mon 4/10/23	37
48		Test VoIP infrastructure	10 hrs	Mon 4/10/23	Tue 4/11/23	47
49		VPN testing and analysis	12 hrs	Wed 4/12/23	Thu 4/13/23	48
50		Analyze issues	24 hrs	Wed 4/19/23	Mon 4/24/23	36,49
51		Discuss with State	2 hrs	Mon 4/24/23	Mon 4/24/23	50
52		Obtain additional information	0 hrs	Mon 4/24/23	Tue 4/25/23	51
53		Analyze exposures, conduct follow-up	14 hrs	Thu 4/13/23	Mon 4/17/23	42
54		Project management	15 hrs	Tue 3/28/23	Thu 3/30/23	30
55		**Analysis and Reporting**	**71.5 hrs**	**Mon 4/17/23**	**Mon 5/8/23**	
56		Analysis of findings	32 hrs	Mon 4/17/23	Thu 4/20/23	53
57		Initial preparation of draft findings	12 hrs	Thu 4/20/23	Fri 4/21/23	56
58		**Preparation of Report**	**16.5 hrs**	**Fri 4/21/23**	**Fri 5/5/23**	
59		Preparation of draft report	10 hrs	Fri 4/21/23	Mon 4/24/23	57
60		Quality Assurance	3 hrs	Mon 4/24/23	Tue 4/25/23	59
61		Submission of draft report	1 hr	Tue 4/25/23	Tue 4/25/23	60
62		Client review	0 hrs	Tue 5/2/23	Wed 5/3/23	61FS+5 days
63		Clarification (1 iteration)	1 hr	Wed 5/3/23	Wed 5/3/23	62
64		QA, preparation, production of final report	1 hr	Wed 5/3/23	Wed 5/3/23	63
65		Submission of final report	0.5 hrs	Wed 5/3/23	Fri 5/5/23	64
66		**Management Tasks**	**11 hrs**	**Thu 4/20/23**	**Mon 5/8/23**	
67		Status reports/meetings	4 hrs	Thu 4/20/23	Fri 4/28/23	56
68		Project Management	5 hrs	Thu 4/20/23	Fri 4/28/23	56
69		Follow-up, project close-out	2 hrs	Fri 5/5/23	Mon 5/8/23	68FS+5 days
70	**1.c**	**Wireless Networks**	**32 hrs**	**Wed 4/12/23**	**Mon 4/17/23**	
71		Preparation	6 hrs	Wed 4/12/23	Wed 4/12/23	48
72		Perform wireless walk-around	8 hrs	Wed 4/12/23	Thu 4/13/23	71
73		Perform wireless testing	8 hrs	Thu 4/13/23	Fri 4/14/23	72
74		Analyze issues	4 hrs	Fri 4/14/23	Fri 4/14/23	73
75		Prepare findings	4 hrs	Mon 4/17/23	Mon 4/17/23	74
76		Project management	2 hrs	Thu 4/13/23	Thu 4/13/23	72
77		Travel	0 hrs	Wed 4/12/23	Thu 4/13/23	71
78	**1.d**	**Applications (sample of 10)**	**188 hrs**	**Thu 4/13/23**	**Tue 5/16/23**	
79		Initial scanning and analysis	24 hrs	Thu 4/13/23	Tue 4/18/23	77
80		**Reachable Applications**	**164 hrs**	**Tue 4/18/23**	**Tue 5/16/23**	
81		**Testing**	**164 hrs**	**Tue 4/18/23**	**Tue 5/16/23**	
82		Examine architecture, control functions, analyze business processes, etc.	48 hrs	Tue 4/18/23	Wed 4/26/23	79
83		Crawl web applications	36 hrs	Wed 4/26/23	Tue 5/2/23	82
84		Analysis of crawling efforts	48 hrs	Wed 5/3/23	Wed 5/10/23	83
85		Potential exploitation	32 hrs	Thu 5/11/23	Tue 5/16/23	84
86	**1.e**	**Client-Side**	**33 hrs**	**Fri 5/26/23**	**Thu 6/1/23**	
87		**Phishing (1 test)**	**33 hrs**	**Fri 5/26/23**	**Thu 6/1/23**	
88		Discuss specific phishing testing to conduct	1 hr	Fri 5/26/23	Fri 5/26/23	29
89		Design testing	12 hrs	Fri 5/26/23	Tue 5/30/23	88
90		Build test	10 hrs	Tue 5/30/23	Wed 5/31/23	89
91		Conduct testing	4 hrs	Wed 5/31/23	Thu 6/1/23	90
92		Analyze results	4 hrs	Thu 6/1/23	Thu 6/1/23	91
93		Develop findings	2 hrs	Thu 6/1/23	Thu 6/1/23	92
94	**1.f**	**Physical Security**	**26.5 hrs**	**Fri 5/26/23**	**Fri 6/2/23**	

95		Review two sites	12 hrs	Fri 5/26/23	Tue 5/30/23	88
96		Analyze problems	6 hrs	Tue 5/30/23	Wed 5/31/23	95
97		QA	4 hrs	Wed 5/31/23	Wed 5/31/23	96
98		Submit	1 hr	Wed 5/31/23	Wed 5/31/23	97
99		Receive feedback	0 hrs	Wed 5/31/23	Thu 6/1/23	98
100		Clarify results	2 hrs	Thu 6/1/23	Thu 6/1/23	99
101		QA and submit	1.5 hrs	Fri 6/2/23	Fri 6/2/23	100
102						
103		**Policy Planning and Development**	**632.2 hrs**	**Mon 3/27/23**	**Fri 8/18/23**	
104		**Business Impact Analysis**	**457 hrs**	**Tue 5/30/23**	**Fri 8/18/23**	
105		Project plan and preparation	6 hrs	Tue 5/30/23	Wed 5/31/23	95
106		**Initial Steps**	**26.5 hrs**	**Wed 5/31/23**	**Mon 6/5/23**	
107		Kickoff	2 hrs	Wed 5/31/23	Wed 5/31/23	105
108		Team studies organization chart/other data	8 hrs	Wed 5/31/23	Wed 5/31/23	107
109		Corporate overview/determine people to interview	2 hrs	Wed 5/31/23	Wed 5/31/23	107
110		Prepare formal scoping for signoff	2 hrs	Wed 5/31/23	Wed 5/31/23	109
111		QA and submit scoping	0.5 hrs	Wed 5/31/23	Wed 5/31/23	110
112		Prepare schedule	2 hrs	Wed 5/31/23	Thu 6/1/23	111
113		Discuss desired deliverables style, format	2 hrs	Thu 6/1/23	Thu 6/1/23	112
114		Determine with NDE the specific 1st round of interviewees	2 hrs	Thu 6/1/23	Thu 6/1/23	113
115		Prototype of Final Deliverable format	6 hrs	Thu 6/1/23	Fri 6/2/23	114
116		NDE approval for scoping/deliverables format	0 hrs	Fri 6/2/23	Mon 6/5/23	115
117		**Data Collection Preparation**	**60.5 hrs**	**Mon 6/5/23**	**Wed 6/14/23**	
118		Customize critical bus. process impact criteria	16 hrs	Mon 6/5/23	Tue 6/6/23	116
119		Customize bus. impact staff/technical questionnaire	14 hrs	Tue 6/6/23	Wed 6/7/23	118
120		NDE approval of criteria/questionnaires	0 hrs	Wed 6/7/23	Wed 6/7/23	119
121		Test validity of questionnaire (2 interviews - all attending)	12 hrs	Wed 6/7/23	Thu 6/8/23	120
122		Review results	3 hrs	Thu 6/8/23	Thu 6/8/23	121
123		Clarify questionnaire	4 hrs	Thu 6/8/23	Fri 6/9/23	122
124		Finalize initial interviewees & schedule	2 hrs	Fri 6/9/23	Fri 6/9/23	123
125		Schedule staff/technical Interviewees (NDE personnel and JANUS)	1 hr	Fri 6/9/23	Fri 6/9/23	124
126		Prepare Executive questionnaire	6 hrs	Fri 6/9/23	Mon 6/12/23	125
127		QA and submit questionnaire	0.5 hrs	Mon 6/12/23	Mon 6/12/23	126
128		NDE feedback	0 hrs	Mon 6/12/23	Tue 6/13/23	127
129		Make clarifications	2 hrs	Tue 6/13/23	Tue 6/13/23	128
130		NDE approves	0 hrs	Tue 6/13/23	Wed 6/14/23	129
131		**Conduct Interviews and perform micro analysis**	**138 hrs**	**Wed 6/14/23**	**Wed 7/19/23**	
132		VNB approval to begin interviews	0 hrs	Wed 6/14/23	Thu 6/15/23	130
133		Distribute questionnaires	2 hrs	Thu 6/15/23	Thu 6/15/23	132
134		Conduct first round of interviews for selected people (10) - prep and interview	24 hrs	Thu 6/15/23	Mon 6/19/23	133
135		Review, complete, and clarify notes, results, initial analysis	20 hrs	Mon 7/3/23	Wed 7/5/23	134FS+10 days
136		Schedule 2nd round of interviews	3 hrs	Mon 7/3/23	Mon 7/3/23	135SS
137		Conduct interviews (maximum 5)	10 hrs	Wed 7/5/23	Thu 7/6/23	135
138		Review 2nd round results	10 hrs	Thu 7/6/23	Fri 7/7/23	137
139		Collect missing information	10 hrs	Fri 7/7/23	Mon 7/10/23	138
140		Analyze data	40 hrs	Mon 7/10/23	Mon 7/17/23	139
141		Prepare for and perform Executive interviews (maximum 3)	9 hrs	Mon 7/17/23	Tue 7/18/23	140
142		Integrate Executive results into other analysis	10 hrs	Tue 7/18/23	Wed 7/19/23	141
143		**Analysis and BIA Development**	**202 hrs**	**Mon 7/10/23**	**Fri 8/18/23**	
144		Analyze collected information/verify results	40 hrs	Mon 7/10/23	Mon 7/17/23	139
145		Identify critical bus systems/processes/	16 hrs	Mon 7/17/23	Tue 7/18/23	144
146		Determine & document interdependencies	10 hrs	Tue 7/18/23	Wed 7/19/23	145

147		Develop tiered approach for recovery	14 hrs	Wed 7/19/23	Fri 7/21/23	146
148		**Document critical systems**	**85 hrs**	**Fri 7/21/23**	**Fri 8/4/23**	
149		Write up critical systems and bus. processes	32 hrs	Fri 7/21/23	Tue 7/25/23	147
150		Determine risks, liability and exposures	12 hrs	Tue 7/25/23	Thu 7/27/23	149
151		Develop recovery timeline for top tier	4 hrs	Thu 7/27/23	Thu 7/27/23	150
152		Develop draft recovery needs & risk ranking	8 hrs	Thu 7/27/23	Fri 7/28/23	151
153		Develop risk mitigation activities/submit for approval	8 hrs	Fri 7/28/23	Mon 7/31/23	152
154		Research, analysis, development of recovery improvement recommendations	12 hrs	Mon 7/31/23	Wed 8/2/23	153
155		Submit sections for validation	1 hr	Wed 8/2/23	Wed 8/2/23	154
156		Receive feedback	0 hrs	Wed 8/2/23	Thu 8/3/23	155
157		Make alterations for final report	8 hrs	Thu 8/3/23	Fri 8/4/23	156
158		Develop report	34 hrs	Fri 8/4/23	Wed 8/9/23	157
159		Submit report	0 hrs	Wed 8/9/23	Thu 8/10/23	158
160		Prepare clarifications	1 hr	Thu 8/10/23	Thu 8/10/23	159
161		Submit final report	0 hrs	Wed 8/16/23	Thu 8/17/23	160SF+5 days
162		Review compliance and bus. Resumption considerations with NDE	2 hrs	Thu 8/17/23	Fri 8/18/23	161
163		**Project Management**	**24 hrs**	**Wed 5/31/23**	**Wed 7/12/23**	
164		Status reports and oversight	24 hrs	Wed 5/31/23	Wed 7/12/23	107
165		**Policies**	**46 hrs**	**Mon 3/27/23**	**Tue 4/4/23**	
166		Study of initial set of policies, regulations	12 hrs	Mon 3/27/23	Wed 3/29/23	31
167		Analyze issues	8 hrs	Wed 3/29/23	Thu 3/30/23	166
168		Discuss with NDE	2 hrs	Thu 3/30/23	Thu 3/30/23	167
169		Obtain additional information	0 hrs	Thu 3/30/23	Fri 3/31/23	168
170		Analyze additional information	6 hrs	Fri 3/31/23	Mon 4/3/23	169
171		Validate polices on system	5 hrs	Mon 4/3/23	Mon 4/3/23	170
172		Prepare findings	8 hrs	Tue 4/4/23	Tue 4/4/23	171
173		Project management	5 hrs	Wed 3/29/23	Wed 3/29/23	166
174		**DR Assessment**	**109.2 hrs**	**Wed 7/12/23**	**Mon 7/31/23**	
175		Project Start	0 hrs	Wed 7/12/23	Wed 7/12/23	164
176		Pre-kickoff conference call	0.5 hrs	Wed 7/12/23	Wed 7/12/23	175
177		**Project Initiation**	**9.5 hrs**	**Wed 7/12/23**	**Wed 7/19/23**	
178		Establish Secure Portal	1 hr	Wed 7/19/23	Wed 7/19/23	175FS+5 days
179		Prepare initial document request	3 hrs	Wed 7/12/23	Wed 7/12/23	175
180		Conduct Kickoff Meeting	3 hrs	Wed 7/12/23	Wed 7/12/23	179
181		Establish baseline project schedule and project plan	2 hrs	Wed 7/12/23	Wed 7/12/23	180
182		Submit document request	0.5 hrs	Wed 7/12/23	Wed 7/12/23	181
183		**DR Risk and Requirements**	**99.2 hrs**	**Wed 7/12/23**	**Mon 7/31/23**	
184		Study current DR Plan	3 hrs	Wed 7/12/23	Thu 7/13/23	182
185		Conduct initial gap analysis	24 hrs	Thu 7/13/23	Tue 7/18/23	184
186		Analyze alternative strategies	12 hrs	Tue 7/18/23	Wed 7/19/23	185
187		Document and discuss strategic approaches	12 hrs	Wed 7/19/23	Wed 7/19/23	186
188		Draft recommendations	33 hrs	Wed 7/19/23	Fri 7/21/23	187
189		Client review of DRAFT and provide clarification	0.2 hrs	Fri 7/28/23	Fri 7/28/23	188FS+5 days
190		Update and submit updates to the Plan recommendations	15 hrs	Fri 7/28/23	Mon 7/31/23	189
191		General Conclusions and Recommendations	20 hrs	Mon 7/31/23	Thu 8/3/23	190
192						
193	**Options**		**242 hrs**	**Mon 3/27/23**	**Thu 7/6/23**	
194	**Remote Access Testing**		**33.5 hrs**	**Mon 3/27/23**	**Fri 4/7/23**	
195	**Initial Queries**		**4 hrs**	**Mon 3/27/23**	**Tue 3/28/23**	
196	Setup and initial analysis		4 hrs	Mon 3/27/23	Tue 3/28/23	31
197	**Testing**		**18 hrs**	**Tue 3/28/23**	**Wed 3/29/23**	
198	**Remote access**		**18 hrs**	**Tue 3/28/23**	**Wed 3/29/23**	
199	Review		8 hrs	Tue 3/28/23	Wed 3/29/23	196
200	Perform technical tests		6 hrs	Tue 3/28/23	Wed 3/29/23	199SS
201	Analyze exposures, conduct follow-up		4 hrs	Wed 3/29/23	Wed 3/29/23	200

202		**Reporting**	**11.5 hrs**	**Tue 3/28/23**	**Fri 4/7/23**	
203		Findings preparation	4 hrs	Wed 3/29/23	Thu 3/30/23	201
204		Quality Assurance	1 hr	Thu 3/30/23	Thu 3/30/23	203
205		Submission of draft report	0.5 hrs	Thu 3/30/23	Thu 3/30/23	204
206		NDE review	0 hrs	Thu 4/6/23	Fri 4/7/23	205FS+5 days
207		Clarification (1 iteration)	1 hr	Fri 4/7/23	Fri 4/7/23	205,206
208		QA, preparation, production of final report	1 hr	Fri 4/7/23	Fri 4/7/23	207
209		Project Management	4 hrs	Tue 3/28/23	Tue 3/28/23	196
210						
211		**Preparation of POAM**	**48.5 hrs**	**Wed 5/3/23**	**Tue 5/9/23**	
212		Development of POAM	38 hrs	Wed 5/3/23	Fri 5/5/23	64
213		QA	2 hrs	Fri 5/5/23	Fri 5/5/23	212
214		Submit	1 hr	Fri 5/5/23	Fri 5/5/23	213
215		Receive feedback	0 hrs	Fri 5/5/23	Mon 5/8/23	214
216		Clarify POAM	2 hrs	Mon 5/8/23	Tue 5/9/23	215
217		QA and submit	1.5 hrs	Tue 5/9/23	Tue 5/9/23	216
218		Project Management	4 hrs	Fri 5/5/23	Mon 5/8/23	212
219						
220		**Roadmap**	**122 hrs**	**Wed 5/3/23**	**Thu 7/6/23**	
221		Set up working session with NDE management	1 hr	Wed 5/3/23	Wed 5/3/23	64
222		Meet with management to discuss recommendations	8 hrs	Wed 5/3/23	Fri 5/26/23	221
223		Development of priority worksheet	32 hrs	Fri 5/26/23	Thu 6/1/23	222
224		Preparation of priorities and Roadmap for NDE	40 hrs	Thu 6/1/23	Tue 6/13/23	223
225		Discuss with NDE	6 hrs	Tue 6/13/23	Tue 6/13/23	224
226		Finalize Roadmap	20 hrs	Tue 6/13/23	Wed 6/14/23	225
227		Quality Assurance	3 hrs	Wed 6/14/23	Thu 6/15/23	226
228		Submit Roadmap	1 hr	Thu 6/15/23	Thu 6/15/23	227
229		Project management	11 hrs	Wed 5/3/23	Thu 7/6/23	221
230						
231		Retest	38 hrs	Mon 5/8/23	Fri 5/12/23	69

RESOURCES NEEDED TO COMPLETE THE PROJECT

When a project is agreed to specific items are regularly needed with which to carry out the project. Sometimes, clients do not attend to these details until the project has already begun and in such situations, the amount of testing, auditing, and assessment or consulting contemplated in the project cannot be undertaken. We want you to obtain the most for your expenditures. Therefore, although not difficult to produce, JANUS does have the following needs:

Access to System and Staff

- Adequate access to management and other key personnel for consultation and interviews. Very little of these people's time will be taken, but some contact will be necessary;
- Access to a project manager for scheduling interviews with appropriate NDE staff;
- Access to technical and system programming staff (if needed) during the length of the technical testing (very little time needed);
- Access to staff who have been identified for interviews during the length of the project (approximately one hour each); and
- Immediate access on a part-time basis to a security (or staff) liaison person providing interface capability to assist with questions (when needed), contact with appropriate staff, etc. (low level

of support) and establishing schedules. This is typically one-fifth to one-quarter time unless the person wishes to shadow our team to increase knowledge.

Logical and Other Access

- IP addresses relevant to project;
- User IDs/passwords for applications/operating systems (if needed);
- Authority to access network components and operating systems (as needed);
- Relevant documentation such as policies, practices, and procedures; and
- Letter of Authorization to access and test systems (format provided by JANUS when needed for the assessment).

Office Space/Physical Needs (if on-site)

- Identification badges, or equivalent should be available on arrival (if needed);
- Telephone connectivity;
- Lockable cabinet for documentation; and
- Workspace in which to work when on-site.

NDE RFP TERMS AND CONDITIONS - SECTIONS II – VI

II. TERMS AND CONDITIONS

Contractors should complete Sections II through IV as part of their proposal. Contractor is expected to read the Terms and Conditions and should initial either accept, reject, or reject and provide alternative language for each clause. The contractor should also provide an explanation of why the contractor rejected the clause or rejected the clause and provided alternate language. By signing the solicitation, contractor is agreeing to be legally bound by all the accepted terms and conditions, and any proposed alternative terms and conditions submitted with the proposal. The State reserves the right to negotiate rejected or proposed alternative language. If the State and contractor fail to agree on the final Terms and Conditions, the State reserves the right to reject the proposal. The State of Nebraska is soliciting proposals in response to this solicitation. The State of Nebraska reserves the right to reject proposals that attempt to substitute the contractor's commercial contracts and/or documents for this solicitation.

The contractors should submit with their proposal any license, user agreement, service level agreement, or similar documents that the contractor wants incorporated in the Contract. The State will not consider incorporation of any document not submitted with the contractor's proposal as the document will not have been included in the evaluation process. These documents shall be subject to negotiation and will be incorporated as addendums if agreed to by the Parties.

If a conflict or ambiguity arises after the Addendum to Contract Award have been negotiated and agreed to, the Addendum to Contract Award shall be interpreted as follows:

xiii. If only one Party has a particular clause then that clause shall control;
xiv. If both Parties have a similar clause, but the clauses do not conflict, the clauses shall be read together;
xv. If both Parties have a similar clause, but the clauses conflict, the State's clause shall control.

A. GENERAL

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The contract resulting from this solicitation shall incorporate the following documents:

xvi. Request for Proposal and Addenda;
xvii. Amendments to the solicitation;
xviii. Questions and Answers;
xix. Contractor's proposal (Solicitation and properly submitted documents);
xx. The executed Contract and Addendum One to Contract, if applicable; and,
xxi. Amendments/Addendums to the Contract.

These documents constitute the entirety of the contract.

Unless otherwise specifically stated in a future contract amendment, in case of any conflict between the incorporated documents, the documents shall govern in the following order of preference with number one (1) receiving preference over all other documents and with each lower numbered document having preference over any higher numbered document: 1) Amendment to the executed Contract with the most recent dated amendment having the highest priority, 2) executed Contract and any attached Addenda, 3) Amendments to solicitation and any Questions and Answers, 4) the original solicitation document and any Addenda, and 5) the Contractor's submitted Proposal.

Any ambiguity or conflict in the contract discovered after its execution, not otherwise addressed herein, shall be resolved in accordance with the rules of contract interpretation as established in the State of Nebraska.

B. NOTIFICATION

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

During the bid process, all communication between the State and a bidder shall be between the bidder's representative clearly noted in its proposal and the buyer and Contact Person of this RFP. After the award of the contract, all notices under the contract shall be deemed duly given upon delivery to the staff designated as the point of contact for this Request for Proposal, in person, or upon delivery by U.S. Mail, facsimile, or e-mail. Each bidder should provide in its proposal the name, title and complete address of its designee to receive notices.

1. Except as otherwise expressly specified herein, all notices, requests or other communications shall be communicated via email.
2. Whenever the contractor encounters any difficulty which is delaying or threatens to delay its timely performance under the contract, the contractor shall immediately give notice thereof in writing to the State reciting all relevant information with respect thereto. Such notice shall not in any way constitute a basis for an extension of the delivery schedule or be construed as a waiver by the State of any of its rights or remedies to which it is entitled by law or equity or pursuant to the provisions of the contract. Failure to give such notice, however, may be grounds for denial of any request for an extension of the delivery schedule because of such delay.

Either party may change its address for notification purposes by giving notice of the change, and setting forth the new address and an effective date.

For the duration of the contract, all communication between contractor and the State regarding the contract shall take place between the contractor and individuals specified by the State in writing. Communication about the contract between contractor and individuals not designated as points of contact by the State is strictly forbidden.

C. NOTICE (POC)

The State reserves the right to appoint a Buyer's Representative to manage [or assist the Buyer in managing] the contract on behalf of the State. The Buyer's Representative will be appointed in writing, and the appointment document will specify the extent of the Buyer's Representative authority and responsibilities. If a Buyer's Representative is appointed, the Contractor will be provided a copy of the appointment document, and is expected to cooperate accordingly with the Buyer's Representative. The Buyer's Representative has no authority to bind the State to a contract, amendment, addendum, or other change or addition to the contract.

D. GOVERNING LAW (Statutory)

Notwithstanding any other provision of this contract, or any amendment or addendum(s) entered into contemporaneously or at a later time, the parties understand and agree that, (1) the State of Nebraska is a sovereign state and its authority to contract is therefore subject to limitation by the State's Constitution, statutes, common law, and regulation; (2) this contract will be interpreted and enforced under the laws of the State of Nebraska; (3) any action to enforce the provisions of this agreement must be brought in the State of Nebraska per state law; (4) the person signing this contract on behalf of the State of Nebraska does not have the authority to waive the State's sovereign immunity, statutes, common law, or regulations; (5) the indemnity, limitation of liability, remedy, and other similar provisions of the final contract, if any, are entered into subject to the State's Constitution, statutes, common law, regulations, and sovereign immunity; and, (6) all terms and conditions of the final contract, including but not limited to the clauses concerning third party use, licenses, warranties, limitations of liability, governing law and venue, usage verification, indemnity, liability, remedy or other similar provisions of the final contract are entered into specifically subject to the State's Constitution, statutes, common law, regulations, and sovereign immunity.

The Parties must comply with all applicable local, state and federal laws, ordinances, rules, orders, and regulations.

E. BEGINNING OF WORK

The contractor shall not commence any billable work until a valid contract has been fully executed by the State and the successful Contractor. The Contractor will be notified in writing when work may begin.

F. AMENDMENT

This Contract may be amended in writing, within scope, upon the agreement of both parties.

G. CHANGE ORDERS OR SUBSTITUTIONS

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The State and the Contractor, upon the written agreement, may make changes to the contract within the general scope of the solicitation. Changes may involve specifications, the quantity of work, or such other items as the State may find necessary or desirable. Corrections of any deliverable, service, or work required pursuant to the contract shall not be deemed a change. The Contractor may not claim forfeiture of the contract by reasons of such changes.

The Contractor shall prepare a written description of the work required due to the change and an itemized cost sheet for the change. Changes in work and the amount of compensation to be paid to the Contractor shall be determined in accordance with applicable unit prices if any, a pro-rated value, or through negotiations. The State shall not incur a price increase for changes that should have been included in the Contractor's proposal, were foreseeable, or result from difficulties with or failure of the Contractor's proposal or performance.

No change shall be implemented by the Contractor until approved by the State, and the Contract is amended to reflect the change and associated costs, if any. If there is a dispute regarding the cost, but both parties agree that immediate implementation is necessary, the change may be implemented, and cost negotiations may continue with both Parties retaining all remedies under the contract and law.

In the event any product is discontinued or replaced upon mutual consent during the contract period or prior to delivery, the State reserves the right to amend the contract or purchase order to include the alternate product at the same price.

*****Contractor will not substitute any item that has been awarded without prior written approval of NDE*****

b. VENDOR PERFORMANCE REPORT(S)

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The State may document any instance(s) of products or services delivered or performed which exceed or fail to meet the terms of the purchase order, contract, and/or solicitation specifications. The State Purchasing Bureau may contact the Vendor regarding any such report. Vendor performance report(s) will become a part of the permanent record of the Vendor.

H. NOTICE OF POTENTIAL CONTRACTOR BREACH

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

If Contractor breaches the contract or anticipates breaching the contract, the Contractor shall immediately give written notice to the State. The notice shall explain the breach or potential breach, a proposed cure, and may include a request for a waiver of the breach if so desired. The State may, in its discretion, temporarily or permanently waive the breach. By granting a waiver, the State does not forfeit any rights or remedies to which the State is entitled by law or equity, or pursuant to the provisions of the contract. Failure to give immediate notice, however, may be grounds for denial of any request for a waiver of a breach.

I. BREACH

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

Either Party may terminate the contract, in whole or in part, if the other Party breaches its duty to perform its obligations under the contract in a timely and proper manner. Termination requires written notice of default and a thirty (30) calendar day (or longer at the non-breaching Party's discretion considering the gravity and nature of the default) cure period. Said notice shall be delivered by Certified Mail, Return Receipt Requested, or in person with proof of delivery. Allowing time to cure a failure or breach of contract does not waive the right to immediately terminate the contract for the same or different contract breach which may occur at a different time. In case of default of the Contractor, the State may contract the service from other sources and hold the Contractor responsible for any excess cost occasioned thereby. OR In case of breach by the Contractor, the State may, without unreasonable delay, make a good faith effort to make a reasonable purchase or contract to purchased goods in substitution of those due from the contractor. The State may recover from the Contractor as damages the difference between the costs of covering the breach. Notwithstanding any clause to the contrary, the State may also recover the contract price together with any incidental or consequential damages defined in UCC Section 2-715, but less expenses saved in consequence of Contractor's breach.

The State's failure to make payment shall not be a breach, and the Contractor shall retain all available statutory remedies and protections.

J. NON-WAIVER OF BREACH

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The acceptance of late performance with or without objection or reservation by a Party shall not waive any rights of the Party nor constitute a waiver of the requirement of timely performance of any obligations remaining to be performed.

K. SEVERABILITY

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

If any term or condition of the contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and conditions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the provision held to be invalid or illegal.

L. INDEMNIFICATION

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

i. **GENERAL**
The Contractor agrees to defend, indemnify, and hold harmless the State and its employees, volunteers, agents, and its elected and appointed officials ("the indemnified parties") from and against any and all third party claims, liens, demands, damages, liability, actions, causes of action, losses, judgments, costs, and expenses of every nature, including investigation costs and expenses, settlement costs, and attorney fees and expenses ("the claims"), sustained or asserted against the State for personal injury, death, or property loss or damage, arising out of, resulting from, or attributable to the willful misconduct, negligence, error, or omission of the Contractor, its employees, Subcontractors, consultants, representatives, and agents, resulting from this contract, except to the extent such Contractor liability is attenuated by any action of the State which directly and proximately contributed to the claims.

ii. **INTELLECTUAL PROPERTY**
The Contractor agrees it will, at its sole cost and expense, defend, indemnify, and hold harmless the indemnified parties from and against any and all claims, to the extent such claims arise out of, result from, or are attributable to, the actual or alleged infringement or misappropriation of any patent, copyright, trade secret, trademark, or confidential information of any third party by the Contractor or its employees, Subcontractors, consultants, representatives, and agents; provided, however, the State gives the Contractor prompt notice in writing of the claim. The Contractor may not settle any infringement claim that will affect the State's use of the Licensed Software without the State's prior written consent, which consent may be withheld for any reason.

If a judgment or settlement is obtained or reasonably anticipated against the State's use of any intellectual property for which the Contractor has indemnified the State, the Contractor shall, at the Contractor's sole cost and expense, promptly modify the item or items which were determined to be infringing, acquire a license or licenses on the State's behalf to provide the necessary rights to the State to eliminate the infringement, or provide the State with a non-infringing substitute that provides the State the same functionality. At the State's election, the actual or anticipated judgment may be treated as a breach of warranty by the Contractor, and the State may receive the remedies provided under this solicitation.

iii. **PERSONNEL**
The Contractor shall, at its expense, indemnify and hold harmless the indemnified parties from and against any claim with respect to withholding taxes, worker's compensation, employee benefits, or any other claim, demand, liability, damage, or loss of any nature relating to any of the personnel, including subcontractors and their employees, provided by the Contractor.

iv. **SELF-INSURANCE**
The State of Nebraska is self-insured for any loss and purchases excess insurance coverage pursuant to Neb. Rev. Stat. § 81-8,239.01 (Reissue 2008). If there is a presumed loss under the provisions of this agreement, Contractor may file a claim with the Office of Risk Management pursuant to Neb. Rev. Stat. §§ 81-8,829 – 81-8,306 for review by the State Claims Board. The State retains all rights and immunities under the State Miscellaneous (Section 81-8,294), Tort (Section 81-8,209), and Contract Claim Acts (Section 81-8,302), as outlined in Neb. Rev. Stat. § 81-8,209 et seq. and under any other provisions of law and accepts liability under this agreement to the extent provided by law.

v. The Parties acknowledge that Attorney General for the State of Nebraska is required by statute to represent the legal interests of the State, and that any provision of this indemnity clause is subject to the statutory authority of the Attorney General.

M. ATTORNEY'S FEES

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

In the event of any litigation, appeal, or other legal action to enforce any provision of the contract, the Parties agree to pay all expenses of such action, as permitted by law and if ordered by the court, including attorney's fees and costs, if the other Party prevails.

N. ASSIGNMENT, SALE, OR MERGER

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

Either Party may assign the contract upon mutual written agreement of the other Party. Such agreement shall not be unreasonably withheld.

The Contractor retains the right to enter into a sale, merger, acquisition, internal reorganization, or similar transaction involving Contractor's business. Contractor agrees to cooperate with the State in executing amendments to the contract to allow for the transaction. If a third party or entity is involved in the transaction, the Contractor will remain responsible for performance of the contract until such time as the person or entity involved in the transaction agrees in writing to be contractually bound by this contract and perform all obligations of the contract.

O. CONTRACTING WITH OTHER NEBRASKA POLITICAL SUB-DIVISIONS OF THE STATE OR ANOTHER STATE

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The Contractor may, but shall not be required to, allow agencies, as defined in Neb. Rev. Stat. §81-145, to use this contract. The terms and conditions, including price, of the contract may not be amended. The State shall not be contractually obligated or liable for any contract entered into pursuant to this clause. A listing of Nebraska political subdivisions may be found at the website of the Nebraska Auditor of Public Accounts.

The Contractor may, but shall not be required to, allow other states, agencies or divisions of other states, or political subdivisions of other states to use this contract. The terms and conditions, including price, of this contract shall apply to any such contract, but may be amended upon mutual consent of the Parties. The State of Nebraska shall not be contractually or otherwise obligated or liable under any contract entered into pursuant to this clause. The State shall be notified if a contract is executed based upon this contract.

P. FORCE MAJEURE

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

Neither Party shall be liable for any costs or damages, or for default resulting from its inability to perform any of its obligations under the contract due to a natural or manufactured event outside the control and not the fault of the affected Party ("Force Majeure Event"). The Party so affected shall immediately make a written request for relief to the other Party, and shall have the burden of proof to justify the request. The other Party may grant the relief requested; relief may not be unreasonably withheld. Labor disputes with the impacted Party's own employees will not be considered a Force Majeure Event.

Q. CONFIDENTIALITY

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

All materials and information provided by the Parties or acquired by a Party on behalf of the other Party shall be regarded as confidential information. All materials and information provided or acquired shall be handled in accordance with federal and state law, and ethical standards. Should said confidentiality be breached by a Party, the Party shall notify the other Party immediately of said breach and take immediate corrective action.

It is incumbent upon the Parties to inform their officers and employees of the penalties for improper disclosure imposed by the Privacy Act of 1974, 5 U.S.C. 552a. Specifically, 5 U.S.C. 552a (i)(1), which is made applicable by 5 U.S.C. 552a (m)(1), provides that any officer or employee, who by virtue of his/her employment or official position has possession of or access to agency records which contain individually identifiable information, the disclosure of which is prohibited by the Privacy Act or regulations established thereunder, and who knowing that disclosure of the specific material is prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

R. EARLY TERMINATION

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The contract may be terminated as follows:

vi. The State and the Contractor, by mutual written agreement, may terminate the contract at any time.

vii. The State, in its sole discretion, may terminate the contract for any reason upon thirty (30) calendar day's written notice to the Contractor. Such termination shall not relieve the Contractor of warranty or other service obligations incurred under the terms of the contract. In the event of termination the Contractor shall be entitled to payment, determined on a pro rata basis, for products or services satisfactorily performed or provided.

viii. The State may terminate the contract immediately for the following reasons:

1. if directed to do so by statute;
2. Contractor has made an assignment for the benefit of creditors, has admitted in writing its inability to pay debts as they mature, or has ceased operating in the normal course of business;
3. a trustee or receiver of the Contractor or of any substantial part of the Contractor's assets has been appointed by a court;
4. fraud, misappropriation, embezzlement, malfeasance, misfeasance, or illegal conduct pertaining to performance under the contract by its Contractor, its employees, officers, directors, or shareholders;
5. an involuntary proceeding has been commenced by any Party against the Contractor under any one of the chapters of Title 11 of the United States Code and (i) the proceeding has been pending for at least sixty (60) calendar days; or (ii) the Contractor has consented, either expressly or by operation of law, to the entry of an order for relief; or (iii) the Contractor has been decreed or adjudged a debtor;
6. a voluntary petition has been filed by the Contractor under any of the chapters of Title 11 of the United States Code;
7. Contractor intentionally discloses confidential information;
8. Contractor has or announces it will discontinue support of the deliverable; and,
9. In the event funding is no longer available.

S. CONTRACT CLOSEOUT

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

Upon contract closeout for any reason the Contractor shall within 30 days, unless stated otherwise herein:

ix. Transfer all completed or partially completed deliverables to the State;
x. Transfer ownership and title to all completed or partially completed deliverables to the State;
xi. Return to the State all information and data, unless the Contractor is permitted to keep the information or data by contract or rule of law. Contractor may retain one copy of any information or data as required to comply with applicable work product documentation standards or as are automatically retained in the course of Contractor's routine back up procedures;
xii. Cooperate with any successor Contactor, person or entity in the assumption of any or all of the obligations of this contract;
xiii. Cooperate with any successor Contactor, person or entity with the transfer of information or data related to this contract;
xiv. Return or vacate any state owned real or personal property; and,
xv. Return all data in a mutually acceptable format and manner.

Nothing in this Section should be construed to require the Contractor to surrender intellectual property, real or personal property, or information or data owned by the Contractor for which the State has no legal claim.

III. CONTRACTOR DUTIES

A. INDEPENDENT CONTRACTOR / OBLIGATIONS

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

It is agreed that the Contractor is an independent contractor and that nothing contained herein is intended or should be construed as creating or establishing a relationship of employment, agency, or a partnership.

The Contractor is solely responsible for fulfilling the contract. The Contractor or the Contractor's representative shall be the sole point of contact regarding all contractual matters.

The Contractor shall secure, at its own expense, all personnel required to perform the services under the contract. The personnel the Contractor uses to fulfill the contract shall have no contractual or other legal relationship with the State; they shall not be considered employees of the State and shall not be entitled to any compensation, rights or benefits from the State, including but not limited to, tenure rights, medical and hospital care, sick and vacation leave, severance pay, or retirement benefits.

By-name personnel commitments made in the Contractor's proposal shall not be changed without the prior written approval of the State. Replacement of these personnel, if approved by the State, shall be with personnel of equal or greater ability and qualifications.

All personnel assigned by the Contractor to the contract shall be employees of the Contractor or a subcontractor, and shall be fully qualified to perform the work required herein. Personnel employed by the Contractor or a subcontractor to fulfill the terms of the contract shall remain under the sole direction and control of the Contractor or the subcontractor respectively.

With respect to its employees, the Contractor agrees to be solely responsible for the following:

xvi. Any and all pay, benefits, and employment taxes and/or other payroll withholding;
xvii. Any and all vehicles used by the Contractor's employees, including all insurance required by state law;
xviii. Damages incurred by Contractor's employees within the scope of their duties under the contract;
xix. Maintaining Workers' Compensation and health insurance that complies with state and federal law and submitting any reports on such insurance to the extent required by governing law;
xx. Determining the hours to be worked and the duties to be performed by the Contractor's employees; and,
xxi. All claims on behalf of any person arising out of employment or alleged employment (including without limit claims of discrimination alleged against the Contractor, its officers, agents, or subcontractors or subcontractor's employees)

If the Contractor intends to utilize any subcontractor, the subcontractor's level of effort, tasks, and time allocation should be clearly defined in the contractor's proposal. The Contractor shall agree that it will not utilize any subcontractors not specifically included in its proposal in the performance of the contract without the prior written authorization of the State.

The State reserves the right to require the Contractor to reassign or remove from the project any Contractor or subcontractor employee.

Contractor shall insure that the terms and conditions contained in any contract with a subcontractor does not conflict with the terms and conditions of this contract.

The Contractor shall include a similar provision, for the protection of the State, in the contract with any Subcontractor engaged to perform work on this contract.

B. EMPLOYEE WORK ELIGIBILITY STATUS

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within	NOTES/COMMENTS:

		Solicitation Response (Initial)	

The Contractor is required and hereby agrees to use a federal immigration verification system to determine the work eligibility status of employees physically performing services within the State of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of an employee.

If the Contractor is an individual or sole proprietorship, the following applies:

xxii. The Contractor must complete the United States Citizenship Attestation Form, available on the Department of Administrative Services website at http://das.nebraska.gov/materiel/purchasing.html

xxiii. The completed United States Attestation Form should be submitted with the solicitation response.

xxiv. If the Contractor indicates on such attestation form that he or she is a qualified alien, the Contractor agrees to provide the US Citizenship and Immigration Services documentation required to verify the Contractor's lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) Program.

xxv. The Contractor understands and agrees that lawful presence in the United States is required and the Contractor may be disqualified or the contract terminated if such lawful presence cannot be verified as required by Neb. Rev. Stat. §4-108.

C. COMPLIANCE WITH CIVIL RIGHTS LAWS AND EQUAL OPPORTUNITY EMPLOYMENT / NONDISCRIMINATION (Statutory)

The Contractor shall comply with all applicable local, state, and federal statutes and regulations regarding civil rights laws and equal opportunity employment. The Nebraska Fair Employment Practice Act prohibits Contractors of the State of Nebraska, and their Subcontractors, from discriminating against any employee or applicant for employment, with respect to hire, tenure, terms, conditions, compensation, or privileges of employment because of race, color, religion, sex, disability, marital status, or national origin (Neb. Rev. Stat. §48-1101 to 48-1125). The Contractor guarantees compliance with the Nebraska Fair Employment Practice Act, and breach of this provision shall be regarded as a material breach of contract. The Contractor shall insert a similar provision in all Subcontracts for goods and services to be covered by any contract resulting from this solicitation.

D. COOPERATION WITH OTHER CONTRACTORS

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

Contractor may be required to work with or in close proximity to other contractors or individuals that may be working on same or different projects. The Contractor shall agree to cooperate with such other contractors or individuals, and shall not commit or permit any act which may interfere with the performance of work by any other contractor or individual. Contractor is not required to compromise Contractor's intellectual property or proprietary information unless expressly required to do so by this contract.

E. DISCOUNTS

Prices quoted shall be inclusive of ALL trade discounts. Cash discount terms of less than thirty (30) days will not be considered as part of the proposal. Cash discount periods will be computed from the date of receipt of a properly executed claim voucher or the date of completion of delivery of all items in a satisfactory condition, whichever is later.

F. PRICES

Prices quoted shall be net, including transportation and delivery charges fully prepaid by the contractor, F.O.B. destination named in the solicitation. No additional charges will be allowed for packing, packages, or partial delivery costs. When an arithmetic error has been made in the extended total, the unit price will govern.

All prices, costs, and terms and conditions submitted in the proposal shall remain fixed and valid commencing on the opening date of the proposal until the contract terminates or expires.

All prices, costs, and terms and conditions outlined in the proposal shall remain fixed and valid commencing on the opening date of the proposal until the contract terminates or expires. Contractor represents and warrants that all prices for services, now or subsequently specified are as low as and no higher than prices which the Contractor has charged or intends to charge customers other than the State for the same or similar products and services of the same or equivalent quantity and quality for delivery or performance during the same periods of time. If, during the term of the contract, the Contractor shall reduce any and/or all prices charged to any customers other than the State for the same or similar products or services specified herein, the Contractor shall make an equal or equivalent reduction in corresponding prices for said specified products or services.

All prices set forth in the contract and all prices in addition, which the Contractor may charge under the terms of the contract, do not and will not violate any existing federal, state, or municipal law or regulations concerning price discrimination and/or price fixing. Contractor agrees to hold the State harmless from any such violation. Prices quoted shall not be subject to increase throughout the contract period unless specifically allowed by these specifications.

The State reserves the right to deny any requested price increase. No price increases are to be billed to any State Agencies prior to written amendment of the contract by the parties.

The State will be given full proportionate benefit of any decreases for the term of the contract.

G. COST CLARIFICATION

The State reserves the right to review all aspects of cost for reasonableness and to request clarification of any proposal where the cost component shows significant and unsupported deviation from industry standards or in areas where detailed pricing is required.

H. PERMITS, REGULATIONS, LAWS

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The contract price shall include the cost of all royalties, licenses, permits, and approvals, whether arising from patents, trademarks, copyrights or otherwise, that are in any way involved in the contract. The Contractor shall obtain and pay for all royalties, licenses, and permits, and approvals necessary for the execution of the contract. The Contractor must guarantee that it has the full legal right to the materials, supplies, equipment, software, and other items used to execute this contract.

I. OWNERSHIP OF INFORMATION AND DATA / DELIVERABLES

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The State shall have the unlimited right to publish, duplicate, use, and disclose all information and data developed or obtained by the Contractor on behalf of the State pursuant to this contract.

The State shall own and hold exclusive title to any deliverable developed as a result of this contract. Contractor shall have no ownership interest or title, and shall not patent, license, or copyright, duplicate, transfer, sell, or exchange, the design, specifications, concept, or deliverable.

J. INSURANCE REQUIREMENTS

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:
			Please refer to page 8 of Q&A that references Section III.J. page 20 of the RFP. Stated response indicates that the answer to the question is pending legal review.

The Contractor shall throughout the term of the contract maintain insurance as specified herein and provide the State a current Certificate of Insurance/Acord Form (COI) verifying the coverage. The Contractor shall not commence work on the contract until the insurance is in place. If Contractor subcontracts any portion of the Contract the Contractor must, throughout the term of the contract, either:

xxvi. Provide equivalent insurance for each subcontractor and provide a COI verifying the coverage for the subcontractor;
xxvii. Require each subcontractor to have equivalent insurance and provide written notice to the State that the Contractor has verified that each subcontractor has the required coverage; or,
xxviii. Provide the State with copies of each subcontractor's Certificate of Insurance evidencing the required coverage.

The Contractor shall not allow any Subcontractor to commence work until the Subcontractor has equivalent insurance. The failure of the State to require a COI, or the failure of the Contractor to provide a COI or require subcontractor insurance shall not limit, relieve, or decrease the liability of the Contractor hereunder.

In the event that any policy written on a claims-made basis terminates or is canceled during the term of the contract or within three (3) years of termination or expiration of the contract, the contractor shall obtain an extended discovery or reporting period, or a new insurance policy, providing coverage required by this contract for the term of the contract and three (3) years following termination or expiration of the contract.

If by the terms of any insurance a mandatory deductible is required, or if the Contractor elects to increase the mandatory deductible amount, the Contractor shall be responsible for payment of the amount of the deductible in the event of a paid claim.

Notwithstanding any other clause in this Contract, the State may recover up to the liability limits of the insurance policies required herein.

1. WORKERS' COMPENSATION INSURANCE

The Contractor shall take out and maintain during the life of this contract the statutory Workers' Compensation and Employer's Liability Insurance for all of the contactors' employees to be engaged in work on the project under this contract and, in case any such work is sublet, the Contractor shall require the Subcontractor similarly to provide Worker's Compensation and Employer's Liability Insurance for all of the Subcontractor's employees to be engaged in such work. This policy shall be written to meet the statutory requirements for the state in which the work is to be performed, including Occupational Disease. **The policy shall include a waiver of subrogation in favor of the State. The COI shall contain the mandatory COI subrogation waiver language found hereinafter**. The amounts of such insurance shall not be less than the limits stated hereinafter. For employees working in the State of Nebraska, the policy must be written by an entity authorized by the State of Nebraska Department of Insurance to write Workers' Compensation and Employer's Liability Insurance for Nebraska employees.

xxix. COMMERCIAL GENERAL LIABILITY INSURANCE AND COMMERCIAL AUTOMOBILE LIABILITY INSURANCE

The Contractor shall take out and maintain during the life of this contract such Commercial General Liability Insurance and Commercial Automobile Liability Insurance as shall protect Contractor and any Subcontractor performing work covered by this contract from claims for damages for bodily injury, including death, as well as from claims for property damage, which may arise from operations under this contract, whether such operation be by the Contractor or by any Subcontractor or by anyone directly or indirectly employed by either of them, and the amounts of such insurance shall not be less than limits stated hereinafter.

The Commercial General Liability Insurance shall be written on an **occurrence basis**, and provide Premises/Operations, Products/Completed Operations, Independent Contractors, Personal Injury, and Contractual Liability coverage. **The policy shall include the State, and others as required by the contract documents, as Additional Insured(s). This policy shall be primary, and any insurance or**

self-insurance carried by the State shall be considered secondary and non-contributory. The COI shall contain the mandatory COI liability waiver language found hereinafter. The Commercial Automobile Liability Insurance shall be written to cover all Owned, Non-owned, and Hired vehicles.

REQUIRED INSURANCE COVERAGE	
COMMERCIAL GENERAL LIABILITY	
General Aggregate	$2,000,000
Products/Completed Operations Aggregate	$2,000,000
Personal/Advertising Injury	$1,000,000 per occurrence
Bodily Injury/Property Damage	$1,000,000 per occurrence
Medical Payments	$10,000 any one person
Damage to Rented Premises (Fire)	$300,000 each occurrence
Contractual	Included
XCU Liability (Explosion, Collapse, and Underground Damage)	Included
Independent Contractors	Included
Abuse & Molestation	Included
If higher limits are required, the Umbrella/Excess Liability limits are allowed to satisfy the higher limit.	
WORKER'S COMPENSATION	
Employers Liability Limits	$500K/$500K/$500K
Statutory Limits- All States	Statutory - State of Nebraska
USL&H Endorsement	Statutory
Voluntary Compensation	Statutory
COMMERCIAL AUTOMOBILE LIABILITY	
Bodily Injury/Property Damage	$1,000,000 combined single limit
Include All Owned, Hired & Non-Owned Automobile liability	Included
Motor Carrier Act Endorsement	Where Applicable
UMBRELLA/EXCESS LIABILITY	
Over Primary Insurance	$5,000,000 per occurrence
PROFESSIONAL LIABILITY	
Professional liability (Medical Malpractice)	Limits consistent with Nebraska Medical Malpractice Cap
Qualification Under Nebraska Excess Fund	
All Other Professional Liability (Errors & Omissions)	$1,000,000 Per Claim / Aggregate
COMMERCIAL CRIME	
Crime/Employee Dishonesty Including 3rd Party Fidelity	$1,000,000
CYBER LIABILITY	
Breach of Privacy, Security Breach, Denial of Service, Remediation, Fines and Penalties	$10,000,000
CONTRACTOR'S POLLUTION LIABILITY	
Each Occurrence/Aggregate Limit	$2,000,000
Includes Non-Owned Disposal Sites	
MANDATORY COI SUBROGATION WAIVER LANGUAGE	
"Workers' Compensation policy shall include a waiver of subrogation in favor of the State of Nebraska."	
MANDATORY COI LIABILITY WAIVER LANGUAGE	
"Commercial General Liability & Commercial Automobile Liability policies shall name the State of Nebraska as an Additional Insured and the policies shall be primary and any insurance or self-insurance carried by the State shall be considered secondary and non-contributory as additionally insured."	

xxx. EVIDENCE OF COVERAGE

The Contractor shall furnish the Contract Manager, with a certificate of insurance coverage complying with the above requirements prior to beginning work at:

Agency
Attn: Contract Manager
Address
City, State, Zip

These certificates or the cover sheet shall reference the RFP number, and the certificates shall include the name of the company, policy numbers, effective dates, dates of expiration, and amounts and types of coverage afforded. If the State is damaged by the failure of the Contractor to maintain such insurance, then the Contractor shall be responsible for all reasonable costs properly attributable thereto.

Reasonable notice of cancellation of any required insurance policy must be submitted to the contract manager as listed above when issued and a new coverage binder shall be submitted immediately to ensure no break in coverage.

xxxi. DEVIATIONS

The insurance requirements are subject to limited negotiation. Negotiation typically includes, but is not necessarily limited to, the correct type of coverage, necessity for Workers' Compensation, and the type of automobile coverage carried by the Contractor.

K. NOTICE OF POTENTIAL CONTRACTOR BREACH

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

If Contractor breaches the contract or anticipates breaching the contract the Contractor shall immediately give written notice to the State. The notice shall explain the breach or potential breach, and may include a request for a waiver of the breach if so desired. The State may, at its discretion, temporarily or permanently waive the breach. By granting a temporary waiver, the State does not forfeit any rights or remedies to which the State is entitled by law or equity, or pursuant to the provisions of the contract. Failure to give immediate notice, however, may be grounds for denial of any request for a waiver of a breach.

L. ANTITRUST

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The Contractor hereby assigns to the State any and all claims for overcharges as to goods and/or services provided in connection with this contract resulting from antitrust violations which arise under antitrust laws of the United States and the antitrust laws of the State.

M. CONFLICT OF INTEREST

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

By submitting a proposal, bidder certifies that no relationship exists between the bidder and any person or entity which either is, or gives the appearance of, a conflict of interest related to this Request for Proposal or project.

Bidder further certifies that bidder will not employ any individual known by bidder to have a conflict of interest nor shall bidder take any action or acquire any interest, either directly or indirectly, which will conflict in any manner or degree with the performance of its contractual obligations hereunder or which creates an actual or appearance of conflict of interest.

If there is an actual or perceived conflict of interest, bidder shall provide with its proposal a full disclosure of the facts describing such actual or perceived conflict of interest and a proposed mitigation plan for consideration. The State will then consider such disclosure and proposed mitigation plan and either approve or reject as part of the overall bid evaluation.

N. STATE PROPERTY

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The Contractor shall be responsible for the proper care and custody of any State-owned property which is furnished for the Contractor's use during the performance of the contract. The Contractor shall reimburse the State for any loss or damage of such property; normal wear and tear is expected.

O. SITE RULES AND REGULATIONS

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The Contractor shall use its best efforts to ensure that its employees, agents, and Subcontractors comply with site rules and regulations while on State premises. If the Contractor must perform on-site work outside of the daily operational hours set forth by the State, it must make arrangements with the State to ensure access to the facility and the equipment has been arranged. No additional payment will be made by the State on the basis of lack of access, unless the State fails to provide access as agreed to in writing between the State and the Contractor.

P. ADVERTISING

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The Contractor agrees not to refer to the contract award in advertising in such a manner as to state or imply that the company or its goods or services are endorsed or preferred by the State. Any publicity releases pertaining to the project shall not be issued without prior written approval from the State.

Q. NEBRASKA TECHNOLOGY ACCESS STANDARDS (Statutory)

Contractor shall review the Nebraska Technology Access Standards, found at https://das.nebraska.gov/materiel/docs/pdf/Technology%20Access%20Clause%2020210608%20FINAL.pdf and ensure that products and/or services provided under the contract are in compliance or will comply with the applicable standards to the greatest degree possible. In the event such standards change during the Contractor's performance, the State may create an amendment to the contract to request the contract comply with the changed standard at a cost mutually acceptable to the parties.

R. DISASTER RECOVERY/BACK UP PLAN

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The Contractor shall have a disaster recovery and back-up plan, of which a copy should be provided upon request to the State, which includes, but is not limited to equipment, personnel, facilities, and transportation, in order to continue delivery of goods and services as specified under the specifications in the contract in the event of a disaster.

S. DRUG POLICY

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

Contractor certifies it maintains a drug free work place environment to ensure worker safety and workplace integrity. Contractor agrees to provide a copy of its drug free workplace policy at any time upon request by the State.

T. WARRANTY

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

Despite any clause to the contrary, the Contractor represents and warrants that its services hereunder shall be performed by competent personnel and shall be of professional quality consistent with generally accepted industry standards for the performance of such services and shall comply in all respects with the requirements of this Agreement. For any breach of this warranty, the Contractor shall, for a period of ninety (90) days from performance of the service, perform the services again, at no cost to Customer, or if Contractor is unable to perform the services as warranted, Contractor shall reimburse Customer the fees paid to Contractor for the unsatisfactory services. The rights and remedies of the parties under this warranty are in addition to any other rights and remedies of the parties provided by law or equity, including, without limitation actual damages, and, as applicable and awarded under the law, to a prevailing party, reasonable attorneys' fees and costs.

IV. PAYMENT

A. PROHIBITION AGAINST ADVANCE PAYMENT (Statutory)

Neb. Rev. Stat. §§81-2403 states, "[n]o goods or services shall be deemed to be received by an agency until all such goods or services are completely delivered and finally accepted by the agency."

B. TAXES (Statutory)

The State is not required to pay taxes and assumes no such liability as a result of this solicitation. The Contractor may request a copy of the Nebraska Department of Revenue, Nebraska Resale or Exempt Sale Certificate for Sales Tax Exemption, Form 13 for their records. Any property tax payable on the Contractor's equipment which may be installed in a state-owned facility is the responsibility of the Contractor

C. INVOICES

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

Invoices for payments must be submitted by the Contractor to the agency requesting the services with sufficient detail to support payment. The terms and conditions included in the Contractor's invoice shall be deemed to be solely for the convenience of the parties. No terms or conditions of any such invoice shall be binding upon the State, and no action by the State, including without limitation the payment of any such invoice in whole or in part, shall be construed as binding or estopping the State with respect to any such term or condition, unless the invoice term or condition has been previously agreed to by the State as an amendment to the contract.

D. INSPECTION AND APPROVAL

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

Final inspection and approval of all work required under the contract shall be performed by the designated State officials.

The State and/or its authorized representatives shall have the right to enter any premises where the Contractor or Subcontractor duties under the contract are being performed, and to inspect, monitor or otherwise evaluate the work being performed. All inspections and evaluations shall be at reasonable times and in a manner that will not unreasonably delay work.

E. PAYMENT (Statutory)

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

Payment will be made by the responsible agency in compliance with the State of Nebraska Prompt Payment Act (See Neb. Rev. Stat. §81-2403). The State may require the Contractor to accept payment by electronic means such as ACH deposit. In no event shall the State be responsible or liable to pay for any goods and services provided by the Contractor prior to the Effective Date of the contract, and the Contractor hereby waives any claim or cause of action for any such services.

F. LATE PAYMENT (Statutory)
The Contractor may charge the responsible agency interest for late payment in compliance with the State of Nebraska Prompt Payment Act (See Neb. Rev. Stat. §81-2401 through 81-2408).

G. SUBJECT TO FUNDING / FUNDING OUT CLAUSE FOR LOSS OF APPROPRIATIONS (Statutory)
The State's obligation to pay amounts due on the Contract for a fiscal years following the current fiscal year is contingent upon legislative appropriation of funds. Should said funds not be appropriated, the State may terminate the contract with respect to those payments for the fiscal year(s) for which such funds are not appropriated. The State will give the Contractor written notice thirty (30) calendar days prior to the effective date of termination. All obligations of the State to make payments after the termination date will cease. The Contractor shall be entitled to receive just and equitable compensation for any authorized work which has been satisfactorily completed as of the termination date. In no event shall the Contractor be paid for a loss of anticipated profit.

H. RIGHT TO AUDIT (First Paragraph is Statutory)
The State shall have the right to audit the Contractor's performance of this contract upon a thirty (30) days' written notice. Contractor shall utilize generally accepted accounting principles, and shall maintain the accounting records, and other records and information relevant to the contract (Information) to enable the State to audit the contract. (Neb. Rev. Stat. §84-304 et seq.) The State may audit and the Contractor shall maintain, the Information during the term of the contract and for a period of five (5) years after the completion of this contract or until all issues or litigation are resolved, whichever is later. The Contractor shall make the Information available to the State at Contractor's place of business or a location acceptable to both Parties during normal business hours. If this is not practical or the Contractor so elects, the Contractor may provide electronic or paper copies of the Information. The State reserves the right to examine, make copies of, and take notes on any Information relevant to this contract, regardless of the form or the Information, how it is stored, or who possesses the Information. Under no circumstance will the Contractor be required to create or maintain documents not kept in the ordinary course of contractor's business operations, nor will contractor be required to disclose any information, including but not limited to product cost data, which is confidential or proprietary to contractor.

Accept (Initial)	Reject (Initial)	Reject & Provide Alternative within Solicitation Response (Initial)	NOTES/COMMENTS:

The Parties shall pay their own costs of the audit unless the audit finds a previously undisclosed overpayment by the State. If a previously undisclosed overpayment exceeds one-half of one percent to three (3) percent of the total contract billings, or if fraud, material misrepresentations, or non-performance is discovered on the part of the Contractor, the Contractor shall reimburse the State for the total costs of the audit. Overpayments and audit costs owed to the State shall be paid within ninety (90) days of written notice of the claim. The Contractor agrees to correct any material weaknesses or condition found as a result of the audit.

JANUS EXPERIENCE AND CAPABILITIES

JANUS is an independent, privately-owned information security specialty consulting/audit/assessment company headquartered in Connecticut and is the longest operating cyber and data security company in America. Although we are certified by a variety of state and local government bodies as a woman-owned, small business JANUS has remained in business for over 34 years due to the excellence of our offerings, our dedication to our clients, our vendor neutral results, and our ability to compete successfully with the largest security organizations. JANUS focuses on information security, business resilience, IT needs/vulnerability assessments/audits, penetration tests, and strategy as well as associated services as its core business and possesses all the depth and experience required to fulfill NDE's requirements for this project.

As an independent organization that focuses on risk and mitigation JANUS has a natural affinity to protect our clients and bring improvements to their business processes that are all designed to help our clients achieve excellence. JANUS understands that helping you discover risks early and then making practical recommendations for mitigating them is one of the best ways we can add value to your operation and protect it. We believe our high standards and complimentary skill sets will exceed your expectations for this security project.

JANUS is not affiliated with any hardware or software providers. Therefore, you can be assured that we have no relationships which would influence our recommendations. Even though we have experience with the security requirements of many types of products and equipment and understand them well, we are totally focused on your needs. We do not receive revenue from any vendors; therefore, you will receive unbiased recommendations from us. The JANUS approach has been well-honed by many similar assessments and penetration tests completed each year, and JANUS' staff is experienced and technologically current since they are constantly performing similar tasks for a wide variety of public and private sector clients. Because information security is our specialty, our broad experience and deep expertise allow JANUS to complete more focused analysis at a greater depth than other consulting organizations. The result is that the NDE will receive greater value for its expenditure, thus in turn, providing even greater worth to your customers.

A cornerstone of a JANUS assessment or test is our explanation of business risks related to technical or process and operational issues. Every JANUS finding carries with it a delineation of the actual risk to business operations, providing a translation of the information and analysis into terms that are relevant to both technical and managerial personnel. This extends the value of the analysis and makes it more actionable.

Another hallmark of JANUS' services is quality, which is demonstrated by the professionalism of JANUS' staff, the depth and currency of JANUS' understanding of information security issues, and the clarity of JANUS' reports and oral communication.

To provide a clearer understanding of JANUS' relationship with our clients and high-quality deliverables, we include the following quotes from recent comments by its clients. JANUS clients were asked to rate our knowledge and expertise (**10 = best; 1 = worst**):

Wyoming State Agency

Question #/Question	Rating
2. Rate the firm's knowledge and expertise.	**RATING: 10**
Comments: JANUS has demonstrated its subject matter expertise each time we have engaged their services. They have also assisted with issues arising in other areas while they were on-site. [Redacted] is a State agency consisting of four divisions. Within those divisions there are over one hundred programs and five direct care facilities.	

Massachusetts State Agency

Question #/Question	Rating
9. Rate the knowledge of the vendor's assigned staff and their ability to accomplish duties as contracted.	**RATING: 10**
Comments: Outstanding!	

Federal Agency

Question #/Question	Rating
9. Rate the knowledge of the vendor's assigned staff and their ability to accomplish duties as contracted.	**RATING: 10**
Comments: Janus has a veteran staff that saw very little turnover. Key personnel remained on the project throughout each project. Over the eleven years that I worked with Janus, key personnel left on the rare occasion due to health reasons or changes in their personal lives that required a physical move. Often they still remained on the project assisting with the completion remotely. New experienced staff was brought on board to continue Janus' quality of service. In addition, the staff has experience across all levels of information security from the mainframe, mid-tier, desk-top to all current mobile and network technologies. This was particularly important in an agency that employs all of the above. Janus' management style is very hands-on and regularly met to discuss the project status and make any necessary adjustments based on the technical direction of the Project Officer.	

JANUS consistently receives customer comments similar to these and will ensure that our work for NDE remains just as diligent and thorough. NDE will be able to verify these comments through our references for projects we have completed which are similar to this request.

JANUS has provided security/risk/vulnerability assessments/audits, penetration tests, and gap analyses for a variety of large critical institutions. In addition, we regularly perform assessments and penetration tests for both U.S. federal agencies and a wide variety of states and local governments.

JANUS' long commitment to information security and business continuity with complex organizations has provided our consultants with a high-level of understanding of gaming regulations as well as with organizations servicing. This knowledge has been essential in establishing JANUS' standing in the cyber security field. JANUS consultants also have been described by clients such as Charles Schwab as world-class and are often called upon to speak publicly. Our staff brings an impressive body of experience, a rigorous level of focus on excellence and proven ability to provide client-centric solutions to their assigned projects and regularly receives client ratings of "Excellent." A sample of our customer comments is included in Appendix C of this proposal.

JANUS has also completed security penetration test and vulnerability assessment projects for a variety of states including Massachusetts, Minnesota, New York, Maryland, Montana, Pennsylvania, Virginia, North Carolina, South Carolina, Texas, Vermont, Wyoming, Wisconsin, and Washington as well as a large number of commercial enterprises throughout the U.S. and abroad. It is this expertise that has led a number of large critical infrastructure organizations to seek out JANUS for security assessments, audits, and penetration tests.

Because of our experience and commitment to excellence, JANUS is regarded by clients and peers alike as experts in all activities surrounding the areas of security and continuity. JANUS confronts complex technical issues with a clear understanding and appreciation for the operational business objectives of the organization and helps align and balance operational objectives with the security needs of the organization. JANUS consultants believe in the importance of knowledge transfer with clients, enhancing the lasting impact of its involvement.

A sample group of JANUS' security consulting clients includes the following:

Education clients such as:

- Charles County Public Schools (Maryland)
- Wor-Wic Community College (Maryland)
- College of Southern Maryland
- Community College of Baltimore County
- Frederick County Public Schools (Maryland)
- Sailor Network (Maryland educational and library backbone network)
- Texas State Technical College
- Texas Tech University Health Sciences Center
- University of Texas
- State University of New York Buffalo
- Harford County Public Schools (Maryland)
- Mohawk Valley Community College (New York)
- Anne Arundel Community College (Maryland)
- Prince George's Community College (Maryland)
- California State University at Sacramento
- Sacred Heart University
- University of Wisconsin-Madison
- University of California at Berkeley
- The McCormack Institute of the University of Massachusetts
- University of Central Arkansas

State/county/city government organizations such as:

- Commonwealth of Massachusetts
- Commonwealth of Pennsylvania
- Commonwealth of Virginia
- New York State
- State of Delaware
- State of Iowa
- State of Maryland
- State of Minnesota
- State of Montana
- State of North Carolina
- State of Oregon
- State of South Carolina
- State of Texas
- State of Vermont
- State of Wisconsin
- Washington State
- State of Wyoming
- Broward County (FL)
- Charles County (MD)
- Howard County (MD)
- Putnam-Westchester County (NY)
- Madison County (IL)
- Naperville (IL)
- New York City
- Baltimore County
- St. Charles County (IL)

Healthcare clients such as:

- Memorial Sloan Kettering
- Health & Hospitals Corporation of New York
- Texas A&M Health Center
- MD Anderson Cancer Center
- The Iowa Institutes
- The Long Island Home/Brunswick Hospital
- Department of Health & Human Services (S. Carolina)

Insurance clients such as:

- Aetna
- The Hartford
- AXA
- Travelers
- BCBS organizations in Florida, Arkansas, New York, Pennsylvania, Washington/Alaska, South Carolina

Federal government clients such as:

- Centers for Medicare & Medicaid Services (CMS)
- Social Security Administration (SSA)
- Department of the Interior (DOI)
- Federal Trade Commission (FTC)
- Railroad Retirement Board (RRB)
- National Institute of Standards and Technology (NIST)
- Federal Deposit Insurance Corporation (FDIC)
- Federal Reserve Board (FRB)

Utilities such as:

- Santee Cooper Power Company of South Carolina
- Occidental Petroleum
- Pacific Gas and Electric
- New York Power Authority

Not-for-profits such as:

- The Brookings Institution
- Amnesty International
- Save the Children
- The Pine Street Inn of Boston (the largest homeless shelter system in the U.S.)

Gaming/GTECH clients such as:

- Massachusetts PCI with GTECH
- Minnesota State Lottery
- Indiana Hoosier Lottery
- Mohegan Sun Casino
- Navajo Nation
- Gila River Hotels and Casinos
- Capital District Transportation Authority
- Oregon State Lottery Commission
- Connecticut State Lottery Corporation

The breadth of JANUS' technical consulting work includes virtually every business process and every information system. Our extensive knowledge of information systems includes all major technical platforms: Windows (all versions), UNIX, Linux, Macintosh, and IBM's OS/390 – z/OS and its AS/400 iSeries along with a variety of proprietary operating systems, e.g., GE and Honeywell as well as mobile and tablet.

JANUS offers a discount for early payment of invoices. In addition, as part of our "customer cares" performance, JANUS provides our clients with direct contact of a JANUS employee in the event that there might be questions or any issues, including billing. These are resolved immediately and are led by JANUS' Chief Operations Officer who is responsible to the President for rapidly resolving any issues.

JANUS Capabilities

Founded in 1988, JANUS is America's longest operating information security firm. JANUS specializes in protecting our clients' data and computing environments through:

- Security and risk assessments/audits;
- Penetration tests;
- Infrastructure security testing;
- Business Impact Analysis;
- Information security support;
- Assurance and certification;
- Gap analyses;
- Quality assurance;
- Independent Verification and Validation;
- Current-State/Future-State assessments;
- Security Learning Management Systems and content;
- Data forensics;
- Compliance needs; and
- Business continuity.

JANUS also utilizes all the above types of focus needs in assisting our clients to transform their IT governance environments to meet future needs through IT Current-State/Future-State assessments, costing, benchmarking, Roadmap development, and virtual Chief Information Security Officer advisement as well as governance issues designed to define meaningful dashboards with which to report performance against goals.

JANUS' long commitment to improving infrastructure, IT security, data, and compliance has resulted in our consultants having a high level of understanding of the issues that confront organizations of all sizes. This knowledge has been vital in the establishment of JANUS' standing in the field. JANUS brings a rigorous focus on excellence and client-centric solutions to all projects and has the business experience to understand the relative value of information and its impact on an organization. Our extensive experience within a broad spectrum of settings provides clients with an objective, balanced perspective. JANUS also assists our clients in achieving a proper balance between technology needs and cost.

Having completed many projects that require security management, remediation, and analyses and assessment of large, complex organizational requirements, JANUS' consultants understand how to determine the true need, which often differs from the stated need. Our consultants blend what they hear with what they observe, factor in the challenges, and produce a clear and cost-beneficial conclusion for clients.

Service Offerings

JANUS confronts complex security issues with a clear understanding and appreciation for the operational business objectives of the organization and helps align and balance those objectives with effective business processes. Further, not only do JANUS consultants possess the technical expertise required, they also believe in the importance of, and achieve whenever possible, knowledge transfer with clients, enhancing the lasting impact of our involvement.

JANUS responds quickly to client needs – wherever and whenever required. Clients reap the benefit of having access to JANUS senior level people who are innovative experts, not trainees. JANUS top management is available for answers to questions and quick response. As a completely independent entity, JANUS is not limited by product offerings and is free to identify the best solutions for specific needs, rather than force-fitting specific vendor offerings.

Enterprise-Wide Systems

In early 1989, JANUS took on our first major enterprise-wide engagement by conducting a comprehensive, multi-facility review and vulnerability assessment of mainframe and server controls for Aetna Insurance to improve incident recovery and control processes. Follow-on projects included database design and implementation, application design, strategy development and business process re-engineering with a strong security orientation.

Significant business followed with firms like GTE Directories in Texas and Florida (now Verizon); where JANUS conducted major business impact analyses advising staff how to improve security processes.

Additional assignments included assistance with security administration capabilities in locating, documenting, and categorizing the write-off of outdated, lost and/or stolen hardware/software. Southern New England Telephone (now AT&T) had JANUS audit its physical and logical capabilities, to determine weaknesses and to perform penetration testing and information security tasks.

Security Management

JANUS' breadth of experience in the security marketplace makes us the ideal candidate for security management assignments. JANUS staff, through our many projects, has gained a strong understanding of the issues confronting our clients' needs and desired goals; the problems that might occur during projects; the way to structure tasks to ensure they are controllable; and the management of a variety of simultaneous subtasks. As a result, JANUS projects are completed on-time and on-budget.

E-Commerce

As Internet usage increased in both business and industry, JANUS responded to clients' e-commerce needs. Adding people to our staff who had been involved in some of the first Internet security incidents reported to the FBI, JANUS consultants were able to address increasingly complex e-commerce and Internet issues. JANUS currently provides services such as web-based consulting involving security-conscious web-design; secure web connectivity to back-office systems; virtual private network (VPN) design and implementation; biometric assessment and design; PKI enabling technologies; firewall/router/switch design implementation, and testing; de-militarized zone design, and wireless strategy and design services. The skills gained in providing these services directly impact the capabilities to provide leading edge technical assessment solutions.

Recognizing the sophistication and forward thinking of JANUS in the Internet area, a critically sensitive branch of the government chose JANUS over six vendors to architect and implement secure connectivity to the Internet in 1999. The challenge was to ensure that the entire operation could meet the organization's e-commerce needs securely and, at the same time, warrant that the internal data remained locked-away from hackers and unauthorized staff. The agency also required flexibility to conduct research on the Internet anonymously or not, whichever suited its objectives.

We continue to serve a wide range of clients in government and industry and bring the best practices of both sectors to its projects.

DESCRIPTION OF ASSUMPTIONS

1. Timely access to all resources (system and personnel) required to complete the assessment and undertake interviewing – if needed (within three (3) business days).
2. NDE management will be responsible for evaluating the appropriateness of recommendations with respect to overall needs.

3. To facilitate the timely completion of JANUS' scope of work, NDE and any third-party providers will respond to all requests for information and meetings within a reasonable amount of time; e.g., within three (3) business days for requests for information and meetings.
4. Commitment and support from management and project stakeholders. NDE will designate a senior-level individual who will be authorized during the term of the project to act as the project's primary contact. This individual must have authority to make decisions about actions to be taken by JANUS on behalf of NDE for the proposed services.
5. NDE acknowledges and agrees that if any NDE responsibility as set forth in this proposal is not performed by NDE then JANUS will be relieved of providing the affected JANUS services to the extent NDE's nonperformance impacts JANUS' ability to provide the affected services.
6. Availability of appropriate NDE staff and resources so that deliverables can be submitted, reviewed and accepted within the required timeframe. Interruptions by NDE in testing or auditing that lead to extending the test or assessment window will result in less time available to undertake the work since JANUS' staff is assigned 100% to this project, unless identified at least two (2) weeks before the beginning of the project.
7. Scope is contained to the hours proposed within the detailed project plan (with minor changes that do not result in more than four (4) hours of additional work).
8. NDE will provide JANUS personnel with remote VPN access to all required internal systems where appropriate as determined by NDE and JANUS.
9. The JANUS team will provide observations and recommendations to NDE project management during this engagement. NDE is solely responsible for determining what changes and/or improvements should be implemented.
10. JANUS assumes one (1) draft for review and one (1) final submission of each deliverable. Additional iterations can be agreed-to at additional pricing.
11. Specific IP addresses, URLs, credentials, and other information related to technical test targets will be provided a minimum of ten (10) days before scheduled testing.
12. Scans will be allowed to execute to completion, including overnight execution.
13. If we are unable to complete a scan deliverable specified within this proposal within 15 days following commencement of the scan due to NDE's failure to meet its obligations, the scan will be considered completed.
14. JANUS will perform work during normal business hours. Off-hours work may be scheduled with advance notice of more than 72 hours. More than one postponement in off-hours work may result in scope changes and pricing differentials.
15. Our staff will be provided proper credentials and access to conduct technical tests prior to the start of testing. Delays will affect the amount of testing able to be performed.
16. The NDE acknowledges that the ability of JANUS to provide the services in accordance with the proposal (including the agreed pricing and delivery models) are contingent upon the accuracy and completeness of information, data, and applications provided by NDE as well as NDE's cooperation and timely performance of its obligations.
17. Any delays to staff access will result in delayed deliveries or less test time available.
18. Any attacks that could potentially cause a system failure, be it at the system or application level, will only be performed in coordination with the NDE. If the usage of the attack has been

deemed as required to provide necessary coverage and authorization is gained from NDE's technical contact, then the attack will be performed.

19. Should travel agreed upon by NDE be cancelled by NDE, actual cancellation fees and/or charges, if any, will be reimbursable to JANUS by NDE.

CLIENT DATA

JANUS is highly concerned about our clients' data and always takes precautions in holding or transmitting data. We provide a secure web portal for client documentation to avoid using the Internet or mail. We can deposit deliverables in this portal for secure delivery of results.

As specialists in security, networking, and recovery, we understand the need for protection of client materials. Client electronic materials are kept secured within an access-controlled data center so that no client materials can be exposed to unauthorized users. Printed materials are in locked cabinets, not left in the open and all client-related hardcopy materials are shredded prior to disposal.

As experts in cyber security, each employee is much more attuned to security needs than is an average company's employees. No one needs to force our employees to change passwords (or for them to be robust). Every person uses a proximity card badge as a matter of course every day. We operate in a Windows server environment with high levels of security implemented. New generation firewalls (that are regularly monitored and tested) prevent unauthorized outsiders from accessing files and appropriate access privileges prevent unauthorized insiders from the same. Electronic files where client data are stored are in a locked-down file structure in a secure data center with only those who have a need-to-know having access.

In addition, when at a client site all our consultants work with encrypted laptops. Where "flash sticks" are utilized, these are also encrypted. The latest patches are applied prior to the laptops leaving our offices. Typically, prior to leaving a client site, all client data are loaded into a protected repository through a secure portal and the laptop is sanitized. In this manner, client data are not subject to loss or theft. Although this is perhaps over and above requirements for vendors, we take our responsibility as a security company very seriously and understand that we have a requirement to protect your information.

All our employees have signed confidentiality agreements and ethics statements which we also take seriously, and all client materials are stored in files based on "need-to-know" prior to access being allowed.

While transferring documentation and reports back and forth between clients and our infrastructure, we encourage use of our secure web portal which will be established for NDE for this specific task at the beginning of the project. Thus, documents can be quickly checked in or out with version control to ensure security and speed. Access to this portal is also established on a "need-to-know" basis.

OTHER ITEMS

Service Strategy

Our strategy is totally committed to clients. In fact, we have passed up marketing opportunities when they conflict with the needs of clients. Although we prefer for this not to happen, client needs are always placed first. Marketing to new clients must take second place. Our internal motto on how to treat clients is "make the client a star." As a result of this attitude, we have passed on venture money several times. We run a successful business, but that success is based on our client's trust and confidence in us and we treasure that.

Vendor Neutrality

JANUS is a vendor neutral consulting company. We take no revenue from vendors in our consulting engagements and we sell none of their hardware or software. As vendor neutral consultants to both large and small organizations with complex needs, we subscribe to a high standard of results focused only on you, our potential client, with experienced project management and quality and we keep these foremost in our dealings with clients.

Bonding and Background Check Procedures

JANUS carries a criminal theft and fraud bond for $1,000,000. JANUS employees are bonded and undergo background checks (criminal and credit) prior to employment. JANUS also carries Errors and Omissions and Cyber Liability insurance ($2,500,000) as additional levels of protection for clients. Employees sign a five-page ethics statement upon entry to JANUS that defines their behavior and stresses that they are to put the needs of JANUS' clients first in all situations.

In addition to background checks, many of our employees have also undergone separate background checks by federal and/or state agencies and typically often either hold, or are in the process of receiving, clearances for working with critical and sensitive data.

Change Order Process

As part of our quality plan, we utilize a formal change management process for all changes considered to a project's scope, deliverables, timeline, and budget. The change process includes steps, responsibilities, change parameters or measurement criteria and deadlines to guide the review of proposed changes for potential impacts and appropriateness prior to acceptance. Ensuring well-structured change management processes is a basic element of quality performance. Changes usually affect delivery dates, resources and costs. As a result, they need to be agreed to by both NDE and JANUS management before application to the project to make sure that all entities understand what is expected of them. Major items to be addressed within the Change Order Process include change requirement, priority, impact (to project scope), budget, and schedule.

APPENDICES

Appendix A – Tools

JANUS uses a variety of commercial, shareware, and freeware tools to conduct our penetration testing and security assessment tasks within projects. The following list of tools reflects a sampling of those programs that have received thorough review and are frequently used by our consultants. However, other tools and programs are being reviewed and evaluated at all times, and it is common for other tools to be used in support of client requirements. In particular, there are literally hundreds of tools that are vulnerability specific (such as msadcs.pl for taking advantage of the Microsoft IIS msadcs vulnerability), and are not covered in this list. Appropriate tools will be selected as JANUS moves through the testing phases of the project to meet the needs of the specific potential vulnerability or exploit we are attempting.

JANUS' staff is encouraged to search out, develop, and introduce new tools to all testers. In this way, we maintain our expertise in the latest available toolsets while at the same time focusing our efforts on those tools that will be the most helpful, without subscribing to every tool available. All tools used are tested in a laboratory environment and receive a thorough review prior to their use on a client site. In addition to the tools mentioned below we, as experts in this field, are our own tools.

Network and Packet Capture, Access, Sniffers, and Analysis Tools

Cain & Abel – A tool used to conduct man-in-the-middle attacks such as ARP poisoning, SSL Spoofing, and Wireless attacks. The tool can also be used to capture the Windows SAM files and hashes locally and has the ability to use dictionary attacks, mutations, and brute force to crack password hashes. JANUS uses this tool to intercept sensitive traffic on local network segments in order to discover credentials, test wireless network strength, and crack passwords.

Netcat – An open-source utility nicknamed "the Swiss Army Knife of network tools." JANUS consultants use this tool to provide network connections for numerous attacks.

NetworkMiner – A tool used to analyze and break down packet streams and to reconstruct files. JANUS uses this tool to perform complex analysis on packets which may reveal sensitive information.

Wireshark – A tool that is used to examine and capture a very wide range of interfaces and packet types, including: ARP/RARP, BOOTP/DHCP, DNS, Ethernet, ICMP, IGMP, IP/TCP/UDP, IPX, LPR/LPD, OSPF, PPP, RIP, SMB, SNMP, Token Ring, AppleTalk, and many others. JANUS uses this tool to capture and analyze packets on a network segment.

Network Mapping Tools

Hping2 – This is a ping-based program that is used to send customized and arbitrary TCP and UDP pings to remote hosts and networks. This tool is used by JANUS to gather raw fingerprint data and to provide functions particularly useful for examining firewall rules.

Nmap – This tool supports ping scanning (determine which hosts are up), port scanning (determine what services the hosts are offering by using SYN, ACK, FIN, XMAS, NUL, and UDP scans), and TCP/IP

fingerprinting (remote host operating system identification based on kernel-level packet-handling techniques). This is the primary tool used by JANUS for port mapping.

Sweeper – A tool developed by JANUS staff designed to scan a range of IP addresses and perform scripted functions such as NSLookup, ping, and port fuzzing. JANUS uses this tool to assist clients in generating network maps and inventories.

Password Crackers

HashCat – A command line tool for cracking password hashes. This tool can crack dozens of different types of hashes based on various cryptographic standards. JANUS uses this tool to test hashes against dictionary files to find passwords.

HashID – A tool used to identify various hashtypes in order to identify the proper method for decryption. JANUS uses this tool to identify unknown hash values prior to decryption with other tools.

John the Ripper – A tool used to decrypt discovered password hashes using brute force and dictionary files. JANUS uses this tool to decrypt hashes to uncover usernames and passwords.

L0phtCrack – A tool used to decrypt password hashes and to crack a dumped SAM file, the registry, or sniffed SMB packets containing both LANMAN and NT hashes. JANUS uses this tool to decrypt hashes to uncover usernames and passwords.

Mutagen – A tool developed by JANUS staff to build custom dictionary files with over 500,000 mutations. JANUS uses this to create custom dictionaries for each engagement based on key acronyms, phrases, and non-dictionary words related to the client.

WCE (Windows Credentials Editor) – The tool allows users to: Perform Pass-the-Hash on Windows; 'Steal' NTLM credentials from memory; 'Steal' Kerberos Tickets from Windows machines; use the 'stolen' Kerberos Tickets on other Windows or UNIX machines to gain access to systems and services; and dump cleartext passwords stored by Windows authentication packages. JANUS uses this tool to gain credentials and assess the security of Windows networks.

System Tools

Harvester – This is a tool that is used to search for email addresses based on a domain name. JANUS uses this tool to search for possible targets and usernames for attacks.

I.C.U…MVS – A tool developed by JANUS staff to conduct audits and testing of mainframe systems. This tool is currently licensed to several federal agencies. JANUS uses this tool when conducting tests that involve mainframe systems.

Kali Linux – The most advanced and versatile penetration testing operating system. This operating system comes preinstalled with a variety of testing tools that can be used for assessments and penetration testing. JANUS uses this for access to multiple tools and applications not available through Windows.

Loki – A tool developed by JANUS staff to encrypt and decrypt strings based on known algorithms. JANUS uses this tool to decode cookies and to crack encrypted messages.

RAT – A tool used to assess Cisco IOS (Internetwork Operating System) and Cisco Private Internet Exchange (PIX) firewalls. JANUS uses this tool to assist with auditing Cisco devices.

SQLMap – This is a tool for automated SQL injections. JANUS testers use this tool to assist in testing SQL based applications for input validation vulnerabilities.

SiteDigger – A tool that searches Google's cache to look for vulnerabilities, errors, configuration issues, proprietary information and interesting security nuggets on websites. JANUS uses this tool to help automated searches for open source intelligence.

Vulnerability Scanners

Metasploit – This framework is an infinitely versatile application that enables automated exploits of vulnerabilities in order to gain access to systems. This framework is equipped with tools that cover the entire range of testing methodology from information gathering to post exploitation. JANUS uses this tool to discover systems, identify vulnerabilities, exploit known vulnerabilities, and perform post exploitation tasks.

Nessus – This application offers a variety of scanners and modules for many different device types and can conduct vulnerability scanning as well as network discovery, offline auditing, and file discovery. This tool is customizable and has been modified with custom checks by JANUS. This premier open-source vulnerability assessment tool is the primary vulnerability scanner used by JANUS for both penetration testing and vulnerability assessment.

Web Server/Web Application Tools

BurpSuite – This tool is a web proxy that captures and replays HTTP packets with permuted input. JANUS uses this tool to intercept and modify packets to identify hidden fields, capture sensitive information, and identify sessions.

Cookie Digger – A tool used to collect and analyze cookie values used to maintain session state and isolation through identifying the use of easily guessed or predictable cookie values. JANUS uses this tool to perform session hijacking in web applications.

Curl – This is an open-source network tool for retrieving files from the Internet using HTTP, HTTPS, and FTP protocols. JANUS uses this tool to access, download, and upload files to vulnerable web pages.

Firebug – This tool allows for close inspection of HTML and JavaScript in web pages and can edit local components. JANUS uses this tool to assist with manual analysis of websites for information and vulnerabilities.

GNU Wget – This is an open-source network tool for retrieving files from the Internet using HTTP, HTTPS, and FTP protocols. JANUS uses this tool to access, download, and upload files to vulnerable web pages.

httprint – A web server fingerprinting tool. JANUS uses this to identify the operating system and web server type of target systems.

HTTrack – This is an open-source off-line browser utility that downloads websites so that aspects can be manipulated and tested locally. JANUS uses this to copy pages for testing components and for social engineering.

Nikto – An open-source, command-line, web server scanner. JANUS uses this tool for both penetration testing and vulnerability assessments.

OpenSSL – This is an open-source library that provides cryptographic functionality to applications such as secure web servers. JANUS uses this application to create and distribute certificates used for spoofing.

OWASP Zap – The Zed Attack Proxy (ZAP) is an easy to use integrated penetration testing tool for finding vulnerabilities in web applications. JANUS testers use this tool for both penetration testing and vulnerability assessments.

Qualys SSL Lab – This is an online tool for assessing the strength of a websites SSL certificates. JANUS uses this tool to test for vulnerabilities in the cryptography of web applications.

SEE – A tool developed by JANUS staff to host malicious web pages, generate malicious emails, capture credentials, and track usage for social engineering campaigns. This is the primary tool JANUS uses to conduct large social engineering campaigns.

SSLDigger – Provides a Graphical User Interface (GUI) to a tool used to assess the strength of SSL servers by testing the supported cipher. JANUS uses this tool to test for vulnerabilities in the cryptography of a web application.

Tamper Data – A tool for capturing and modifying HTTP/HTTPS headers in transit. A tool JANUS utilizes to further inspect sites for session information and vulnerabilities.

w3af – Web Application Attack and Audit Framework's goal is to create a framework to help secure web applications by finding and exploiting all web application vulnerabilities. This tool provides an automated framework for finding vulnerabilities in web applications. JANUS uses this tool for both penetration testing and vulnerability assessments.

Wireless Testing

Network Stumbler – This tool detects and identifies all wireless access points within range including those that do not broadcast their SSID. JANUS uses this tool to identify potential targets when mapping wireless networks.

WirelessMon – This tool detects and identifies all wireless access points within range including those that do not broadcast their SSID. This tool can also be paired with a GPS device to physically map the location and boundaries of the wireless area. JANUS uses this tool to map and identify the ranges of wireless networks for testing.

Kismet – This tool detects and identifies all wireless access points within range including those that do not broadcast their SSID. JANUS uses this tool to identify potential targets when mapping wireless networks.

Wellenreiter – This tool detects and identifies all wireless access points within range including those that do not broadcast their SSID. JANUS uses this tool to identify potential targets when mapping wireless networks.

WaveStumbler – This tool detects and identifies all wireless access points within range including those that do not broadcast their SSID. JANUS uses this tool to identify potential targets when mapping wireless networks.

AirSnort – This tool performs network discovery for wireless devices but also captures packets to perform man-in-the-middle attacks in order to recover/crack WEP encryption keys. JANUS uses this tool to break into secure wireless networks.

AirCrack – This tool performs network discovery for wireless devices but also captures packets to perform man-in-the-middle attacks in order to recover/crack WEP encryption keys. JANUS uses this tool to break into secure wireless networks.

OWASP

We also focus on the Open Web Application Security Project (OWASP) "Top Ten" in our assessments. To perform testing in this area we regularly utilize a variety of the following tools:

Attack	Tool
• Un-validated Input	SPI Dynamics Code Review tools
• Broken Access Control	SPI Dynamics Code Review tools
• Broken Authentication and Session Management	SPI Dynamics Code Review tools
• Cross-site Scripting (XSS) Flaws	WebInspect
• Protocol Analysis	Wireshark
• Buffer Overflows	Core Impact
• Injection Flaws	SPI Dynamics Code Review tools
• Improper Error Handling	WebInspect
• Insecure Storage	ISS Database scanner
• Insecure Configuration Management	Alteris, SMS
• Physical Intrusion	Lenal OnGuard
• IP half-scan	MS ISA Server
• Brute Force Password cracking and access violation	LC4
• Cisco devices with SNMP	Foundstone tools
• Trojan horses	Symantec Corporate Edition 10.2
• Java-based DB analysis	NGS Squirrel
• Interceptions; most frequently associated with TCP/IP stealing and interceptions that often employ additional mechanisms to compromise operation of attacked systems (man-in-the-middle attacks)	HP OpenView
• Spoofing (deliberately misleading by impersonating or masquerading the host identity by placing forged data in the cache of the named server i.e. DNS spoofing)	ARPSpoof
• Scanning ports and services, including ICMP scanning (Ping), UDP, TCP Stealth Scanning (TCP that takes advantage of a partial TCP connection establishment protocol)	MS ISA Server
• Remote OS Fingerprinting, for example by testing typical responses on specific packets, addresses of open ports, standard application responses (banner checks), IP stack parameters etc.	Nessus, Nmap

• Network packet listening (a passive attack that is difficult to detect but sometimes possible)	CISCO Monitoring tools
• Authority abuse; a kind of internal attack, for example, suspicious access of authorized users having odd attributes (at unexpected times, coming from unexpected addresses)	Windows Audit logs
• Flooding (Ping flood, mail flood, HTTP flood)	ARPSpoof, Nmap
• Malformed URL's	Apache mod_proxy
• Wireless Connection Attempts	AIRTight

Appendix B – Sample Deliverables

Penetration Test Report

For <REDACTED>

Submitted to:

<REDACTED>
<REDACTED>
<REDACTED>
<REDACTED>

Submitted by:

JANUS Software, Inc.
d/b/a JANUS Associates
2 Omega Drive
Stamford, CT 06907

Initial Draft: [date]
Additions: [date]
IT Comments: [date]
Security Comments: [date]
Customer Comments/Final Report: [date]

Table of Contents

1. EXECUTIVE SUMMARY 4
1.1. FINDINGS FROM [DATE] TEST 5
2. INTRODUCTION 6
2.1. SCOPE 6
2.2. SCHEDULE 6
2.3. APPROACH 6
2.3.1. Rules of Engagement 7
2.3.2. External Penetration Test 7
2.3.3. Internal Penetration Test 7
2.3.4. Social Engineering 7
2.3.5. Wireless Testing 7
2.3.6. Tools 7
3. SUMMARY OF FINDINGS 9
3.1. WHAT <REDACTED> IS DOING RIGHT 9
3.1.1. <REDACTED> Internal System Movement 9
3.1.2. Security Awareness 9
3.1.3. Wireless Security 9
3.1.4. Vulnerability Management 9
3.1.5. Perimeter Security 9
3.2. SUMMARY OF RISKS AND RECOMMENDATIONS 9
4. DETAILED FINDINGS 13
4.1. METHODOLOGY FOR PRIORITIZING RISKS 13
4.1.1. Risk Levels 13
4.1.2. Ease of Fix Analysis 14
4.1.3. Estimated Work Effort Analysis 15
4.2. BUSINESS RISKS 16
4.2.1. Failure to Correct Flaw on a WebSphere Information System Led to Successful Data Compromise of the <REDACTED> 17
4.2.2. Accessible Live Network Drops Could Allow Unauthorized Users to Gain Access to the <REDACTED> and <REDACTED> Internal Network 20
4.2.3. Failure to Maintain Security Settings at the Most Restrictive Level Consistent with Operational Requirements Introduces Exploitable Security Vulnerabilities into the Environment 22
4.2.4. <REDACTED> Employees are Providing Credentials During Phishing Attacks Which Could Lead to a Compromise of the <REDACTED> Enterprise 31
4.2.5. Anonymous Access, Guessable Password, and Unauthenticated Access Can Lead to Unknown Data Loss 38
4.2.6. Outdated System and Application Software Could Lead to Compromise of <REDACTED> Business Operations 40
4.2.7. <REDACTED> Sensitive Information Can be Compromised Due to Use of Plaintext Protocols on Network 45
4.2.8. Failure to Protect the Integrity of Transmitted Information Reduces the Trustworthiness of the Information 48
4.2.9. At <REDACTED> no a Vulnerability in the IPMI Interface Can Permit an Attacker to Gain Access to the Information System 53

Table of Findings

Figure 1 - Vulnerabilities identified during the <REDACTED> Test. 10
Figure 2 - This is a screenshot of the remote session of the vulnerable system. 17
Figure 3 - Failed attempt trying to kill the A\V process on the vulnerable system. 18
Figure 4 - Modifying the registry keys on the remote system to try to circumvent McAfee. 18
Figure 5 - Once the A/V was disabled JANUS engineers were able to manually dump the LSASS where we were able to locate credentials. 18
Figure 6 - Domain Admin token compromised. 19
Figure 7 - Domain Admin token used to impersonate the Domain Admin. 19
Figure 8 - The forwarding of the captured credentials giving SYSTEM privileges on the server. 23
Figure 9 - The creation of a local administrative account on a server where a SYSTEM shell was created. 23
Figure 10 - Different sets of credentials captured during the LLMNR and NBT-NS poisoning attack. 24
Figure 11 - The captured hash (<REDACTED>*) from the LLMNR and NBT-NS poisoning attack was passed to different servers on the* <REDACTED> *subnet and JANUS engineers were not able to gain administrative access.* 24
Figure 12 - A JANUS engineers, using a successful MS17-010 exploit, attempt to upload a common payload but were stopped by local A/V. 24
Figure 13 - Using the same exploit JANUS engineers, by modifying the payload, were able to circumvent the local A/V and uploaded the payload. 25
Figure 14 - Another example of JANUS engineers circumventing A/V with a modified payload. 25
Figure 15 - Once the proper payload was found captured domain admin credentials were relayed to target machine and a domain administrator session was created. 26
Figure 16 - JANUS engineers were able to insert the user "<REDACTED>*" into the local administrative group on multiple exploited machines.* 26
Figure 17 - JANUS engineers harvesting credentials. 27
Figure 18 - The local services running on a compromised machine. 27
Figure 19 - A simple dictionary attack of the two most common passwords. 28
Figure 20 - Users with the password <REDACTED> and <REDACTED>. 28
Figure 21 - Email sent to <REDACTED> employees for email phishing campaign. 32
Figure 22 - Website landing page that asks <REDACTED> employees to log into the new Corporate Policy Portal. 33
Figure 23 - After a targeted employee enters credentials he/she is presented with a thank you message for logging into the Corporate Policy Portal. 33
Figure 24 - The VNC Server vulnerability can give an attacker a remote session. 41
Figure 25 - Screenshot of desktop of compromised system. 41
Figure 26 - This is the user list before the vulnerability is implemented. 53
Figure 27 - This is the user list after the vulnerability is implemented. Notice the <REDACTED> user account that was added. 53

1. EXECUTIVE SUMMARY

<REDACTED>, (<REDACTED>) contracted JANUS Associates, Inc. (JANUS), to perform a comprehensive security assessment of <REDACTED>'s technology, people, and facilities to measure the effectiveness of existing technical security controls and to determine whether technical vulnerabilities exist in its information systems. This assessment included external and internal vulnerability assessments and penetration tests of <REDACTED> Internet facing and internal systems. Additionally, JANUS also performed Social Engineering tests using both email-based phishing and phone-based vishing (voice phishing where <REDACTED> employees are called to try to get them to release sensitive information) to evaluate the effectiveness of policies and controls in place against social engineering attacks. Also included was a test of the wireless configuration in the new conference center and an evaluation of the remediated vulnerabilities from the last test.

The scope of this assessment included testing of <REDACTED>'s Internet-facing information systems, internal testing at the <REDACTED> location and <REDACTED> facilities, and social engineering. Before the test began <REDACTED> agreed to the use of a "Black Hat" testing technique by JANUS engineers to start the campaign. This allowed JANUS to probe at the external and internal perimeters of <REDACTED>'s infrastructure and see how staff reacted to these types of probes. After several days JANUS engineers switched to an open type testing that allowed JANUS to further explore vulnerabilities that were discovered and how they could be applied to <REDACTED>'s systems. The social engineering aspect of the test involved the email and voice phishing of <REDACTED> employees.

JANUS demonstrated in this test that the discovered vulnerabilities are not theoretical, but pose real risks, by performing real-world exploits using those vulnerabilities. In two separate cases, JANUS engineers obtained privileged, enterprise-wide administrative access.

JANUS identified a total of nine (9) weaknesses that require attention by <REDACTED>, to include: one (1) Critical, four (4) High, and four (4) Medium weakness. The weakest areas include:

1. **Patch management** - Missing patches, updates and upgrades on <REDACTED> infrastructure and servers. One missing patch led to the compromise of a domain level administration account.
    a. Mitigation and/or remediation would be to test and implement missing patches as soon as possible.
2. **Configuration Management** - There are misconfigurations within the internal <REDACTED> network, one which led to the compromise of a domain level administration account.
    a. Mitigation and/or remediation would be to disable LLMNR and NBT-NS services and enable SMB signing if possible.

JANUS also identified areas where <REDACTED> was performing well, to include:

1. **Installed Tool for Unique Local Administrative Passwords** - The Local Administrator Password Solution from Microsoft that makes sure every system in the domain has a unique password to prevent lateral movement within the network. This change alone made JANUS' job much more difficult and slowed us down significantly.
2. **Security Awareness** - <REDACTED> employees were aware enough to not be tricked by the vishing (voice phishing) attacks/tests.
3. **Security Training** – At <REDACTED> facility, over a twenty-four (24) period the number of employees that clicked on the phishing link and submitted credentials to the phishing site dropped significantly. There was an eighty-five percent (85%) reduction in the number of employees that clicked the

phishing link and an eighty-eight percent (88%) reduction in the amount of credentials that were captured.

4. **Wireless Security** - Both locations did not allow attackers to pivot from internal wireless networks into the production wireless network.
5. **Vulnerability Management** – <REDACTED> has implemented Tenable Security Center for identifying weaknesses in the enterprise.

The penetration test brought <REDACTED> value by identifying weaknesses where <REDACTED> information systems could be compromised by internal or external threats. JANUS will also support <REDACTED> in its ongoing effort to remain proactive with regard to its security posture to mitigate and/or remediate the identified weaknesses before unauthorized users or attackers get an opportunity to compromise the <REDACTED> enterprise.

1.1. FINDINGS FROM [DATE] TEST

[Date] Finding	[Date] Finding	Status
Vulnerable <REDACTED> Interfaces Can Allow Remote Attackers to Compromise, Monitor and Shut Down Production Machines		Vulnerable <REDACTED> interfaces were protected with a combination of the application of missing patches on the iViews and ACLs segregating the machines. IDP/IDS is now in place with MacAfee, including the ATP module in <REDACTED>. The same module will be installed in <REDACTED> in [date].
Critical Missing Patches and Updates at <REDACTED> Lead to Compromise of MSP Information Systems and Information	4.2.5	Patches implemented based off [date] findings.
Misconfigured <REDACTED> Remote Hosts Lead to Compromise of <REDACTED> Business Operations		This issue has been remediated.
Principle of Least Privilege is Not Implemented at <REDACTED> Which Weakens the Security Posture of the <REDACTED> Enterprise		This issue has been remediated.
<REDACTED> Employees Could Compromise Business Operations if They Continue to Fall for Phishing Scams		This issue has been remediated. Retested in [date].
Outdated Operating Systems and Application Software Could Lead to Compromise of <REDACTED> Business Operations	4.2.5	This issue has been partially remediated and is scheduled to continue with the two-year plan.
<REDACTED> Sensitive Information at <REDACTED> Can be Sniffed Due to the Use of Plaintext Protocols	4.2.6	The highest risk items have been remediated. Will continue to remediate other risks in two-year plan.
Weak, Misconfigured, and/or Outdated Encryption and Certificates Could Expose Sensitive <REDACTED> Information	4.2.8	This finding has been partially remediated and some of it is to be remediated over time.

2. INTRODUCTION

<REDACTED> (<REDACTED>) is one of the <REDACTED> in the United States. It is owned and operated by <REDACTED>. The <REDACTED> operates <REDACTED>. The grounds of the two <REDACTED> also contain <REDACTED>.

JANUS Associates (JANUS) is a specialty information security consulting firm that has provided independent, vendor-neutral security assessment and consulting to organizations in higher education, government, and throughout both the non-profit and private sectors since 1988. JANUS provides several IT consulting services including penetration tests, audits and assessments, implementation, development, training, and information security officer services. JANUS staff is highly valued for its expertise in various security areas.

JANUS has been contracted to assist <REDACTED> by conducting an external and internal penetration test, an email and voice-based phishing exercise, and wireless security testing. The testing supports <REDACTED>'s capabilities to identify real operational weaknesses in its information systems, processes, and procedures before they are compromised by real external and/or internal threats.

2.1. SCOPE

For this assessment, the following services were in scope:

- Perform an external penetration test of <REDACTED>'s Internet facing information systems.
- Perform an internal penetration test of reachable IP addresses from two <REDACTED> locations.
- Perform two (2) email phishing tests.
- Perform one (1) voice phishing test.
- Perform wireless security testing.

All assessments included, but were not limited to, tests for minimum technical security controls defined by authoritative security guidelines and frameworks, including the following:

- National Institute of Standards and Technology (NIST) Special Publication 800-53: "Recommended Security Controls for Federal Information Systems and Organizations".
- Open Web Application Security Project (OWASP) Top 10 Web Application Security Risks.

2.2. SCHEDULE

All testing, to include external, internal, and social engineering began on [date] and ended on [date].

2.3. APPROACH

JANUS began the assessment from the vantage point of an external user who has no prior knowledge of <REDACTED>'s internet-facing defenses. This "Black-Hat" approach identifies and validates the vulnerabilities most likely to be discovered and exploited by external unauthorized users and/or hackers.

Next, JANUS performed a moderately invasive internal penetration test of <REDACTED>'s information systems which included any host that JANUS engineers were able to discover while onsite. During this phase, JANUS conducted a red team exercise in an attempt to compromise <REDACTED>'s physical and logical security. JANUS first discovered vulnerabilities, and then attempted to validate and/or exploit each vulnerability. JANUS attempted to establish a foothold within <REDACTED> systems; however, our

engineers did not try to intentionally disrupt <REDACTED> systems or availability. This type of testing allowed JANUS testers to explore vulnerabilities thoroughly, while also testing <REDACTED>'s defenses.

JANUS also launched the email phishing campaigns against <REDACTED> employees. The phishing campaign was designed as an email from a real employee at <REDACTED>. In addition, voice phishing calls were launched on [date] and continued through [date].

2.3.1. Rules of Engagement

The rules of engagement for this assessment were as follows:

- All work must be accomplished within the specified time period. The final report, regardless of the stage of the project, must be completed and submitted by the hard stop date.
- JANUS will not authorize or execute any functional changes on client networks without permission.
- JANUS will attempt (whenever possible) to avoid disruptions to regular operations.

2.3.2. External Penetration Test

JANUS performed testing of <REDACTED>'s Internet-facing information systems. The testing included reconnaissance, discovery, enumeration, vulnerability scanning, and penetration testing of Internet-facing weaknesses identified during the test.

2.3.3. Internal Penetration Test

JANUS performed testing of <REDACTED>'s internal network. The testing included physical and logical reconnaissance, discovery, enumeration, vulnerability scanning, and penetration testing of internal weaknesses identified during the test.

2.3.4. Social Engineering

JANUS tested <REDACTED>'s employees in a series of social engineering tests that included email and voice phishing. The email phishing campaign was designed to appear to come from an employee at <REDACTED>. The email asked employees to log into a new portal that was to be used for the future updating of corporate level policies. The employees were also promised a ten-dollar ($10) gift card to a local coffee shop and their possible selection to win an all-expenses paid weekend getaway to a <REDACTED> destination.

Additionally, JANUS also tested <REDACTED>'s IT Help Desk in <REDACTED> using voice phishing. Calls were placed to the Help Desk to try to have the Help Desk provide information about current employees, try to change employee passwords, and try to reenable disabled user accounts.

2.3.5. Wireless Testing

During the internal testing, JANUS performed wireless security testing to identify <REDACTED>'s wireless access points, identify any vulnerabilities in <REDACTED>'s wireless environment, and determine if it was possible to access <REDACTED>'s wired network from <REDACTED>'s public wireless networks.

2.3.6. Tools

JANUS SMEs have dozens of specialized security tools available for use during this type of test. Some of the most useful tools deployed during this engagement included the following:

- Tenable Nessus
- Burp Suite Professional
- Metasploit Framework
- Nmap
- Kali Linux Distribution
- Acunetix
- OWASP-ZAP
- Custom Scripting
- Operating system commands
- Manual exploits

3. SUMMARY OF FINDINGS

3.1. WHAT <REDACTED> IS DOING RIGHT

The focus of security assessments tends to be on those areas that an attacker may exploit, rather than on the areas in which an organization has performed well. JANUS was pleased to observe areas of strength and forward thinking in the design and management of <REDACTED>'s network security.

3.1.1. <REDACTED> Internal System Movement

<REDACTED> did an excellent job in the past year drastically reducing the ability for an attacker to pivot from one compromised system to other systems in the internal network. The work they did made this test much more difficult for JANUS engineers by making it extremely challenging to compromise new systems from previously compromised systems.

3.1.2. Security Awareness

During the <REDACTED> Help Desk voice-based phishing exercise, the Help Desk employees had excellent security awareness and did an excellent job in stopping our attempts at trying to extricate information from them. Security awareness is the knowledge and attitude employees of <REDACTED> possess regarding the protection of the physical, and especially informational, assets of <REDACTED>'s enterprise.

3.1.3. Wireless Security

During the internal assessment, JANUS tested the wireless security at <REDACTED>. The test included attempting to pivot from the <REDACTED> internal wireless networks into the production network, while also assessing <REDACTED> spaces, especially the new conference space in <REDACTED>. The wireless networks were properly segregated, and it was not possible to pivot from one wireless network to the next. Additionally, JANUS attempted to identify rogue access points, and test the configuration of the wireless networks, and there were no visible vulnerabilities that could be exploited.

3.1.4. Vulnerability Management

During the internal vulnerability assessment and penetration test in <REDACTED> JANUS identified that <REDACTED> had integrated Tenable Security Center into the enterprise to identify weaknesses.

3.1.5. Perimeter Security

JANUS attempted to compromise the <REDACTED> network from the public Internet. The majority of these attempts were detected and thwarted. There were two assets that were compromised from the external environment, a firewall and a DVR device, however both assets belong to <REDACTED> tenants.

3.2. SUMMARY OF RISKS AND RECOMMENDATIONS

The following is a summary of findings discovered during the assessment. On how JANUS determined the risk level, refer to Section 4.1, **Methodology for Prioritizing Risks**. For a complete description of all items found in Figure 1, please refer to Section 4, **Business Risks.**

Although the JANUS engineers reviewed with <REDACTED> management the findings listed below, <REDACTED> should validate all results from the evaluation as an exercise in due diligence. The JANUS engineers, as independent third-party subject matter experts, are limited by the time restrictions and scope of work of the contracted evaluation.

Figure 1 - Vulnerabilities identified during the <REDACTED> Test.

#	System	Business Risk	Vulnerability Description	Solution	Management Response	Risk Level
1	<REDACTED> <REDACTED> <REDACTED> <REDACTED>	Failure to correct a flaw on a WebSphere information system led to a successful data compromise of the <REDACTED> property	JANUS engineers were able to exploit a weakness on a WebSphere server to obtain a Domain Admin (DA) token that was used for authentication and pivoting to other internal systems.	If possible, apply the interim fix per the vendor advisory right away. Additionally, ensure that exposed ports used by WebSphere are firewalled from any public networks.	The patch has been applied to the affected system and exposed ports used by WebSphere have been closed off as of [*date*].	CRITICAL
2	<REDACTED> and <REDACTED> facilities	Accessible live network drops could allow unauthorized users to gain access to <REDACTED> internal networks	JANUS engineers were able to compromise physical and logical security controls by walking through the facilities and plugging into available network ports throughout the facility. We were also able to gain access to the internal networks on multiple occasions.	If possible, implement Network Access Controls (NAC) and/or port security on all unused network drops throughout <REDACTED>. Additionally, train the <REDACTED> workforce on how to identify different forms of social engineering attacks, such as impersonation.	We will work with Corporate Communications to develop training collateral that educates personnel on being alert for social engineering, unauthorized activity and general cyber security health. This material will be shared with appropriate teams including physical Security, Surveillance and <REDACTED> who will be expected to include it in their regular team communications going forward. <REDACTED> will evaluate and implement the placing of hardware jacks into a quarantine VLAN when not in use. <REDACTED> and <REDACTED> will evaluate our need for network access control (NAC) and budget accordingly. Implementation Date: [*date*]	HIGH
3	<REDACTED> and <REDACTED> Internal Remote Hosts	Failure to maintain security settings at the most restrictive level consistent with operational requirements introduces exploitable security vulnerabilities into the environment	JANUS engineers, using a combination of NMAP and Nessus found various systems that had configuration issues. These configuration issues could be used together, or alone, to gather intelligence about devices on the network, perform Denial-of-Service (DoS) attacks, and even compromise systems to attempt to gain Domain Admin credentials.	Secure installation processes should be implemented, including a repeatable hardening process.	1.LLMNR and MBT-SN are disabled as of [*date*]. 2.Management will cease the use of simple passwords and change passwords on identified accounts. <REDACTED> will delete the identified accounts and enforce password complexity. These changes will be implemented by [*date*]. 3.through 10. Management will create a list of known required exceptions and remediate / deprecate by [*date*].	HIGH

4	<REDACTED> and <REDACTED>Internal Remote Hosts	<REDACTED> employees are providing their credentials during phishing attacks which could lead to a compromise of the <REDACTED> enterprise	JANUS engineers designed and implemented phishing campaigns that ended with <REDACTED> employees providing their credentials. Those credentials could be used to compromise <REDACTED> data or the entire enterprise.	<REDACTED> management should ensure all employees are receiving the proper training to avoid being social engineered.	Management will continue with our operationalized training program using third party training modules for all existing employees and in person sessions at new hire orientation. We will continue with our internal phishing training. Individuals who continue to click on phishing emails will be given remedial training through our training program. Repeat offenses may lead to us disabling these users' accounts until they have completed remedial training. We will continue to expand our training to address other pathways such as management meetings, email tips and group meetings. We will document our training procedures in a formal document that outlines how we conduct awareness training, phishing training and remedial efforts across <REDACTED> and <REDACTED>. Our training procedure will be documented by [*date*].	**HIGH**
5	<REDACTED> Internal Hosts	Anonymous access, guessable passwords, and unauthenticated access can lead to unknown data loss	<REDACTED> information systems are configured to use weak or no authentication, to include anonymous access, default or simple credentials, or totally unauthenticated access.	Where possible, implement multi-factor authentication to prevent automated, credential stuffing, brute force, and stolen credential re-use attacks.	1.The Apache issue will be discussed with the vendor to see if it can support an update by [date] with an implementation date determined thereafter. 2.MySQL remediation has been completed as of [date]. 3.VNC remediation has been completed as of [date]. VNC has been updated to Ultra VNC and encrypted passwords.	**HIGH**
6	<REDACTED> and <REDACTED> Remote Hosts	Outdated system and application software could lead to a full compromise of <REDACTED> business operations	JANUS identified multiple instances where unpatched system software, outdated operating systems, and/or application software could compromise the remote hosts.	It is recommended that <REDACTED> and <REDACTED> IT staff collaborate with the business units running these unpatched, or outdated system and application software to determine if they can be patched, updated, or upgraded to current and/or supported versions.	This represents a continuation of a similar finding from last year. A large amount of these vulnerabilities have been remediated and the few remaining that are identified here will continue to be addressed as part of our on-going two-year plan. Management will identify and document any required exceptions. Implementation date: [date]	**Medium**
7	<REDACTED> and <REDACTED> Internal Remote Hosts	<REDACTED> sensitive information can be obtained due to the use of plaintext protocols	JANUS identified that the <REDACTED> and <REDACTED> information systems transmit sensitive information to include usernames and passwords over unencrypted connections, making them vulnerable to interception.	It is recommended that all <REDACTED> sensitive information be transmitted using Transport Layer Security version 1.2 to protect its confidentiality and integrity.	Management will continue with our efforts to remediate obsolete encryption protocols from last year. A significant amount of these have been remediated from last year and the ones identified in this year's finding will be remediated or identified and documented if required to be exceptions. Implementation date: [date]	**Medium**

8	<REDACTED> and <REDACTED> Internal Remote Hosts	Failure to protect the integrity of transmitted information reduces the trustworthiness of the information	<REDACTED> information systems are using weak or outdated cryptographic protocols, weak encryption, untrusted certificates, or no encryption to protect information systems and/or information.	It is recommended that <REDACTED> implement strong encryption for the entire enterprise, and only accept connections using TLSv1.2.	Efforts to remediate weak or unsupported encryption protocols are underway from last year. We continue to make progress in this area and will address the list of newly identified offending systems. Exceptions will be documented and tracked where necessary or required by business operations. Implementation date: [date]	**Medium**
9	<REDACTED> and <REDACTED> Internal Remote Hosts	A vulnerability in the IPMI interface can lead an attacker to gain access to the information system	The remote IPMI service on the impacted hosts is affected by an authentication bypass vulnerability. JANUS used this vulnerability to compromise the service and create an account on the system.	If possible, disable the IPMI service if it is not needed. Additionally, disable cipher suite zero. If it is not possible to disable cipher suite zero, attempt to limit access to the network where the IPMI service interface sits.	IPMI has been disabled as of [date]	**Medium**

4. DETAILED FINDINGS

This section provides descriptive analyses of the vulnerabilities identified during the security assessment. Based on an understanding of each of the problems encountered, and the current implementation of the underlying technology, JANUS SMEs have assigned a Risk Rating and Ease-of-Fix value as well as an Estimated Work Level to each finding. Specific risks to the continued operations of the information systems are identified and the impact of each risk is analyzed as a business case. Each business risk also contains suggested corrective actions for closing or reducing the impact of the vulnerability.

Preceding the findings is a description of the methodology used by JANUS SMEs for performing the vulnerability calculations. This section describes how the Business Risk Level, Ease-of-Fix, and Estimated Work Effort metrics have been established.

4.1. METHODOLOGY FOR PRIORITIZING RISKS

Vulnerabilities discovered during testing are categorized based on several factors including Business Risk Level, Ease-of-Fix, and Estimated Work Effort to implement a solution. The Business Risk Level is a function of impact to the organization and the likelihood of exploitation. The Ease-of-Fix analysis is a function of how technically difficult it is to implement a solution to a specific vulnerability. The Estimated Work Effort is an estimate of the resources required to implement a solution to a specific vulnerability.

4.1.1. Risk Levels

Each business risk has been assigned a risk level value of CRITICAL, HIGH, MEDIUM or LOW. The rating is, in actuality, an analysis of the priority with which each business risk is viewed.

Rating	Definition of Risk Rating
CRITICAL Risk	Exploitation of the technical or procedural vulnerability will cause substantial harm to business processes. Significant political, financial and legal damage is quite likely to result. Security controls are not implemented effectively to reduce the severity of impact if the vulnerability were to be exploited. The vulnerability is known to be exploitable and discoverable with well-known methods and the tools to do so are free and easy to obtain. Evidence discovered during testing indicates that exploitation of the vulnerability may have already occurred.
HIGH Risk	Exploitation of the technical or procedural vulnerability will cause substantial harm. Significant political, financial and/or legal damage is likely to result. Security controls are not implemented effectively to reduce the severity of impact if the vulnerability were to be exploited. A technical vulnerability is a high risk when it is known to be exploitable and discoverable with well-known methods and the tools to do so are free and easy to obtain. A procedural vulnerability is a high risk when it is easily observed from outside the organization and employees are not trained to respond appropriately.

MEDIUM Risk	Exploitation of the technical or procedural vulnerability will cause noticeable harm. Exploitation of the vulnerability may cause moderate financial loss or public embarrassment. Security controls are in place to contain the severity of impact if the vulnerability were to be exploited, such that further political, financial or legal damage will not occur. The threat exposure is moderate-to-high. A technical vulnerability is moderate when it is known to be exploitable but the tools to discover or execute the vulnerability are not freely available or require expert technical skills to deploy. A procedural vulnerability is moderate when it can only be observed and executed from inside the organization and employees have some training to respond appropriately. Risks that would otherwise have a HIGH impact but have a limited threat exposure are also considered medium risks.
LOW Risk	Exploitation of the technical or procedural vulnerability will cause minimal impact to operations. Exploitation of the vulnerability may cause slight financial loss or service disruption. Security controls are in place to limit exploitation of the vulnerability. The threat exposure is moderate-to-low. A technical vulnerability is low when it is not widely known to be exploitable and there are no automated tools to discover or execute the vulnerability. Therefore, execution of the vulnerability would require expert technical skills. A procedural vulnerability is low when it can only be observed and executed on-site, and employees have been trained to respond appropriately. Risks that would otherwise have a medium impact but have a limited threat exposure are also considered low risks.

4.1.2. Ease of Fix Analysis

Each business risk has been assigned an Ease-of-Fix value of EASY, MODERATELY DIFFICULT, and VERY DIFFICULT or NO KNOWN FIX. The Ease-of-Fix value is an analysis of how difficult or easy it will be to complete reasonable and appropriate corrective actions, required to close or reduce the impact of the vulnerability.

Rating	Definition of Ease-of-Fix Rating
Easy	The corrective action(s) can be completed quickly and without causing disruption to the system, application or data.
Moderately Difficult	**For software / hardware**: A vendor patch or major configuration change may be required to close the vulnerability, which likely will cause a noticeable service disruption. The corrective action may require an upgrade to a different version of the software, and the reconfiguration required to close the vulnerability may impact legitimate users. **For other problems**: The corrective action may require construction or significant alterations in the manner in which business is undertaken.

Very Difficult	**For software / hardware**: An obscure, hard-to-find vendor patch may be required to close the vulnerability, or significant, time-consuming configuration changes may be required. The high risk of substantial service disruption makes it impractical to complete the corrective action for mission critical systems without careful scheduling. **For other problems**: The corrective action requires major construction or redesign of an entire business administrative process.
No Known Fix	**For software / hardware**: This vulnerability is due to a design-level flaw that cannot be resolved by patching or reconfiguring the vulnerable software. It is possible that the only way to address this problem is to cease using the software or protocol, or to isolate it from the rest of the network, thereby eliminating reliance on it. If it must be used, regular monitoring should be conducted to validate that security incidents have not occurred. **For other problems**: No known solution to the problem currently exists. Instead, all mitigating efforts to control the situation should be undertaken. It should be monitored to ensure that compromise has not occurred and should be revisited annually to determine if a solution has been found.

4.1.3. Estimated Work Effort Analysis

Each business risk has been assigned an Estimated Work Effort value of MINIMAL, MODERATE, SUBSTANTIAL or UNKNOWN. The Estimated Work Effort value is an analysis of the extent of resources required to complete reasonable and appropriate corrective actions.

Rating	Definition of Estimated Work Effort Rating
Minimal	A limited investment of time (roughly three days or less) is required of a single individual to complete the corrective action(s).
Moderate	Time commitments of up to several weeks are required of multiple personnel.
Substantial	Significant time is required of multiple personnel to complete the corrective action(s).
Unknown	The time necessary to reduce or eliminate the vulnerability is currently unknown.

4.2. BUSINESS RISKS

Technical, management, and operational vulnerabilities representing risks to the secure operations of organizational networks are detailed in the following sections. These vulnerabilities are ordered in the format of highest risk to lowest risk level, and then from greatest work-effort to lowest work-effort. CRITICAL and HIGH risk findings are listed first and LOW risk findings are listed last. This format will help readers to identify critical risks that should be addressed immediately.

While JANUS SMEs have made every effort to perform a full and complete test it is important to internally validate all of these results as an exercise in due diligence. The JANUS SMEs, as independent third-party SMEs, are limited by various factors including the time restrictions and scope of work of the contracted evaluation. Therefore, it is important to understand that there may be additional vulnerabilities, mitigating factors, or business processes that JANUS SMEs were unable to consider when creating this report.

Business Risk	4.2.1. Failure to Correct Flaw on a WebSphere Information System Led to Successful Data Compromise of the <REDACTED>

Risk Level	Ease-of-Fix	Work Effort
Critical	Easy	Minimal

Applicable Standard(s):

Reference:

- NIST 800-53 Rev. 4: SI-2 - Flaw Remediation
- OWASP Top 10: A5 - Security Misconfiguration; A9 - Using Components with Known Vulnerabilities (https://www.owasp.org/index.php/Top_10)
- SANS TOP 20 - #3 - Secure Configurations for Hardware and Software; #4 - Continuous Vulnerability Management

Description:

JANUS engineers conducted network scanning and vulnerability scanning of the <REDACTED> internal network which resulted in the identification of several weaknesses with potential exploits. JANUS engineers analyzed the weaknesses and discovered that several WebSphere hosts were vulnerable to a known attack. JANUS engineers selected one of the hosts (<REDACTED>) as a proof of concept to validate and/or exploit the weakness. JANUS engineers were able to exploit the weakness and identify a Domain Admin (DA) token that could be potentially used for authentication and/or pivot to other internal systems. JANUS engineers attempted to drop a payload onto the host to try and gather that token; however, despite using an undetectable payload, the McAfee A/V agent on that system prevented the attempt. After the failed payload, JANUS engineers modified a registry key to circumvent McAfee. The modification allowed JANUS to dump the DA token. The method used to obtain the DA token was different from how it was obtained the previous year. At this point JANUS engineers were able use the captured DA token to impersonate the Domain Admin account and then, using that privilege, begin to pivot to other internal information systems.

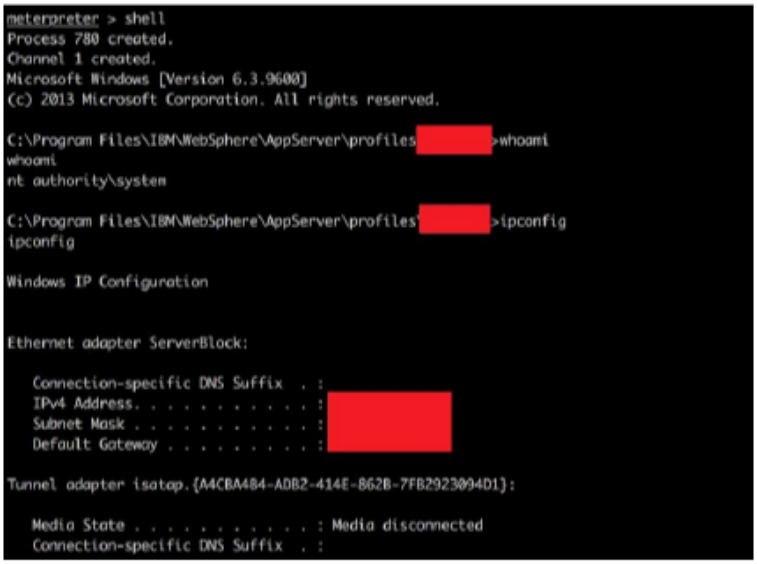


Figure 2 - This is a screenshot of the remote session of the vulnerable system.

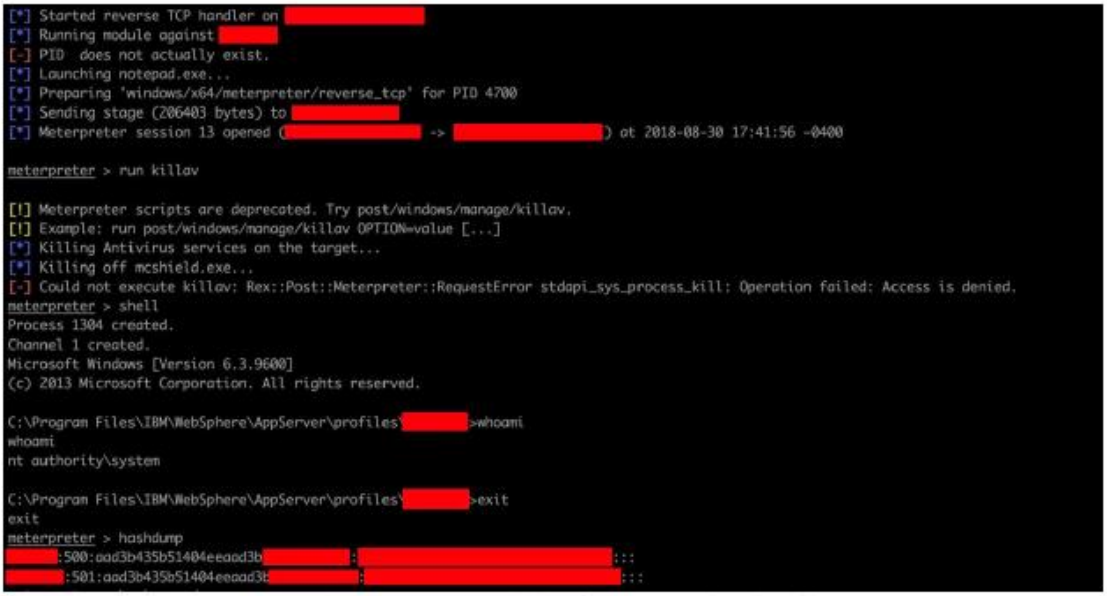


Figure 3 - Failed attempt trying to kill the A\V process on the vulnerable system.

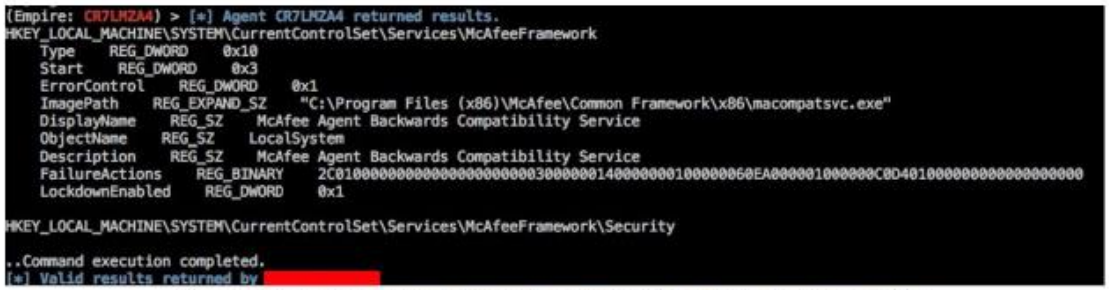


Figure 4 - Modifying the registry keys on the remote system to try to circumvent McAfee.

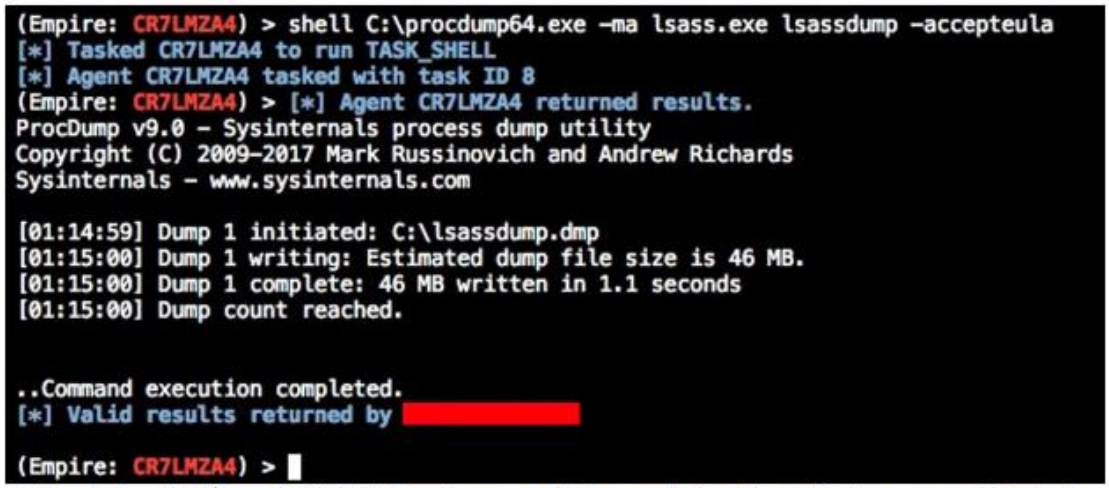


Figure 5 - Once the A/V was disabled JANUS engineers were able to manually dump the LSASS where we were able to locate credentials.

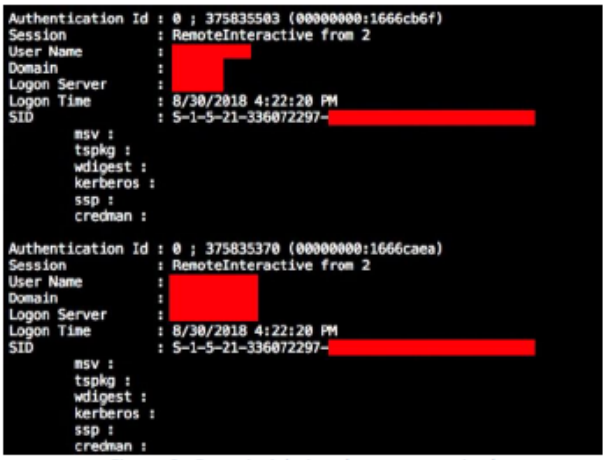


Figure 6 - Domain Admin token compromised.

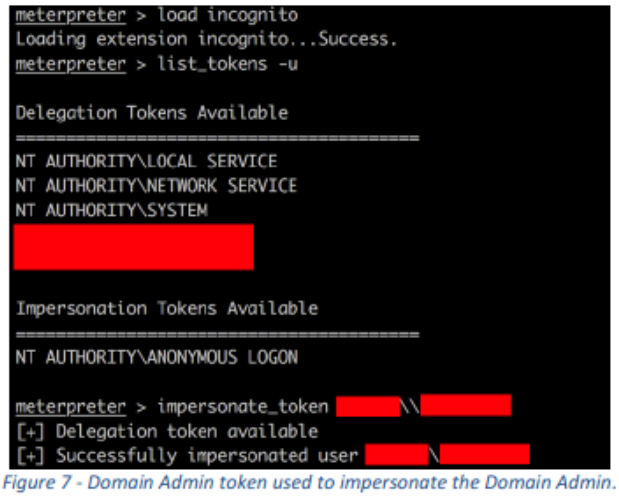


Figure 7 - Domain Admin token used to impersonate the Domain Admin.

Impacted Hosts:

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>		

Suggested Corrective Action(s):

1. If possible, apply the interim fix per the vendor advisory right away.
2. Ensure that exposed ports used by WebSphere are firewalled from any public networks.

Status:

Identified: [date]

Management Response & Implementation Date:

The patch has been applied to the affected system and exposed ports used by WebSphere have been closed off as of [date].

Business Risk	4.2.2. Accessible Live Network Drops Could Allow Unauthorized Users to Gain Access to the <REDACTED> and <REDACTED> Internal Network

Risk Level	Ease-of-Fix	Work Effort
High	Moderately Difficult	Moderate

Applicable Standard(s):

Reference:

- NIST 800-53 Rev. 4: PE-6 - Monitoring Physical Access; AT-2 - Security Awareness Training
- SANS TOP 20 - #17 - Implement a Security Awareness and Training Program

Description:

JANUS engineers conducted a red team exercise in an attempt to bypass any physical and logical security controls implemented by <REDACTED> and <REDACTED>. JANUS engineers walked through the sites looking for available network ports in an attempt to gain access to the internal networks and conduct penetration testing against the internal networks.

JANUS engineers were able to do the following, some of which are explained in more depth following:

- Jump over a counter and plug directly into a network and not get challenged by a security guard that walked by and acknowledged our presence [<REDACTED> Desk]
- Place an Out-of-Order sign on an ATM and then sit next to it and use its network jack to access the internal network [<REDACTED> ATM near <REDACTED>]
- Walk into a closed <REDACTED> and plug into an internal network jack located at the <REDACTED> desk [<REDACTED>]
- Sit down in a bar on the main floor and plug into a network jack while <REDACTED> and employees walked past [<REDACTED>]
- Various publicly accessible floor locations throughout both facilities [<REDACTED>, <REDACTED>]

In addition to identifying several live ports throughout the <REDACTED> facility, JANUS engineers also identified a switch <REDACTED> at <REDACTED> that was still connected to the <REDACTED> internal network. A quick scan identified the local area network (LAN) as the <REDACTED> LAN. JANUS engineers were able to obtain an IP address, and conduct a quick scan to see if a network scan was possible. Although a scan was possible, JANUS engineers disconnected and continued to conduct reconnaissance throughout the <REDACTED>.

While on site at the <REDACTED> at the <REDACTED> cafeteria JANUS engineers were able to plug their test laptops into the Point-of-Sale (POS) network. While plugged in JANUS captured approximately ninety (90) seconds of data. Although JANUS was **not** able to locate actual card numbers in the data we were able to implement a filter (**'frame contains "Visa"'**) on the data set and located some Visa card-related data. Additionally, **POST** commands were found using the filter '**frame contains** "<REDACTED>"' that appear to contain information regarding <REDACTED> queries. Although full track data was not detected during the limited sample time this does not lead to conclusive evidence that other sensitive data was not available.

Impacted Hosts:

<REDACTED> Business Operations

Suggested Corrective Action(s):

If possible, implement Network Access Controls (NAC) and/or port security on all unused network drops throughout <REDACTED> and <REDACTED>. Additionally, train the <REDACTED> workforce on how to identify different forms of social engineering attacks, such as impersonation.

Status:

Identified: [date]

Management Response & Implementation Date:

We will work with Corporate Communications to develop training collateral that educates personnel on being alert for social engineering, unauthorized activity and general cyber security health. This material will be shared with appropriate teams including physical Security, Surveillance and <REDACTED> who will be expected to include it in their regular team communications going forward.

<REDACTED> will evaluate and implement the placing of hardware jacks into a quarantine VLAN when not in use. <REDACTED> and <REDACTED> will evaluate our need for network access control (NAC) and budget accordingly.

Implementation Date: [date]

Business Risk	4.2.3. Failure to Maintain Security Settings at the Most Restrictive Level Consistent with Operational Requirements Introduces Exploitable Security Vulnerabilities into the Environment

Risk Level	Ease-of-Fix	Work Effort
High	Moderately Difficult	Moderate

Applicable Standard(s):

Reference:

- NIST 800-53 Rev. 4: CM-6 - Configuration Settings, SI-2 - Flaw Remediation
- OWASP Top 10: A5 - Security Misconfiguration; A6 - Sensitive Data Exposure (https://www.owasp.org/index.php/Top_10)
- SANS TOP 20: #3 - Secure Configurations for Hardware and Software;

Description:

JANUS engineers conducted network and vulnerability scanning to identify multiple misconfigured information systems. These configuration issues could be used together or alone to gather intelligence about devices on the network, perform Denial-of-Service (DoS) attacks, and even compromise systems to gain domain administration credentials. The various configuration issues are listed below along with the impacted hosts.

Issues & Impacted Hosts:

1. Enabled LLMNR & NBT Services – CRITICAL

There were several servers in the <REDACTED> network range that did not have SMB signing enabled (see table below labelled "<REDACTED>"). These servers became perfect targets for a LLMNR and NBT-NS poisoning attack. This poisoning attack uses the LLMNR and NBT-NS services to trick a remote system that has an unknown DNS name to send the attacker NTLMv2 hashes.

JANUS engineers started the LLMNR and NBT-NS attack and waited for any hashes to be passed back. Once JANUS engineers started receiving hashes they looked for any belonging to domain administrators. These hashes were saved and the others discarded.

While the hashes were being collected, JANUS engineers worked on placing a payload onto a remote server in preparation for when a proper hash was located. The payload to be sent would create a shell on the target system as the user whose credentials we would collect through the LLMNR and NBT-NS poisoning mentioned above. Targeting systems that suffered from the MS17-010 vulnerability, JANUS engineers tried to place a payload onto the system but encountered a difficult time. It seemed that the target systems were stopping the attack because the McAfee A/V product was recognizing the attack/payload through a signature match and it was being blocked. To circumvent this, JANUS engineers modified the exploit as well as the included payload, so it would not match any known signature. Once we successfully deployed the payload, we went back to the collection of captured domain administrator hashes and relayed them to the collection of servers that we had found to have SMB signing disabled. Eventually, JANUS engineers found a server (<REDACTED>) where the SMB relay attack was successful, and we were able to obtain a shell as a domain administrator using a vulnerability different than the one used in 4.2.1 mentioned above.

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>		

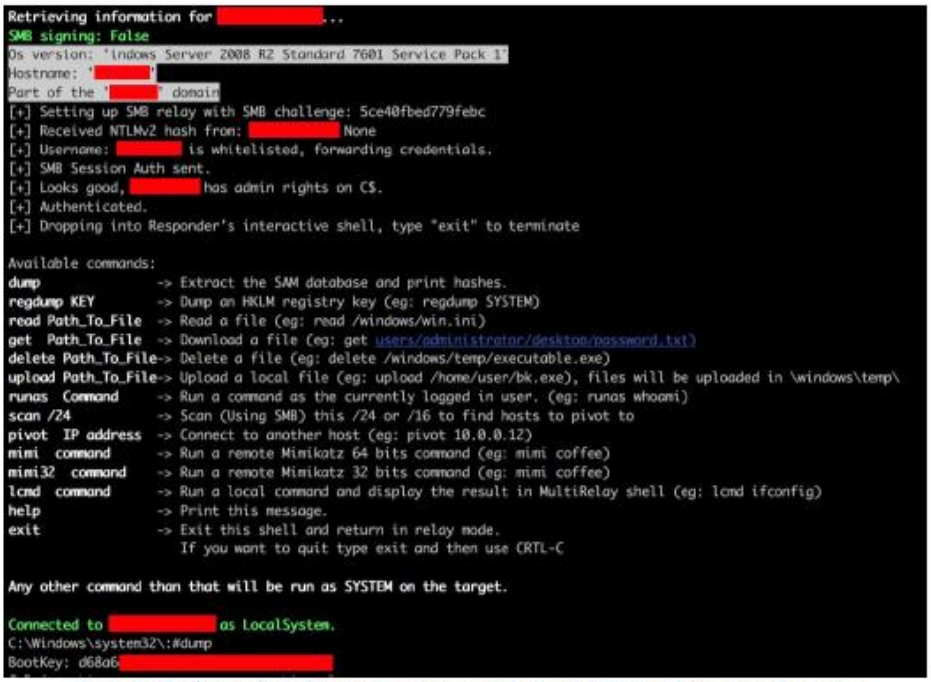


Figure 8 - The forwarding of the captured credentials giving SYSTEM privileges on the server.

Figure 9 - The creation of a local administrative account on a server where a SYSTEM shell was created.

Figure 10 - Different sets of credentials captured during the LLMNR and NBT-NS poisoning attack.

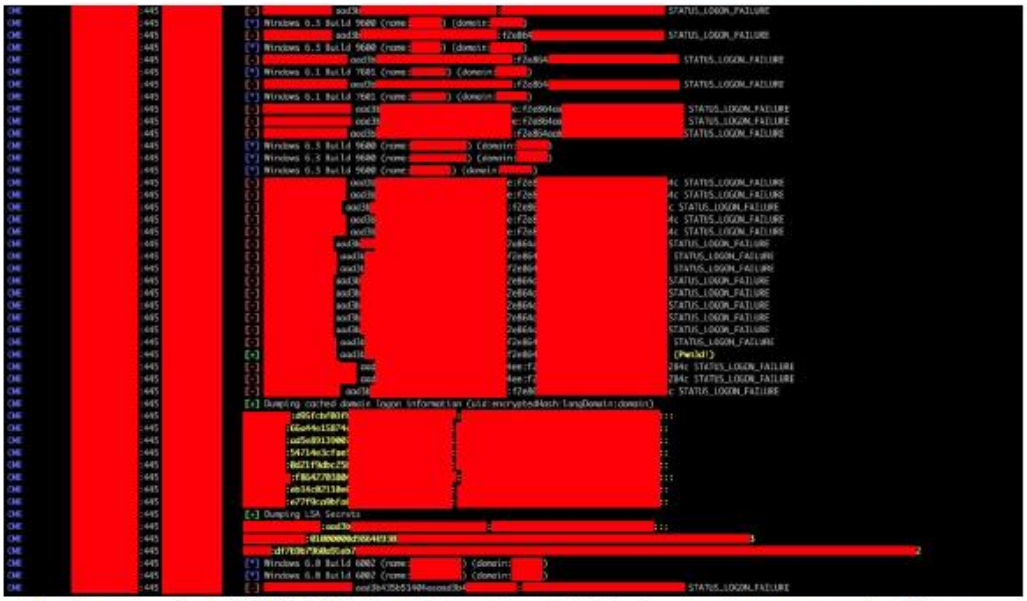


Figure 11 - The captured hash (<REDACTED>) from the LLMNR and NBT-NS poisoning attack was passed to different servers on the <REDACTED> subnet and JANUS engineers were not able to gain administrative access.

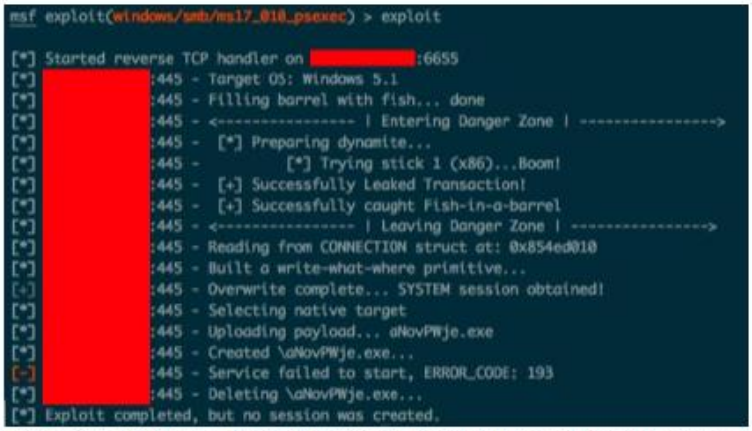


Figure 12 - A JANUS engineers, using a successful MS17-010 exploit, attempt to upload a common payload but were stopped by local A/V.

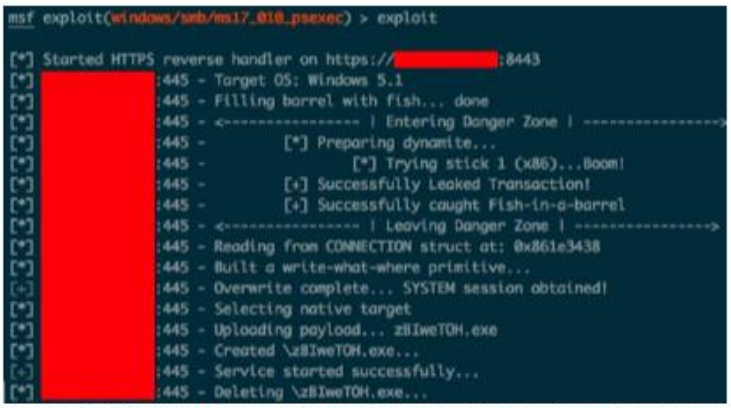


Figure 13 - Using the same exploit JANUS engineers, by modifying the payload, were able to circumvent the local A/V and uploaded the payload.

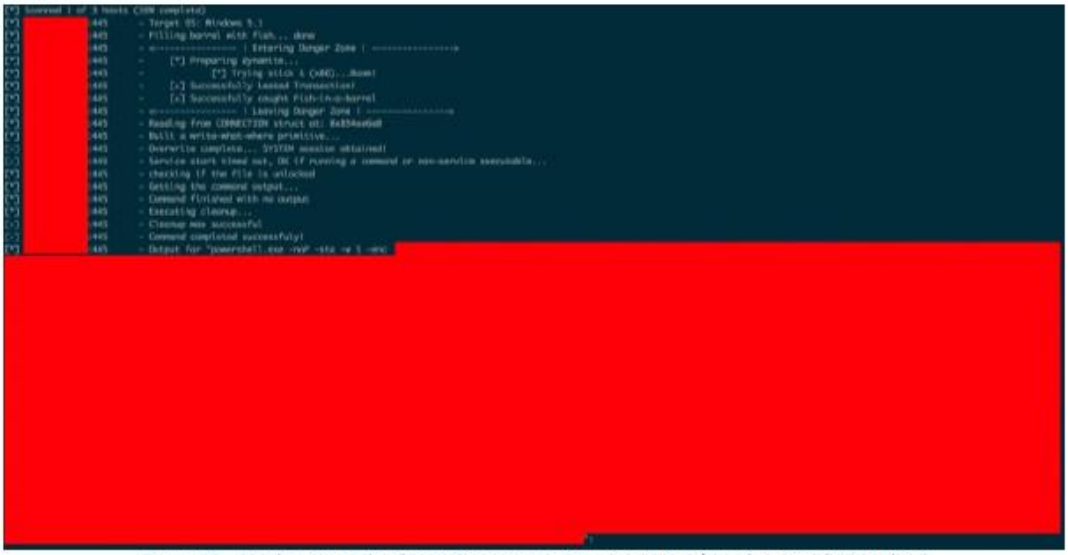


Figure 14 - Another example of JANUS engineers circumventing A/V with a modified payload.

Figure 15 - Once the proper payload was found captured domain admin credentials were relayed to target machine and a domain administrator session was created.

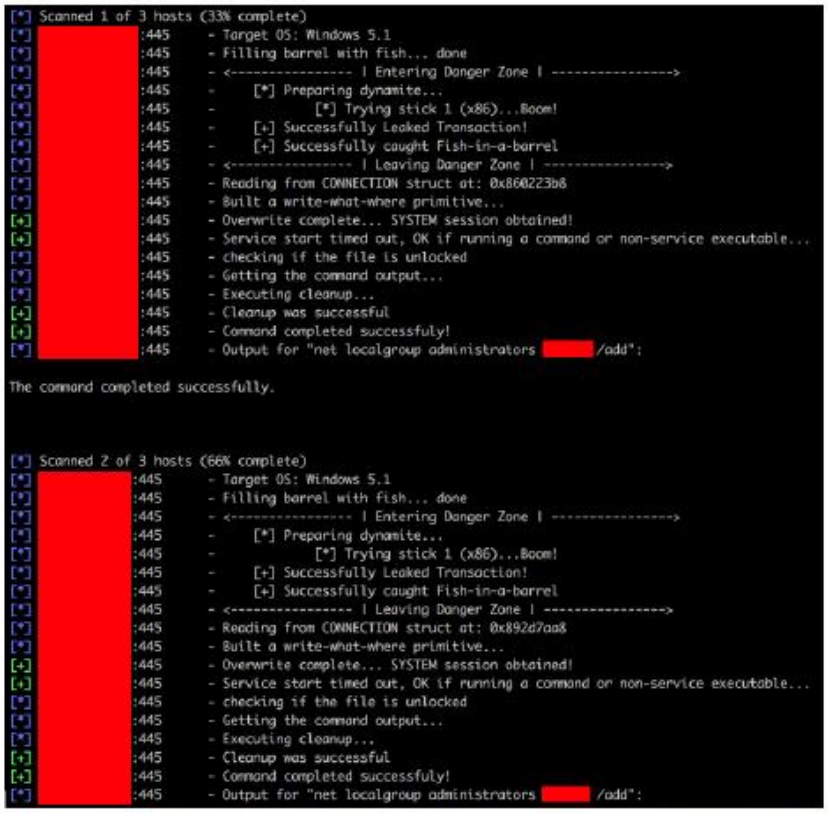


Figure 16 - JANUS engineers were able to insert the user "<REDACTED>" into the local administrative group on multiple exploited machines.

Figure 17 - JANUS engineers harvesting credentials.

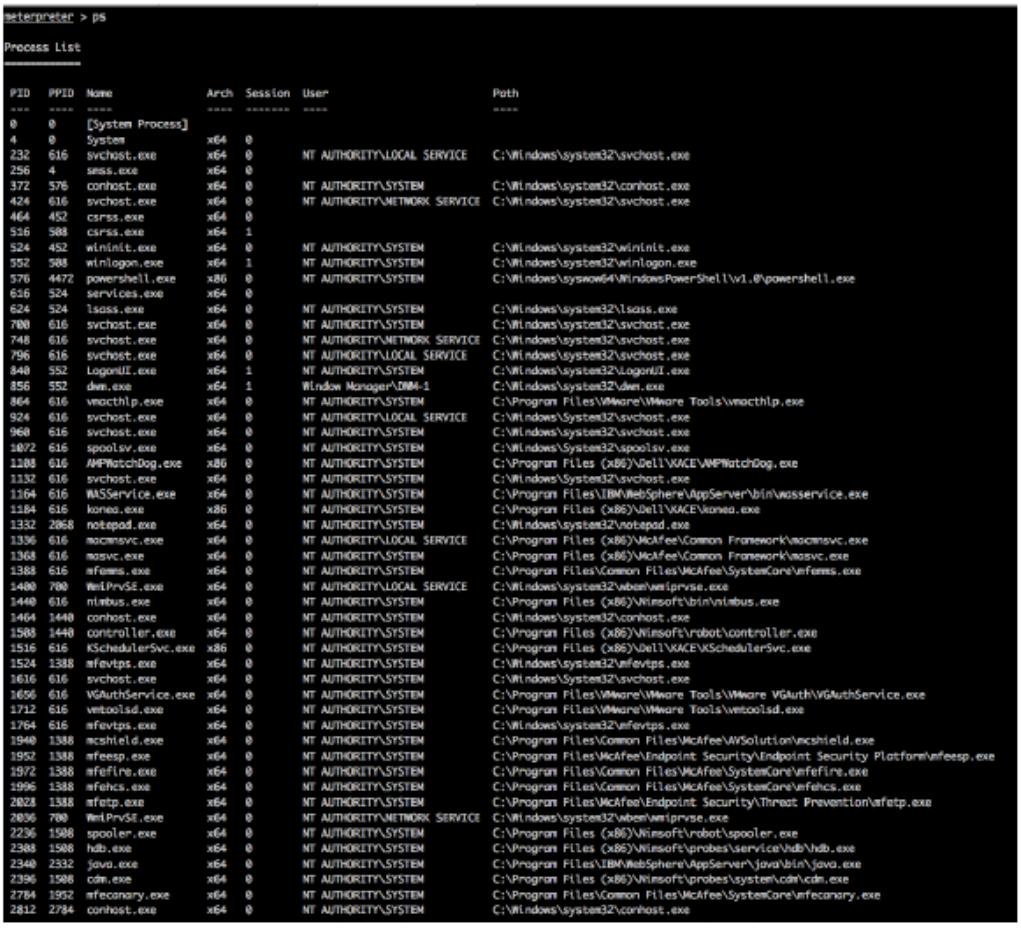


Figure 18 - The local services running on a compromised machine.

2. Password Complexity

At the <REDACTED> facility, using some simple low-level vulnerabilities, we were able to gather a list of domain users, systems and group memberships. We then used these lists to test password complexity of users in the domain by testing each account with the two most common passwords of [date], "Password123" and "Password12". In a short time, we were able to find eight user accounts having these passwords. One good thing to note is that all accounts were disabled. So that JANUS engineers did not lock out user accounts they only made two guesses per account.

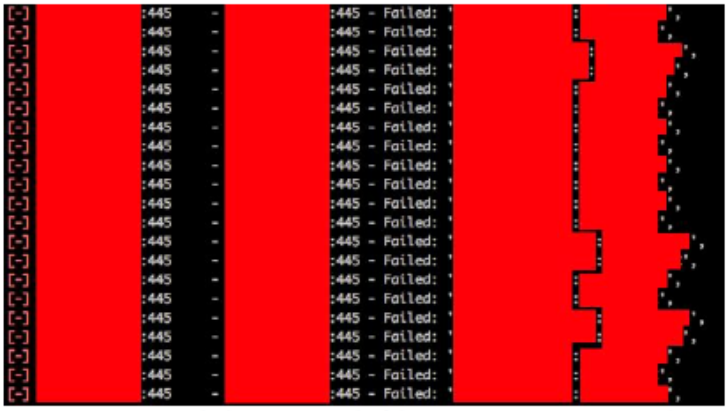


Figure 19 - A simple dictionary attack of the two most common passwords.

Figure 20 - Users with the password <REDACTED> *and* <REDACTED>.

3. FTP Privileged Port Bounce

It is possible to force the remote FTP server to connect to third parties using the PORT command. This problem can allow an intruder to use <REDACTED> network resources to scan other hosts, making the other hosts think the attack is coming from the targeted system.

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>					

4. SNMP Agent Default Community Names

It is possible to obtain the default community names of the remote servers. An attacker can use this information to gain more knowledge about the remote host or to change the configuration of the remote system (if the default community allows such modifications).

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>				

5. SMB Guest Account Local User Access

The remote host appears to be running a SAMBA daemon. It was possible to log into it as a guest user using a random account.

<REDACTED>

<REDACTED>					

6. IIS Server Vulnerable to Remote Denial of Service (DoS) Attack

The remote Windows web server is vulnerable to a DoS attack. It was possible to disable the remote IIS server by making a specially formed PROPFIND request.

<REDACTED>

<REDACTED>					

7. The rexecd Service is Running on the Remote Host

The rexecd service is running on the remote host. This service is designed to allow users of a network to execute commands remotely. However, rexecd does not provide any proper means of authentication, so it may be abused by an attacker to scan a third-party host.

<REDACTED>

<REDACTED>					

8. NFS Exported Share Information Disclosure

At least one of the NFS shares exported by the remote server could be mounted by the scanning host. An attacker may be able to leverage this to read files on the remote host.

<REDACTED>

<REDACTED>					

9. SSL Protocol Version 2 and 3 are Being Used in Production

NOTE: There is a two-year plan in place to remediate this issue which has been approved by corporate governance.

The remote service on multiple remote hosts accepts connections encrypted using SSL 2.0 and/or SSL 3.0. These versions of SSL are affected by several cryptographic flaws.

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>			

10. Microsoft Windows SBM Shares Unprivileged Access

The remote host has one or more Windows shares that can be accessed through the network with the given credentials. Depending on the share rights it may allow an attacker to read/write confidential data.

<REDACTED>

<REDACTED>					

Suggested Corrective Action(s):

1. The best course of action is to disable LLMNR and NBT-NS if it is not needed on the network. If LLMNR and NBT-NS are needed, limit communication between hosts within the same network. Enable SMB signing to prevent SMB relay attacks.
2. Verify that complex passwords are required for all accounts. Additionally, research should be done on add-on password complexity modules and possibly using passphrases instead of passwords.
3. See the following CERT advisory (https://resources.sei.cmu.edu/asset_files/whitepaper/1997_019_001_496176.pdf - page 166)
4. Disable the SNMP service on the remote host if it is not necessary. You can also filter incoming UDP packets going to this port or change the default community string.
5. Confirm the SAMBA configuration around guest user access and disable guest access if not needed.
6. If it is not needed, disable the WebDAV extensions, as well as the PROPFIND method.
7. Comment out the 'exec' line in /etc/inetd.conf and restart the inetd process.
8. Configure NFS on the remote host so that only authorized hosts can mount its remote shares.
9. Disable SSL versions 2 and 3 and only allow connections from clients using TLSv1.2.
10. To restrict access under Windows, open Explorer, do a right click on each share, go to the 'sharing' tab, and click on 'permissions'.

Status:

Identified: [date]

Management Response & Implementation Date:

1. LLMNR and MBT-SN are disabled as of [date].
2. Management will cease the use of simple passwords and change passwords on identified accounts. <REDACTED> will delete the identified accounts and enforce password complexity. These changes will be implemented by [date].
3. Management will create a list of known required exceptions and remediate / deprecate by [date].

Business Risk	4.2.4. <REDACTED> Employees are Providing Credentials During Phishing Attacks Which Could Lead to a Compromise of the <REDACTED> Enterprise

Risk Level	Ease-of-Fix	Work Effort
High	Moderately Difficult	Moderate

Applicable Standard(s):

Reference:

- NIST 800-53 Rev. 4: AT-2 - Security Awareness Training; AT-3 - Role Based Security Training
- SANS TOP 20: #17 – Implement a Security Awareness and Training Program

Description:

Introduction

JANUS designed and implemented two-different types of phishing campaigns. The first was an email-based exercise to test how <REDACTED>, at the enterprise level in both <REDACTED> and <REDACTED>, dealt with a large-scale email phishing attack. The other campaign was voice-based and tried to obtain sensitive information from the <REDACTED>-based Help Desk. The email campaign ended with several <REDACTED> employees providing credentials that could be used to compromise the <REDACTED> enterprise.

The Email Campaign

A total of one thousand seven hundred eighty-four (1784) emails were sent to <REDACTED> <REDACTED>-based employees and a total of three hundred eighty-three (383) emails were sent to <REDACTED> <REDACTED> employees.

The first step in the campaign was to research and purchase a domain that would be used to host the website used for the phishing attempt. This domain would also be used to form the email address of the user sending the email to the targeted employees. It is very important to try to make the chosen domains appear as close as possible to the domains that are trying to be spoofed. After a planning meeting with <REDACTED> it was decided that the emails would come from an employee of <REDACTED> (<REDACTED>). This email would be sent to all employees to introduce them to a new corporate policy portal for employees to use for future policy confirmations. The employees targeted were instructed to click on the link and log into the site to verify that they had access. A single domain was purchased (to make sure the emails came from the appropriate appearing domain) and was **https://<REDACTED>.<REDACTED>**.

After the purchase of the domain and the initial planning of the campaign the phishing site and email was constructed. JANUS engineers configured the DNS settings of the newly purchased domains to point to the internal JANUS social engineering server. This server's purpose is to host the phishing websites and provide the required references for proper email delivery for the campaign. After setting up the new domain on the social engineering server, the campaign was configured and prepared with the two <REDACTED> email groups (<REDACTED>-based employees and <REDACTED>-based employees). At an agreed upon time the emails were sent to the two groups. The social engineering server monitored the phishing websites and the emails that had been sent for three distinct things. First, when (or if) the emails

were opened[1]. Second, when (or if) the link embedded in the email had been clicked. Finally, when credentials may have been submitted to the site. When the campaign was complete, the fake websites and emails addresses were brought offline and disabled. Shown below is a sample of the email that was sent to the <REDACTED> <REDACTED> and <REDACTED>-based employees.

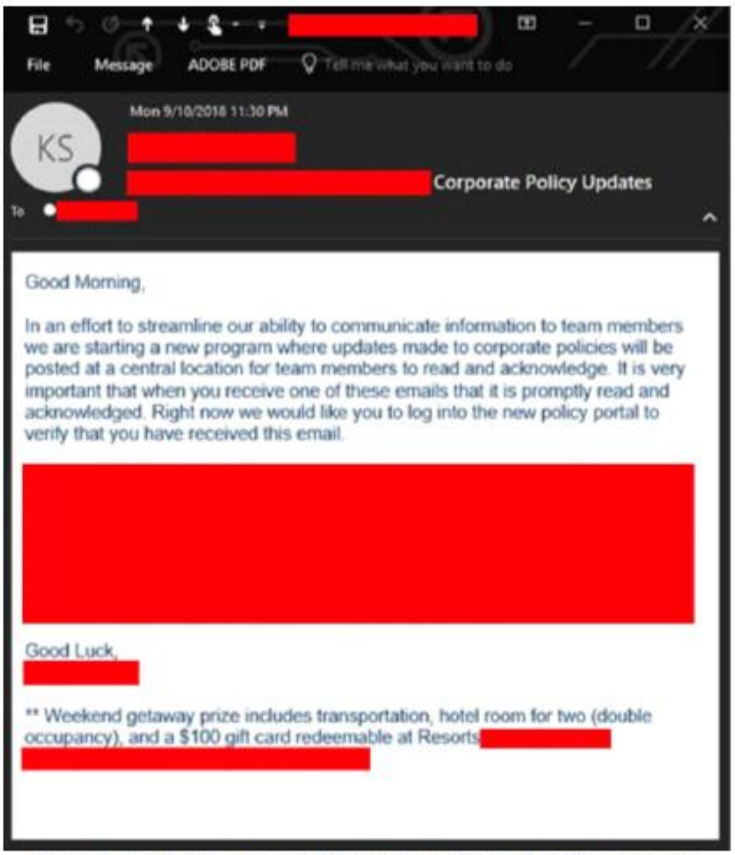


Figure 21 - Email sent to <REDACTED> employees for email phishing campaign.

Below is a screenshot of the phishing website that was created for the <REDACTED>-based <REDACTED> employees. The link to this page was embedded in the email employees received as shown in in Figure 21.

[1] Some email clients do not allow an arriving email to download external resources (like images) without permission from the user. Because of this JANUS was not able to retrieve information on when the email was opened.

IMAGE REDACTED

Figure 22 - Website landing page that asks <REDACTED> employees to log into the new Corporate Policy Portal.

IMAGE REDACTED

Figure 23 - After a targeted employee enters credentials he/she is presented with a thank you message for logging into the Corporate Policy Portal.

Results

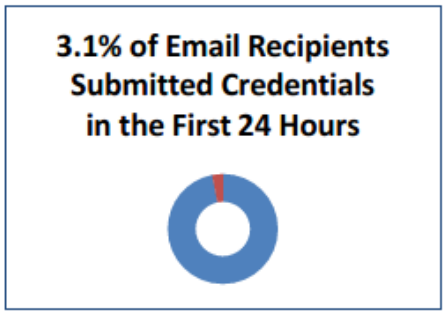
When a real-world phishing attack occurs, an entity such as <REDACTED> implements several layers to attempt to stop the attack. These layers can include actions and processes such as Spam filtering, IP blocking, and employee training. Most businesses rely on these types of multiple layers to stop the spread of a malicious phishing campaign within protected areas of the corporate network. Since this was a test of how <REDACTED> dealt with Phishing attempts at the enterprise level JANUS staff was careful not to tell anyone that a phishing exercise was happening. This provided an accurate picture on how <REDACTED> dealt with a real-world phishing attack.

<REDACTED>

Between the hours of 8:45 AM and 9:30 AM on [date], one thousand seven hundred eighty-four (1784) emails were sent to <REDACTED> employees. At 9:49AM a warning email went out alerting staff that a phishing attack was underway, and they should not open the suspect email.

During this test <REDACTED> employees performed very well over the twenty-four hour period after the phishing email was sent compared to the same period the previous year. In [date], four hundred eighty-one (481) employees clicked on the provided link and four hundred fifty-five (455) submitted their credentials. In [date], seventy-two (72) employees clicked on the provided link and only fifty-five (55) submitted their credentials. That is an eighty-five percent (85%) reduction in the number of employees

who clicked the phishing link and an eighty-eight percent (88%) reduction in the amount of credentials that were captured.



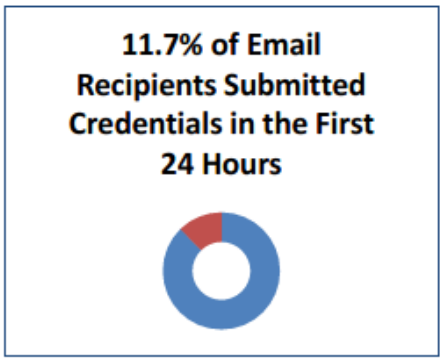
One item to note though is that the bulk of these clicks and provided credentials were captured before the warning email went out informing all employees that a phishing "attack" was underway. This may have been because the "prize" that was being offered to the employees was more significant than the previous year.

<REDACTED>

The <REDACTED> phishing attack, when first attempted, was stopped by the SPAM prevention technologies that are in place. This technology blocked all the emails that were sent to <REDACTED> employees. A plan was put in place to redo the <REDACTED> part of the test by whitelisting the sender's IP address to circumvent the SPAM control. On [date] the same campaign was sent to the <REDACTED> employees using the same phishing campaign.

Between the hours of 8:57 AM and 9:07 AM on [date], three hundred eighty-three (383) emails were sent to <REDACTED> employees. At 9:33 AM a warning email went out alerting staff that a phishing attack was underway, and they should not open the suspect email.

During this test <REDACTED> employees performed average over the twenty-four-hour period. Compared to the previous year they performed slightly worse. In [date], sixty-five (65) employees clicked on the provided link and thirty-one (31) submitted their credentials. In [date], sixty-eight (68) employees clicked on the provided link and forty-five (45) submitted their credentials. That is a four point six percent (4.6%) increase in the number of employees who clicked the phishing link and a forty-five percent (45%) increase in the number of employees who provided credentials.



There still is a high percentage of employees who are responding to phishing emails at <REDACTED>. JANUS would suggest researching the underlying reasons on why this might have occurred. In some social engineering projects, the size of the offered reward (in this case an all-expenses paid trip to a resort this year verses a gift card for ice cream last year) often has bearing on the number of responses to a phishing campaign. For example, a small reward will yield a smaller response since employees might not think it is worth their effort. Conversely, a larger reward will lead to a larger response since the employees believe that the work involved in clicking and doing whatever it is they need to do is worth their effort.

The Voice Campaign

<REDACTED> asked JANUS to also perform some voice-based phishing attempts against <REDACTED> resources. The calls were to be made to the <REDACTED> Help Desk at the phone number <REDACTED>. These calls were made over several days and consisted of three different types of scenarios.

Boss Trying to Figure Out an Employee's Account Permissions

This scenario involved using intelligence gathered during the <REDACTED>-based email campaign mentioned above. While looking through employee information who responded to the campaign we found two who worked together. The first was <REDACTED>, a Director of National Accounts at <REDACTED>. Using LinkedIn, Google, and other resources we were quickly able to gather some important information about <REDACTED> including her employee number, date of birth, address, Maiden Name, cell number, etc. The other employee was <REDACTED>. <REDACTED> worked as an Office Coordinator in <REDACTED>'s department. The scenario involved calling the Help Desk posing as <REDACTED> to attempt to gather information about <REDACTED>'s permissions (sensitive information).

Date	Time	Help Desk Worker Name	Results
[date]	3:00 PM	<REDACTED>	Our caller introduced herself as <REDACTED>, Director of National Accounts at <REDACTED>. She let <REDACTED> know she was on a personal day and had received an urgent call regarding her employee <REDACTED> who couldn't access her files. <REDACTED> asked, "What do you mean files?" She stated windows account. She let <REDACTED> know that she needed to see <REDACTED>'s permissions to make sure <REDACTED> had access to the appropriate files. <REDACTED> then stated that he could not do that because it would be a security violation and that <REDACTED> would have to call in, so <REDACTED> could verify her information. The caller said. "OK, thank you I will have her call in."
[date]	8:00AM	<REDACTED>	Our caller spoke with <REDACTED> who asked for both <REDACTED> and <REDACTED>'s Employee ID numbers. Our caller

			provided the employee ID numbers harvested from the phishing campaign. <REDACTED> stated that she is unable to see an employee's permissions and would have to reach out to IT for that information. Our caller said not to worry about it and she would look into it when she was back at work.

Attempt to Re-enable and Take Control of a Disabled Account

This scenario involved calling into the Help Desk to attempt to obtain a disabled account in the <REDACTED> Active Directory re-enabled and then get its password reset.

Date	Time	Help Desk Worker Name	Results
[date]	8:00 AM	<REDACTED>	Our caller, posing as <REDACTED>, stated that she was coming back from maternity leave and could not log in to her system. <REDACTED> asked if this was for her Windows account. Our caller stated yes. <REDACTED> asked our caller for an employee ID which was provided. <REDACTED> stated he did not see her in the system and that the caller would have to call HR to reactivate the account in the system.

Try to Change the Password of an Enabled but not Active Account

This scenario involved trying to reset a password of an enabled account for a user who had not logged on in for an extended period.

Date	Time	Help Desk Worker Name	Results
[date]	3:15 PM	<REDACTED>	Our caller posed as <REDACTED> stating that she needed to have her password reset for her Windows account because she was unable to log in. <REDACTED> asked our caller for an employee ID which was provided. <REDACTED> then stated the caller needed to answer some security questions before he could proceed. <REDACTED> asked for the last 4 digits of <REDACTED>'s Social Security Number. Our caller at this point hung up since she did not have that information.

Suggested Corrective Action(s):

Email Campaign

<REDACTED>'s overall response to this phishing "attack" was average. Deficiencies do still exist in the training of the individual <REDACTED> employees. Even with the higher corporate level protections in place employees still provided information to hopefully win an all-expenses paid trip.

JANUS recommends that <REDACTED> review its existing security training and awareness program focusing on how to identify a phishing email and verify that it includes specific instructions and examples on how to identify potential phishing emails, websites, etc. The specific employees that failed this test should be required to take/retake training and it should be explained to them that they failed and what to look for in phishing attacks. Additionally, reinforce with employees how to properly report potential phishing incidents to the appropriate functions. As with all security programs, if an employee is not

exposed to the training repeatedly, the knowledge will fade. If the existing security training and awareness programs and resources are sufficient, conduct a training session with the employees who failed testing to reinforce proper handling of suspect emails.

Voice Campaign

<REDACTED> did very well in the voice phishing campaign. JANUS callers tried the three different scenarios mentioned above and if it was within the power of the Help Desk employee to perform the requested task our caller was always asked for additional security information to verify who the caller was. We were not able to compromise any sensitive information.

Status:

Identified: [date]

Management Response & Implementation Date:

Management will continue with our operationalized training program using third party training modules for all existing employees and in person sessions at new hire orientation. We will continue with our internal phishing training. Individuals who continue to click on phishing emails will be given remedial training through our training program. Repeat offenses may lead to us disabling these users' accounts until they have completed remedial training. We will continue to expand our training to address other pathways such as management meetings, email tips and group meetings. We will document our training procedures in a formal document that outlines how we conduct awareness training, phishing training and remedial efforts across <REDACTED> and <REDACTED>. Our training procedure will be documented by [date].

Business Risk

4.2.5. Anonymous Access, Guessable Password, and Unauthenticated Access Can Lead to Unknown Data Loss

Risk Level	Ease-of-Fix	Work Effort
High	Moderately Difficult	Moderate

Applicable Standard(s):

Reference:

- NIST 800-53 Rev. 4: IA-5 - Authenticator Management
- OWASP Top 10: A2 - Broken Authentication; A6 - Security Misconfiguration (https://www.owasp.org/index.php/Top_10)
- SANS TOP 20: #16 - Account Monitoring and Control

Description:

JANUS conducted network and vulnerability scanning, and manual testing of <REDACTED> information systems and identified that several systems were configured to use weak or no authentication, to include anonymous access, default or simple credentials, or totally unauthenticated access.

The prevalence of broken authentication is widespread due to the design and implementation of most identity and access controls. Attackers need to gain access to only a few accounts, or just one admin account to compromise the system.

Attackers can detect broken authentication using manual means and exploit them using automated tools with password lists and dictionary attacks.

Impacted Hosts:

Apache Axis2 Default Credentials

NOTE: It was noted that these systems are the front-end to the iSeries systems

<REDACTED>

<REDACTED>	<REDACTED>				

MySQL Default Account without an assigned password – Medium Risk

<REDACTED>

<REDACTED>					

VNC Server Unauthenticated Access – Medium Risk

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>			

Suggested Corrective Action(s):

Where possible, implement multi-factor authentication to prevent automated, credential stuffing, brute force, and stolen credential re-use attacks.

Status:

Identified: [date]

Management Response & Implementation Date:

1. The Apache issue will be discussed with the vendor to see if it can support an update by [date] with an implementation date determined thereafter.
2. MySQL remediation has been completed as of [date].
3. VNC remediation has been completed as of [date]. VNC has been updated to Ultra VNC and encrypted passwords.

Business Risk	4.2.6. Outdated System and Application Software Could Lead to Compromise of <REDACTED> Business Operations

Risk Level	Ease-of-Fix	Work Effort
Medium	Moderately Difficult	Moderate

NOTE: This is a repeat finding from [date]. <REDACTED> has put in place plans to remediate these findings by [date].

Applicable Standard(s):

Reference:

- NIST 800-53 Rev. 4: SI-2 - Flaw Remediation
- OWASP Top 10: A5 - Security Misconfiguration; A9 - Using Components with Known Vulnerabilities (https://www.owasp.org/index.php/Top_10)
- SANS TOP 20: #3 - Secure Configurations for Hardware and Software; #4 - Continuous Vulnerability Management

Description:

JANUS engineers conducted network and vulnerability scans and identified multiple instances where unpatched software, outdated operating systems, and/or application software could compromise the remote hosts. Unsupported operating systems are no longer updated for security issues and may require extra monitoring by <REDACTED> IT staff. Outdated applications are more likely to have flaws that can be exploited by remote attackers, or unauthorized users. The following software is no longer supported or not current and should be updated.

The outdated applications listed below are in a prioritized order, but each system should be researched to determine if the data located on it is of a sensitive nature. If there is sensitive information that system would have a higher priority.

Impacted Hosts:

1. Windows Server 2003

<REDACTED>

<REDACTED>	<REDACTED>				

<REDACTED>

<REDACTED>					

2. Windows XP

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>		

3. *nix Hosts

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>				

4. VMWare ESXi

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>			

<REDACTED>

<REDACTED>	<REDACTED>				

5. Windows Server 2008

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>			

6. Microsoft Windows SMBv1

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>			

7. VNC Server

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>			

Figure 24 - The VNC Server vulnerability can give an attacker a remote session.

IMAGE REDACTED

Figure 25 - Screenshot of desktop of compromised system.

8. Web Servers

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>					

9. Apache

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>				

10. Dell iDRAC

<REDACTED>

<REDACTED>					

11. Internet Explorer

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>

12. Adobe Flash Player

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>		

13. PHP

<REDACTED>

<REDACTED>	<REDACTED>				

14. JBoss

<REDACTED>

<REDACTED>					

15. Dropbear SSH

<REDACTED>

<REDACTED>					

<REDACTED>

<REDACTED>	<REDACTED>				

16. IBM Tivoli

<REDACTED>

<REDACTED>					

17. SNMP

<REDACTED>

<REDACTED>					

18. OpenSSH

<REDACTED>

<REDACTED>					

19. Adobe Reader

<REDACTED>

<REDACTED>	<REDACTED>				

20. HP Onboard Administrator

<REDACTED>

<REDACTED>	<REDACTED>				

21. HP System Management Homepage

<REDACTED>

<REDACTED>					

22. IBM DB2

<REDACTED>

<REDACTED>					

23. IBM Domino

<REDACTED>

<REDACTED>					

24. Microsoft .NET

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	

25. Microsoft XML Parser

<REDACTED>

<REDACTED>	<REDACTED>				

26. OpenSSL

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>

27. Oracle Java

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>		

28. jQuery

External

http://vendor.<REDACTED><REDACTED>.com/dana-na/auth/url_14/welcome.cgi

29. Vue.js

External

https://poker.<REDACTED><REDACTED>.com

30. CodeMeter

<REDACTED>

<REDACTED>	<REDACTED>				

Suggested Corrective Action(s):

It is recommended that <REDACTED> and <REDACTED> IT staff collaborate with the business units running software on these systems to determine if the operating system can be upgraded to versions that are supported, such as Windows 2012 Server, etc.

<REDACTED> should review the vulnerable remote hosts and the identified application software to determine if it is possible to upgrade the software to the most current version. If it is not able to be upgraded steps should be put in place to mitigate the vulnerability.

Status:
Identified: [date]

Management Response & Implementation Date:
This represents a continuation of a similar finding from last year. A large amount of these vulnerabilities have been remediated and the few remaining that are identified here will continue to be addressed as part of our on-going two-year plan. Management will identify and document any required exceptions.

Implementation date: [date].

Business Risk	4.2.7. <REDACTED> Sensitive Information Can be Compromised Due to Use of Plaintext Protocols on Network

Risk Level	Ease-of-Fix	Work Effort
Medium	Moderately Difficult	Moderate

NOTE: This is a repeat finding from [date]. <REDACTED> has put in place plans to remediate these findings by [date].

Applicable Standard(s):

Reference:

- NIST 800-53 Rev. 4: SC-8 - Transmission Confidentiality and Integrity; CM-6 - Configuration Settings
- OWASP Top 10: A3 - Sensitive Data Exposure; and A6 - Security Misconfiguration (https://www.owasp.org/index.php/Top_10)
- SANS TOP 20: #3 - Secure Configurations for Hardware and Software; #13 - Data Protection

Description:

JANUS engineers conducted network and vulnerability scanning, sniffing, and man-in-the-middle attacks in an attempt to bypass authentication-related security controls. During the assessment, JANUS identified that the <REDACTED> and <REDACTED> information systems transmit usernames and passwords over unencrypted connections, making them vulnerable to interception. The following protocols were being used to transmit sensitive information:

- Telnet
- RDP
- SNMP
- FTP
- Rlogin

Impacted Hosts:

Telnet

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>

Windows Remote Desktop Protocol

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>
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SNMP

<REDACTED>

<REDACTED>	<REDACTED>	<REDACTED>	<REDACTED>		

FTP

<REDACTED>

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Rlogin

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Suggested Corrective Action(s):

It is recommended that all <REDACTED> sensitive information, to include credentials, be transmitted using secure protocols, to include Secure Shell (SSH), and HTTPS to protect <REDACTED> confidentiality and integrity.

For the RDP issues, the 'Allow connections only from computers running Remote Desktop with Network Level Authentication' setting should be selected for the target system.

Status:

Identified: [date]

Management Response & Implementation Date:

Management will continue with our efforts to remediate obsolete encryption protocols from last year. A significant amount of these have been remediated from last year and the ones identified in this year's finding will be remediated or identified and documented if required to be exceptions.

Implementation date: [date]

Business Risk	4.2.8. Failure to Protect the Integrity of Transmitted Information Reduces the Trustworthiness of the Information

Risk Level	Ease-of-Fix	Work Effort
Medium	Moderately Difficult	Moderate

NOTE: This is a repeat finding from [date]. <REDACTED> has put in place plans to remediate these findings by [date].

Applicable Standard(s):

Reference:

- NIST 800-53 Rev. 4: SC-8 - Transmission Confidentiality and Integrity;
- OWASP Top 10: A3 - Sensitive Data Exposure; A6 - Security Misconfiguration
- SANS TOP 20: #3 - Secure Configurations for Hardware and Software

Description:

JANUS conducted network and vulnerability scanning and identified that many of the <REDACTED> information systems are using weak or outdated cryptographic protocols, weak encryption, untrusted certificates, or no encryption to protect the information systems and/or information. Many web applications and APIs do not properly protect sensitive data, such as <REDACTED> information, or personally identifiable information. Therefore, unauthorized users and/or attackers could steal or modify such weakly protected data to conduct fraud, identity theft, or other crimes. Sensitive data may be compromised without extra protection, such as encryption at rest or in transit, and requires special precautions when exchanged with the browser. Additionally, JANUS observed <REDACTED> servers accepting connections from clients using SSL version 2 and 3, or TLS version 1.0. These protocols are deprecated and should not be used in production environments.

Impacted Hosts:

Weak SSH Algorithms Supported

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SSH Server CBC Mode Ciphers Enabled

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SSH Weak MAC Algorithms Enabled

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SSL 2.0/3.0

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Weak SSL Ciphers

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Medium Strength SSL Ciphers

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Weak SSL Hashing Algorithm

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Suggested Corrective Action(s):

It is recommended that <REDACTED> implement strong encryption for the entire enterprise, to include encryption for data in transit, and at rest.

JANUS recommends <REDACTED> reconfigure the remote hosts to not use weak or medium strength ciphers, and to not allow connections using SSLv2.0 or SSLv3.0, or TLSv1.0. If using hashing algorithms, it is recommended that <REDACTED> use the Secure Hashing Algorithm 2 (SHA2); symmetric encryption should be at least the Advanced Encryption Standard (AES) 256; and for asymmetric encryption, should include 1024-bit cipher keys.

Additionally, remote connections should be completed using TLSv1.1, or even better, TLSv1.2.

Status:

Identified: [date]

Management Response & Implementation Date:

Efforts to remediate weak or unsupported encryption protocols are underway from last year. We continue to make progress in this area and will address the list of newly identified offending systems. Exceptions will be documented and tracked where necessary or required by business operations.

Implementation date: [date]

Business Risk	4.2.9. At <REDACTED> no a Vulnerability in the IPMI Interface Can Permit an Attacker to Gain Access to the Information System

Risk Level	Ease-of-Fix	Work Effort
Medium	Moderately Difficult	Moderate

Applicable Standard(s):

Reference:

- NIST 800-53 Rev. 4: CM-6 - Configuration Settings; AC-3 - Access Enforcement; SI-2 - Flaw Remediation
- OWASP Top 10: A2 - Broken Authentication; A6 - Security Misconfiguration; A6 - Sensitive Data Exposure (https://www.owasp.org/index.php/Top_10)
- SANS TOP 20: #3 - Secure Configurations for Hardware and Software

Description:

JANUS engineers conducted network and vulnerability scanning of the internal networks at <REDACTED> and identified that a remote IPMI service on the impacted host below, by having cipher suite zero enabled, is affected by an authentication bypass vulnerability. This vulnerability allows an attacker to logon at the administrator level without any sort of password. Once the vulnerability is executed and an attacker is logged in to the IPMI system he/she, with the administrator rights he/she has given himself/herself could perform actions like changing temperature alert levels and even powering off the remote system.

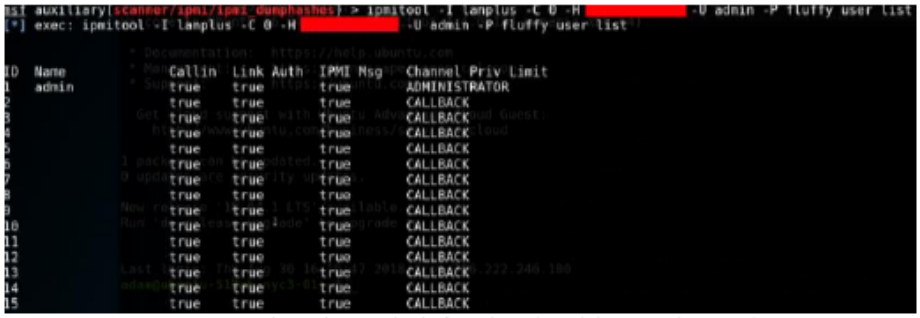

Figure 26 - This is the user list before the vulnerability is implemented.

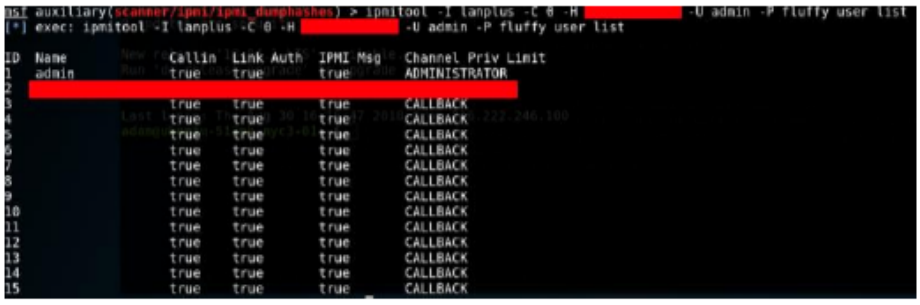

Figure 27 - This is the user list after the vulnerability is implemented. Notice the <REDACTED> *user account that was added.*

Impacted Hosts:

<REDACTED>

<REDACTED>					

Suggested Corrective Action(s):

1. Disable the IPMI service if it is not needed.
2. If possible, disable cipher suite zero.
3. If it is not possible to disable cipher suite zero, attempt to limit access to the network where the IPMI service interface sits.

Status:

Identified: [date]

Management Response & Implementation Date:

IPMI has been disabled as of [date].

End of Document

Appendix C – Client Comments

State of Minnesota

From: Buse, Chris P (MNIT) [mailto:chris.buse@state.mn.us]
Sent: Wednesday, September 07, 2016 5:34 PM
To: Karl W. Muenzinger <karlm@janusassociates.com>; Dan Reed <DanR@JanusAssociates.COM>; Steve Zeve <SteveZ@JanusAssociates.COM>
Subject: Minnesota METS Audit Feedback

Karl, Dan and Steve,

I would like to start by introducing myself. My name is Christopher Buse and I am the CISO for the State of Minnesota. I also am a former auditor, who lead a technical audit function for many years.

I wanted to send your team a quick note to thank you for the outstanding work on the METS audit. I have been quite unimpressed with much of the IT audit work that has been done lately in our environment - and have got to the point where I have been setting the expectation bar pretty low. But your firm was a badly needed breath of fresh air. Chris Luhman – a very technical security leader on my team – provided me with some stellar feedback on the competency of your staff. He also was impressed by your team's ability to analyze results in relation to the full gamut of mitigating controls in the environment under inspection. This seems to be a lost art today, where many IT auditors call security tool outputs audit results, without proper verification or consideration of mitigating circumstances.

Though it would have been nice to have report with no high-risk findings, as the state's security leader I feel comfortable that the results are a true reflection of the security controls in our environment. And I also feel comfortable saying that I would definitely consider using your firm for security attest work down the road.

Nicely done, guys.

CHRISTOPHER BUSE CPA, CISSP, CISA | ASSISTANT COMMISSIONER AND CHIEF INFORMATION SECURITY OFFICER
MN.IT SERVICES, CENTRAL
651-201-1200 (w) | 651-356-1619 (m) | chris.buse@state.mn.us

MNIT SERVICES Information Technology for Minnesota Government | mn.gov/mnit

Maryland State Retirement Agency

From: David Toft [mailto:dtoft@sra.state.md.us]
Sent: Friday, March 11, 2016 3:58 PM
To: Karl W. Muenzinger <karlm@janusassociates.com>
Subject: RE: MSRA Penetration test and Code Review

Karl – IS management just had a debriefing on the Janus engagement this morning.

We accept the two reports as final and no further changes are necessary. The signed acceptance forms are attached.

Our goal is to run our Agency operations as securely as possible and your professional IT team have helped us in that regard.

Thank you and for your staff for a successful security assessment and for the valued input Janus has provided us.

Best Regards,
David

David S. Toft, Sr., CISSP
Dir. Information Systems Data Security & Quality
Maryland State Retirement and Pension System
120 East Baltimore Street | Baltimore, MD | 21202-6700
Tel: 410-625-5562 | 1-800-492-5909 | TDD/TTY 410-625-5535
sra.maryland.gov

End of Document

Cost Proposal

Tab I. – Title Page

Request for Proposal NDERFP2212 - IT Security Modernization				
I. COST PROPOSAL INSTRUCTIONS AND TITLE PAGE				
Contents of the cost proposal must be as follows:				
Tab I.	**Title Page**			
	The title page must include the following:			
	A.	Cost Proposal for:		***IT Security Modernization***
	B.	RFP:		***NDE RFP 2212***
	C.	Proposer Information:	Name:	JANUS Software, Inc., d/b/a JANUS Associates
			Address:	2 Omega Drive Stamford, CT 06907
	D.	Proposal opening date:		***Friday, January 23, 2023***
	E.	Proposal opening time:		***2:00 PM***
Tab II.	**Detailed Deliverable Cost Schedules**			
	The cost for each deliverable must be complete and include all expenses, including travel, per diem and out-of-pocket expenses as well as administrative and/or overhead expenses.			
Tab III.	**Other Associated Costs**			
	Proposers must identify any other costs not covered on the Detailed Deliverable Cost Schedules and/or the specific cost schedules for any hardware and/or software.			

	Tab IV.	**Summary Schedule of Costs**										
		Sub-totals from each of the previous cost schedules must be transferred to the following summary schedule of project costs.										
	Tab V.	**Rate Schedule Change Orders**										
		Proposers must identify any rates associated with change orders not originally identified in the contract.										
	Tab VI.	**Annual Project License and Maintenance Schedule**										
		Proposers must provide a three (3) year fee schedule for project licensing and maintenance.										

Request for Proposal NDERFP2212 - IT Security Modernization

II. Detailted Deliverable Cost Schedules

The cost for each deliverable must be complete and include all expenses, including travel, per diem and out-of-pocket expenses as well as administrative and/or overhead expenses. Detailed backup must be provided for all cost schedules completed.

The schedules have been set-up so that the sub-total from each deliverable cost schedule will automatically be transferred to the summary table in ***Tab IV., Summary Schedule of Project Costs.***

However, it is ultimately the proposer's responsibility to make sure that all totals are correctly transferred to the summary table in ***Tab IV., Summary Schedule of Project Costs*** prior to submitting their cost proposal.

Deliverable Number	Description of Deliverable	Activity Number	Cost
1 Penetration Testing			
1.a.	Executive Summary Report		Included in 1.c
1.b.	Host Report		Included in 1.c
1.c.	Vulnerability Report (External/Internal/Wireless)		$91,537.50
1.d.	Applications		$32,900.00
1.e.	Client-side (Social Engineering)		$5,775.00
1.f.	Physical		$4,637.50
	Subtotal for 1 - Penetration Testing		***$134,850.00***
2 Policy Planning and Development			
2.a.	Business Impact Analysis		$79,975.00
2.b.	Disaster Recovery Plan		$19,110.35
2.c.	Policy Development		$8,050.00
2.d	General Conclusions and Recommendations		$3,500.00
	Subtotal for 2 - Policy Planning and Development		***$110,635.35***

Total for II. Detailed Deliverable Cost Schedules	***$245,485.35***

OPTIONS

Remote Access Testing		$5,862.50
Preparation of Plan of Actions and Milestones		$8,487.50
Roadmap		$21,350.00
Retest		$6,650.00
	Total	$42,350.00

Invoicing Terms

Invoicing for this project is requested as follows:
Penetration Testing:
$30,000.00 upon completion of preparation for penetration testing
$20,000.00 upon completion of field work for external penetration testing
$19,075.00 upon completion of field work for penetration test of internal network
$22,900.00 upon completion of application testing field work
$7,000.00 upon completion of client-side testing
$5,000.00 upon completion of physical testing
$10,512.50 upon submission of penetration testing draft report
$9,949.85 upon submission of penetration testing final report

Policy Planning and Development
$15,000.00 upon Business Impact Analysis (BIA) initial preparation and submission of prototype deliverable
$25,000.00 upon completion of first round of interviews with initial analysis
$20,000.00 upon documentation of critical systems
$15,000.00 upon submission of draft report
$4,975.00 upon submission of final BIA report
$7,500.00 upon submission of initial draft policies
$15,110.35 upon submission of draft DR Plan
$4,550.00 upon submission of revised or clarified DR Plan
$3,500.00 upon submission of general conclusions

Invoicing for additional Time and Materials tasks are semi-monthly

Payment Terms

1% discount, 10 days, Net 30

Tab III. – Other Associated Costs

Request for Proposal NDERFP2212 - IT Security Modernization

III. Other Associated Costs

Proposers must identify any other costs not covered on the Detailed Deliverable Cost Schedules and/or the specific cost schedules for any hardware and/or software proposes, as follows:

The schedule has been set up so that the sub-total from this cost schedule will automatically be transferred to the summary table in ***Tab IV., Summary Schedule of Project Costs.***

However, it is ultimately the proposer's responsibility to make sure that all totals are correctly transferred to the summary table in ***Tab IV., Summary Schedule of Project Costs*** prior to submitting their cost proposal.

Proposers must provide detailed information for each item identified.

Item #	Description of Other Associated Costs	Cost
1	N/A	
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
	SUB-TOTAL FOR III. Other Associated Costs	$0.00

Request for Proposal NDERFP2212 - IT Security Modernization

IV. Summary Schedule of Project Costs

Sub-totals from each of the previous cost schedules must be transferred to the following summary schedule of project costs.

Deliverable or Cost Schedule Number	Summary of Total Project Costs	Cost
1.	Penetration Testing	$134,850.00
2.	Policy Planning and Development	$110,635.35
	Sub-Total of Project Tasks	$245,485.35
III.	Other Associated Costs	$0.00
	Sub-Total of Other Associated Costs	$0.00
	Total Project Costs	***$245,485.35***

Request for Proposal NDERFP2212 - IT Security Modernization

V. Hourly Rate Schedule for Change Orders

Prices quoted for change orders/regulatory changes must remain in effect for six (6) months after State acceptance of the successfully implemented system.

Proposers must provide firm, fixed hourly rates for change orders/regulatory changes, including updated documentation.

Proposers must provide a firm, fixed hourly rate for each staff classification identified on the project. Proposers must not provide a single compilation rate.

$175.00/hr.*

* This is JANUS' rate for each staff classification.

Request for Proposal NDERFP2212 - IT Security Modernization

VI. Annual Product Licensing and Maintenance Schedule

Proposers must provide a three (3) year fee schedule with the following information:

- Listing of each product;
- Original project proposed price;
- Annual licensing fee, if any;
- Annual maintenance fee, if any; and
- Percentages of the original amount for each fee.

A. Year 1

Item #	Product Description	Cost	Annual Licensing Fee, if applicable	Annual Maintenance Fee	Percentage of the Original Amount
1	**N/A**				
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					

B. Year 2

Item #	Product Description	Cost	Annual Licensing Fee, if applicable	Annual Maintenance Fee	Percentage of the Original Amount
1	**N/A**				
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					

C. Year 3

Item #	Product Description	Cost	Annual Licensing Fee, if applicable	Annual Maintenance Fee	Percentage of the Original Amount
1	**N/A**				
2					

3					
4					
5					
6					
7					
8					
9					
10					
11					
12					

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PROPOSED AGENDA ITEM RATIONALE

DATE: **March 24, 2023**

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Shirley Vargas, Ed.L.D.
School Transformation Officer

Beth Wooster
Administrator, ESEA Federal Programs

PROPOSED AGENDA ITEM: Authorize the commissioner to grant Support for Improvement (SFI) funding for Comprehensive Support for Improvement (CSI) schools.

AGENDA ITEM TYPE (contract/grant/rule/program/other):

RATIONALE/BACKGROUND INFORMATION: The Every Student Succeeds Act (ESSA) requires that each state identify schools for Comprehensive Support and Improvement (CSI). CSI schools are the lowest 5% of Title I schools, any public high school with a graduation rate lower than 67%, and any public school with at least one student group consistently performing at or below the lowest 5% of Title I schools.

Each school identified for CSI must meet the following requirements in the development of their local plan for effective use of Title I school improvement funds in addressing metrics that caused the school to be identified:

- Conduct a comprehensive needs assessment with technical assistance from NDE and the appropriate ESU,
- Establish measurable goals targeted to the achievement gaps based on the needs assessment and data analysis,
- Select and implement evidence-based interventions and/or strategies,
- Implement an evaluation system to monitor the effectiveness of selected interventions in improving academic achievement and narrow the achievement gaps, with support of their district.

This year, CSI schools identified in 2018-2019 were eligible to exit this status and there were newly identified CSI schools. In total, there are 40 CSI schools, 23 not-yet-exited schools and 17 newly identified schools. Each school, with support from their district, will submit a funding application that clearly outlines the bullets above and includes a budget request. The funding for these schools will be allocated through a competitive-funding process. All applications will be review by a cross-functional NDE team and reviewed using a scoring rubric to determine extent of funding. Feedback will be provided where necessary.

Some CSI schools will consider hiring new staff for the upcoming school year, as such it will require the NDE to determine their allocations in a timely manner. We anticipate two rounds of funding, the first during

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the April 2023 meeting and the next, during the May 2023 meeting. The funding is for school years 2022-2023 and 2023-2024. Amounts not expended during the 2022-2023 amount, roll over into the 2023-2024 school year.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST:

School Year	ESEA Title I – Section 1003 Funds (approximation based on current funds available for this year and patters from previously funded years)
2022-2023	$6,200,000
2023-2024	$5,000,000
Two Year Estimated Total	$11,200,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal funds – Title I – Section 1003
- New or Renewal: New
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 02.07.2023*

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Support for Improvement (SFI) Funds Supplemental Document
April 13, 2023

The Every Student Succeeds Act (ESSA) requires that each state identify schools for Comprehensive Support and Improvement (CSI). CSI schools are the lowest 5% of Title I schools, any public high school with a graduation rate lower than 67%, and any public school with at least one student group consistently performing at or below the lowest 5% of Title I schools.

This year, CSI schools identified in 2018-2019 were eligible to exit this status and there were newly identified CSI schools. In total, there are 40 CSI schools, 23 not-yet-exited schools and 17 newly identified schools. Each school, with support from their district, will submit a funding application that clearly outlines the bullets above and includes a budget request. The funding for these schools will be allocated through a competitive-funding process. All applications will be review by a cross-functional NDE team and reviewed using a scoring rubric to determine extent of funding. Feedback will be provided where necessary.

School Year	ESSA Title I – Section 1003 Funds Available
2022-2023	$6,600,000
2023-2024	$5,000,000 (approximation based on prior years – funding hasn't been allocated yet)
Total	$11,600,000

The following list contains the names, school type, corresponding ESU, status year, and allocations for reviewed applications.

ESU	District	School	School Type	Status Year	22-23 & 23-24 Allocation
3	Ralston Public Schools	Karen Western Elementary	Elementary	Year 1	$116,489.00
2	Fremont Public Schools	Grant Elementary	Elementary	Year 1	$144,980.00
15	Maywood Public Schools	Maywood High School	Middle	Year 4	$153,452.00
10	Grand Island Public Schools	Walnut Middle School	Middle	Year 4	$187,711.00
18	Lincoln Public Schools	Clinton Elementary	Elementary	Year 4	$200,266.00
10	Grand Island Public Schools	West Lawn Elementary	Elementary	Year 1	$207,050.00
18	Lincoln Public Schools	Culler Middle School	Middle	Year 1	$212,981.00
				Total	**$1,222,929.00**

The following list contains the names of the remaining schools whose applications are yet to be submitted/reviewed.

ESU	District	School	School Type	Status Year
1	Isanti Community Schools	Isanti High School	High School	Year 1
1	Umo N Ho N Nation Public Schools	Umo N Ho N Nation Elementary	Elementary	Year 1
13	Garden County	Garden County Junior/Senior	Middle	Year 1
18	Lincoln Public Schools	Huntington Elementary	Elementary	Year 1
18	Lincoln Public Schools	Dawes Middle School	Middle	Year 1
19	Omaha Public Schools	Beals Elementary	Elementary	Year 1
19	Omaha Public Schools	Druid Hill Elementary	Elementary	Year 1
19	Omaha Public Schools	Florence Elementary	Elementary	Year 1
19	Omaha Public Schools	Franklin Elementary	Elementary	Year 1
19	Omaha Public Schools	Lothrop Magnet Center	Elementary	Year 1
19	Omaha Public Schools	Minne Lusa Elementary	Elementary	Year 1
19	Omaha Public Schools	Spring Lake Magnet Center	Elementary	Year 1
19	Omaha Public Schools	King Science/Tech Magnet	Middle	Year 1
1	Umo N Ho N Nation Public Schools	Umo N Ho N Nation High School	High School	Year 4
1	Walthill Public Schools	Walthill High School	Middle	Year 4
1	Winnebago Public Schools	Winnebago Elementary School	Elementary	Year 4
1	Winnebago Public Schools	Winnebago High School	High School	Year 4
3	Bellevue Public Schools	Betz Elementary	Elementary	Year 4
8	Madison Public Schools	Madison Middle School	Middle	Year 4
9	Hastings Public Schools	Lincoln Elementary	Elementary	Year 4
13	Bayard Public Schools	Bayard Elementary	Elementary	Year 4
19	Omaha Public Schools	Central Park Elementary School	Elementary	Year 4
19	Omaha Public Schools	Liberty Elementary School	Elementary	Year 4
19	Omaha Public Schools	Field Club Elementary School	Elementary	Year 4
19	Omaha Public Schools	Fontenelle Elementary School	Elementary	Year 4
19	Omaha Public Schools	Benson West Elementary School	Elementary	Year 4
19	Omaha Public Schools	Adams Elementary School	Elementary	Year 4

19	Omaha Public Schools	Wakonda Elementary School	Elementary	Year 4
19	Omaha Public Schools	Benson Magnet High School	High School	Year 4
19	Omaha Public Schools	McMillan Magnet Middle School	Middle	Year 4
19	Omaha Public Schools	Monroe Middle School	Middle	Year 4
19	Omaha Public Schools	Norris Middle School	Middle	Year 4
19	Omaha Public Schools	Bryan Middle School	Middle	Year 4

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PROPOSED AGENDA ITEM RATIONALE

DATE: **March 27, 2023**

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Beth Wooster, Allyson DenBeste
ESEA Federal Programs

PROPOSED AGENDA ITEM: Authorize the Deputy Commissioner to renew the contract with TransACT Communications, LLC for the period from June 1, 2023 through May 31, 2026.

AGENDA ITEM TYPE (contract/grant/rule/program/other): Contract

RATIONALE/BACKGROUND INFORMATION:

- The contract with TransACT Communications, LLC provides unlimited use subscriptions for all K-12 school staff in Nebraska to provide parent notifications in multiple languages as required by ESEA, Section 504, and IDEA..
- NDE has contracted with TransACT Communications, LLC to provide required parent notifications to all Nebraska LEAs since 2014.
- The TransACT Communications contract serves LEAs, parents, and the ESEA Federal Programs and Special Education offices by providing templates for documents of parent notices required by ESSA, IDEA, and 504 plans. Each document has been reviewed by the law firm of Brustein and Manasevit to ensure that it contains all of the elements required by the applicable law. The documents are available in English as well as the languages most commonly spoken in Nebraska so most parents receive notices in a language they understand. During the period from March 20, 2022 through March 20, 2023, there were 7,276 documents downloaded in 19 different languages.
- A Request for Information was issued on March 17, 2023 to confirm that TransACT Communications is a sole source provider. Throughout the duration of the contract, the ESEA Federal Programs office and Special Education office refer LEAs to the TransACT website and support LEA users in the use of this resource.
- April 2023: Notify the State Board of Education of the intent to bring a contract forward at the May, 2023 State Board of Education meeting. If approved, the contract would begin on June 1, 2023 and extend through May 31, 2026. A waiver has been granted to contract with TransACT Communications for a three-year period due to their sole source status.

PROPOSED BOARD MEETING (MONTH/YEAR):

April and May/2023

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education.ne.gov

ESTIMATED COST:
Estimated 2023 contract is $120,000.

FOR CONTRACTS AND GRANTS:

- Funding Sources (Estimated Costs)

SPED 504	$17,400
SPED IDEA	$17,400
SPED BASE CONTRACT	$5,600
SPED BASE CONTRACT	$5,600
MIGRANT TA	$8,500
TITLE III	$50,000
TITLE IA	$10,000
ARP HCY	$5,500

- New or Renewal: Renewal

- If renewal, date of first approval: 2014

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: A Request for Information was issued on March 17, 2023 to confirm that TransACT Communications is a sole source provider.

- Rationale for method of procurement: The Request for Information was issued to allow any vendor who could provide this service to submit a bid.

- Rationale for contractor selection: TransACT Communications, LLC is a sole source provider.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

**Updated 02.07.2023*

From:	Halstead, Brian
To:	DenBeste, Allyson
Cc:	Wooster, Beth; Wilson, Bryce
Subject:	RE: Seeking waiver for contract for more than one year
Date:	Monday, March 20, 2023 9:14:24 AM
Attachments:	image001.png image003.png

Waiver granted to permit up to three (3 years) on any contract for this matter.

From: DenBeste, Allyson <allyson.denbeste@nebraska.gov>
Sent: Monday, March 20, 2023 9:13 AM
To: Halstead, Brian <Brian.Halstead@nebraska.gov>
Cc: Wooster, Beth <Beth.Wooster@nebraska.gov>
Subject: RE: Seeking waiver for contract for more than one year

Thank you!

Allyson DenBeste
Title III/ELPA 21
500 S. 84th St., 2nd Floor
P. O. Box 94987
Lincoln, NE 68509-4987
Phone or Text: (402) 405-5212
E: allyson.denbeste@nebraska.gov

From: DenBeste, Allyson
Sent: Thursday, March 16, 2023 3:30 PM
To: Halstead, Brian <Brian.Halstead@nebraska.gov>
Cc: Wooster, Beth <Beth.Wooster@nebraska.gov>
Subject: Seeking waiver for contract for more than one year

Hi Brian,
I have issued an RFI for a contract for translated parent notices and anticipate that TransACT will be the only vendor submitting a bid. Per Paul Haas' email below, he suggested that I reach out to you or Dr. Frison to see if I could get a waiver to issue a contract for three years, effective June 1, 2023 through May 31, 2026 with the option to renew for (1) additional (2) year period as mutually agreed upon by all parties.

Would this be possible? We have contracted with TransACT since at least 2014 and

to my knowledge, they are a sole source provider. I am attaching the current contract. Thank you for your consideration.
Allyson

Allyson DenBeste
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500 S. 84th St., 2nd Floor
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Lincoln, NE 68509-4987
Phone or Text: (402) 405-5212
E: allyson.denbeste@nebraska.gov

From: Haas, Paul <Paul.Haas@nebraska.gov>
Sent: Tuesday, February 28, 2023 4:24 PM
To: DenBeste, Allyson <allyson.denbeste@nebraska.gov>
Cc: Wilson, Bryce <bryce.wilson@nebraska.gov>; Wooster, Beth <Beth.Wooster@nebraska.gov>
Subject: RE: TransACT Contract follow up

Allyson

Your other option would be to issue an RFI. If more than TransAct responds then you would have to do and RFP. The RFI is a shorter document and again what is highlighted in yellow is what you must complete and the green highlighted is optional.

Just to let you know today I met with a department employee that had completed the RFP (yellow highlighted areas) and it only took us about a half hour to go over it. This was her first time of doing an RFP. About 95% of the RFP is legal language that has to be in it.

Let me know what you want to do. I can also help you with the RFI.

Paul Haas
Director, Central Accounting
Nebraska Department of Education
Paul.haas@nebraska.gov
531-510-7276
500 S. 84th Street, 2nd Floor
Lincoln, NE 68510-2611

From: Haas, Paul
Sent: Tuesday, February 28, 2023 11:53 AM
To: DenBeste, Allyson <allyson.denbeste@nebraska.gov>
Cc: Wilson, Bryce <bryce.wilson@nebraska.gov>; Wooster, Beth <Beth.Wooster@nebraska.gov>
Subject: RE: TransACT Contract follow up

Allyson

My question is there any other vendor that has a product that does the same thing as TransACT? A Sole Source Statement from TransAct that says they don't know of any other company that provides this type of service is not sufficient documentation that they are the only company that has this type of product.

After 5 years of continuation contracts with a vendor we are required to issue an RFP. It appears that we started issuing this contract with TransAct in June of 2014.

I would recommend that you complete and issue and RFP so that a contract could be issued effective June 1, 2023. You would need to have the actual contract on the May Board Agenda. The following time line working backwards would be required

Contract start date	June 1, 2023
Contract award signed by both parties	May 25, 2023
NDE Posts Intent to Contract on Fed Program site	May 5, 2023 after State Board approves authority to contract
Evaluation of Proposals	April 3, 2023 – April 14, 2023
Review of Proposals for conformance of mandatory requirement	April 3, 2023
Proposals Due to NDE	March 31, 2023
State Responds to written statements	March 20, 2023
Last day to submit questions	March 15, 2023
RFP Issued	March 6, 2023

I would also recommend that when you request a waiver from Dr. Frison or Brian Halstead to contract for more than one year (make it three years with an option for one additional 2 year contract). The following would be that language

"A contract resulting from this Request for Proposal will be issued for a period of 3 years effective June 1, 2023 through May 30, 2026 , with the option to renew for (1) additional (2) year period as mutually agreed upon by all parties".

I am attaching a copy of the RFP Boiler plate. If you complete the yellow highlighted areas and the green highlighted are optional. After you complete it if you want to come over to my office to go over it, we can do that to help speed up the process.

Please let me know if you have any questions.

Paul Haas
Director, Central Accounting
Nebraska Department of Education
Paul.haas@nebraska.gov
531-510-7276
500 S. 84th Street, 2nd Floor
Lincoln, NE 68510-2611

From: DenBeste, Allyson <allyson.denbeste@nebraska.gov>
Sent: Tuesday, February 28, 2023 10:21 AM
To: Haas, Paul <Paul.Haas@nebraska.gov>
Cc: Wilson, Bryce <bryce.wilson@nebraska.gov>; Wooster, Beth <Beth.Wooster@nebraska.gov>
Subject: RE: TransACT Contract follow up

Hi Paul,
I know that you're busy but I need to know how to proceed in order to have documents ready for the April State Board meeting. Given that TransACT is a sole source provider, is there any option other than a full RFP in order to get their contract renewed?

Thank you.
Allyson

Allyson DenBeste
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Phone or Text: (402) 405-5212
E: allyson.denbeste@nebraska.gov

From: DenBeste, Allyson
Sent: Tuesday, February 21, 2023 9:26 AM
To: Haas, Paul <Paul.Haas@nebraska.gov>
Subject: TransACT Contract follow up

Hi Paul,
Last week, Bryce Wilson was at one of our Federal Programs Team meeting and he suggested that there may be a simpler way to ensure that the TransACT contract will meet the State Board's expectations for procurement, other than a full RFP. Do you see any other options, especially considering that they are a sole source provider?

Thanks
Allyson

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 22, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Marissa Payzant, Ed.D.
Assistant Administrator, Office of Teaching, Learning & Assessment

PROPOSED AGENDA ITEM: Authorize the Commissioner to accept funds from the Nebraska Arts Council to administer the Arts NOW Grant Program to Nebraska school districts.

AGENDA ITEM TYPE (contract/grant/rule/program/other): GRANT

RATIONALE/BACKGROUND INFORMATION:

- The Nebraska Arts Council (NAC) wishes to grant the Nebraska Department of Education's Office of Teaching, Learning, and Assessment a total amount of $180,000 for the creation and administration of an Arts NOW Grant Project to provide project funds to school districts to help them achieve excellence in arts education while implementing Nebraska's Fine Arts Education Standards.
- The Arts NOW Grant is a partnership between the Nebraska Arts Council and in turn their partner, the Nebraska Cultural Endowment. The NAC has invited NDE to submit an MOU requesting a sum amount $180,000 for a one-year commitment to fund the Arts NOW Grants.
- The grant funds will be for a one-time competitive grant and will be awarded to K-12 public schools school districts and could be used at multiple school buildings. We anticipate reaching between 9 and 27 school districts depending on funding requests.
- The Office of Teaching, Learning & Assessment will administrate the Arts NOW Grant project. Schools will complete a written application demonstrating how the project will help them achieve artistic excellence while implementing Nebraska's Fine Arts Standards and working to achieve high quality instruction in fine arts education. Applicant school districts need to describe how the grant project will impact students, teachers, and the school/community. At the request of the NAC, the grants will be equitably distributed geographically throughout the state. To achieve this request, we will use the five Nebraska MTSS regions. Projects up to $9,999 will impact 999 of fewer students. Projects between $15,000 and $14,999 will impact 1,000-4,999 students. Project between $15,000 and $20,000 will impact 5,000 students or more.
- Announcement of the Arts NOW Grant Project will begin this summer and at NDE Day at the NCSA Administrators' Days in Kearney. Announcements will also be made through

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NDE communications with school superintendents and through the NDE Fine Arts Education Mailing List and website. School districts that are awarded Arts NOW Grants will be required to share their grant project and impact the grant project has had. These stories will be collected and shared by both the Nebraska Department of Education, Nebraska Arts Council, and other stakeholders. Proposed Timeline:

- April – June 2023, vote and ratification by Nebraska Arts Council
- July 2023 – Announcement of Grant, Application period opens.
- October 13, 2023 – Application period closes.
- October – December 2023 – Applications are reviewed.
- December 15, 2023 – Award Notifications
- February 15, 2024 – Financial Reports are due.
- February – May 2024 – Reimbursements are made to school districts.
- May 1, 2024, Final Narrative Reports are due.
- By June 20, 2024 – Grant Reimbursements are made. Final report made to NAC.
- September 30, 2024 – Elimination period ends.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: N/A

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Nebraska Arts Council
- New or Renewal: New
- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: N/A
- Rationale for method of procurement: N/A
- Rationale for contractor selection: N/A

FOR GRANT SUBAWARDS:

- (See above). The grant administration team, consisting of NDE staff, will review grant applications for eligibility requirements. Eligible grants will be forwarded to a grant review panel who will review and rate the grant based on the Arts NOW Grant Scoring Rubric. Grant awards will be made following a scoring process that has been developed in consultation with the Nebraska Arts Council, encompassing their expertise in grant processes and procedures.

**Updated 02.07.2023*

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April 14, 2023

Mike Markey, Interim Executive Director
Nebraska Arts Council
1004 Farnam Street, Plaza Level
Omaha, NE 68102

Dear Mike:

The Nebraska Department of Education (NDE) appreciates our Contractual Partnership and intends to enter into an MOU with the Nebraska Arts Council once approved by the Nebraska Arts Council Board in March 2023 and the Nebraska State Board of and continuing through June 30, 2024. For FY2023-2024, we request $180,000 to institute an Arts NOW Grant Project Program to help school district's achieve high quality instruction in arts education while implementing the Nebraska Standards in the Fine Arts. The mission of the NDE is to lead and support the preparation for all Nebraskans for learning, earning, and living.

Using Nebraska's Multi-Tiered Systems of Support Regions, Arts NOW Gants will be awarded to school districts through a competitive grant process. The NDE Office of Teaching, Learning, and Assessment will administrate the program along with and other appropriate NDE offices. Cody Talarico, Fine Arts Education Specialist, will serve as the main contact.

Arts NOW Grants focus on arts projects that help school districts promote excellence in arts education while implementing Nebraska's Fine Arts Education Standards. Arts NOW Grants provide allowability for tools that support high quality arts instruction such as arts supplies, new sheet music (scores), updating or fixing equipment, or acquisition of new equipment. In compliance with § 200.403 Factors affecting allowability of costs, Arts NOW grants will not be allowable for general operating support, payment of salaries or stipends, payment of personal services, payment to a contractor, performance of work, public utility service, travel, rental or purchase of real property, rental of real or personal property, attendance at conferences and meetings, food, or trinkets.

Pending approval from the Nebraska Arts Council's Board of Directors and the Nebraska State Board of Education, Arts NOW Grants will be awarded to school districts in increments of up to $9,99 for project impact of 999 or fewer students, between $10,000 and $14,999 for project impact of 1,000-4,999 students, and between $15,000 and $20,000 for projects impacting 5,000 or more students. Grants are estimated to reach between 9 and 27 recipient school districts. This will be determined based on the content of the applications received. We anticipate announcing Arts NOW Grants in July 2023 with the performance period ending by June 30, 2024. NDE requests Arts NOW Grant funds via IBT during the fall of 2023 and a closeout period of 90

days following the grant funding year. A final report will be provided to the Nebraska Arts Council by June 30, 2024.

The anticipated budget for Arts NOW Grants is:

- $36,000 - Awards to school districts in first MTSS Region 1
- $36,000 - Awards to school districts in first MTSS Region 2
- $36,000 - Awards to school districts in first MTSS Region 3
- $36,000 - Awards to school districts in first MTSS Region 4
- $36,000 - Awards to school districts in first MTSS Region 5

The NDE agrees to:

- Establish and promote the Arts NOW Grant program.
- Review and award grant funds to school districts for arts education projects as stipulated above.
- Review the grant project final reports and reimburse grant recipients.
- Promote participation in the Arts Now Grant Program as a partnership between NDE and NAC, with funding provided by NAC and the Nebraska Cultural Endowment (as stipulated in NAC grant assurances instructions.)
- Provide reports to the Nebraska Arts Council as requested.

The NAC agrees to:

- Provide funds to the NDE as stipulated above.
- Communicate and promote the Arts NOW Grant Project as a partnership with the NDE.

This agreement will be in effect when it has been signed by both parties and will continue until June 30, 2024. Failure to comply with this agreement may result in cancellation of the agreement by the Nebraska Department of Education.

We appreciate the partnership with NAC. The following NDE staff will be the point of contact for those items referenced in this agreement.

- Marissa Payzant, Ed. D., Assistant Administrator, Office Teaching Learning & Assessment marissa.payzant@nebraska.gov
- Cody Talarico, Fine Arts Education Specialist cody.talarico@nebraska.gov

We are excited to partner with the Nebraska Arts Council and bring this opportunity to Nebraska's school districts. Please let me know if you have any additional questions.

Authorizing Signatures

Deborah A. Frison, Ed. D., Deputy Commissioner
Nebraska Department of Education
Date Signed_____

Mike Markey, Interim Executive Director
Nebraska Arts Council
Date Signed _____

arts NOW grants

Application Scoring Rubric, FY2024

The Nebraska Department of Education, in partnership with the Nebraska Arts Council, is pleased to provide funding for arts education projects to Nebraska's school districts.

Application Scoring Rubric

Arts NOW Grant Applications will be scored by grant reviewers using this scoring rubric. It is suggested districts self-score their application to help present the most comprehensive application possible. To better understand the scoring rubric, consult the directions to reviewers below.

Scoring Directions for Reviewers

- Please review these scoring directions before you begin reviewing and scoring the grant applications.
- If you have any specific questions, please reach out to the grant administrator before you begin your review.
- The application should reflect a grant project.
- Consider and give priority to grant projects that promote artistic excellence.
- Consider and give priority to grant projects that promote high quality arts instruction.
- Look for alignment to Nebraska's Fine Arts Education Standards.
- Consider unique local insights and give priority to grant projects that clearly impact the students within the school district.
- Score the grant based against the Arts NOW Grant Scoring Rubric. Do not compare one grant application to the next, but rather focus your review on the merits of each individual application to the Arts NOW Grant Scoring Rubric.
- Consider and give priority to grant projects that will be shared and tell the school's arts education story.
- Complete the comments section on all categories. Comments may help in determining scoring ties.
- It is imperative that you, as an Arts NOW Grant reviewer, be consistent in your scoring.

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Eligibility Checklist

The grant administration staff will review all applications for eligibility.

Eligibility Checklist - Automatic Rejection

The grant administration staff will review all applications to ensure the applications are eligible for review. If any of these categories is not met, the grant application will be automatically rejected and will not be will not be further reviewed nor scored.

Budget Expense Acknowledgement

The applicant school district acknowledges that only receipted expenses will be reimbursed up to the awarded amount. The applicant school district further acknowledges that any additional expenses are the responsibility of the school district.

0. Not Met = Rejection of application
1. Met

Grant Award Packet and Assurances

The applicant school district acknowledges that it has read and understands the grant award packet that indicates all grant award assurances as required by applicable laws. The applicant school district further acknowledges they have reviewed and will be able to comply with the policies, procedures, and applicable laws found in the Grant Award Packet. The school district agrees to comply with all federal nondiscrimination laws and adhere to Section 504 of the Rehabilitation Act of 1973.

0. Not Met = Rejection of application
1. Met

Authorized Representative

The applicant school district has included complete information for its authorized representative.

0. Not Met = Rejection of application
1. Met

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Basic Grant Application Information

The grant administration staff will score the following categories of the grant application that are either met or not met.

Eligibility Checklist - Application Information Reviewed by Grant Administration Staff

The grant administration staff will review all applications to ensure the following parts of the application are complete before submitting the application to the competitive reviewers.

Membership Requirements

The information, including contact person, arts educators involved, authorized representative information, and all applicable statistical information for the applicant school district is complete.

0. Not Met
1. Met

Arts Subject Area

The applicant school district indicates the arts subject areas that will be impacted by the Arts NOW Grant project.

0. Not Met
1. Met

Grant Budget

The applicant school district's grant budget is complete. No one item exceeds $5,000.

0. Not Met
1. Met

Timeline Assurances

The applicant school district can complete purchases between the award notification date and Thursday, February 15, 2024.

0. Not Met
1. Met

The applicant school district will submit a financial report by Thursday, February 15, 2024.

0. Not Met
1. Met

The applicant school district agrees to monitor the use of purchased materials.

0. Not Met
1. Met

The applicant school district agrees to submit a final narrative report by Wednesday, May 1, 2024.

0. Not Met
1. Met

Educators Involved

The arts educators involved in the project have been identified. These individuals have

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joined the NDE Fine Arts Education Mailing List.

0. Not Met
1. Met

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Arts NOW Grant Project and Impact

The following categories will be reviewed by a panel of grant reviewers. Each category will have a pace for comments. Please write comments, as they may be used to determine scoring ties.

Project & Impact Description - Student Impact

The project clearly impacts students, helping them to achieve excellence in arts education.

1. No evidence of how the project impacts students and helps them achieve excellence in arts education. No detail.
2. Poor evidence of how the project impacts students and helps them achieve excellence in arts education. Little to no detail. Project is ambiguous.
3. Limited evidence of how the project impacts students and helps them achieve excellence in arts education. Some to limited detail. Project is impact is not clear.
4. Good evidence of how the project impacts students and helps them achieve excellence in arts education. Project impact and details are adequate.
5. Excellent evidence of how the project impacts students and helps them achieve excellence in arts education. Project clearly impacts students. Details help explain the project and give a clear picture of the project.

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Project & Impact Description - Instructional Impact

The project helps fine arts educators implement high quality arts instruction.

1. No evidence of how the project increases arts education instruction and helps teachers implement the high quality arts instruction for students. No detail.
2. Poor evidence of how the project increases arts education instruction and helps teachers implement the high quality arts instruction for students. Little to no detail. Project is ambiguous.
3. Limited evidence of how the project increases arts education instruction and helps teachers implement high quality arts instruction for students. Some to limited detail. Project impact is not clear.
4. Good evidence of how the project increases arts education instruction and helps teachers implement high quality instruction for students. Project details show how instruction is positively affected.
5. Excellent evidence of how the project increases arts education instruction and helps teachers implement high quality instruction for students. Project details show how instruction is greatly affected and may also have lasting effects.

Project & Impact Description - Fine Arts Standards

The project helps fine arts educators implement Nebraska's Fine Arts Standards.

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1. No evidence of Nebraska's Fine Arts Standards implementation.
2. Poor implementation of Nebraska's Fine Arts Standards. Standards alignment is ambiguous.
3. Limited implementation of Nebraska's Fine Arts Standards. Limited alignment to standards.
4. Good implementation of Nebraska's Fine Arts Standards. Alignment to standards.
5. Excellent implementation of Nebraska's Fine Arts Standards. Alignment to standard is clear and meaningful and may also include standards in other content areas.

Project & Impact Description - School & Programmatic Impact

The project helps promote artistic excellence of the school's fine arts education program.

1. No evidence of artistic excellence of the school's fine arts education program.
2. Poor evidence of artistic excellence of the school's fine arts education program.
3. Limited evidence of artistic excellence of the school's fine arts education program.
4. Good evidence of artistic excellence of the school's fine arts education program.
5. Excellent evidence of artistic excellence of the school's fine arts education program.

Anticipated Outcomes - Excellence in Arts Education

The anticipated outcomes lead to excellence in arts education. The anticipated outcomes describe how artistic excellence was achieved.

1. Outcomes do not lead to excellence in arts education.
2. Outcomes lead to limited excellence in arts education
3. Outcomes lead to good excellence in arts education.
4. Outcomes lead to excellence in arts education.
5. Outcomes lead to outstanding excellence in arts education.

Outcomes Inform Instruction

Outcomes will inform further instruction. Outcomes help guide educator effectiveness.

1. Outcomes provide poor guidance for further instruction. Outcomes may help guide educator effectiveness, but it is unclear.
2. Outcomes provide limited guidance for further instruction. Outcomes somewhat guide educator effectiveness.
3. Outcomes to provide guidance for further instruction. It is clear how the outcomes help guide educator effectiveness.
4. Outcomes provide a great deal of guidance for further instruction. Educator effectiveness is evident.
5. Outcomes provide outstanding guidance for further instruction. Educator effectiveness is clearly evident.

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Project Timeline

The timeline for implementation is clear and reasonable.

1. It is not evident that the project can be implemented and completed in the time frame allotted.
2. It is uncertain if the project can be implemented and completed in the time frame allotted. Little to no detail is included.
3. The project should be able to be implemented and completed in the time frame allotted. There are some areas which may need clarification.
4. The project can be implemented and completed in the time frame allotted.
5. The project can be implemented and completed easily within the timeframe.

Student Impact and Unique Local Insights

The project clearly impacts students and clearly fulfills a need within the school.

1. No evidence of how the project impacts students and fulfills a need within the school.
2. Poor evidence of how the project impacts students and helps fulfill a need within the school. Little to no detail. Project is ambiguous.
3. Limited evidence of how the project impacts students and fulfills a need within the school. Some to limited detail. Project is impact is vague.
4. Good evidence of how the project impacts students and fulfills an articulated need within the school. Project impact and details are clear.
5. Excellent evidence of how the project impacts students and clearly fulfills a need within the school. Details clearly support the impact and need.

Sharing Your Grant News

The school is ready to share the impact that the Arts NOW Grant has on arts education in the school, with students, parents, community, and stakeholders. Acknowledgement of the NDE, NAC, and NCE in all advertising, news releases, printed programs, on social media, and other promotional and publicity materials is evident through the grant project.

1. There is no plan to share the news of the Arts NOW Grant program included.
2. The plan for sharing the news of the Arts NOW Grant program is poor. The plan does not follow the guidelines in the grant assurances packet.
3. The plan for sharing the news of the Arts NOW Grant program is limited. The plan provides some detail of sharing the impact of the Arts NOW Grant. Some of the guidelines for sharing the grant news were followed.
4. The plan for sharing the news of the Arts NOW Grant program is god. The plan provides details of sharing the impact of the Arts NOW Grant. The guidelines for sharing the grant news will be followed.
5. The plan for sharing the news of the Arts NOW Grant program is excellent. The plan provides details of sharing the impact of the Arts NOW Grant. The guidelines for sharing the grant news are followed. The promotional plan is comprehensive.

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Clarity and Completeness

The application is clear and concise, with attention dedicated to finer details.

1. The grant project as described is unclear and is incomplete.
2. The grant project as described is unclear and lacks details.
3. The grant project as described is fairly clear and includes minimal details.
4. The grant project as described is clear and includes details that lead to the overall understanding of the project.
5. The grant project as described is clear with supporting details that make the impact to students clearly evident.

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arts NOW grants

Grant Application, FY2024

Application Deadline: Friday, October 13, 2023

The Nebraska Department of Education, in partnership with the Nebraska Arts Council, is pleased to provide funding for arts education projects to Nebraska's school districts.

Program Description

The Arts NOW Grants are provided to public school districts in Nebraska serving students in grades K through 12 for arts education projects that help them achieve excellence in arts education while implementing the Nebraska Standards in the Fine Arts. These funds are intended solely for project completion of immediate need and must demonstrate the impact on arts learning.

This reimbursement grant must expend funds and provide documentation of receipted expenses no later than 11:59 PM CT on Thursday, February 15, 2024. Reimbursements will be processed only if all documentation has been completed.

Projects must be completed with a final narrative report submitted by 11:59 PM CT on Monday, May 1, 2024. This report will demonstrate the impact of the Arts NOW Grant program.

This is a one time grant, with no possibility of renewal, due to the availability of the funds that have been awarded from the National Endowment for the Arts to the Nebraska Arts Council and then to the Nebraska Department of Education. This grant program cannot be continued to another fiscal year. CDFA #45.025 Promotion of Arts Partnership Agreements.

For more information contact

Cody Talarico, Fine Arts Education Specialist
Nebraska Department of Education
PO Box 94987
Lincoln, NE 68509-4987
phone - 402.341.7822
email - cody.talarico@nebraska.gov
grant email - ENTER GRANT EMAIL

The mission of the Nebraska Department of Education is to lead and support the preparation of all Nebraskans for learning, earning, and living.

Program Partnership

The Arts NOW Grants are provided to school districts through a partnership with the Nebraska Arts Council. Funding for this grant program has been generously provided by Nebraska Arts Council, whose mission is to promote, cultivate and sustain the arts for the people of Nebraska. Visit the Nebraska Arts Council website to learn more.

Arts NOW Grants Acceptable Use

Arts NOW Grants focus on arts projects that help Nebraska's public school districts serving grades K through 12 who promote excellence in arts education while implementing Nebraska's Fine Arts Standards. Arts NOW Grant funds are to be used for projects of artistic excellence that help deliver high quality arts education instruction while implementing Nebraska's Fine Arts Standards.

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Public school districts are invited to consider arts education projects that can be implemented and have demonstrated impact on excellence in arts education instruction. Based on the number of students impacted, public school districts may apply in one of three funding tiers of the Arts NOW grant. Arts NOW Grants projects may be in a single building or in multiple buildings of the school district. Examples of acceptable grant fund use: arts supplies, new sheet music (scores), updating or fixing equipment (instruments, stereos, sound systems, stage lights, stage curtains), acquisition of new equipment (Orff instruments, a pottery wheel, or a scrim). Materials purchased for the grant project may be used past the timeframe of the grant.

Restriction of single item cost

No single item can be more than $5,000 due to § 2 CFR 200, Uniform Administrative Requirements, Cost Principles.

Arts NOW Grants Unacceptable Use

In compliance with § 200.403 Factors affecting allowability of cost. Arts NOW Grant funds cannot be used for general operating support, payment of salaries or stipends, payment of personal services, payment to a contractor, performance of work, public utility service, travel, rental or purchase of real property, rental of real or personal property, attendance at conferences and meetings, food, or trinkets.

Accessibility – The Arts for Everybody

The Nebraska Department of Education and the Nebraska Arts Council require adherence to all federal nondiscrimination laws. Your school district agrees to comply in the grant application and the Award Acceptance. In addition to those federal requirements, adherence to Section 504 of the Rehabilitation Act of 1973 is also required. This Act prevents denial of access to any federally funded program or activity for individuals with disabilities. For more information, please refer to the National Endowment for the Arts' Design and Accessibility: A Cultural Administrator's Handbook.

Application Process

1. Districts should request a grant application from ENTER GRANT EMAIL.
2. Districts must submit a completed grant application to ENTER GRANT EMAIL on or before 11:59 PM CT on Friday, October 13, 2023. A completed grant application includes the authorized representative's signature. Confirmation of receipt of the grant application will be emailed within 48 hours of submission. (If confirmation is not received within 48 hours, please contact Cody at 402.314.7822.
3. All eligible applications will be reviewed and rated by NDE staff. Proposals will be scored on a point system found in the *Arts NOW Grant Program Application Scoring Rubric. Funds will be equitably distributed among the five NeMTSS regions.*
4. It is anticipated that successful applicants who will receive grant funding will be notified by an email from the NDE by Friday, December 15, 2023.
5. Arts NOW Grant recipients will submit verification of expenses by Thursday, February 15, 2024. All expenditures must be receipted. Financial documentation reports are due by 11:59 PM CT on Thursday, February 15, 2024. Funds will be released on reimbursement basis.
6. The project must be completed with a final narrative report submitted by

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Monday, May, 1, 2024 at 11:59 PM.

Before You Begin Your Application

Before you begin your grant application. Complete the following:

1. Review the Grant Award Packet for applicable processes, procedures, and laws.
2. Review the grant application document to prepare for your writing.
3. Plan your grant project, including your grant budget. Due to 2 CFR 200, Uniform Administrative Requirements, Cost Principles.
4. Review the Arts NOW Grant Program Application Scoring Rubric. Self-score your grant application.
5. Be sure your school district's authorizing official is ready to sign the grant application.

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Arts NOW Grant Project Application

NDE Grant Application Number
This number will be added by NDE staff.

School District Name
Enter the name of the public school district. This information will be used for the project activity location.

County-District Number
Enter the county-district number of your school district.

Contact Person
Identify the point of contact in your school district from the Arts NOW Grant Program. This individual may be different than your authorized representative.

Title of Contact Person
Enter the role of your contact person.

Phone Number of Contact Person
Enter the best number to reach the contact person.

Email Address of Contact Person
Enter the email address for the contact person.

Address of School District Office
- Enter the street address and/or PO Box of the school district.
- Enter the city of the school district office.
- Enter the state of the school district office.
- Enter the ZIP code of the school district office.

Single or Multiple Site Impact
Please indicate if this grant project will impact students at a single site or multiple sites.

A. Single Site or Building
B. Multiple Sites or Buildings

Building or Site Names
Enter the name of the building(s) in which this grant program will benefit.

Websites of School Districts, Buildings and Arts Education Programs
List the website address of the school district, buildings, and specific arts education programs for this grant application.

Social Media of School District, Buildings, and Arts Education Programs
List the application (e.g. Facebook, Twitter, Instagram) and applicable identifier for the social media of the school district, building, and arts education programs for this grant application.

NeMTSS Region
At the direction of the Nebraska Arts Council, funds are to be equitably distributed geographically throughout Nebraska. Please indicate the NeMTSS region in which your school

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district is located.

a. Region 1
b. Region 2
c. Region 3
d. Region 4
e. Region 5

Free and Reduced Lunch

What percentage of your school district population is eligible for free or reduced lunch?

Arts Subject Area

Indicate the subject area(s) of the Arts NOW Grant project.

1. Dance
2. Music – instrumental, vocal, or general music
3. Music – opera or music theatre
4. Theatre – including storytelling
5. Visual Arts
6. Design Arts
7. Crafts
8. Photography
9. Media Arts
10. Literature – must also include visual arts, media arts, dance, music, or theatre
11. Interdisciplinary – integrating more than one subject area
12. Folklife/Traditional arts

Students

Provide the total number of students enrolled in your school district.

Student Impact

Provide the total number of students who will be impacted by your proposed Arts Now Grant Project.

Grant Category

Indicate the grant category for which your school district is applying.

a. Projects up to $9,999 will impact 999 or fewer students.
b. Projects between $10,000 and $14,999 will impact 1,000-4,999 students.
c. Projects between $15,000 and $20,000 will impact 5,000 students or more.

Arts Now Grant Project Description

Describe the project and how it will help teachers and students implement Nebraska's Fine Arts Standards. Limit of 500 words.

Impact Description

Describe who the grant project will impact. Describe how this project will help the school district and fine arts educators achieve artistic excellence and deliver high quality arts education instruction. Limit 500 words.

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Anticipated Outcomes
Identify the anticipated outcomes of this grant project. Describe how you will know if the grant project was a success. Describe how the outcomes will indicate artistic excellence was achieved. Limit 150 words.

Outcomes Inform Instruction
Describe how the outcomes will help inform further instruction. How will the outcomes help guide educator effectiveness? Limit 150 words.

Grant Budget
Provide itemized list, cost, and vendors for items that will be purchased with the Arts NOW Grant Funds. Due to 2 CFR 200, Uniform Administrative Requirements, Cost Principles. No single item may exceed $5,000.

Total Request

Enter the total request amount. Funds will be awarded based on rounding down to the nearest dollar.

Budget Expense Acknowledgement
The Nebraska Department of Education will only reimburse for receipted expenses up to your awarded amount. If your grant project expenses exceed the awarded amount, it will be the responsibility of your school district for the additional costs. Please acknowledge your understanding.

A. I understand that only receipted expenses up to the awarded amount will be reimbursed.
B. I do not understand that only receipted expenses up to the awarded amount will be reimbursement. Please note choosing this option will automatically reject your grant application.

Project Timeline
Identify the anticipated timeline to complete the project. We anticipate announcing grant awards in December 2023. Financial reports will need to be submitted by Thursday, February 15, 2024. Projects will need to be completed with a final narrative report submitted by Monday, May 1, 2024. Please indicate that you can meet the following criteria and describe your timeline for project implementation. Limit of 150 words

Timeline Assurances
Indicate that you can meet the timeline requirements of this grant project. Answering no to any of the following will automatically reject your grant application.
We agree to complete the purchases between the grant award notification date and Thursday, February 15, 2024.
We agree to submit a financial report by Thursday, February 15, 2024.
We agree to monitor the use of purchased material and the educational impact through Wednesday, May 1, 2024.
We agree to submit a final narrative report about this project by Wednesday, May 1, 2024.

Unique Local Insights
Describe any unique local insights into your school district that help demonstrate the need for the Arts NOW Grant project. Examples include information on specific student populations, etc. Limit of 250 words

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Educators Involved
Identify the names, teaching assignments, and email addresses of the educators involved in your proposed Arts Now Grant Project.

NDE Fine Arts Education Mailing List
It is required that the fine arts educators involved in the project are registered on the NDE Fine Arts Education Mailing List. Have the educators listed above registered for the NDE Fine Arts Education Mailing List?

a. Yes
b. No

Sharing Your Grant News
Both NDE and NAC want you to share the impact that the Arts NOW Grants have on arts education in your school with your students, parents, community, and stakeholders. It is important that you stakeholders and officials know how public funding helps bring the arts to Nebraska.

When you accept Art NOW Grant funds, you agree to acknowledge the NDE, NAC and Nebraska Cultural Endowment (NCE) in all advertising, news releases, printed programs, on social media, and any other promotional and publicity materials. Acknowledging NDE, NAC, and NCE support emphasizes the importance of partnerships and government funding for arts education. For complete information on Sharing Your Grant News, refer to the section with the same name in the Arts NOW Grant Award Packet. If using twitter, you are encouraged to mention @NDE_FineArts, @NEArtsCouncil, and @NebraskaCulture, and use #FineArtsEdNebraska and #ArtsNOWGrant.

If your school district's Arts Now Grant Project is selected for funding, describe how you will promote the project. Be sure to include specific references of how you will promote NDE and our partners the Nebraska Arts Council and the Nebraska Cultural Endowment. Limit of 250 words.

Grant Award Packet and Assurances
Please be sure that you have read and understand the grant award packet which indicates all grant award assurances as required by applicable laws. No single item may exceed $5,000. You agree to comply with all federal nondiscrimination laws and adhere to Section 504 of the Rehabilitation Act of 1973. You must indicate that you have reviewed and will be able to comply with the policies, procedures, and applicable laws found in the Grant Award Packet.

a. I have reviewed the Grant Award Packet and am able to comply with policies, procedures, and applicable laws.
b. I have not reviewed the Grant Award Packet and will not be able to comply with the policies, procedures, and applicable laws. Please note selecting this choice will automatically reject your grant application.

Authorized Representative
The "Authorized Representative" is a person who legally acts on behalf of the recipient of federal and state grants. The authorized representative is the liaison between the grant recipient and NDE as the grantor.

The governing body of an agency delegates their authority to the person (i.e., district superintendent) who will act as the authorized representative of the agency receiving state or federal grants. **This authorization must be done annually, for some programs, and duly noted in recorded board minutes.** For complete information on the responsibilities of the Authorized

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Representative, please see the Authorized Representative Section in the Arts NOW Grant Award Packet.

Authorized Representative Contact Information

- Indicate the name of your school district's Authorized Representative.
- List of the title of your school district's Authorized Representative.
- List the email address of your school district's Authorized Representative.

Upon form submission, a docusign email will be sent to your authorized representative with your school district's completed application. The Authorized Representative will need to sign and submit the completed, signed Arts NOW Grant Application to ENTER GRANT EMAIL. **Failure to submit a signed grant application will automatically reject your grant application**.

Arts NOW Grant Timeline

Project Start Date:

Grant funds can be obligated for approved grant activities upon grant notification and award acceptance. Grant funds cannot precede notification of approval and issuance of the grant award notification. Arts NOW grants are a competitive grant category.

Approval Date:

This is the date when the application is approved. According to NDE policy, grants between $10,000 and $50,000 must be approved by the Commissioner of Education.

Financial Reporting due Thursday, February 15, 2024

The last date that funds to be obligated or spent on an approved project is Thursday, February 15, 2024. Any funds obligated before the project ending date must be liquidated within a period of 45 days following the project ending date. Any delay past 45 days may jeopardize payments. The project ending date is included on the Grant Award Notification (GAN). No carryover funds are allowed for Arts NOW grants.

Project Documentation

Collecting documentation from the grant application will ensure all information is readily available when you need to submit your final grant report. Be sure to collect the following:

- Receipts/paid invoices

Final Narrative Reporting due Monday, May 1, 2024

Arts NOW Grant Projects must be completed with a final narrative report submitted by 11:59 PM CT on Monday, May 1, 2024.

Project Documentation

Collecting documentation from the grant application will ensure all information is readily available when you need to submit your final grant report. Be sure to collect the following:

- Description and documentation on the impact of your Art NOW Grant Project
- Reviews and articles about your project
- Photos, posters, and ads displaying NDE, NAC, and NCE acknowledgement

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Signatory

Signature of Contact Person

Please sign and date the application.

Signature of Authorized Representative

Please sign and date the application.

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STATE BOARD OF EDUCATION
PLANNING AND EVALUATION COMMITTEE REPORT

Date: April 13, 2023

The Planning and Evaluation Committee reports on the two committee meetings since the March 3, 2023, board meeting. First, the committee met on March 15, 2023. The members present were chair, Deborah Neary, vice-chair, Lisa Fricke, and Patti Gubbels.

The committee received an update from two guests who are Nebraska educators and serve on the Technical Advisory Committee. The educators discussed their perspectives related to the request for proposal process for statewide assessment. The committee also received an update on the Rule 14 approval process for nonpublic schools and the Community Achievement Plan for the Learning Community of Douglas and Sarpy Counties.

The second committee meeting occurred on Thursday, April 13, 2023, meeting. Members present were chair, Deborah Neary, vice-chair, Lisa Fricke, Sherry Jones, and Patti Gubbels.

The committee reviewed the action item regarding the approval of the 2023-2026 Community Achievement Plan (CAP) from the Learning Community of Douglas and Sarpy Counties. The CAP was approved by the Learning Community Coordinating Council on March 16, 2023. This plan will remain in effect until the end of the 2025-2026 school year.

The committee reviewed the action item regarding the approval of the nonpublic schools appearing on the accompanying list to operate for the 2023-2024 school year under Rule 14 (92 NAC 14), Regulations & Procedures for the Legal Operation of Approved Nonpublic Schools.

The committee discussed the approval process for the Rule 18 Interim Program Schools. NDE staff members provided a presentation on the authority and approval process for these programs. Their renewal is granted based upon compliance during the prior school year. NDE staff will return next month to seek approval for the Rule 18 Interim Program Schools.

The committee discussed the Rule 84 accreditation process for Education Service Units (ESU). NDE staff members provided a presentation on the authority and accreditation process for the ESUs. There are 17 ESUs across the state, whose accreditation is based on their submission of their annual compliance report and external continuous improvement visit. NDE staff will return next month to seek approval for the accreditation of the Educational Service Units.

The committee received an update on the Rule 10 accreditation process for schools, the approval process for new interim-program schools-new schools-and adding grades to approved schools, and the approval process for educator preparation programs. NDE staff will return next month to discuss these items further.

The committee received an update on the evaluation of the NDE's content area standards development process by American Institute for Research (AIR) and the Region 11 Comprehensive Center. NDE staff member provided context for the work and next steps outlining possible recommendations for improving the process.

The committee discussed updates related to the request for proposals (RFP) process for statewide assessment. NDE staff member provide rationale for the adjusted RFP timeline, which will result in releasing the RFP later this calendar year, as well as the timeline for the standards setting process occurring this summer.

The committee received an update on the Rule 11 teacher waiver request for Creek Valley Schools and Red Cloud Community Schools. NDE staff member provided an update on the waiver process for schools seeking educators in early childhood settings. NDE staff will return next month to seek approval for these two district waivers.

The committee discussed updates related to LB 154 from the previous legislative session, which relates to student discipline. The committee discussed the intent of the law and potential benefits and unintended consequences of including this data in the accountability system. NDE staff will return to this committee to provide further updates.

The committee discussed updates on the amendment process for Nebraska's Every Student Succeeds Act (ESSA) Plan, focused on federal accountability. NDE staff members shared a timeline of the process and shared stakeholder feedback on adjustments made as a result of the U.S. Department of Education addendum process. NDE staff will return next month with another update.

This concludes the Planning and Evaluation report.

Deborah Neary, Chair

*Submit a printed copy to the Committee Chair and email to the Recording Secretary.

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 23, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Shirley Vargas, Ed.L.D.
School Transformation Officer

PROPOSED AGENDA ITEM: Approve the 2023-2026 Community Achievement Plan (CAP) of The Learning Community of Douglas and Sarpy Counties.

AGENDA ITEM TYPE (contract/grant/rule/program/other): CAP Plan

RATIONALE/BACKGROUND INFORMATION: In accordance with Nebraska Revised Statute § 79-2122, which took effect on July 21, 2016, the districts in the Learning Community of Douglas and Sarpy Counties collaboratively developed a Community Achievement Plan (CAP). The CAP serves as the plan that brings multiple stakeholders, initiatives, and plans together to collectively improve the educational and life outcomes of the students served in Douglas and Sarpy counties.

The CAP is comprised of four major strands of work that are in various stages of development, implementation, and data gathering and reporting. The four areas are the Superintendent's Early Childhood Plan, North and South Omaha Learning Centers, the MOEC Collective Impact Plan, and the Superintendent's Attendance Plan.

N.R.S. §79-2122 requires "an approved plan (that) shall remain in effect for three years except as revised with the approval of the state board. The learning community shall submit a report on the success of the plan, evaluation results, and proposed revisions by December 1 immediately following the completion of the first two years of implementation and every three years thereafter." The CAP was last approved by the State Board on November 8, 2019. The Learning Community Coordinating Council approved the 2023-2026 CAP during their March 16th meeting.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: NA

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:
- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:

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- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

Community Achievement Plan (CAP) of the Learning Community of Douglas and Sarpy Counties, 2023–2026

Approved by the Nebraska State Board of Education, April 7, 2017
Revisions and Progress Reports Nov. 7, 2019
Revisions and Progress Reports Oct. 7, 2022

CAP Background

Required by Nebraska Revised Statute §79-2122, the Community Achievement Plan (CAP), was originally approved by the State Board of Education on April 7, 2017, and the CAP revisions were approved on Nov. 8, 2019. The CAP impacts the Learning Community of Douglas and Sarpy counties, the 11 school districts contained therein, and Educational Service Unit's 3 and 19. Over 125,000 PreK-12 students attend the schools of the Learning Community and are impacted by the Community Achievement Plan.

Given the statutory requirements and the collaborative efforts already taking place within the Learning Community and with the Metropolitan Omaha Education Consortium (MOEC) during the 2016-2017 school year, the CAP was developed to provide synergy and collaboration between already existing programs and newly conceived initiatives. These included:

- the Superintendent's Early Childhood Plan—a partnership between the 11 school districts, the Buffett Early Childhood Institute at the University of Nebraska, and the Learning Community of Douglas and Sarpy Counties. The Superintendents' Early Childhood Plan was specifically developed in response to legislation (LB 585) passed by the Nebraska Legislature in 2013 that directed the Learning Community Coordinating Council to establish an early childhood program designed by the metro Omaha superintendents for young children living in high concentrations of poverty. The plan is financed by a half-cent levy on property values, the funds shared roughly equally between the Institute and the participating school districts.
- the Greater Omaha Attendance and Learning Services (GOALS) Center—a partnership between the 11 school districts, Douglas and Sarpy County law enforcement agencies, county juvenile court systems, county attorneys' offices, and Nebraska state offices;
- the Learning Community of Douglas and Sarpy Counties' North and South Omaha Learning Centers; and
- a Collective Impact Initiative developed by MOEC.

CAP General Operating Principles

The completion of the Community Achievement Plan necessitated that those responsible for its completion do so based upon a set of shared operating principles. The principles included a focus on

- students of poverty and limited English proficiency, within the framework of all students,
- student achievement and equity of access to programs and services, and ethnic diversity, and

- common goals for student achievement (academic readiness, proficiency in reading and math, graduation, successful transition to the next level, attendance, and completion of grade and program, participation in work experiences, etc.) across the continuum of their PK-16 experiences.

To actualize these principles, the Learning Community will:

- further foster collaboration between and among the eleven school districts, Educational Service Units 3 and 19 and the Learning Community of Douglas and Sarpy counties, and community partners
- continue to address achievement equity and achievement barriers,
- be research and/or evidence-based,
- utilize best practices in addressing equity and achievement issues,
- acknowledge the diversity of the member districts and their communities,
- provide customized plans matched to the schools/districts and community needs,
- capitalize on recently developed collaborative action while developing new initiatives to address critical needs, and
- promote continuous improvement while recognizing that changing conditions will necessitate changes in strategies over time.

Community Achievement Plan

The stakeholders put forth a Community Achievement Plan that incorporated current critical collaborative efforts and a proposed Collective Impact initiative. The critical collaborative efforts across all these sections are intended to enhance and expand upon current initiatives as the plan evolves and additional community partners become involved. The Community Achievement Plan consists of four sections that contain goals, strategies, and actions associated with each:

I. Section 1: Increased Access to Early Childhood Programming

The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to increase access to early childhood programs.

1.1 <u>Full Implementation of Birth Through Grade 3 Approach</u>

The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to increase access to high quality early childhood programming in order to reduce barriers to student achievement and decrease opportunity and achievement gaps by developing comprehensive and aligned early childhood programming for children from birth through Grade 3 and their families, with the school as hub.

1.2 <u>Professional Development for All</u>

The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to increase access to high quality early childhood programming by reducing barriers to student achievement and decreasing opportunity and achievement through a

system of professional development focused on leading-edge research and innovative practices delivered to school and community early childhood staff.

1.3 Customized Assistance Partnerships

The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to increase access to high quality early childhood programming by providing a system of customized assistance partnerships that support district-level goals for the development and implementation of high-quality early childhood education systems and programs.

II. Section 2. Increased Parent Engagement and System Capacity Building Through the North and South Omaha Learning Centers

2.1 Family Learning at the Learning Community Center of South Omaha

The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to identify effective strategies for strengthening the capacity of parents and family members who have limited English proficiency and who are living in poverty to support their children's learning.

2.2 Parent University at the Learning Community Center of North Omaha

The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to identify effective strategies for strengthening the capacity of parents of high-poverty backgrounds to support their children's learning.

2.3 Intensive Early Childhood Classrooms at the Learning Center of North Omaha

The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to identify effective strategies for intensive, high-quality preschool experiences that measurably improve the educational outcomes for children from high-poverty backgrounds.

2.4 Child Care Director Program at the Learning Community Center of North Omaha

The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to identify effective strategies for providing high quality training and coaching to childcare directors that measurably improve the educational outcomes for children from high poverty backgrounds.

2.5 Future Teacher Training Program at the Learning Community Center of North Omaha

The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to identify effective strategies for recruiting and preparing postsecondary students for careers in early childhood education, particularly in areas of high poverty.

III. Section 3: Metropolitan Omaha Education Consortium (MOEC) Collective Impact Achievement Plan

3.1 Students are prepared for success in kindergarten and the primary grades.

3.2 Students graduate from high school prepared for postsecondary and career success.

3.3 Students successfully transition to postsecondary education.

3.4 Students complete postsecondary experiences prepared for career success.

IV. Section 4: Superintendents' Attendance Plan

Changes to the Community Achievement Plan

1. Evaluation Plans for each section are clearly articulated and current evaluations and progress reports are removed and shared separately to streamline the plan and aid accessibility.
2. Each CAP section updated the Equity connection to ensure identified student groups and their families receive the resources and tools they need to be successful in school and beyond.
3. Each CAP section updated the Partnerships matrix to signal importance of collaboration among multiple entities and facilitate successful implementation and achievement of goals.
4. In Section 1, updates include revisions to conceptual framework, summary of action plan focus areas supported by BECI staff in partnership with school and district leaders and staff, and focused efforts on strengthening school district systems to serve as a strong foundation for birth through grade 3 programming.
5. In Section 2, updates include an increased focus on mental health supports for families and strategic vision processes for the existing Child Care Director Training Program.
6. In Section 3, updates include continued focus areas on math and literacy across participating districts, along with postsecondary partners, outline current metrics measured, and focus on student postsecondary and career success.
7. In Section 4, the Superintendents' Attendance Plan covers the statutory requirements, along with best practices, for each participating district to address student attendance.

Section 1: Increased Access to Early Childhood Programming

CAP Goal	**Equity Connections**
Goals of the Superintendents' Early Childhood Plan (SECP) include: **1.1 GOAL 1**: Reduce or eliminate opportunity gaps for every child through helping Learning Community school districts create and sustain high-quality and equitable early childhood practices and policies. **1.2 GOAL 2**: Strengthen the "School as Hub" approach in selected elementary schools to serve as a foundation for high-quality, equitable learning experiences for children and families beginning at birth and continuing through Grade 3. **1.3 GOAL 3**: Improve the practice of early childhood professionals in the Learning Community of Douglas and Sarpy Counties by providing a carefully-designed series of professional development learning experiences.	The ultimate purpose of the Superintendents' Plan is to close gaps in opportunities, prevent achievement gaps, and improve child outcomes experienced by children and families facing persistent economic and social disparities. Three primary goals shape our work: quality, continuity, and equity. The plan promotes *equity* in birth through Grade 3 care and education by explicitly seeking to reduce disparities in learning opportunities, family supports, and child outcomes. Equity refers to the degree to which to each child and family can access quality and continuity through a school district's intentional efforts to disaggregate data, examine disparities, and take action to eliminate disparities in ways that are responsive to the needs and interests of children, families, communities, and schools.
Strategies/Activities **GOAL 1: Customized Assistance to School Districts** focuses on building specific aspects of strong and effective school systems that provide quality, continuity, and equity in children's learning and family support beginning at birth and continuing through Grade 3. School districts receive intensive assistance and consultation tailored to needs identified by the districts on the Action Plans they developed in consultation with the Institute during 2021-22. Customized assistance addresses development of early childhood systems and programs in the targeted areas of leadership effectiveness, instructional excellence, and family and community partnership engagement. • Institute staff will collaborate with school district leaders to: (1) provide tools and guidance to establish and implement SECP action plans, (2) sustain communication with school	**Evaluation Plan** Evaluation activities will be designed to align with programmatic goals and activities. Below is a high-level description of anticipated evaluation activities for the coming year(s). Note, within each area of focus, qualitative (i.e., interviews, focus groups) and quantitative (e.g., standardized assessment scores) will be collected and used in a formative manner for continuous improvement purposes and in a summative manner for annual reporting requirements. A data use agreement will be developed with each district, as needed, to facilitate sharing of data necessary for the evaluation activities. **Goals 1 and 2** **Goals 1 and 2** Evaluation activities will be developed for each of four areas of focus that cut across programmatic strategies/activities: (1) Collaboration,

district leaders, (3) collaborate on efforts focused on achieving district SECP action plan goals, (4) provide as-needed consultation, (5) design and facilitate requested district-level professional learning connected to action plans, and (6) take explicit action steps to reach action plan goals. • School district leaders will collaborate with Institute staff in efforts connected to meeting action plan goals by: (1) establishing and following action plans, (2) sustaining communication with Institute staff, (3) collaborating on planning efforts focused on achieving district action plan goals, and (4) taking explicit steps to reach action plan goals. **GOAL 2: School as Hub Programming for Birth Through Grade 3** involves comprehensive programming in selected elementary schools called "Full Implementation Schools" that serve as hubs that connect young children and their families living in poverty with high-quality, comprehensive, and continuous early childhood education and services. The birth through Grade 3 continuum of supports includes three integrated components: home visiting and socialization experiences for children birth to age 3, high-quality preschool for 3- and 4-year-olds, and aligned PreK through third grade curriculum, instruction, and assessment. • Institute staff will engage with School as Hub district leaders, principals, teachers, family facilitators, and home visitors through (1) consultation, (2) direct coaching, (3) planning and co-facilitation of school as hub monthly team meetings, and (4) collaborate on efforts at the school site focused on achieving district action plan goals. • School as Hub principals will strengthen their competencies for leading birth through Grade 3 programming, providing leadership for School as Hub efforts, promoting family and community engagement, and supervising School as Hub staff.	(2) District Action Plans, (3) System-Level Changes, and (4) Child and Family Outcomes. **(1) Collaboration** The long-term success of the Superintendents' Plan requires productive collaboration between districts and the Institute. To ensure that this collaboration is effective, a survey will be implemented with various district, school, and Institute staff members who are engaged in various aspects of the work. Data from the collaboration survey will be used both formatively to inform programmatic decision-making and summative to demonstrate effectiveness in working together in meeting Superintendents' Plan goals. **(2) District Action Plans** Given that each district has identified unique goals and objectives in their action plans, evaluation activities will be tailored to the activities districts choose in order to achieve their goals and objectives. A specific evaluation plan will be developed and implemented in each participating district that relies primarily on district administrative data and/or data collection activities that are already scheduled to occur within their district. **(3) System-Level Changes** District and school level changes are expected to occur as a part of the Superintendents' Plan. To monitor and track these system-level changes, a survey (completed by staff at multiple levels of the system) and/or documentation of other indicators of changes in district activities and/or expectations will be used to measure district outcomes and impact in terms of the three domains of the plan's focus : (1) Leadership Effectiveness, (2) Instructional Excellence, and (3) Family and Community Partnership Engagement. This information will serve as key sources of data that districts and the Institute can use to monitor, make

- School as Hub teachers, family facilitators, and home visitors will engage with Institute staff in (1) professional learning, (2) one-on-one coaching, and (3) communities of practice.

GOAL 3: Professional Development for All involves professional learning experiences accessible to all early childhood leaders and professionals across Douglas and Sarpy Counties. A connected series of professional development experiences will be made available to all school leaders, teachers, early childhood professionals, and caregivers who work with young children from birth through Grade 3 in the Omaha metro area. "PD for All" introduces leading-edge research and innovative practices to those who work with young children and families and provides early childhood professionals the opportunity to join together and learn from one another.

- Institute staff will design and deliver research-based, multi-modal professional learning using diverse methods (e.g., Twitter chat, infographics, short videos, discussion groups) that are responsive to the current needs of Omaha-area early childhood educators serving children and families birth through Grade 3. Institute staff will use information gathered from social media analytics and participants (e. g., surveys and interviews) to evaluate and continuously improve professional development offerings.
- PD for All attendees will participate in professional development opportunities relevant to their role, apply new learning in their classroom environments, and evaluate the quality and relevance of PD for All offerings through survey completion.

decisions, and improve key activities within the plan so that desired outcomes and impacts are realized.

(4) Child and Family Outcomes

Improved outcomes for children and families will be a principal focus in evaluating the impact of the Superintendents' Plan. Data and indicators will be identified and/or developed based on on-going meetings with districts concerning their Action Plans. Specific measures and procedures will be derived from these collaborative meetings and will be implemented during school year 2022-23.

<u>Goal 3</u>

Evaluators will seek to increase the number of participants in PD for All and will explore the effectiveness of the diverse methods used in PD for All. A multi-method approach will be used to understand how PD for All influences early childhood practitioners' attitudes and practices.

Quantitative data sources (e.g., surveys, social media analytics) will be collected during the same time frame as qualitative data (i.e., interviews). Qualitative analyses will focus on how participants plan to use the content in their early childhood practices. A cohort design, wherein participants will be followed over time throughout the course of the series, will be used to identify how participants are implementing knowledge obtained from PD for All and to identify barriers to implementation.

Partnerships

Representatives from all 11 districts in Douglas and Sarpy Counties are invited to participate and advise on all aspects of the Superintendents' Early Childhood Plan on a regular basis. All 11 districts have access to Customized Assistance engagement in partnership with the Buffett Early

Childhood Institute. Six of the 11 districts identified have access to School as Hub Programming for Birth–Grade 3 at designated schools with high concentrations of poverty in their student attendance areas. Representative partnerships include:

SECP Workgroup: Each district superintendent appoints one administrator from their district to serve as a workgroup member to collaborate with one another and Institute staff and advise on the direction of the SECP. The Workgroup meets monthly.

District Leaders: school district leaders, including early childhood coordinators, special education directors, curriculum directors, and student services administrators partner on a monthly or more frequent basis with Institute staff to guide School as Hub programming at school sites and build capacity of school district systems in support of effective early childhood programming.

School Principals: Each principal from the eight full implementation School as Hub sites works on a regular basis with Institute staff to develop School as Hub programming in their schools.

School Staff: home visitors, family facilitators, teachers, and other school staff work closely with Institute staff to provide children and families access to high quality learning through classroom instruction, home visitation, and family engagement.

Representatives from the Learning Community of Douglas and Sarpy Counties and the University of Nebraska at Omaha partner with the Institute to develop and guide the Superintendents' Plan. Evaluation partners at the Munroe-Meyer Institute at UNMC and the Center for Children, Youth, Families, and Schools at UNL partner with Institute staff to design the SECP evaluation, collect and analyze data, and contribute to writing up results.

Section 2: Increased Parent Engagement and System Capacity Building Through the North and South Omaha Learning Centers

<table>
<tr><th colspan="2">2.1 Family Learning at The Learning Community Center of South Omaha</th></tr>
<tr><td>CAP Goal
2.1 Family Learning at the Learning Community Center of South Omaha – The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to identify effective strategies for strengthening the capacity of parents and family members who have limited English proficiency and who are living in poverty to support their children's learning.

2.1.1 By 2025, students of parents participating in the program for two years or more will demonstrate improved educational outcomes by effectively engaging parents in their child's school.
2.1.2 By 2025, parents will demonstrate significant individualized gains in English according to the BEST Plus scores, and at least 65% of parental interactions will be of medium to high quality (building relationships, promoting learning and supporting confidence) as indicated by the KIPS assessment.
2.1.3 By 2025, students of parents participating in the program for two or more years will score higher in math (71% proficient baseline) compared to the overall district (65% proficient).
2.1.4 By 2025, students will also score higher in reading (79% proficient baseline) compared to the overall district (72% proficient).

For more information about the program, please see the annual report: www.learningcommunityds.org.</td><td>Equity Connections
All components of the Learning Community's Programs for Increased Parent Engagement and System Capacity Building Through the North and South Omaha Learning Centers work to eliminate achievement gaps and ensure success for all students by identifying and addressing biases and barriers and implementing strategies to ensure all students have equitable access to: college, career, and civic readiness opportunities; rigorous and engaging academic opportunities; effective educators; quality instructional materials; community support and partnerships; and active and involved education leaders.</td></tr>
<tr><td>Strategies/Activities:
• Educational Navigators will create individualized action plans to engage current participants in their child's school.</td><td>Evaluation Plan
NWEA-MAP® Growth™</td></tr>
</table>

• The instructional team will incorporate math and reading skills during Family Days. • The LCCSO will promote a 65% attendance rate of participant engagement throughout all their activities and programs. • The team will continue to respond to families and community constituents with emphasis on diversity, equity, and inclusive practices.	TLS.2. The percentage of Nebraska students in grades 3–8 and 11 proficient in reading will increase from 79% to 89%, by 2025. TLS.3. The percentage of Nebraska students in grades 3–8 and 11 proficient in math will increase from 72% to 82%, by 2025.
Partnerships UNO Special Education/Communication Disorders, UNO School of Music, Opera Omaha, PTI Nebraska, Joslyn Art Museum, Nonprofit Association of the Midlands, ASCEND Network at Aspen Institute, Lutheran Family Service, Omaha Public Schools, Nebraska Enterprise Fund, Project Harmon, Heartland Workforce Solutions, Smart Girls Society, SPARK Positivity, The Big Garden, Douglas County Health Department, Food Bank of the Heartland, Latino Center of the Midlands, Omaha Public Library, Omaha Conservatory of Music, Buffett Early Childhood Institute, City Sprouts, Creighton University, Child Saving Institute, Nebraska Extension Office, Omaha Fire Department, Women's Center for Advancement, UNMC Center for Reducing Health Disparities, UNO Service Learning Academy	

2.2 Parent University at The Learning Community Center of North Omaha	
CAP Goal 2.2 Parent University at the Learning Community Center of North Omaha – The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to identify effective strategies for strengthening the capacity of parents of high poverty backgrounds to support their children's learning. 2.2.1 By 2025, students of parents participating in the program for two years or more will demonstrate increased educational outcomes by effectively engaging parents in their child's school. 2.2.2 By 2025, parents will demonstrate significant individualized gains in family resiliency, social supports, concrete supports, child development knowledge and nurturing and attachment as measured by the FRIENDS Protective Factors Survey.	**Equity Connections** All components of the Learning Community's Programs for Increased Parent Engagement and System Capacity Building Through the North and South Omaha Learning Centers work to eliminate achievement gaps and ensure success for all students by identifying and addressing biases and barriers and implementing strategies to ensure all students have equitable access to: college, career, and civic readiness opportunities; rigorous and engaging academic opportunities; effective educators; quality instructional materials; community support and partnerships; and active and involved education leaders.

2.2.3 By 2025, parents will also demonstrate individualized gains in positive parenting strategies and positive parent-child relationships (measured by surveys) and parent interactions (including building relationships, promoting learning, and supporting confidence) as indicated by the KIPS assessment. 2.2.4 By 2025, parents will show significant meaningful changes in parenting practices (4.89 in conflict and 5.87 PARCA baseline). For more information about the program, please see the annual report: www.learningcommunityds.org.	
Strategies/Activities: • Educational Navigators will create individualized action plans to engage current participants in their child's school. • The Educational Navigators will connect current participants to community resources based on outcomes from the FRIENDS Protective Factor Survey. • Parent University will promote and provide positive parenting strategies during home visits and parenting workshops. • The team will continue to respond to families and community constituents with emphasis on diversity, equity, and inclusive practices.	**Evaluation Plan** NWEA-MAP® Growth™ TLS.2. The percentage of Nebraska students in grades 3–8 and 11 proficient in reading will increase from 79% to 89%, by 2025. TLS.3. The percentage of Nebraska students in grades 3–8 and 11 proficient in math will increase from 72% to 82%, by 2025.
Partnerships Boys Town, Williams Consulting, Abundant Life Consulting, Bellevue University, Family Housing Advisory Services, Empowerment Network, Eastern Nebraska Action Partnership, Omaha Bridges out of Poverty, Life Coach Academy, Goodwill Industries, Creighton University, PTI Nebraska, Project Harmony	

<table>
<tr><td colspan="2">2.3 Intensive Early Childhood Classrooms at The Learning Community Center of North Omaha</td></tr>
<tr><td>CAP Goal
2.3 Intensive Early Childhood Classrooms at the Learning Center of North Omaha – The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to identify effective strategies for intensive, high quality preschool experiences that measurably improve the educational outcomes for children from high poverty backgrounds.
2.3.1 By 2025, Improve educational outcomes for children evidenced by effectively providing intensive early childhood classrooms as measured by the teachers' ability to provide emotional support, classroom organization and instructional support (as evidenced by meeting or exceeding national averages on the CLASS, ECERS-R).
2.3.2 By 2025, children participating in the intensive early childhood classrooms will be above average in vocabulary (93% PPVT baseline) and show significant improvement toward school readiness concepts such as colors, letters, numbers/counting, sizes, comparisons, and shapes (93 BRSA baseline).

For more information about the program, please see the annual report: www.learningcommunityds.org.</td><td>Equity Connections
All components of the Learning Community's Programs for Increased Parent Engagement and System Capacity Building Through the North and South Omaha Learning Centers work to eliminate achievement gaps and ensure success for all students by identifying and addressing biases and barriers and implementing strategies to ensure all students have equitable access to: college, career, and civic readiness opportunities; rigorous and engaging academic opportunities; effective educators; quality instructional materials; community support and partnerships; and active and involved education leaders.</td></tr>
<tr><td>Strategies/Activities:
• The Child Learning Supervisor will complete CLASS training and utilize the learned skills to promote best practices in the child learning rooms.</td><td>Evaluation Plan
NWEA-MAP® Growth™
Ninety-five percent of Nebraska school districts will be able to identify at least one high- quality early childhood educational program accessible to all of the district's resident preschool age population, by 2025.</td></tr>
<tr><td colspan="2">Partnership
Omaha Public Schools, Educare, Buffett Early Childhood Institute</td></tr>
</table>

<table>
<tr><td colspan="2">2.4 Child Care Director Program at The Learning Community Center of North Omaha</td></tr>
<tr><td>CAP Goal
2.4 Childcare Director Program at the Learning Community Center of North Omaha – The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to identify effective strategies for partnerships that provide high quality training and coaching to childcare directors that measurably improve the educational outcomes for children from high poverty backgrounds.
2.4.1 By 2025, Improve educational outcomes for children evidenced by effectively partnering with organizations to provide high quality training and coaches to childcare directors as measured by the staffs' ability to provide emotional support, classroom organization and instructional support (as evidenced by meeting national averages on the CLASS).

For more information about the program, please see the annual report: www.learningcommunityds.org.</td><td>Equity Connections
All components of the Learning Community's Programs for Increased Parent Engagement and System Capacity Building Through the North and South Omaha Learning Centers work to eliminate achievement gaps and ensure success for all students by identifying and addressing biases and barriers and implementing strategies to ensure all students have equitable access to: college, career, and civic readiness opportunities; rigorous and engaging academic opportunities; effective educators; quality instructional materials; community support and partnerships; and active and involved education leaders.</td></tr>
<tr><td>Strategies/Activities:
• LCCSO will increase the number of training and coaches available to the South Omaha community.
• The North Center will identify key community partners to partner with to promote high-quality training and coaching to childcare directors.
• A consistent and continuous quality improvement process will occur on a regular basis to ensure positive and constructive impact in the community.</td><td>Evaluation Plan
Assure that students are supported by qualified/credentialed, effective teachers, and leaders throughout their learning experiences</td></tr>
<tr><td colspan="2">Partnerships</td></tr>
</table>

Omaha Public Schools, Buffett Early Childhood Institute

2.5 Future Teacher Training Program at The Learning Community Center of North Omaha	
CAP Goal 2.5 Future Teacher Training Program at the Learning Community Center of North Omaha – The districts in the Learning Community of Douglas and Sarpy Counties will collaborate to identify effective strategies for recruiting and preparing postsecondary students for careers in early childhood education, particularly in areas of high poverty. 2.5.1 By 2025, improve educational outcomes for children evidenced by effectively providing high quality training to students studying early childhood. Future teachers participating in this program will graduate with high satisfaction and graduates will seek employment as paras or teachers with exceptional feedback from employers as evidenced by surveys and focus groups. For more information about the program, please see the annual report: www.learningcommunityds.org.	**Equity Connections** All components of the Learning Community's Programs for Increased Parent Engagement and System Capacity Building Through the North and South Omaha Learning Centers work to eliminate achievement gaps and ensure success for all students by identifying and addressing biases and barriers and implementing strategies to ensure all students have equitable access to: college, career, and civic readiness opportunities; rigorous and engaging academic opportunities; effective educators; quality instructional materials; community support and partnerships; and active and involved education leaders.
Strategies/Activities:	**Evaluation Plan** Assure that students are supported by qualified/credentialed, effective teachers, and leaders throughout their learning experiences.
Partnerships Metropolitan Community College, Creighton University	

Section 3: Metropolitan Omaha Education Consortium (MOEC) Collective Impact (CI) Achievement Plan

<table>
<tr><td>CAP Goal
3.1 Students are prepared for success in kindergarten and the primary grades.</td><td>Equity Connections
Supporting children in their earliest years has exceptionally important connections to equity. Since equity is a needed focus, especially in urban communities, the work to prepare students for success in kindergarten and the primary grades is essential.</td></tr>
<tr><td>Strategies/Activities
MOEC has worked closely with Buffet Early Childhood Institute and the Learning Community to emphasize early literacy.
“Raise Me to Read,” which is part of the national Campaign for Grade Level Reading, has received a grant from UNO to collaborate across the community to support work on building “Urban Thinkscapes” in the metro area, designed to encourage families and young children in learning activities.
MOEC prepared an application for the community as All America City, resulting in having Omaha named as a finalist related to work in housing connected to early literacy.
A MOEC workgroup on Early Literacy has worked with 11 school districts and national consultants to better embed the Science of Reading into school curricula.
MOEC is supporting two Saturday conferences related to the Science of Reading. 130 teachers have registered for the November meeting, with registration closing in five days due to demand.
MOEC is supporting 35 teachers in a semester-long workshop/course related to early literacy and is hoping to find additional funding to continue the offering to the other 50 teachers who have expressed serious interest.</td><td>Evaluation Plan
Data for the following metrics have been collected:
Percentage of children entering kindergarten who meet the state-approved threshold for a student to be progressing toward future reading success based on an approved assessment instrument: Data for 2022: 61% total, 11 to 99% district range.
Teachers in MOEC PreK-K classrooms with an endorsement in early childhood education: Data for 2022: 70% total, 50 to 100% district range.
NOTE: Data includes <u>aggregated</u> metrics for all MOEC districts.</td></tr>
<tr><td colspan="2">Partnerships
The 11 school districts in Nebraska: Bellevue, Bennington, Douglas County West, Elkhorn, Gretna, Millard, Omaha, Papillion LaVista, Ralston, Springfield-Platteview, Westside; one school district in Iowa: Council Bluffs. Philanthropic support from three local foundations. Iowa Reading</td></tr>
</table>

Research Center. Partnerships with Omaha Urban Thinkscapes: Connect GO; The Union for Contemporary Art; AIM Institute; Papio Natural Resources District; UNO College of Education, Health, and Human Services; Amplify Art; Lamp Rynearson; Prairie STEM; AARP; Omaha by Design; Playful Learning Landscapes Action Network; Here for You for Them; Omaha Children's Museum; Spark CDI; Metro Area Planning Agency; Mulhall's Garden and Landscaping Center; Kiewit Luminarium; RDG Design; Metro Area Transit; The Wellbeing Partners; Adam F. C. Fletcher Consulting; Buffett Early Childhood Institute; Canopy South; City of Omaha Parks and Planning; The House of Afros Capes and Curls.

CAP Goal 3.2 Students graduate from high school prepared for postsecondary and career success	**Equity Connections** Supporting children in PK-12 school districts has exceptionally important connections to equity. Since equity is a needed focus, especially in urban communities, the work to prepare students to graduate from high school prepared for postsecondary and career success is essential.
Strategies/Activities • MOEC has work groups or specific initiatives related to early literacy, secondary mathematics, FAFSA completion, high school freshman success, student mental health services, and dual enrollment. • MOEC is sponsoring a mathematics cohort with 35 teams representing building administrators and influential math teachers in middle and high schools. • MOEC is sponsoring a Freshman Success Cohort involving 13 high schools collaborating to better ensure high school freshman success.	**Evaluation Plan** Data for the following metrics have been collected: • Students who are meeting expectations for proficiency in literacy by the end of 3rd grade: Data for 2021: 49% total, 21 to 90% district range. • Students who are meeting expectations for proficiency in math by end of 8th grade: Data for 2021: 45% total, 20 to 81% district range. • Students who demonstrate proficiency in math by the end of 11th grade: Data for 2021: 42% total, 9 to 79% district range. • Students who demonstrate proficiency in literacy by the end of 11th grade: Data for 2021: 46% total, 21 to 78% district range. • Students who graduate from high school having successfully completed four years of math: Data for 2021: 51% total, 10 to 87% district range. • High school freshmen who are on track to graduate by the end of 9th grade: Data for 2021: 79% total, 63 to 100% district range. • Students who complete at least one dual enrollment, AP, IB or college level course prior to high school graduation: Data for 2021: 66% total, 50 to 88% district range.

	• Students who meet college and career readiness standards by end of 12th grade as measured by ACT graduate report: Data for 2021: 17% total, .3 to 48% district range. • Number of students who missed 10% of more days of school during the year: Data for 2021: 30% total, 5 to 64% district range. • Students who participate in at least one school activity in high school: Data for 2021: 53% total, 35 to 92% district range (not all districts reporting). • NOTE: Data includes aggregated metrics for all MOEC districts.
Partnerships The 11 school districts in Nebraska: Bellevue, Bennington, Douglas County West, Elkhorn, Gretna, Millard, Omaha, Papillion LaVista, Ralston, Springfield-Platteview, Westside; one school district in Iowa: Council Bluffs. Postsecondary institutions in Nebraska: University of Nebraska at Omaha, Metropolitan Community College; postsecondary institution in Iowa: Iowa Western Community College. Philanthropic support from three local foundations.	

CAP Goal 3.3 Students successfully transition to postsecondary education.	**Equity Connections** Supporting students as they transition from PK-12 schools to postsecondary institutions has direct connections to equity. Since equity is a needed focus, especially in urban communities, the work to help students transition to postsecondary is essential.
Strategies/Activities • MOEC includes representatives from member postsecondary institutions UNO, Metro Community College, and Iowa Western Community College on all work groups and most task force groups. The collaboration has especially positive outcomes in conversations about dual enrollment in high school and in work to improve student success in high school math classes. Monthly meetings include leaders of 12 school districts and three postsecondary institutions to share challenges and successes.	**Evaluation Plan** Data for the following metrics have been collected: • MOEC high school graduates who exit MOEC high schools with completed FAFSA: Class of 2021: 43.8% total; 30.9 to 65.7% district range. • MOEC high school graduates who enter the three MOEC postsecondary institutions with completed FAFSA: Class of 2021: 84% total; 72.5 to 90.8% district range.

• Data collection from postsecondary partners has been very helpful to K-12 districts trying to assess their eventual success with graduating students.	• MOEC high school graduates who enter any postsecondary institution the following year: Class of 2020: 67% total; 49 to 95% district range. • MOEC high school graduates who enter the three MOEC postsecondary institutions academically prepared in math: Class of 2021: 41.6% total; 20.8 to 73.3% district range. • MOEC high school graduates who enter the three MOEC postsecondary institutions academically prepared in English: Class of 2021: 45.5% total; 22.7 to 80.8% district range. • MOEC high school graduates who enter the three MOEC postsecondary institutions with college credits: Class of 2021: 46.4% total; 33.3 to 91.7% district range. NOTE: Data includes aggregated metrics for all MOEC districts.
Partnerships The 11 school districts in Nebraska: Bellevue, Bennington, Douglas County West, Elkhorn, Gretna, Millard, Omaha, Papillion LaVista, Ralston, Springfield-Platteview, Westside; one school district in Iowa: Council Bluffs. Postsecondary institutions in Nebraska: University of Nebraska at Omaha, Metropolitan Community College. Postsecondary institution in Iowa: Iowa Western Community College. Ongoing partnership with Metro Community College and the Nebraska Math Readiness Project. Philanthropic support from three local foundations.	

CAP Goal 3.4 Students complete postsecondary experiences prepared for career success.	**Equity Connections** An important equity determinant in our community is whether students have the support to complete postsecondary experiences to best prepare them for future success in the workforce. MOEC postsecondary institutions have helped track aggregated data related to this topic. Disaggregated information may be available in other statewide reports.
Strategies/Activities • MOEC's primary focus has been on work at the PK-12 level, but the collection of data about how MOEC students fare	**Evaluation Plan** Data for the following metrics have been collected:

after high school is important to determining progress and needs. Postsecondary members on work groups and in MOEC initiatives have expressed appreciation for their involvement. A recent note from a postsecondary participant: *"Thank you for the opportunity to participate and include Metro Community College. It is so great to see a local expert working with teachers and administrators. I was really impressed and learned so much just by being there and having the conversations. The discussion and interaction in the room was contagious. We will make good use of this in working with our faculty and have some ideas in mind already. Thanks for all the great sharing of resources. Well planned and executed! Thanks for all your work in promoting the work in MOEC math. It makes a difference!"*	• MOEC high school graduates who complete a 4-year postsecondary degree within 150% of expected time: Class of 2014: 33% total, range of 13% to 68% by district. • MOEC high school graduates who complete a 2-year postsecondary degree within 150% of expected time: Class of 2017: 6% total, range of 2% to 75% by district. • MOEC high school graduates in the three MOEC postsecondary institutions who complete math program requirements within one year: Class of 2020 data: 37.0% total; 28.2 to 69.4% district range. • MOEC high school graduates in the three MOEC postsecondary institutions who complete English program requirements within one year: Class of 2020 data: 60.2% total; 50 to 90% district range. • MOEC high school graduates in the three MOEC postsecondary institutions who persist from term 1 to term 2: Class of 2020 data: 80.4% total; 66.7 to 89% district range. • MOEC high school graduates in the three MOEC postsecondary institutions who declare a major within 25% of program time: Class of 2020 data: 88.2% total; 84.4 to 100% district range. • <u>NOTE: Unless otherwise indicated, data includes aggregated (and range) metrics for MOEC high school graduates attending MOEC postsecondary institutions; most of the data points do not measure post high school performance of students who attend other postsecondary institutions.</u>

Partnerships

The 11 school districts in Nebraska: Bellevue, Bennington, Douglas County West, Elkhorn, Gretna, Millard, Omaha, Papillion LaVista, Ralston, Springfield-Platteview, Westside; one school district in Iowa: Council Bluffs.
Postsecondary institutions in Nebraska: University of Nebraska at Omaha, Metropolitan Community College.
Postsecondary institution in Iowa: Iowa Western Community College.
Philanthropic support from three local foundations.

Section 4: SUPERINTENDENTS'

ATTENDANCE PLAN

FOR DISTRICTS IN THE

LEARNING COMMUNITY OF

DOUGLAS AND SARPY COUNTIES

Revised – January 2023, March 2023

TABLE OF CONTENTS

Introduction ..... Page 22

Nebraska Statute …….. Page 23

Background and Philosophy ..... Page 25

PART I – School District Strategies to Improve Attendance ..... Page 28

PART II - Absence Referral to County Attorney ..... Page 31

PART III - Tracking and Monitoring ..... Page 33

PART IV - Plan Review ..... Page 34

INTRODUCTION

The Learning Community of Douglas and Sarpy Counties is the creation of the Nebraska Legislature. Within its boundaries are eleven school districts in the Omaha Metropolitan Area. Statutorily, an Advisory Committee comprised of the eleven superintendents of the Learning Community member districts is given certain responsibilities and duties.

In 2011, those duties were expressly expanded to the creation of a plan by the superintendents designed to combat the adverse impact absenteeism has on students and schools. The statutory authority and duty of the superintendents require a plan, "to reduce excessive absenteeism including a process to share information regarding at-risk youth with the goal of improving educational outcomes, providing effective interventions that impact risk factors, and reducing unnecessary penetration deeper into the juvenile justice system." At-risk youth are defined in the statute as, "those who are under the supervision of the Office of Probation Administration, are committed to the care, custody, or supervision of the Department of Health and Human Services, are otherwise involved in the juvenile justice system, or have been absent from school for more than more than five days per quarter or the hourly equivalent except when excused by school authorities or when a documented illness makes attendance impossible or impracticable."

It is within this framework that the Superintendents Advisory Committee presents this revised plan with its twin objectives of (a) meeting statutory duties and (b) creating a comprehensive school district/community approach to absenteeism that is cooperative, innovative, and is based on solid research and experience. The plan is organized in four parts:

PART I District Prevention, Multi-Tiered System of Supports for Attendance
PART II Absence Referral to County Attorney
PART III Tracking and Monitoring
PART IV Plan Review

NEBRASKA STATUTE

Section 79-209

In all school districts in this state, any superintendent, principal, teacher, or member of the school board who knows of any violation of subsection (2) of section 79-201 shall within three days report such violation to the attendance officer of the school, who shall immediately investigate the case. When, of his or her personal knowledge or by report or complaint from any resident of the district, there is a violation of subsection (2) of section 79-201, the attendance officer shall immediately investigate such alleged violation.

All school boards shall have a written policy on attendance developed and annually reviewed in collaboration with the county attorney of the county in which the principal office of the school district is located. The policy shall include a provision indicating how the school district will handle cases in which excessive absences are due to illness. The policy shall also state the circumstances and number of absences or the hourly equivalent upon which the school shall render all services to address barriers to attendance. Such services shall include, but need not be limited to:

(1) Verbal or written communication by school officials with the person or persons who have legal or actual charge or control of any child;

(2) One or more meetings between, at a minimum, a school attendance officer, a school social worker or a school administrator or his or her designee, the person who has legal or actual charge or control of the child and the child, when appropriate, to attempt to address the barriers to attendance. The result of the meeting or meetings shall be to develop a collaborative plan to reduce barriers identified to improve regular attendance. The plan shall consider, but not be limited to:

(a.) The physical, mental, or behavioral health of the child;

(b.) Educational counseling;

(c.) Educational evaluation;

(d.) Referral to community agencies for economic services;

(e.) Family or individual counseling;

(f.) Assisting the family in working with other community services; and

(g.) Referral to restorative justice practices or services.

(3) The school may report to the county attorney of the county in which the person resides when the school has documented the efforts it has made as required by subsection (2) of this section that the collaborative plan to reduce barriers identified to improve regular attendance has not been successful and that the child has been absent more than twenty days per year. The school shall notify the child's family in writing prior to referring the child to the county attorney. Failure by the school to document the efforts required by subsection (2) of this section is a defense to prosecution under section 79-201 and adjudication for educational neglect under subdivision (3)(a) of section 43-247 and habitual truancy under subdivision (3)(b) of section 43-247. Illness that makes attendance impossible or impracticable shall not be the basis for referral to the county attorney.

(4) Nothing in this section shall preclude a county attorney from being involved at any stage in the process to address excessive absenteeism.

Sec. 79-2121 The superintendents of any school districts that are members of a learning community shall develop and participate in a plan by August 1, 2011, to reduce excessive absenteeism including a process to share information regarding at-risk youth with the goal of improving educational outcomes, providing effective interventions that impact risk factors, and reducing unnecessary penetration deeper into the juvenile justice system.

BACKGROUND AND PHILOSOPHY

The superintendents, along with numerous involved members of the metropolitan area, have a common understanding that students who come to school reflect our wider community. It is impossible to isolate the "school" within the walls of the school building. Therefore, effective strategies to keep students in school must be linked to the wider community. At the same time, evidence shows that prevention, early identification, and intervention each are unique and vital components of ensuring a successful school experience. Prevention encompasses those school and community programs aimed at keeping students involved, active, and able to attend school regularly. Across the metro area, each school district, along with community providers, is actively engaged in numerous absence-prevention programs. Intervention arises when, despite those efforts, a student is becoming absent excessively, prior to the 20-day timeframe when Nebraska law allows that a student may be referred to the county attorney. The superintendents know that an organized and fully active partnership between school and community with specific objectives, planned sustainability, and the ability to take advantage of the full array of rights and responsibilities offered by the laws and regulations in Nebraska will result in successful intervention for students in the metro area.

The Superintendents' Attendance Plan for Districts in the Learning Community of Douglas and Sarpy Counties is founded on current school district absence prevention policies, practices, programs, and initiatives and the current informal, collaborative structure that has been in place since 2010. In 2010, a group consisting of law enforcement, the courts, and school district representatives came together to initiate a court-supervised diversion program. A part of their efforts evolved into what was informally known as the Truancy Triage Treatment Team with a focus on information sharing, regular monitoring, personal family visits, and a multi-disciplinary approach that brought together stakeholders with statutory accountability for children (including the Douglas and Sarpy County Separate Juvenile Courts, the Douglas and Sarpy County Attorney's Offices, Nebraska Department of Health and Human Services [NDHHS], the Douglas County Juvenile Assessment Center, Sarpy County Juvenile Diversion Program, Region VI, state probation, and school districts.)

The Superintendents' Attendance Plan builds on this original collaboration through dedicated work in the superintendent-established **MOEC (Metro Omaha Education Consortium) School Attendance Workgroup.** MOEC was established in 1988 by five school districts and the University of Nebraska Omaha College of Education. When the Learning Community of Douglas and Sarpy Counties was established, all public school districts in the two counties became members of the group. In 2016, with encouragement from community representatives, MOEC became an organization dedicated to collective impact to help member districts and postsecondary institutions collaborate for improvement.

MOEC has convened a workgroup dedicated to improving student attendance. The members of this workgroup, appointed annually by district superintendents, will follow a set schedule for collaborative discussions and data sharing, and will connect annually with a broad group of community entities to identify and provide a support network that students and families need to achieve regular and consistent attendance and avoid chronic absenteeism. It is the intent of this plan to intervene at the building level, district level, and community level at the earliest stages of problematic student absenteeism and/or at-risk behavior with the goal of improving student attendance, through voluntary participation, and, thereby, preventing children from being referred to the County Attorney.

The annual schedule of meetings of the MOEC School Attendance Workgroup will include the following:

- Monthly discussion of attendance issues and strategies at the MOEC Student Services Task Force;
- Semi-annual meetings of representatives of all Learning Community districts to analyze attendance data, share effective strategies, and identify community support agencies;
- At least one annual meeting of representatives of all Learning Community districts, and

representatives of the Douglas and Sarpy County Separate Juvenile Courts, the Douglas and Sarpy County Attorney's Offices, Nebraska Department of Health and Human Services (NDHHS), the Douglas and Sarpy County Juvenile Assessment Centers, Region VI, Douglas and Sarpy County Administration, state probation to analyze attendance data, identify challenges and share effective strategies; a representative of the Nebraska Department of Education may be included as appropriate;

- At least one annual meeting of representatives of all Learning Community districts with representatives of community organizations dedicated to improving student attendance to share successful strategies, identify issues, and initiate additional collaboration when needed.

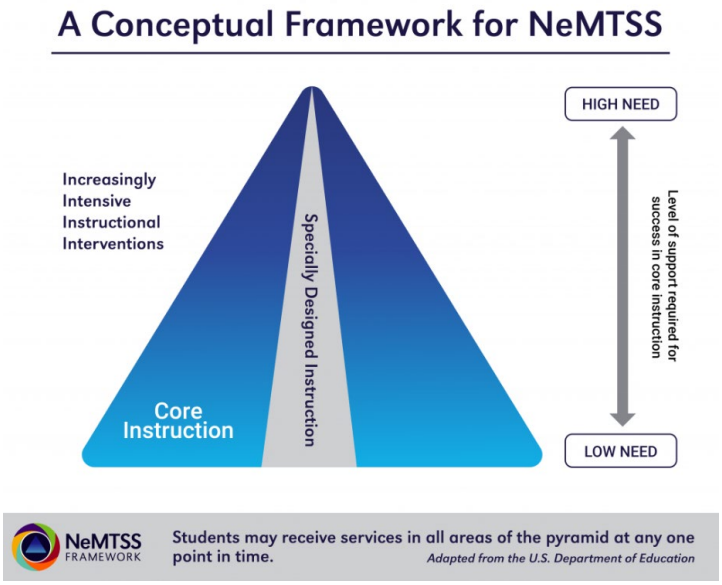
PART I
DISTRICT PREVENTION, MULTI-TIERED SYSTEM OF SUPPORTS FOR ATTENDANCE

MISSION OF SUPERINTENDENTS' ATTENDANCE PLAN: To address absenteeism and at-risk behavior through encouragement of coordinated efforts to improve student attendance and learning.

PURPOSE: To improve student attendance and learning by offering assistance to youth and families, accomplished by early assessment and prompt delivery of coordinated interventions that promote school attendance and decrease at-risk behaviors.

MTSS – Multi-Tiered System of Supports

The Nebraska Department of Education incorporates and recommends that districts use a Multi-tiered System of Support (MTSS) in dealing with various aspects of education. "MTSS is defined as **an educational framework for continuous improvement, problem-solving and decision-making**. It offers a meaningful and effective way to organize instruction and intervention to help improve outcomes for all students in the state." The framework appropriately addresses school attendance issues, as well.



MTSS Pyramid of Intervention related to Student Attendance:

- **Tier One: All Students –** School and district representatives will communicate with students, staff, families, medical representatives, and community members regarding the importance of regular school attendance through actions such as annual discussion of attendance in student handbooks, newsletters, teacher syllabi, news releases, attendance campaigns, and other forms of connection; daily review and communication about student absences; regular communication by phone, email, or robo calls about student absences; establishment of incentives to encourage regular school attendance; and recognition of students with excellent or improving attendance.

- **Tier Two: Students with Absences that Approach 10% of School Days to Date** – School representatives (including teachers, counselors, social workers, and/or building administrators) will communicate with students and families immediately when school attendance is recognized as a problem through use of phone calls, written notes, letters or emails. Official attendance letters will be sent to parents on a schedule established by the district. Administrative consequences will be implemented for students who are truant. Counselors, social workers, administrators and Special Education team members (if applicable) will meet to collaboratively address attendance issues with strategies including regular phone calls, conferences, check-ins, mentoring, or other appropriate strategies. Coordination with community agencies such as Nebraska Department of Health and Human Services, juvenile justice, diversion, probation, child welfare or private or philanthropic organizations will be recommended and implemented as appropriate. Intensive school-based attendance intervention will be utilized as necessary to include options such as involvement of district social workers, district level school psychologists, central office administration, district level academic support programs. Referrals to faith-based organizations or appropriate community service providers may be made related to housing needs, transportation needs, health care and behavioral health needs, or other family needs. School representatives may request medical documentation for excessive absences related to illness. Academic interventions, educational evaluation, appropriate academic placement, academic tutoring, advisement programs, altered or extended school day placement and schedule modifications within the

school day may be implemented to assist with academic or mental health issues. Interventions will be designed to promote regular school attendance and prevent children from being referred to the County Attorney.

Note: School districts will regularly seek assistance from community organizations. An example of focused collaboration among agencies occurs in a Project Harmony 1184 MDT team (Educational Neglect Team) designed in 2022 specifically to staff cases of school attendance involving representatives of school districts, Project Harmony, Douglas County attorneys, Health and Human Services representatives, Region 6, Completely Kids, GOALS Center, Project Harmony Connections, Child Saving Institute SAFE (School and Family Enrichment) Program, and Children's Hospital.

Other examples of agencies or groups that support work to improve student attendance (available in 2023) are listed alphabetically: Boys Town, The BRIDGE (Family Resource Connector Network), Center for Holistic Development, Child Protective Services, Child Saving Institute (including SAFE Program), Collective for Youth, Concord Mediation, D2 (Directions Diploma) Center, DCYC (Douglas County Youth Center), GOALS (Greater Omaha Attendance and Learning Services), Hope Center for Kids, Juvenile Assessment Center, Juvenile Justice Institute, Latino Center of the Midlands, Mentor Nebraska (Partnership 4 Kids, Success Mentors, TeamMates and others), Methodist Community Counseling, Nebraska Children Foundation, Nebraska Children's Home Society, Project Harmony 1184 Multi-Disciplinary Teams, Region 6 Professional Partner Program, Unite Us, Urban League of Nebraska YAN (Youth Attendance Navigators), Voices for Children, and others.

Tier Three: Students with Absences over 10% of School Days to Date Who have not Responded to School or District Strategies or Interventions – School representatives will consider a County Attorney referral once a student reaches 20+ unexcused absences or if school efforts have not been successful at improving the student's school attendance. School representatives will coordinate case management with other systems (including community resources, mental health, juvenile justice, child welfare) while the County Attorney's Office representatives review the referral.

PART II

ABSENCE REFERRAL TO COUNTY ATTORNEY

Each school district shall use an approved County Attorney Referral Form when reporting students to the county attorney. Each school district will create and execute a collaborative plan with the student and family to remedy attendance concerns prior to referral. All attendance collaborative plans shall include the following:

i. Summary of student/family demographic data
ii. Summary of those in attendance
iii. Summary of any previous meetings
iv. Summary of factors impacting school attendance
v. Summary of previous educational counseling and intervention
vi. Summary of any educational evaluations
vii. Summary of any individual or family counseling
viii. Summary of access to additional community resources
ix. Summary of other peer/school concerns

All Referrals to the County Attorney shall include the following:

i. Summary of student/family demographic data
ii. Names of the referring District and persons submitting the referral
iii. Summary of attendance data for the current and two prior years
iv. Summary of academic and behavior data
v. A copy of the collaborative plan
vi. Summary of interventions

<u>COUNTY ATTORNEY INVOLVEMENT: DOUGLAS AND SARPY COUNTIES</u>

All referrals are reviewed by the county attorney assigned to the case. The county attorney determines the response level necessary to assist the child and correct the problem. Response/intervention recommendations are made in the best interest of the child. County Attorney representatives communicate decisions/activities for each referral back to school officials.

If the Douglas or Sarpy County Attorney's Offices choose to not file on a referral, each respective school district can file an additional referral if absences accumulate to a level of concern as determined by district policies.

PART III
TRACKING AND MONITORING

The **MOEC School Attendance Workgroup** will collect and report the following information to the Learning Community Coordinating Council annually:

- aggregated school attendance rates by grade level (based on data collected by Nebraska Department of Education),
- data on legal agency disposition of school-district referrals to county attorneys,
- a list of current recognized community support organizations, and
- a summary of successes and challenges incurred in the prior academic year.

PART IV

SUPERINTENDENTS' ATTENDANCE PLAN REVIEW

During the school year, representatives from each school district will discuss school attendance issues and strategies at regular meetings of the MOEC Student Services Task Force.

Semi-annual meetings of representatives of all Learning Community districts will occur to review district attendance policies, analyze attendance data, share effective strategies, and identify community support agencies. A summary of the meetings will be presented annually to superintendents and to the Learning Community Coordinating Council.

At least one annual meeting will occur to include representatives of all Learning Community districts as well as representatives of the Douglas and Sarpy County Separate Juvenile Courts, the Douglas and Sarpy County Attorney's Offices, Nebraska Department of Health and Human Services (NDHHS), the Douglas and Sarpy County Juvenile Assessment Centers, Region VI, Douglas and Sarpy County Administration, state probation, and (as appropriate) the Nebraska Department of Education to analyze attendance data, identify challenges and share effective strategies. A summary of the meeting/s will be presented annually to superintendents and to the Learning Community Coordinating Council.

At least one annual meeting will occur with representatives of all Learning Community districts and representatives of community organizations dedicated to improving student attendance to share successful strategies, identify issues, and initiate additional collaboration when needed. A summary of the meeting will be presented to superintendents and to the Learning Community Coordinating Council.

An annual report of analyzed data, summaries of required meetings, descriptions of strategic actions, and identification of successes and challenges will be presented to

superintendents and to the Learning Community Coordinating Council.

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 23, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Micki Charf, Ed. D., Director of Accreditation
Brad Dirksen, Office of Accountability, Accreditation, and Program Approval Administrator

PROPOSED AGENDA ITEM: Approve the nonpublic schools appearing on the accompanying list to operate for the 2023-2024 school year under Rule 14 (92 NAC 14), *Regulations & Procedures for the Legal Operation of Approved Nonpublic Schools*

AGENDA ITEM TYPE (contract/grant/rule/program/other): rule

RATIONALE/BACKGROUND INFORMATION:
On an annual basis the State Board of Education approves the operation of nonpublic schools in accordance with Rule 14 (92 NAC 14). Continued approval is granted for one school year from each July 1 through the following June 30. Renewal is granted based upon the school's compliance with this Chapter during the prior school year.

The accreditation section monitors compliance with Rule 14 regulations by reviewing annual assurance statements, conducting on-site visits, and evaluating data submitted on required reports. Annual assurance statements are due November 1st and staff responds to any self-reported non-compliance by providing guidance and issuing a request for a corrective plan of action to meet the regulation(s) the following school year.

Other reports that inform the accreditation section of compliance with Rule 14 are the Fall Personnel Report, which indicates proper certification of staff whose primary role is the instruction of students, and the NonPublic Curriculum Report, which ascertains subject area requirements for the elementary, middle, and secondary grades.

On-site compliance visits are also conducted on a regular basis. Accreditation staff collaborate closely with the Rule 14 school staff to affirm regulatory compliance and to provide recommendations as needed to strengthen school operations.

The Planning and Evaluation Committee discussed the Rule 14 approval process at their March 15, 2023 committee meeting.

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PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: $0

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:
- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 02.07.2023*

Nebraska Approved Nonpublic School Systems

In Accordance with Rule 14

"*Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools*"

School Year 2023-2024

Secondary Grades and K-12 (Total 7)

City	School	Grades
Bellevue	Cornerstone Christian School	(K-12)
Bellevue	Quest Forward Academy	(9-12)
Grand Island	Heartland Lutheran High School	(9-12)
Omaha	Concordia Lutheran Schools	(K-12)
Omaha	Omaha Street School	(9-12)
Spalding	Spalding Academy	(K-12)
Waco	Nebraska Evangelical Lutheran	(K-12)

Elementary Grades (Total 84)

City	School	Grades	City	School	Grades
Alliance	Immanuel Evangelical Lutheran	(K-8)	Lincoln	Blessed Sacrament Catholic School	(K-8)
Alliance	St Agnes Academy	(K-8)	Lincoln	Cathedral of Risen Christ	(K-8)
Arlington	St Paul's Lutheran School	(K-8)	Lincoln	Children's Circle Montessori	(K)
Battle Creek	St John Lutheran School	(K-8)	Lincoln	Child's View Montessori	(K)
Beatrice	St Joseph Elementary School	(K-5)	Lincoln	Christ Lincoln Schools	(K-6)
Beatrice	St Paul's Lutheran Elementary	(K-5)	Lincoln	Faith Lutheran School	(K-5)
Cairo	New Hope Christian Elementary	(K-8)	Lincoln	George Stone School	(K-8)
Columbus	Christ Lutheran School	(K-8)	Lincoln	Messiah Lutheran Elementary	(K-5)
Columbus	Columbus Christian School	(K-8)	Lincoln	North American Martyrs	(K-8)
Columbus	Immanuel Lutheran School	(K-8)	Lincoln	St John's Elementary School	(K-8)
Columbus	St John's Lutheran School	(K-8)	Lincoln	St Joseph Catholic School	(K-8)
Crete	St James Elementary School	(K-6)	Lincoln	St Mark Elementary School	(K-8)
Deshler	Deshler Lutheran Elementary	(K-8)	Lincoln	St Michael School	(K-8)
Fremont	Trinity Lutheran School	(K-8)	Lincoln	St Patrick Catholic School	(K-8)
Grand Island	Platte Valley Elementary	(K-8)	Lincoln	St Peter School	(K-8)
Grand Island	Trinity Lutheran Elementary	(K-8)	Lincoln	St Teresa Elementary School	(K-8)
Hadar	Immanuel Lutheran School	(K-8)	Lincoln	Trinity Kindergarten Program	(K)
Hastings	Zion Classical Academy	(K-8)	Lincoln	Trinity Lutheran Elementary	(K-5)
Holdrege	All Saints Catholic	(K-4)	Madison	Trinity Lutheran School	(K-8)
Holdrege	Legacy Christian School	(K-4)	McCook	St Patrick School	(K-8)
Hoskins	Trinity Lutheran Schools	(K-8)	Norfolk	Christ Lutheran School	(K-8)
Juniata	Christ Lutheran Elementary	(K-8)	Norfolk	St Paul's Lutheran School	(K-8)
Kearney	Faith Christian School	(K-8)	North Platte	Our Redeemer Lutheran	(K-8)
Kearney	Zion Lutheran Elementary School	(K-8)	Ogallala	St Luke Elementary School	(K-5)

City	School	Grades	City	School	Grades
Ogallala	St Paul's Lutheran Elementary	(K-5)	Polk	Immanuel Lutheran Elementary	(K-8)
Omaha	Dual Language Academy	(K-6)	Roca	Prairie Hill Learning Center	(K-8)
Omaha	Friedel Jewish Academy	(K-6)	Scottsbluff	Community Christian School	(K-6)
Omaha	Gethsemane Lutheran Elementary	(K-8)	Scottsbluff	St Agnes Elementary School	(K-5)
Omaha	Good Shepherd Elementary School	(K-8)	Scottsbluff	Valley View SDA School	(K-8)
Omaha	La Bella Vita Montessori School	(K-6)	Seward	St John Lutheran School	(K-8)
Omaha	Legacy School	(K-8)	Seward	St Vincent de Paul Catholic School	(K-8)
Omaha	Lifegate Christian School	(K-8)	Staplehurst	Our Redeemer Lutheran School	(K-8)
Omaha	Montessori Children's Room	(K-6)	Sutton	Sutton Christian School	(K-8)
Omaha	Montessori Parents' Co-op	(K-6)	Tecumseh	St Andrew Elementary School	(K-6)
Omaha	Noor Academy	(K-8)	Utica	St Paul Lutheran School	(K-8)
Omaha	Omaha Memorial School of SDA	(K-8)	Valentine	Zion Lutheran Elementary School	(K-8)
Omaha	Phoenix Academy Day School	(K-8)	Wahoo	St Wenceslaus Elementary School	(K-6)
Ord	St Mary's Elementary School	(K-6)	Waverly	Villa Marie School	(K-8)
Pierce	Zion Lutheran School	(K-8)	West Point	St Paul Lutheran Elementary	(K-8)
Plainview	Zion Lutheran School	(K-6)	Weston	St John Nepomucene Elementary	(K-6)
Plattsmouth	St John the Baptist Elementary	(K-8)	York	Emmanuel-Faith Lutheran School	(K-8)
Plymouth	St Paul's Lutheran School	(K-8)	York	St Joseph Catholic School	(K-8)

(Total Nonpublic School Systems 91)

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PROPOSED AGENDA ITEM RATIONALE

DATE: **March 23, 2023**

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Micki Charf, Ed. D., Director of Accreditation
Brad Dirksen, Office of Accountability, Accreditation, and Program Approval Administrator

PROPOSED AGENDA ITEM: Discuss the Rule 18 approval process for Interim-Program Schools

AGENDA ITEM TYPE (contract/grant/rule/program/other): rule

RATIONALE/BACKGROUND INFORMATION:
On an annual basis the State Board of Education approves the operation of interim-program schools in accordance with Rule 18 (92 NAC 18). Continued approval is granted for one school year from each July 1 through the following June 30. Renewal is granted based upon the school's compliance with this Chapter during the prior school year.

The accreditation section monitors compliance with Rule 18 regulations by reviewing annual assurance statements, conducting on-site visits, and evaluating data submitted on required reports. Annual assurance statements are due November 1st and staff responds to any self-reported non-compliance by providing guidance and issuing a request for a corrective plan of action to meet the regulation(s) the following school year.

Other reports that inform the accreditation section of compliance with Rule 18 are the Fall Personnel Report, which indicates proper certification of staff whose primary role is the instruction of students, and a curriculum report, which ascertains subject area requirements for the elementary, middle, and secondary grades.

On-site compliance visits are also conducted on a regular basis. Accreditation staff collaborate closely with the Rule 18 school staff to affirm regulatory compliance and to provide recommendations as needed to strengthen school operations.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: $0

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FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:
- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 02.07.2023*

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PROPOSED AGENDA ITEM RATIONALE

DATE: **March 23, 2023**

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Micki Charf, Ed. D., Director of Accreditation
Brad Dirksen, Office of Accountability, Accreditation, and Program Approval Administrator

PROPOSED AGENDA ITEM: Discuss the Rule 84 accreditation process for Educational Service Units

AGENDA ITEM TYPE (contract/grant/rule/program/other): rule

RATIONALE/BACKGROUND INFORMATION:
On an annual basis the State Board of Education accredits Educational Service Units (ESU) in accordance with Rule 84 (92 NAC 84). Accreditation is granted based on the ESU's performance during the immediate preceding period of accreditation.

The accreditation section annually monitors compliance with Rule 84 regulations by reviewing Annual Accreditation Compliance Reports, a review of staff qualifications, and other relevant documents. Nebraska Department of Education staff responds to any areas of non-compliance by providing guidance and/or issuing a request for a corrective plan of action to meet the regulation(s) the following school year.

ESUs are required develop and implement a continuous improvement process which includes an on-site visitation by an external team to review the process at least once every five years. Accreditation staff collaborate closely with ESU staff to affirm regulatory compliance and to provide recommendations as needed to strengthen operations.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: $0

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:
- New or Renewal:

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- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 02.07.2023*

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STATE BOARD OF EDUCATION
RULES AND REGULATIONS COMMITTEE REPORT

Date: March 28, 2023, and April 13, 2023

The Rules and Regulations Committee reports on two meetings of the committee.

The committee met on March 28, 2023.

Members present were chair Elizabeth Tegtmeier, Patsy Koch Johns, and Kirk Penner.

Committee members heard presentations from NDE Staff on Rules 20, 24 and 21 revisions. NDE Staff presented Policy Issues and Proposed Solution for each rule. Committee members discussed the proposed solutions and provided affirmation of each solution.

Committee members requested NDE staff move forward in developing redline drafts of the rules.

Committee members asked NDE Staff to create a summary of revisions for each rule. This summary is presented today for board member review.

The committee also met on April 13, 2023.

Committee members present were Chair Elizabeth Tegtmeier, Vice Chair Jacquelyn Morrison, Kirk Penner and Patsy Koch Johns.

The committee reviewed the recommendations for Rules 20, 24, and 21 from the March meeting. NDE Staff are present today to provide a summary of the proposed revisions for the board after the committee report.

NDE Staff presented revisions to Title 93 (NDE Personnel Rules). The majority of changes mirror those made to the Bargaining Agreement, which was approved by the Board at the February 2023 meeting. Committee members will review the proposed revisions prior to the Commissioner approval to the hearing draft.

Committee members received a presentation on the rule making process and Administrative Procedures Act. The committee is providing feedback on internal rule drafting processes.

NDE Staff will provide a rule revision calendar for the committee at the May meeting.

Committee members discussed the legislative priorities timeline as it relates to the rules revision process.

This concludes the Rules and Regulations Committee report.

Elizabeth Tegtmeier, Chair

*Submit a printed copy to the Committee Chair and email to the Recording Secretary.

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TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Tammy Barry, Legal Counsel III

DATE: April 6, 2023

SUBJECT: Report on Rules

RULE REPEAL RECEIVED BY THE GOVERNOR'S POLICY RESEARCH OFFICE

Repeal - Title 92, Nebraska Administrative Code, Chapter 23, *Regulations for the Basic Skills Competency Testing of Teachers and Administrators.*

RULE REVISIONS RECEIVED BY THE ATTORNEY GENERAL'S OFFICE

Revision - Title 92, Nebraska Administrative Code, Chapter 10, *Regulations and Procedures for the Accreditation of Schools*.

Revision - Title 92, Nebraska Administrative Code, Chapter 14, *Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools.*

RULE REVISIONS FOR WHICH HEARING DRAFTS ARE BEING PREPARED

Title 92, Nebraska Administrative Code, Chapter 20, *Regulations for the Approval of Educator Preparation Programs*

Title 92, Nebraska Administrative Code, Chapter 21*, Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools*

Title 92, Nebraska Administrative Code, Chapter 24, *Regulations for Certificate Endorsements*

RULE REVISIONS FOR DISCUSSTION AT THE MARCH RULES AND REGULATIONS COMMITTEE MEETING

Title 93, Nebraska Administrative Code, Chapters 1-16, *Personnel Rules*

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 22, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Brad Dirksen, Office of Accountability, Accreditation, and Program Approval Administrator

PROPOSED AGENDA ITEM: Discuss proposed revisions to Rule 20 (92 NAC 20) *Regulations for the Approval of Teacher Education Programs*

AGENDA ITEM TYPE (contract/grant/rule/program/other): rule

RATIONALE/BACKGROUND INFORMATION: Rule 20 includes the regulations for the approval of educator preparation programs.

The current version of Rule 20 was last updated July 2, 2014. The purpose of the proposed revision to Rule 20 is to incorporate changes to educator preparation program requirements. Substantive changes contained in the draft rule revision include: (1) removal of the basic skills competency requirement for admission into an educator preparation program due to the passage of LB 1218 (2022), (2) the addition of educator preparation administrative program requirements, (3) the addition of a flexibilities section, and (4) ensure the science of reading is included in educator preparation programs.

Updates to the Rules and Regulations Committee regarding the Rule 20 revisions were made May 5, 2022, August 4, 2022, October 6, 2022, and February 2, 2023. July 26, 2022 a public hearing on Rule 20 was held. Upon review of the hearing draft, the Nebraska Attorney General's office provided input, which resulted in the Department revising the hearing draft. In addition to addressing the Nebraska Attorney General's concerns, Department staff, in consultation with the Rule 20 workgroup, is working on ensuring the science of reading is included in the next proposed draft in efforts to align the revision work with the State Board of Education's Nebraska Ready: PK-12 Policy Priorities, Priority 1, regulatory and agency priorities.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: $650.00

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:

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- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 02.07.2023*

The Nebraska State Board of Education has identified the educator shortage as high priority. To address this priority, the Rules and Regulation Committee has discussed policy issues related to:

1. Rule 20 (92 NAC 20), Regulations for the Approval of Teacher Education Programs,
2. Rule 21 (92 NAC 21), Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools, and
3. Rule 24 (92 NAC 24), Regulations for Certificate Endorsements

The Rules and Regulations Committee also recognizes the need for immediate action on this topic in an effort to address the educator shortage in time for the start of 2023-2024 academic year. During a special committee meeting on March 28, the Rules and Regulations committee affirmed solutions to policy issues related to the educator shortage while also ensuring the quality of educators. This action will allow the Department to hold a public hearing in May 2023 for input on draft regulations and lead to potential Board action in June 2023.

The Rules and Regulations Committee recognizes that this is an initial step to address the educator shortage, not a final solution, and additional measures will need to be taken by the Board and stakeholders.

The following is an overview of the policy issues reviewed and the affirmed solutions of the Rules and Regulations Committee.

Rule 20, Regulations for the Approval of Teacher Education Programs

- *Policy Issue 1: Need to increase third grade English language arts proficiency.*
  - **Affirmed solution: Ensure the science of reading is included as an academic requirement for the preparation of all teachers.**
- Policy Issue 2: Rule 20 does not have flexibility for educator preparation institutions to be innovative in meeting the educator shortage.
  - **Affirmed solution: Allow educator preparation programs to pilot alternative ways to meet some regulatory requirements with State Board approval**
- Policy Issue 3: Educator preparation programs are requiring too many credit hours.
  - **Affirmed solution: Revise professional education academic requirements to allow for competencies and/or credit hours.**
- Policy Issue 4: There is a potential for disparities in administrator training due to the lack of academic requirements for administrator programs.
  - **Affirmed solution: Create minimum academic requirements for approval of administrator programs.**

Rule 21, Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools

- *Policy Issue 1: Basic skills competency remains in certification regulations; however, the repeal of Rule 23 is awaiting the Governor's signature after approval by the Board at the March 2023 meeting.*
  - **Affirmed solution: Eliminate basic skills competency testing as a certification requirement.**

- *Policy Issue 2: Educators working for/as service providers are not able to renew their teaching certificate based on experience.*
    - **Affirmed solution: Allow experience working as a service provider to be used for renewal of certificates.**
- *Policy Issue 3: The certification process is too complex and not inclusive enough for out-of-state applicants.*
    - **Affirmed solution: Consolidate the transitional and provisional teaching permits into the alternative program teaching permit. Consolidate the temporary certificate and the conditional permit. Formalize the Nebraska Entry permit.**
- *Policy Issue 4: There are barriers to become a local substitute teacher.*
    - **Affirmed solution: Make the local substitute permit able to be used in any school (not limited to one school system) and make the permit valid for five years.**
- *Policy Issue 5: Applicants who are denied a certificate or permit can reapply immediately.*
    - **Affirmed solution: Create a one year waiting period before a new application can be submitted after a denial.**

Rule 24, Regulations for Certificate Endorsements

- *Policy Issue 1: Content test company names, test numbers, and passing scores are in Rule*
    - **Affirmed solution: Eliminate mention of specific testing companies, test numbers, or passing scores in rule and allow the Board to set minimums outside of rule.**
- *Policy Issue 2: Content tests are required for out-of-state teachers who have numerous years of experience.*
    - **Affirmed solution: Allow out-of-state teachers to not take a content test if they have 2 or more years of teaching experience in their content area.**
- *Policy Issue 3: A singular high stakes test (content test) is keeping in-state educators from becoming certificated.*
    - **Affirmed solution: Allow educators who do not pass the content test, if hired by a school system, to teach for two years on a permit in their endorsement area to demonstrate content knowledge.**
- *Policy Issue 4: Anthropology subject endorsement is not offered by any approved Nebraska educator preparation program.*
    - **Affirmed solution: Sunset the anthropology endorsement – social students and history endorsed teachers are able to teach anthropology.**
- *Policy Issue 5: An endorsement with grade range 7-12 does not allow an educator to fully qualify to teach grade 6 which is included in many middle schools.*
    - **Affirmed solution: Update grade range to 6-12 for endorsements that were reviewed by the Nebraska Council on Teacher Education (NCTE).**
- *Policy Issue 6: Some world language teachers are required to take unnecessary coursework to meet credit hour requirements outlined in rule.*

- **Affirmed solution: Allow an educator preparation institution to determine competency for a world language endorsement.**

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 22, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Brad Dirksen, Office of Accountability, Accreditation, and Program Approval Administrator

PROPOSED AGENDA ITEM: Discuss proposed revisions to Rule 24 (92 NAC 24) *Regulations for Certification Endorsements*

AGENDA ITEM TYPE (contract/grant/rule/program/other): rule

RATIONALE/BACKGROUND INFORMATION: Rule 24 includes the regulations for certificate endorsements.

The current version of Rule 24 was last updated November 9, 2020. Chapter 24 is adopted pursuant to 79-808 and 79-809 of the Nebraska Revised Statutes (R.R.S.). The purpose of the proposed revisions to Rule 24 is to incorporate changes to certificate endorsement requirements. Proposed revisions related to endorsements contained in the Rule include: (1) changes to the Elementary Education endorsement to remove redundancies with 92 NAC 20 (Rule 20) and for clarification of language, (2) revisions were made to the Social Studies endorsement to remove Anthropology from the endorsement as Nebraska has had zero Anthropology candidates in the last several years, (3) the World Languages endorsement was modified to add additional options to demonstrate proficiency, in addition to the Praxis content test. Additionally, upon demonstration of proficiency in the language of study, institutions may waive up to 30 of the required hours of language study, (4) changes were made to the English Language Arts and Secondary English endorsements to reflect current best practices in addressing foundational reading skills, (5) minor changes were made to the Principal, Provisional Special Education, and School Librarian endorsements for clarification of language and/or to use the most current terminology, (6) allowance for an alternative method to demonstrate content knowledge other than a singular high stakes examination, and (6) Appendix C was updated to include changes in Praxis test numbers and cut scores for Middle Level Science, Middle Level Mathematics, Mathematics, Superintendent, Special Education Supervisor and Principal, as well as to remove retired Praxis exam information from the Appendix, and to include hyperlinks to information relating to Educational Testing Services.

Endorsements are reviewed through the Nebraska Council on Teacher Education (NCTE) ad-hoc process as outlined in the NCTE organizational policies and recommended for approval by the full council.

A revised Rule 24 draft was approved by the State Board of Education on August 5, 2021 The Governor received the revised copy of Rule 24 on December 10, 2021 after review by the Nebraska Attorney General. The Governor returned Rule 24 to the Department with a letter dated June 24, 2022 providing reasons for not approving the regulation. The Nebraska Department Education Rules and Regulations Committee was

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provided an update regarding Rule 24 on August 4, 2022, October 6, 2022, and February 2, 2023. A hearing was scheduled for December 15, 2022; however, it was cancelled due to notification paperwork not being received by the Secretary of State.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: $650.00

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:
- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 02.07.2023*

The Nebraska State Board of Education has identified the educator shortage as high priority. To address this priority, the Rules and Regulation Committee has discussed policy issues related to:

1. Rule 20 (92 NAC 20), Regulations for the Approval of Teacher Education Programs,
2. Rule 21 (92 NAC 21), Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools, and
3. Rule 24 (92 NAC 24), Regulations for Certificate Endorsements

The Rules and Regulations Committee also recognizes the need for immediate action on this topic in an effort to address the educator shortage in time for the start of 2023-2024 academic year. During a special committee meeting on March 28, the Rules and Regulations committee affirmed solutions to policy issues related to the educator shortage while also ensuring the quality of educators. This action will allow the Department to hold a public hearing in May 2023 for input on draft regulations and lead to potential Board action in June 2023.

The Rules and Regulations Committee recognizes that this is an initial step to address the educator shortage, not a final solution, and additional measures will need to be taken by the Board and stakeholders.

The following is an overview of the policy issues reviewed and the affirmed solutions of the Rules and Regulations Committee.

Rule 20, Regulations for the Approval of Teacher Education Programs

- *Policy Issue 1: Need to increase third grade English language arts proficiency.*
  - **Affirmed solution: Ensure the science of reading is included as an academic requirement for the preparation of all teachers.**
- Policy Issue 2: Rule 20 does not have flexibility for educator preparation institutions to be innovative in meeting the educator shortage.
  - **Affirmed solution: Allow educator preparation programs to pilot alternative ways to meet some regulatory requirements with State Board approval**
- Policy Issue 3: Educator preparation programs are requiring too many credit hours.
  - **Affirmed solution: Revise professional education academic requirements to allow for competencies and/or credit hours.**
- Policy Issue 4: There is a potential for disparities in administrator training due to the lack of academic requirements for administrator programs.
  - **Affirmed solution: Create minimum academic requirements for approval of administrator programs.**

Rule 21, Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools

- *Policy Issue 1: Basic skills competency remains in certification regulations; however, the repeal of Rule 23 is awaiting the Governor's signature after approval by the Board at the March 2023 meeting.*
  - **Affirmed solution: Eliminate basic skills competency testing as a certification requirement.**

- *Policy Issue 2: Educators working for/as service providers are not able to renew their teaching certificate based on experience.*
    - **Affirmed solution: Allow experience working as a service provider to be used for renewal of certificates.**
- *Policy Issue 3: The certification process is too complex and not inclusive enough for out-of-state applicants.*
    - **Affirmed solution: Consolidate the transitional and provisional teaching permits into the alternative program teaching permit. Consolidate the temporary certificate and the conditional permit. Formalize the Nebraska Entry permit.**
- *Policy Issue 4: There are barriers to become a local substitute teacher.*
    - **Affirmed solution: Make the local substitute permit able to be used in any school (not limited to one school system) and make the permit valid for five years.**
- *Policy Issue 5: Applicants who are denied a certificate or permit can reapply immediately.*
    - **Affirmed solution: Create a one year waiting period before a new application can be submitted after a denial.**

Rule 24, Regulations for Certificate Endorsements

- *Policy Issue 1: Content test company names, test numbers, and passing scores are in Rule*
    - **Affirmed solution: Eliminate mention of specific testing companies, test numbers, or passing scores in rule and allow the Board to set minimums outside of rule.**
- *Policy Issue 2: Content tests are required for out-of-state teachers who have numerous years of experience.*
    - **Affirmed solution: Allow out-of-state teachers to not take a content test if they have 2 or more years of teaching experience in their content area.**
- *Policy Issue 3: A singular high stakes test (content test) is keeping in-state educators from becoming certificated.*
    - **Affirmed solution: Allow educators who do not pass the content test, if hired by a school system, to teach for two years on a permit in their endorsement area to demonstrate content knowledge.**
- *Policy Issue 4: Anthropology subject endorsement is not offered by any approved Nebraska educator preparation program.*
    - **Affirmed solution: Sunset the anthropology endorsement – social students and history endorsed teachers are able to teach anthropology.**
- *Policy Issue 5: An endorsement with grade range 7-12 does not allow an educator to fully qualify to teach grade 6 which is included in many middle schools.*
    - **Affirmed solution: Update grade range to 6-12 for endorsements that were reviewed by the Nebraska Council on Teacher Education (NCTE).**
- *Policy Issue 6: Some world language teachers are required to take unnecessary coursework to meet credit hour requirements outlined in rule.*

- **Affirmed solution: Allow an educator preparation institution to determine competency for a world language endorsement.**

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PROPOSED AGENDA ITEM RATIONALE

DATE: March 22, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner of Education

FROM: Brad Dirksen, Office of Accountability, Accreditation, and Program Approval Administrator

PROPOSED AGENDA ITEM: Discuss proposed revisions to Rule 21 (92 NAC 21) *Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools*

AGENDA ITEM TYPE (contract/grant/rule/program/other): rule

RATIONALE/BACKGROUND INFORMATION: Rule 21 includes the regulations for the issuance of educator certificates and permits.

The current version of Rule 21 was last updated October 20, 2020. The purpose of the proposed revision to Rule 21 is to incorporate state statute changes from LB 389 (2021) and LB 1218 (2022) and include revisions in line with the Nebraska State Board of Educations 2022 regulatory priorities 1) Alternative and non-traditional certification paths for educators consistent with Nebraska's high expectations for effective educators, 2) Consideration of reciprocity with and between states that remove barriers for educators entering the State of Nebraska to teach with minimal additional requirements, and 3) Eliminating barriers for individuals entering the education profession that represent racial, cultural, economic, and social diversity consistent with Nebraska's high expectations for effective educators. Proposed revisions include changes to the military permit, alternative program teaching permit, conditional permit, local substitute permit, creation of the Nebraska entry permit, provide clarity to existing language, technical edits, and other changes to be described within a presentation to the Rules and Regulations committee. Stakeholder input was gathered in developing the proposed revisions in effort to address educator shortage issues while maintaining high standards for educators.

Updates to the Rules and Regulations Committee regarding the Rule 21 revisions were made April 7, 2022, October 6, 2022, and February 2, 2023. The Rules and Regulations Committee had discussion regarding Rule 21 revisions during the March committee meeting.

PROPOSED BOARD MEETING (MONTH/YEAR): April 2023

ESTIMATED COST: $650.00

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FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:
- New or Renewal:
- If renewal, date of first approval:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
- Rationale for method of procurement:
- Rationale for contractor selection:

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 02.07.2023*

The Nebraska State Board of Education has identified the educator shortage as high priority. To address this priority, the Rules and Regulation Committee has discussed policy issues related to:

1. Rule 20 (92 NAC 20), Regulations for the Approval of Teacher Education Programs,
2. Rule 21 (92 NAC 21), Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools, and
3. Rule 24 (92 NAC 24), Regulations for Certificate Endorsements

The Rules and Regulations Committee also recognizes the need for immediate action on this topic in an effort to address the educator shortage in time for the start of 2023-2024 academic year. During a special committee meeting on March 28, the Rules and Regulations committee affirmed solutions to policy issues related to the educator shortage while also ensuring the quality of educators. This action will allow the Department to hold a public hearing in May 2023 for input on draft regulations and lead to potential Board action in June 2023.

The Rules and Regulations Committee recognizes that this is an initial step to address the educator shortage, not a final solution, and additional measures will need to be taken by the Board and stakeholders.

The following is an overview of the policy issues reviewed and the affirmed solutions of the Rules and Regulations Committee.

Rule 20, Regulations for the Approval of Teacher Education Programs

- *Policy Issue 1: Need to increase third grade English language arts proficiency.*
  - **Affirmed solution: Ensure the science of reading is included as an academic requirement for the preparation of all teachers.**
- Policy Issue 2: Rule 20 does not have flexibility for educator preparation institutions to be innovative in meeting the educator shortage.
  - **Affirmed solution: Allow educator preparation programs to pilot alternative ways to meet some regulatory requirements with State Board approval**
- Policy Issue 3: Educator preparation programs are requiring too many credit hours.
  - **Affirmed solution: Revise professional education academic requirements to allow for competencies and/or credit hours.**
- Policy Issue 4: There is a potential for disparities in administrator training due to the lack of academic requirements for administrator programs.
  - **Affirmed solution: Create minimum academic requirements for approval of administrator programs.**

Rule 21, Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools

- *Policy Issue 1: Basic skills competency remains in certification regulations; however, the repeal of Rule 23 is awaiting the Governor's signature after approval by the Board at the March 2023 meeting.*
  - **Affirmed solution: Eliminate basic skills competency testing as a certification requirement.**

- *Policy Issue 2: Educators working for/as service providers are not able to renew their teaching certificate based on experience.*
    - **Affirmed solution: Allow experience working as a service provider to be used for renewal of certificates.**
- *Policy Issue 3: The certification process is too complex and not inclusive enough for out-of-state applicants.*
    - **Affirmed solution: Consolidate the transitional and provisional teaching permits into the alternative program teaching permit. Consolidate the temporary certificate and the conditional permit. Formalize the Nebraska Entry permit.**
- *Policy Issue 4: There are barriers to become a local substitute teacher.*
    - **Affirmed solution: Make the local substitute permit able to be used in any school (not limited to one school system) and make the permit valid for five years.**
- *Policy Issue 5: Applicants who are denied a certificate or permit can reapply immediately.*
    - **Affirmed solution: Create a one year waiting period before a new application can be submitted after a denial.**

Rule 24, Regulations for Certificate Endorsements

- *Policy Issue 1: Content test company names, test numbers, and passing scores are in Rule*
    - **Affirmed solution: Eliminate mention of specific testing companies, test numbers, or passing scores in rule and allow the Board to set minimums outside of rule.**
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PROPOSED AGENDA ITEM RATIONALE

DATE: March 23, 2023

TO: Deborah A. Frison, Ed.D.
Deputy Commissioner

FROM: Joel M. Scherling
HR Administrator

PROPOSED AGENDA ITEM: Discuss the proposed revisions to Title 93, Nebraska Administrative Code, Chapters 1-16 (NDE Personnel Rules)

RATIONALE/BACKGROUND INFORMATION: The NDE Personnel Rules document is being revised primarily to align with revisions in the 2023-25 NAPE/AFSCME Bargaining Agreement.

PROPOSED BOARD MEETING (MONTH/YEAR): April 13-14, 2023

ESTIMATED COST: The anticipated costs to the Department will include a public hearing and rule publication expenses estimated to be $650.

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Not applicable
- New or Renewal: Not applicable
- If renewal, date of first approval: Not applicable

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Not applicable
- Rationale for method of procurement: Not applicable
- Rationale for contractor selection: Not applicable

Summary of Proposed Changes to the NDE Personnel Rules
Title 93, Nebraska Administrative Code, Chapters 1-16
3/20/2023

Throughout Document
- Updated reference from "Agency" to "Department"
- Updated "Team Leader" to "Office Administrator"

Chapter 1: Coverage
- No changes

Chapter 2: Management Authority
- No changes

Chapter 3: Definitions
- Revised definition of Deputy Commissioner (§013, p. 5)
- Revised definition of Office Administrator (§028, p. 6)

Chapter 4: Employee Selection
- No changes

Chapter 5: Probationary Periods
- Added language regarding applicability to various levels within a job family (§001.01, p. 10)
- Added new job titles (§001.02, pp. 10-11)
- Added requirement for supervisors to hold performance management sessions with employees outside of formal appraisal conferences (§006, p. 12)
- Removed requirement for 90-day appraisal for those on a six-month probationary period (§006.01, p. 12)
- Removed requirement for 6-month appraisal for those on a twelve-month probationary period (§006.02, p. 13)

Chapter 6: Classification Plan
- Changed the effective date of a reclassification pay adjustment to the next pay period (§002.03, p. 15)
- Revised reclassification and demotion rates from percentages to placement in the new classification on the same numbered step on the pay scale as the employee's previous classification (§§003.01, p. 15 & §004.02, p. 16)

Chapter 7: Salary Administration
- No changes

Chapter 8: Overtime
- Updated name of Disability Determination Services (§003, p. 19)
- Removed requirement for prior approval of overtime by Deputy or Commissioner (§003, p. 19)
- Revised dates for compensatory time use and payment (§004.02B, p. 20)

Chapter 9: Leave and Holidays

- Added Juneteenth holiday and "Indigenous Peoples' Day" to the Columbus Day holiday listing (§003, p.22)
- Added 60-calendar-day window for exempt employees to take deferred holiday leave when they worked on a holiday (§003.05, p. 22)
- Updated language to reflect biweekly pay periods (§004, p. 23 and §005, p. 25)
- Replaced redundant language about prorated leave earnings in §004.01, p. 23 & 005.01, p. 25 with §016, p. 42
- Expanded allowable use of sick leave to include uses in conjunction with approved leave under the Family Medical Leave Act (§005.02, p. 26)
- Clarified use of sick leave in instances of worker's compensation (§005.12, p. 29)
- Added "nieces/nephews" and "aunts/uncles" to definition of immediate family and clarified eligible "children" for use of bereavement leave (§008, p. 34)
- Revised language to align with state statute (§012.06B, p. 38)
- Clarified eligibility for adoption leave (§012.08, pp. 39-40)
- Added leave accrual language to replace deleted sections (§016, p. 42)

Chapter 10: Performance Appraisals

- No changes

Chapter 11: Personnel File Information

- Reflected maintenance of electronic rather than paper personnel files (§002, p. 44)
- Updated "General Counsel" to "Legal Services" (§002.02, p. 44)

Chapter 12: Layoff, Recall and Resignation

- No changes

Chapter 13: Corrective and Disciplinary Actions

- Added personal email as a delivery option (§§002.01A, p.50 & 004.04D, p. 55)

Chapter 14: Grievance Procedure

- Added "corrective action" as a non-grievable matter (§003.14, p. 57)
- Removed step one of the grievance process; made response times consistent at 15 workdays (§§006.01, 006.01A, 006.01B, 006.01C, 006.02, 006.03, 006.04C, pp. 58-60)
- Updated building name and address (§008, p. 62)

Chapter 15: Miscellaneous

- Added language regarding coursework reimbursement eligibility (§006.02D, p. 68)
- Changed reference to state's learning management system (§006.04, p. 69)
- Updated language regarding moving expense reimbursement (§016, pp. 71-72)

Chapter 16: Code of Ethics

- No changes

Appendix A: Grievance Form

- Updated grievance form to correspond to process changes (pp. 78-79)

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES

NUMERICAL TABLE OF CONTENTS

SUBJECT	STATUTORY AUTHORITY	CHAPTER	PAGE
Coverage	Neb. Rev. Stat. § 79-306	1	1
Management Authority	Neb. Rev. Stat. § 79-306	2	2
Definitions	Neb. Rev. Stat. § 79-306	3	4
Employee Selection	Neb. Rev. Stat. § 79-306	4	8
Probationary Periods	Neb. Rev. Stat. § 79-306	5	10
Job Classification Plan	Neb. Rev. Stat. § 79-306	6	14
Salary Administration	Neb. Rev. Stat. § 79-306	7	18
Overtime	Neb. Rev. Stat. § 79-306	8	19
Leave and Holidays	Neb. Rev. Stat. §§ 79-306, 81-1317.01	9	21
Performance Appraisals	Neb. Rev. Stat. § 79-306	10	43
Personnel File Information	Neb. Rev. Stat. § 79-306	11	44
Layoff, Recall & Resignation	Neb. Rev. Stat. § 79-306	12	46
Corrective and Disciplinary Actions	Neb. Rev. Stat. § 79-306	13	49
Grievance Procedure	Neb. Rev. Stat. § 79-306	14	57
Miscellaneous	Neb. Rev. Stat. § 79-306	15	64
Code of Ethics	Neb. Rev. Stat. § 79-306	16	74
Appendix A	NDE Personnel Rules Grievance Form		78

ALPHABETICAL TABLE OF CONTENTS

SUBJECT	STATUTORY AUTHORITY	CHAPTER	PAGE
Code of Ethics	Neb. Rev. Stat. § 79-306	16	74
Corrective and Disciplinary Actions	Neb. Rev. Stat. § 79-306	13	49
Coverage	Neb. Rev. Stat. § 79-306	1	1
Definitions	Neb. Rev. Stat. § 79-306	3	4
Employee Selection	Neb. Rev. Stat. § 79-306	4	8
Grievance Procedure	Neb. Rev. Stat. § 79-306	14	57
Job Classification Plan	Neb. Rev. Stat. § 79-306	6	14
Leave and Holidays	Neb. Rev. Stat. §§ 79-306, 81-1317.01	9	21
Management Authority	Neb. Rev. Stat. § 79-306	2	2
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TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 1 – COVERAGE

001 Collective Bargaining Agreements. Employees subject to the Nebraska Association of Public Employees, Local 61 of the American Federation of State, County, and Municipal Employees (NAPE/AFSCME) Bargaining Agreement (Agreement) with the Nebraska Department of Education (Department) are not covered by these rules to the extent that wages, hours, and other terms and conditions of employment are provided for by the Agreement, or where the Agreement specifically provides these rules apply.

002 Department Rules and Policies; Conflicts. These rules will not be construed as limiting, in any way, the power and authority of the Commissioner to make policies governing the conduct of Department employees and the performance of Department functions, provided such Department policies are consistent with, and limited by, the provisions of these rules and any collective bargaining agreements. Provisions of this Title and ~~the Nebraska Department of Education Personnel Rules, or~~ the provisions of any current ~~a~~ collective bargaining agreement~~,~~ supersede all Department policies.

003 Availability. Each employee has the right to examine these rules, which are publicly available on the website of the Department.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 2 – MANAGEMENT AUTHORITY

001 The Department retains all of its inherent rights, functions, and responsibilities with the right to determine and make decisions, except where those rights may be modified, restricted, or limited by these rules. The Department retains the right to determine the manner in which the operations of the Department are to be conducted except where those rights may be modified, restricted, or limited by these rules.

002 Management rights include, but are not limited to, the right to ~~following~~:

002.01 Implement ~~To implement~~ and maintain a job classification system and classify employees pursuant to Chapter 6 of this Title;

002.02 Hire ~~To hire~~, promote, demote, transfer, assign, train, or retain employees in positions within the Department;

002.03 Establish ~~To establish~~ and maintain Department missions, goals, and objectives, and reasonable work rules and workplace expectations, the contents of which are not inconsistent with this Title;

002.04 Suspend ~~To suspend~~, demote, dismiss from employment, or take other appropriate disciplinary action against employees for just cause;

002.05 Schedule ~~To schedule~~ work and promote its accomplishments through managing, directing, and assigning duties and work schedules to employees;

002.06 Determine ~~To determine~~ services to be rendered, operations to be performed, technology to be utilized, or matters to be budgeted;

002.07 Determine ~~To determine~~ the overall methods, processes, means, or personnel by which operations are to be conducted;

002.08 Determine ~~To determine~~ the type and number of employees to be employed, and to lay-off employees in the event of lack of work or funds or under conditions where the continuation of such work would be inefficient or nonproductive;

002.09 Determine ~~To determine~~, in accordance with the Constitutional and statutory mandates, mission, and goals of the Department, the personnel, methods, and means necessary to efficiently fulfill that mission, including, but not limited to, implementing a budget, ~~and~~ contracting for the transfer of any goods or services, and ~~; or~~ altering, curtailing, or discontinuing any goods or services;

002.10 Dismiss ~~To dismiss~~ an employee from employment in the event the employee is unable to perform the essential functions of the position due to physical or mental impairments even with reasonable accommodations;

002.11 Determine ~~To determine~~ what charitable or ~~and/or~~ social activities may be supported or sponsored by the Department; and~~,~~

002.12 Take ~~To take~~ all reasonable and necessary steps to comply with the federal Americans with Disabilities Act (ADA) and ~~and/or~~ the Nebraska Fair Employment Practice ~~Practices~~ Act.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 3 – DEFINITIONS

001 Applicability. The definitions contained in the following Chapters of this Title are used throughout this Title except where the context would require another definition. All other words have their normal accepted meaning.

002 Absence Without Approved Leave means the unauthorized absence of an employee from work or the workstation during normal duty hours.

003 Appointment means the act of the Department filling a position.

004 Assigned Activities as it relates to determinations of staff travel requests includes any activity which is a normal or anticipated part of the sequence of completion of responsibilities of job tasks assigned to the employee, or assignments or approved activities which provide a non-repetitive opportunity for the employee to maintain a level of currency, expertise and leadership in the fields in which the employee has assigned job responsibilities commensurate with management expectations of the employee's capacity to serve the needs of the Department and the State in those fields.

005 Board means the State Board of Education.

006 Classification means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill; and such other characteristics that the same title and the same minimum qualifications may be applied to each position in the group, and so that the same pay grade may be assigned.

007 Commissioner means the Commissioner of Education.

008 Company Service Date means the first day the employee starts work for the Department. The service date may be revised due to an absence per Chapter 4, Section 003, of this Title.

009 Continuous Service Date means a state service date that may have been revised due to employee absence per Chapter 4, Section 003, of this Title, or prior state service, and from which an employee's vacation and sick leave is computed.

010 Contract Employee means an individual with whom the Department has entered into a contract under the Department's policies regarding contracting, which creates an employer-employee relationship.

011 Demotion means moving an employee from one job classification to another at a lower pay grade. Demotions may be non-disciplinary as described in Chapter 6, Section 004, of this Title, or disciplinary as described in Chapter 13, Section 004.02, of this Title.

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

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 3 – DEFINITIONS

013 Deputy Commissioner means, unless otherwise indicated, an individual appointed to that position under Neb. Rev. Stat. § 79-318(3) ~~R.R.S., and designated by the Commissioner to oversee Human Resources for the Department~~. Except in instances where the Deputy Commissioner is taking action as the immediate supervisor of an employee under this Title, whenever this Title provides that any Deputy Commissioner has the authority to act, the Commissioner likewise has the authority to do the same.

014 Discharge or Dismissal means the disciplinary termination of employment pursuant to Chapter 12 of this Title.

015 Employee means any person who works for the Department and receives payment through the state payroll system, but does not include temporary or contract employees. This definition is subject to the limitations of Chapter 4, Section 002 of this Title ~~the Nebraska Department of Education Personnel Rules~~.

016 Fixed-Term Employee means an employee in a fixed-term position.

017 Fixed-Term Position means a position which, due to the funding source, has a predetermined duration of employment which is designated at the time of hire subject to the continuation and availability of funding. Fixed-term positions may be worked on a full-time or part-time schedule and are subject to all of the terms of this Title except ~~for~~ the provisions of Chapter 12 of this Title.

018 Full-Time Schedule means a forty- (40) hour workweek schedule.

019 Grievance means throughout this Title as defined in Chapter 14 of this Title.

020 Human Resources Office means the office within the Department that is responsible for personnel administration in the Department.

021 Job Family means groups of job classifications related by shared work.

022 Job Series means two (2) or more job classifications, similar as to duties and training required but differing primarily in difficulty, responsibility, knowledge and skills, and supervision exercised or received.

023 Job Specifications means the official written description of a classification of work, which summarizes information such as the purpose of the job, distinguishing characteristics, and examples of duties, minimum qualifications, supervisory and fiscal authority, and physical requirements.

024 Lateral Transfer means changing an employee from one position to another position in the same pay grade. In the case of VR positions, it means maintaining the same job classification but transferring to a different VR office.

025 Lay Off means the involuntary termination (reduction in force) of an employee or employees because of a lack of work or lack of funds or under conditions in which the continuation of such work would be inefficient or non-productive.

026 Leave Without Pay means leave or time off from work for the employee's personal reasons granted by the appointing authority for which period the employee receives no pay.

027 Minimum Qualifications means the least amount of training and experience and other qualifications required to perform adequately in a specific position or series of positions.

028 Office Administrator means, unless otherwise indicated, an individual designated by the Commissioner to oversee a subdivision of the Department. In the event there is no Office Administrator in an individual's chain of command, the pertinent Deputy Commissioner or designee will act on matters otherwise handled by an Office Administrator.

029 ~~028~~ Original Probationary Period means a period of time during which an employee is required to demonstrate fitness for a particular position as a part of the selection process for regular appointment.

030 ~~029~~ Paid Work Status means time paid for work or any paid leave.

031 ~~030~~ Part-time Schedule means less than a forty- (40) hour workweek schedule.

032 ~~031~~ Pay Grade means a specified range of salary or wage, the starting and intermediate rates within such range, and the maximum rate of such range.

033 ~~032~~ Personnel Files means the files retained by the Human Resources Office of the Department, which is personally identifiable with an individual employee or former employee.

034 ~~033~~ Position means a group of specific duties, tasks, and responsibilities to be performed by one (1) employee. A position may be part-time or full-time; temporary, fixed-term, or regular; and occupied or vacant.

035 ~~034~~ Professional Growth as it relates to determinations on staff travel requests includes approved travel related to activities which are ancillary to the assigned field of responsibility, ~~or~~ which will provide opportunities for leadership and expertise in the field(s) of the employee's assigned responsibility which are in excess of management expectations, or which serve a professional interest of the employee which is outside the area(s) of assigned responsibility.

036 ~~035~~ Promotion means changing an employee from one job classification to another at a higher pay grade.

037 ~~036~~ Reduction in Force means the same as "lay off."

038 ~~037~~ Regular Employee means an employee in a regular full-time or part-time position who has completed the required probationary period or who has acquired permanent status in accordance with this Title.

039 ~~038~~ Resignation means the voluntary termination of employment by an employee.

040 ~~039~~ Retirement means the transfer of an eligible employee from active to retired status.

041 ~~040~~ Schedule Deviation means an adjustment of work hours or length of the workday.

042 ~~041~~ Secondary Probation means an employee on probation under Chapter 5, Section 003, of this Title.

043 ~~042~~ Suspension means an ordered absence for disciplinary, investigatory, or other purposes.

044 ~~043~~ Temporary Employee means an employee hired through an agency or via contract for a limited period of time to perform requested job duties on either a full-time or part-time schedule.

045 ~~044~~ Transfer of Employee means the movement of an employee from one (1) position to another position within the Department. A transfer action does not require termination of the employee.

046 ~~045~~ Treatment means the provision of medical, dental or psychological services or procedures performed (including surgery) on the employee or immediate family member by treating professionals or their staff. "Treatment" for purposes of sick leave does not include participating in activities that are, as determined by the Department, primarily considered recreational activities and engaged in frequently by persons who are not ill or suffering from a medical, dental or psychological condition or disability, even when such activity is beneficial to the employee's physical or mental health (i.e., trips to a destination to relax or relieve stress, running in marathons, etc.).

047 ~~046~~ Tuition means the cost per credit hour of instruction at an accredited postsecondary institution.

048 ~~047~~ Work Rules means those practices, policies, and procedures established and adopted by the Department concerning the employee's terms and conditions of employment.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 4 – EMPLOYEE SELECTION

001 Hiring Process. The Board, upon the recommendation of the Commissioner, has the final hiring authority for all newly created professional positions, including any Deputy Commissioner. Selection of other staff will be at the discretion of the Commissioner who will have the final hiring authority.

002 Employment Categories.

002.01 Full-Time. Full-time employees are required to work, as a minimum, forty (40) hours per week on a permanent, ongoing basis.

002.02 Part-Time. Part-time regular employees are required to work fewer hours than full-time employees on a permanent, ongoing basis. Work schedules may fluctuate by week, month, or season. Part-time employees earn benefits on a prorated basis. To be eligible for insurance benefits, employees must be hired to work at least half-time (20 hours per week).

002.03 Temporary Employee. Temporary employees are those employees hired through a temporary agency or via contract for a limited period of time to perform requested job duties on either a full-time or part-time schedule. Temporary employees may be separated, at any time, without notice or grievance rights. Temporary employees do not receive benefits except as provided by Neb. Rev. Stat. § 84-1601 et seq. A temporary position may be a full-time or part-time position. Employment in a temporary position will not count toward a Department service date or original probationary period.

002.04 Fixed-Term. A fixed-term employee is an employee hired in a fixed-term position. A fixed-term position is a position which, due to the funding source, has a predetermined duration of employment which is designated at the time of hire subject to the continuation and availability of funding. Fixed-term positions may be worked on a full-time or part-time schedule and are subject to all the provisions of these Personnel Rules except ~~for~~ the provisions of Chapter 12, Sections 003 through 009, of this Title.

002.05 Contract Employee. Contract employee means an individual with whom the Department has entered into a contract under the Department's policies regarding contracting, which creates an employer-employee relationship. Terms of the employment are governed by the contract. Contract employees do not receive benefits except as provided by Neb. Rev. Stat. § 84-1601 et seq. Contract employees do not have grievance rights.

003 Service Date. The continuous service date must be adjusted to reflect suspensions without pay, or periods of unpaid leave which exceed fourteen (14) calendar days (except military leave). Promotion, demotion, and transfer of employees will not change the employee's service date.

Employees who left State service for other than disciplinary reasons~~,~~ and return after July 1, 2001, following a break in services of less than five (5) years, are given credit for previous State service by having their service date reinstated minus the amount of time absent.

004 Equal Opportunity Employment and Nondiscrimination. The Department prohibits the following employment practices, which are unlawful under Neb. Rev. Stat. §§ 48-1001 and ~~Sections~~ 48-1104 ~~and 48-1004 R.R.S.~~:

004.01 To fail or refuse to hire, to discharge or to harass any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's age, race, color, religion, sex, disability, marital status, national origin, or genetic information (as prohibited by the federal Genetic Information Non-discrimination Act [GINA] and Neb. Rev. Stat. § ~~Section~~ 48-236 ~~R.R.S.~~); or

004.02 To limit, advertise, solicit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect such individual's status as an employee, because of such individual's age, race, color, religion, sex, disability, marital status, or national origin; or

004.03 To refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to terms, conditions, or privileges of employment, otherwise lawful, because of such individual's age, when the reasonable demands of the position do not require such an age distinction; or

004.04 To willfully utilize in the hiring or recruitment of individuals for employment otherwise lawful, any employment agency, placement service, training school or center, labor organization, or any other source which so discriminates against such individuals because of their age.

005 ADA Compliance. It is the policy and practice of the Department to comply with the federal Americans with Disabilities Act (ADA) and to ensure equal opportunity in employment for all qualified persons with disabilities. The Department is committed to ensuring that there is no discrimination in any terms, conditions, or privileges of employment. Reasonable accommodation is available to all employees and applicants. Requests for reasonable accommodations must be forwarded to the Human Resources Office.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 5 – PROBATIONARY PERIODS

001 Period of Time. Each employee serves an appropriate probationary period based on the job classification occupied. The probationary period for new or revised classifications created after the effective date of this Title will be determined by the Department per the provisions of Chapter 2, Section 002.01, and Chapter 6, Section 001.

001.01 Six-Month Probationary Periods. Employees occupying the following jobs (including various levels within the job family), or successor job titles, serve a probationary period of six (6) months:

Administrative Associate
IT Infrastructure Support Technician
IT Help Desk Specialist
Office Associate
Office Associate Executive
Paralegal
Program Associate
VR Associate ~~and Senior Associate~~

001.02 Twelve-Month Probationary Periods. Employees occupying the following jobs (including various levels within the job family), or successor job titles, serve a probationary period of twelve months:

Administrative Specialist
Administrator
Deputy Commissioner
Disability Adjudicator
Disability Determination Services ~~Section~~ Hearing Officer
Education Specialist
General Counsel
IT Administrator
IT Applications Developer
IT Data/Database Analyst
IT Infrastructure Support Analyst
IT Help Desk Specialist
~~IT Project Management Lead~~
IT Manager
IT Supervisor
Legal Counsel
Officer
Program Specialist
Project Manager
Psychometrician
~~Senior Administrator~~
Statistical Research Specialist
VR Service Specialist

VR Rehabilitation Specialist
VR Office Director
VR Program Director
Web Developer

001.03 Extensions. Employees with original probationary periods of six (6) months may be extended by up to six (6) months not to exceed a total of twelve (12) months upon written notification to the affected employee, which includes reasons for such extension. Employees with original probationary periods of twelve (12) months may be extended by up to six (6) months not to exceed a total of eighteen (18) months upon written notification to the affected employee, which includes reasons for such extension. Secondary probation periods may not be extended.

002 Change of Position During Probationary Period. Employees who move to another position during their original probationary period are required to serve a complete new probationary period in the new position and will not be credited with probationary service completed in the previous position. However, employees who move to positions that are under the same Office Administrator, and are of the same pay grade, will be credited with all probationary service in the previous position.

003 Secondary Probationary Periods. Employees who have previously completed an original probationary period in their current position, and accept a new position, or who are demoted as the result of a disciplinary demotion, will be placed on a secondary probation for a period of time as set forth in Sections 001 and 002 of this Chapter to determine his/her ability to perform the job. The supervisor and appropriate Office Administrator may request approval from the Human Resource Office to waive or end the secondary probationary period early. If the employee is, in the opinion of the Department, not performing satisfactorily in the new position during the secondary probationary period, the employee may be reverted to the employee's previous position and pay rate (secondary probation following promotions only) or may be placed in a vacant position of a similar classification with the same pay rate as the employee received prior to the new position. If no such vacancy is available, the Department may place the employee in a vacant position in a lower classification according to the provisions in Chapter 6, Section 004, of this Title, or may terminate the employee in the manner described in Chapter 5 of this Title. Notice of such change in position must be provided to the employee within the secondary probation period and the change effective within thirty (30) calendar days of the end of the secondary probation period. The Department is not required to utilize the disciplinary process to revert an employee back to the employee's former position or a vacant position in the same geographical area (thirty [30] miles from the current work site) equivalent to the former position's pay grade. Any of the Department action described above are grievable only if and to the extent that the employee is alleging that (i) such action was based upon unlawful discrimination by reason of sex, race, color, age, national origin, marital status, religion, disability, or genetic information; or (ii) their previous

position was vacant and available or a vacant position of similar job level was available but they were not placed in such a position. The Department will document efforts to provide the promoted employee with performance improvement counseling when utilizing this provision.

003.01 During the secondary probationary period for the new position, probationary performance appraisals may be conducted according to the schedule as set forth in ~~Chapter 5,~~ Section 006 of this Chapter ~~Title~~.

004 Employees on a part-time schedule may have their probationary period extended according to the provisions in this Chapter in order for the supervisor to have additional opportunities to observe the employee. Probationary periods may also be extended to allow for adequate observation opportunities in cases where employees have been absent for significant periods of time.

005 Termination of Employment. Employees serving an original probationary period may, upon the recommendation of the immediate supervisor, and with the approval of the appropriate Office Administrator, be terminated without cause or recourse under the rules of Title 93 at any time during the probationary period.

005.01 If at any time during the original probationary period it is determined that the services of the employee have not been acceptable, or if the employee does not successfully pass applicable background screens, the appropriate Office Administrator and supervisor will notify the employee in writing of the date services are to be terminated. There is no recourse for such terminations under this Title.

006 Appraisal Schedule. Written performance appraisals will be prepared at prescribed intervals during the probationary period and annually thereafter as described in Section 006.03 of this Chapter. The absence of any required appraisals does not prohibit nor delay the ending of a successful probationary period and the establishment of a regular appointment. If a performance appraisal was not completed during the previous twelve (12) months, an employee's performance will be considered as meeting expectations for salary purposes until such time as a performance appraisal is completed. Employees will be provided with either electronic access to, or a paper or electronic copy of, the completed performance appraisal. Supervisors will hold performance planning sessions, communicate performance expectations, and provide performance feedback outside of the formal appraisal conferences.

006.01 Six-Month Probationary Period. For employees with a six-month probationary period the following schedule of appraisals will be maintained:

~~006.01A Prior to the end of ninety (90) calendar days of employment; and,~~

006.01A ~~006.01B~~ Prior to the end of the 6th month of employment; and~~.~~

006.01B ~~006.01C~~ Additional appraisals may be scheduled at the discretion of the employee's supervisor.

006.02 Twelve-Month Probationary Period. For employees with a twelve-month probationary period, the following schedule of appraisals will be maintained:

~~006.02A Prior to the end of the 6th month of employment; and,~~

006.02A ~~006.02B~~ Prior to the end of the 12th month of employment; and~~.~~

006.02B ~~006.02C~~ Additional appraisals may be scheduled at the discretion of the employee's supervisor.

006.03 Annual Appraisals. Annual appraisals will be conducted on an annual basis covering the previous calendar year. Additional appraisals may be scheduled at the discretion of the employee's supervisor.

007 End of Probation. If the supervisor determined that the services of an employee have been acceptable, the employee will move from probationary to regular employee status. An employee will move to regular employee status on the day following the day ending the probationary period, unless notice of extension has been given to the employee in writing prior to such time. In the event of an extension of the original probationary period, an employee will move to regular employee status on the day following the day ending the extension of the original probationary period.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 6 – JOB CLASSIFICATION PLAN

001 General. The Human Resources Office will maintain a master set of all job specifications used by the Department, which will be available on the Department's intranet website.

002 Job Classification Review. Regular employees or their supervisors may request a review of the employee's job classification at any time providing the position has not been reviewed within the previous twelve (12) months. The employee's supervisor(s) may request of Human Resources a waiver of the twelve (12) month interval requirement. An employee may make the request to the Human Resources Office through their immediate supervisor or a supervisor may make the request directly to the Human Resources Office. Following such request by an employee or supervisor, the Human Resources Office will review the placement of such employee. Such review by the Human Resources Office will include the review of a Position Description Questionnaire completed by the employee and reviewed by the employee's supervisor(s) and the appropriate Office Administrator. The Position Description Questionnaire will be provided to the employee by the Human Resources Office within five (5) workdays of such request.

002.01 Form Completion. The employee or supervisor will have fifteen (15) workdays to complete the Position Description Questionnaire, including supervisor's and Office Administrator's review, and return it to the Human Resources Office.

002.02 Human Resources. The Human Resources Office will have twenty (20) workdays from the receipt of the completed Position Description Questionnaire to complete the review of the job reclassification request and make a decision. A copy of Human Resources' decision will be forwarded to the supervisor(s), the Office Administrator and the employee. If Human Resources' decision is to retain the employee's classification or reclassify the employee to a higher job specification, the decision is final. If the decision of the Human Resources Office is to reclassify to a lower job specification, the supervisor(s), the Office Administrator, and the employee will then have an opportunity to provide comments and/or documentation to the Deputy Commissioner to appeal Human Resources' decision within ten (10) workdays.

002.03 Deputy Commissioner. The Deputy Commissioner will have fifteen (15) workdays after receiving the appeal to make a final decision. The Deputy Commissioner will communicate the final decision to the Human Resources Office, supervisor(s), the appropriate Office Administrator, and the employee within five (5) workdays of the decision.

If the decision of the Human Resources Office is to classify the employee to a higher job specification ~~is made on or before the 15th of the month~~, and a pay adjustment is warranted, the pay adjustment will be effective the next

pay period ~~as of the 1st day of the current month. If the decision is made after the 15th of the month, the pay adjustments will be effective as of the 1st day of the next month~~.

002.03A The time requirements in this Chapter may be extended by written agreement between the employee and the Human Resources Office in cases where additional time is needed in order to conduct the review process. Retroactive pay adjustments may be made under Section 02.03 of this Chapter.

003 Reclassifications. In situations where the employee's job duties have changed significantly, the employee may be reclassified to a new job classification at a higher pay grade as a result of the job classification review process.

003.01 An employee who is reclassified to another job classification at a higher pay grade will be placed in the new job classification on the same numbered step that they were placed in their previous job classification ~~receive a five percent (5%) salary increase for moving up one pay grade, a seven and one-half percent (7.5%) salary increase for moving up two pay grades, or a ten percent (10%) salary increase for moving up three or more pay grades. In no case will the employee receive a salary that is less than the minimum or more than the maximum of the new pay grade~~.

003.01A The appropriate Office Administrator may request approval from the Deputy Commissioner to award a salary increase greater than would be provided by Section 003.01 of this Chapter. The Deputy Commissioner's decision will be final.

003.01B The appropriate Office Administrator may request approval from the Deputy Commissioner to award a salary increase less than would be provided by Section 003.01 of this Chapter if the employee has already received an increase for the same duties which resulted in the reclassification.

003.01C An employee's job classification modified by Human Resources outside of the Job Classification Review Process is not subject to the salary increases in Section 003 of this Chapter.

004 Demotions. An employee may receive a disciplinary demotion per Chapter 13, Section 004.02, of this Title or be demoted due to unsatisfactory performance during a secondary probation period per Chapter 5, Section 003. In cases in which the employee accepts a demotion to avoid being laid off, voluntarily requests a demotion, or~~,~~ is reclassified to a lower pay grade, a non-disciplinary demotion may result. The employee will have the right to elect demotion as an alternative ~~the alternate~~ to a

layoff. The right to elect will be granted to employees in accordance with provisions of Chapter 12 of this Title.

004.01 In all cases involving demotion, the employee must meet the requirements of the position to which he/she is demoted, and except as provided in layoff procedure, no employees in a lower level position will be laid off by reason of a demotion action involving another employee.

004.02 An employee who is demoted, either voluntarily or involuntarily, from a higher pay grade to a lower pay grade, will be placed in the new job classification on the same numbered step that they were placed in their previous job classification ~~have his/her pay reduced by five percent (5%) for demotions of one pay grade, seven and one-half percent (7.5%) for demotions of two pay grades, or ten percent (10%) for demotions of three or more pay grades. Under no circumstances would the employee's salary be less than the minimum rate of the new pay grade or more than the maximum of the new pay grade~~.

004.02A The appropriate Office Administrator may recommend to the Deputy Commissioner a salary decrease less than would be provided by this Section. The Deputy Commissioner's decision will be final.

005 Salary for Vacant Position. Employees who apply for and are selected as the successful applicant to fill a vacant job opening that was posted, will be subject to the same salary range that was identified on the posting for all applicants. Employees are not entitled to retain their current salary level if they accept the offer to fill the vacancy. The salary provisions contained in Section 003 and Section 004 of this Chapter do not apply to such a situation.

005.01 The Commissioner or the Deputy Commissioner may authorize a higher salary than was identified in the posting in cases where it is determined that the current Department employee selected possesses superior or unique experience or qualifications that will provide added benefit to the Department in the job.

006 Loss in Pay. No employee will, as a result of Department action, suffer a loss of pay through a promotion or transfer to a position of the same job classification or through an involuntary, non-disciplinary transfer to a different job classification in the same pay grade. This provision will not apply in layoff situations.

007 Service Date. Promotions, transfers, or demotions will not change an employee's Department or State service date.

008 Pay During Temporary Transfer. When an employee performs the duties of a position

in a higher pay grade than the job classification pay grade currently held by the employee, the employee will receive a temporary pay increase to the minimum salary of the higher pay grade or an increase in accordance with Section 003.01 of this Chapter, whichever is higher, but in no case will the employee receive a pay reduction. Such temporary pay increase will apply only when the employee has been requested to perform the duties of someone at a higher pay grade, and when the period of time in which the employee is performing the duties exceeds ten (10) workdays.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 7 – SALARY ADMINISTRATION

001 Pay Plan. Employees are placed in an assigned position and pay grade of a job classification and pay plan approved by the Commissioner. The pay plan may provide scheduled salary increases, including, but not limited to, annual salary adjustment increases.

001.01 Horizontal Movement. The Deputy Commissioner may distribute salary increases to employees who meet established criteria as necessary to address internal/external inequities and recognize noteworthy performance. The salary increases will be included in the employee's regular rate of pay and base salary.

001.02 Merit Stipends. Upon receiving a recommendation from the appropriate Office Administrator, the Deputy Commissioner may distribute merit stipends to recognize employees, with at least two (2) years of service with the Department, who have demonstrated exemplary performance or who have completed temporary assignments that required time, skill, and effort beyond the normal scope of the employee's position. The stipend will be a one-time payment, above and beyond the regular rate of pay. The stipend will not become part of the employee's base salary.

002 An employee who, on the effective date of a scheduled pay increase, is under suspension with pay, suspension without pay, or administrative probation, will not be provided the pay increase until the employee satisfactorily completes the disciplinary action except that no employee will be paid less than the hiring rate of pay established for the employee's pay grade in effect on the effective date of the last pay increase.

003 If a suspension is for investigative purposes and the employee is subsequently determined not to be subject to disciplinary action, the employee will be entitled to the appropriate pay rate increases retroactive to the date the pay rate increases would have been granted had not the suspension been in effect.

004 Release of Payroll/Expense Warrants. Payroll and expense warrants will be released to employees named on the warrant or to the person designated by the employee in writing. In case of employee illness or injury, warrants may be released to immediate relatives who do not have a note of authorization but have proof of identification. Immediate relatives are: spouse; children including step, adopted, and foster children; parents; and, parents of the spouse.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 8 – OVERTIME

001 Exempt and Nonexempt Defined.

001.01 Exempt employees means employees who, by virtue of their primary duties and responsibilities, are professional, executive and/or administrative under the provisions of the federal Fair Labor Standards Act (FLSA) and are thereby exempt from overtime compensation payment and/or time off in lieu of such payment.

001.02 Nonexempt employees means employees who are eligible to receive compensatory payment or time off for overtime.

002 FLSA Status Determination. The Human Resources Office determines the federal Fair Labor Standards Act (exempt or nonexempt) status of each existing, new, or restructured position.

003 Overtime Approval. For all employees other than those in the Disability Determination Services ~~Section~~ (DDS), no overtime will be worked by nonexempt employees without the prior approval in writing by the immediate supervisor~~,~~ and the appropriate Office Administrator~~, and the Commissioner or the Deputy Commissioner~~. No overtime is to be worked by a nonexempt DDS employee unless authorized by the Social Security Administration and approved by the DDS Office Administrator.

004 Overtime Compensation Options for Nonexempt Employees. Nonexempt employees, who accumulate more than forty (40) hours of compensable work time in a work week, will be eligible for overtime compensation. The method of compensation will be at the discretion of the appropriate Office Administrator and the immediate supervisor. The two (2) options for such compensation are:

004.01 Payment of a sum equivalent to one and one-half (1-1/2) times the hourly rate of pay for time actually worked in excess of forty (40) hours. Payment for overtime hours will be calculated at the hourly rate that was in effect for overtime at the time excess hours were actually worked.

004.01A The hourly rate of pay will be computed by dividing the annual rate of pay by the number of hours the employee is normally responsible for per year. Such payment will be made at the end of the pay period in which it was earned, if administratively feasible, or at the end of the following pay period.

004.02 Compensatory time off when taken in lieu of pay will be calculated at time and one-half (1-1/2) unless the employee has actually worked less than forty (40) hours during the workweek. If the employee has actually worked less than forty (40) hours during the workweek, compensatory time off will be calculated at straight time. Paid vacation, sick, or bereavement leave

will not be counted as work hours for overtime purposes.

004.02A Compensatory time off will be used in the subsequent sixty (60) calendar day period following the date the hours were worked, unless such period is extended, in writing, by the Department (within limits established in Section 004.02B of this Chapter).

004.02B Employees who worked overtime hours between July 3, 2023, ~~1, 2017~~ and June 30, 2024 ~~2018~~, will either be provided time off by July 28, 2024, ~~31, 2018~~ or be paid out in biweekly pay period 16 ~~by August 31, 2018~~ at the ~~June 2018~~ pay rate in effect at the time the compensatory time was earned. Employees who worked overtime hours between July 14, 2024, ~~1, 2018~~ and June 29, 2025 ~~30, 2019~~, will either be provided time off by July 27, 2025, ~~31, 2019~~ or be paid out in biweekly pay period 16 ~~by August 31, 2019~~ at the ~~June 2019~~ pay rate in effect at the time the compensatory time was earned.

005 Exempt Employees.

005.01 Schedule Deviation. Exempt employees who, in fulfilling their job responsibilities (which may include travel time) extend their accountable work hours beyond the expected eight (8) hour workday or approved work schedule, may deviate from their usual work hours upon advance approval and agreement between the employee and immediate supervisor as to the number of hours of deviation and when the schedule deviation will take place. Schedule deviation is defined as an adjustment of work hours or length of the workday.

005.02 Hours worked on a holiday by an exempt employee will be compensated at straight time.

006 Nonexempt Employees – Overtime Calculation.

006.01 Overtime will include all compensable work time in excess of forty (40) hours either at time and one-half (1-1/2) or at straight time.

006.02 Holidays will be considered as work hours for overtime purposes. Hours worked by an overtime-eligible employee on a holiday will be compensated at one and one-half (1-1/2) times the employee's normal hourly rate of pay. All hours worked on a holiday in excess of the employee's normally scheduled workday will be compensated at two (2) times the employee's normal hourly rate of pay.

006.03 Paid leave (e.g., sick, vacation, bereavement) will not be considered as work hours for overtime purposes.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 9 – LEAVE AND HOLIDAYS

001 The following provisions apply to paid and unpaid leave:

001.01 Unauthorized Leave. An absence by an employee which does not meet the requirements specified in this Chapter and is not authorized by the employee's supervisor will be considered as unauthorized leave. Unauthorized leave may be grounds for corrective or disciplinary action under the provisions of Chapter 13 of this Title.

001.02 Authorized Leave. An absence by an employee which meets the requirements specified in this Chapter and that is authorized by the employee's supervisor will be considered as authorized leave.

002 Continuous/Company Service Date Adjustments. Employees returning to work on or after July 1, 2001, after a break in service of less than five (5) calendar years, will have their accumulated unpaid sick leave balance reinstated. The employee's service date(s) will be adjusted for the period of absence. The employee's vacation and sick leave earning rate will also be adjusted, and the new rate of earning will be based on the adjusted service date(s). Employees returning to work after a break in service of more than five (5) calendar years will start with a zero (0) sick and vacation leave balance, ~~and~~ will be considered to be new employees for service date purposes, and will earn vacation and sick leave at the beginning earning rate of a newly hired employee.

Employees may apply available, accumulated paid leave on their monthly timesheet in order to prevent service date adjustment(s). The leave time taken will be no less than one (1) workday for purposes of this Section. One (1) workday will be eight (8) hours for a full-time employee or the corresponding percentage of full-time equivalent (FTE) for part-time employees.

The employee's service date will be adjusted when an unpaid absence exceeds fourteen (14) consecutive calendar days, except when an employee is still eligible for workers' compensation payments. The adjustment will correspond to the number of days the employee is on unpaid leave. See also Chapter 4, ~~–~~Section 003, of this Title.

003 Holidays. The following holidays, and others when declared by law or proclaimed by the Governor or President of the United States as provided in subsection (3) of Neb. Rev. Stat. § 84-1001 ~~Nebraska Section 84-1001(3) R.R.S.~~, will be compensated holidays for full-time and part-time employees and are scheduled on the dates indicated. When a holiday falls on Saturday, it will be observed on the preceding Friday. When a holiday falls on Sunday, it will be observed on the following Monday.

DAY	DATE
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February

Arbor Day	Last Friday in April
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day/Indigenous Peoples' Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday following Thanksgiving
Christmas Day	December 25

003.01 Full-Time Employees. Compensation for a holiday is based on an eight (8) hour workday for full-time employees.

003.02 Part-Time Employees. Part-time employees will receive paid time off for holidays on a prorated basis according to the time they work each pay period.

003.03 Temporary and Contract Employees. Temporary and contract employees are not eligible for holiday leave, and if required to work on a holiday or observed holiday, are paid for the time worked at their normal rate of pay.

003.04 Eligibility for Holiday Pay. Pursuant to Neb. Rev. Stat. § ~~Section~~ 84-1001 ~~R.R.S.~~ in order to receive pay for such holiday an employee, whether part-time or full-time, must be in paid work status on both the workday immediately preceding and immediately following the holiday unless excused by his or her supervisor.

003.05 Working on Holidays. An employee may be directed to work on a holiday or may request advance approval from the immediate supervisor to voluntarily work on a holiday. Any work on a day that is defined as a paid holiday by Neb. Rev. Stat. § ~~Section~~ 84-1001 ~~R.R.S.~~ will be compensated for by granting the employee compensatory time off or by paying the employee. Nonexempt employees will be compensated per Chapter 8, ~~–~~Section 006.02, of this Title. Exempt employees will be compensated at straight time and allowed to take the holiday within sixty (60) calendar days of the observed holiday. The method of compensation for the holiday worked will be at the discretion of the Department. If compensatory time off is granted, the employee will determine when such time will be taken, subject to Chapter 8, ~~–~~Section 004.02A, of this Title.

004 Vacation Leave. All employees, excluding temporary and contract employees, earn paid vacation leave. Hours accrue on a biweekly ~~monthly~~ basis but are not available to the employee prior to the start of the following pay period ~~month~~, except as provided by Section 004.03 ~~004.04~~ of this Chapter. Full-time employees earn vacation leave according to the following schedule:

Years of Service	Hours Per Year	~~Hours Per Month (Average)~~	Days Per Year
1st year through 5th year	96	~~8.00~~	12
6th year	120	~~10.00~~	15
7th year	128	~~10.67~~	16
8th year	136	~~11.34~~	17
9th year	144	~~12.00~~	18
10th year	152	~~12.67~~	19
11th year	160	~~13.34~~	20
12th year	168	~~14.00~~	21
13th year	176	~~14.67~~	22
14th year	184	~~15.34~~	23
15th year	192	~~16.00~~	24
16th year and following years	200	~~16.67~~	25

~~004.01~~ ~~Vacation Leave for Part-Time Employees. Part-time employees will earn paid time off for vacation on a prorated basis according to the time they work each pay period.~~

004.01 ~~004.02~~ Using Vacation Leave. Vacation leave must be requested in advance by the employee. Vacation leave may be used when approved by the employee's supervisor. Denial of vacation leave requests must not be arbitrary and the taking of vacation leave by employees may not be unreasonably deferred. Vacation leave will be taken and reported in increments of not less than one tenth (1/10) of an hour.

004.02 ~~004.03~~ Vacation leave will not accrue to any employee on leave of absence without pay, leave without pay, suspension without pay, layoff, or during time off of work that is compensated under workers' compensation, except as provided in ~~Chapter 9,~~ Section 012.06C of this Chapter.

004.03 ~~004.04~~ Advancing Vacation Leave. The appropriate Office Administrator may at his/her discretion advance vacation leave to employees with six (6) months of service with the Department in an amount not to exceed that which the employee would earn in the succeeding three (3) month period. For employees with more than five (5) continuous years of service and ~~with~~ no record of leave abuse, request for vacation leave advancement of thirty (30) hours or less will not unreasonably be denied. Employees will reimburse the Department for all used unearned vacation leave upon termination either by a deduction in their final check or by separate payment. Employees may not request more than one advancement in a three (3) month period. If at the end of the advancement period the employee has not earned back the advanced vacation leave used, another request for advancement of vacation cannot be approved until the employee has earned back the advanced vacation leave used. Written notice of

advancement must be provided to the Human Resources Office.

004.04 ~~004.05~~ Balancing of Vacation Leave During Employment. Up to two hundred and eighty (280) hours of an employee's vacation leave may be carried over from one (1) calendar year to the next. Accumulated vacation time in excess of two hundred and eighty (280) hours will be forfeited as of December 31 of each calendar year. In the event an unforeseen work-related emergency prevents an employee from taking planned vacation leave before December 31 and causes that vacation leave to be lost, additional carryover vacation leave may be requested of and approved in advance of the calendar-year-end by the Deputy Commissioner. In such cases, the hours above two hundred and eighty (280) that are carried over must be used within the next six (6) months.

004.05 ~~004.06~~ Balancing of Vacation Leave Upon Separation. Employees who leave state government employment for any reason will be paid for any unused accumulated vacation leave earned, calculated at the hourly rate in effect at the time of termination. However, vacation leave, both as to earned unused hours and as to years of service for accumulation purposes, may be transferred when employees transfer between another Nebraska State agency, Nebraska State university or college, and the Department without a break in service, upon mutual agreement of the employers.

004.05A ~~004.06A~~ A retiree returning to State service will begin earning vacation leave at the beginning rate of a newly hired employee. A retiree means an employee who is qualified to receive retirement allowance under the state or the school retirement system.

004.06 ~~004.07~~ Leave Without Pay. All earned accrued vacation leave, which does not include advanced vacation leave, will be used by an employee before being granted leave without pay. Employees may request leave without pay in writing from the appropriate Office Administrator; however, granting leave without pay is discouraged and should not be done on a regular basis. Written notice of leave without pay must be provided to the Human Resources Office.

004.07 ~~004.08~~ Holidays falling within a period of vacation leave will not be counted as work hours for purposes of overtime.

005 Sick Leave. All employees, excluding temporary and contract employees, as defined by Chapter 4 of this Title, earn paid sick leave. Hours accrue on a biweekly ~~monthly~~ basis but are not available to the employee prior to the start of the following pay period ~~month~~ except as provided by Section 005.08 of this Chapter. No sick leave is earned by an employee on leave-without-pay status.

Full-time employees accumulate sick leave according to the following schedule:

Years of Service	Hours Per Year	Hours Per Month (Average)	Days Per Year
1st through 5th year	96	8.00	12
6th through 15th year	112	9.34	14
16th and following years	144	12.00	18

~~005.01 Sick Leave for Part-Time Employees. Part-time employees will accumulate paid time off for sick leave on a prorated basis according to the time they work each pay period.~~

005.01 ~~005.02~~ Conditions for Using Sick Leave. Sick leave may be used only under the following conditions:

005.01A ~~005.02A~~ Employee. When an employee is unable to perform his/her duties because of:

005.01A1 ~~005.02A1~~ Illness,
005.01A2 ~~005.02A2~~ Absence due to psychological treatment or counseling (see definition of treatment in Chapter 3~~, Section 045~~ of this Title),
005.01A3 ~~005.02A3~~ Disability,
005.01A4 ~~005.02A4~~ Injury,
005.01A5 ~~005.02A5~~ Employee's presence at work jeopardizes the health of others by exposing them to a contagious disease,
005.01A6 ~~005.02A6~~ Pregnancy complications, post-natal recovery, or miscarriage,
005.01A7 ~~005.02A7~~ Absence due to treatment for alcoholism or drug addiction, if medically diagnosed by a licensed physician~~,~~ and ~~if~~ the employee is receiving assistance or has agreed to an approved course of treatment,
005.01A8 ~~005.02A8~~ Medical, surgical, dental, audiological, or optical examination or treatment, or
005.01A9 ~~005.02A9~~ Emergency medical treatment.

005.01B ~~005.02B~~ Employee's immediate family member(s). When the illness, disability, injury, surgery, medical examination, procedure, or treatment of an immediate family member requires the employee's presence. The seriousness of the illness, disability, injury, or surgery will be considered by the immediate supervisor when determining the number of days of sick leave to be granted. The immediate family means: spouse; children, including step, adopted and foster children; daughter/son-in-

law; parents; and parents of the spouse. At the discretion of the appropriate Office Administrator ~~Team Leader~~, sick leave benefits may be extended for the care of other individuals with a similar personal relationship (e.g., acted as a mother, father, etc.) to the employee as that of an immediate family member.

005.01C ~~005.02C~~ After the birth of a baby, the employee who is not the biological mother or primary care giver of the baby may use up to five (5) days of sick leave. If more than five (5) days of sick leave is necessary and required, for medical reasons, to care for the new baby or the mother, a note from the medical provider will be required to establish the medical necessity.

005.01D ~~005.02D~~ After the birth of a baby, an employee, other than a parent, who is an immediate family member, may use sick leave if his or her presence is necessary and required, for medical reasons, to care for the mother (if the mother meets the definition of immediate family). A note from the medical provider will be required to establish the medical necessity.

005.01E ~~005.02E~~ Under this Section, employees may use sick leave to attend meetings with school personnel for an immediate family member with a disability.

005.02 Sick leave may be used in conjunction with approved leave under the federal Family Medical Leave Act, subject to the requirements in Section 006 of this Chapter and applicable subsections.

005.03 Sick leave will not be used as vacation leave.

005.04 Sick leave will be taken and reported in increments of not less than one tenth (1/10th) of an hour. Holidays falling within a period of sick leave will not be counted as hours worked for overtime purposes.

005.05 Sick leave will not accrue to any employee on leave of absence without pay, leaves without pay, including Family and Medical Leave, suspension without pay, layoff, or during time off of work that is compensated under workers' compensation, except as provided in ~~Chapter 9,~~ Section 012.06C of this Chapter.

005.06 Probationary employees will be entitled to sick leave at the same rate as regular employees. Sick leave may be granted during the probationary period up to the number of accrued hours available to the employee. When a probationary employee takes sick leave in excess of accrued hours available, the provisions of Section 005.08 of this Chapter will apply.

005.07 Requesting Sick Leave. Sick leave will be requested by the employee in writing and in advance whenever possible, for anticipated health reasons such as medical treatment, physical examinations, and meetings with school personnel described in Section 005.01E ~~005.02E~~ of this Chapter. In cases of sickness, injury, emergencies, or any other absence not approved in advance, the employee will advise appropriate Department personnel of the circumstances as soon as possible. An employee may be required to submit substantiating evidence and/or documentation when the reason for the leave request was for medical or dental treatment, a meeting with school personnel described in Section 005.01E ~~005.02E~~ of this Chapter, or when the immediate supervisor suspects sick leave abuse. Substantiating evidence may also be required if the sick leave absence exceeds five (5) consecutive workdays.

005.07A If an employee has been absent on sick leave exceeding five (5) consecutive workdays, the employee may be required to produce written verification from a medical provider to document fitness to return to work, including notice of any necessary work restrictions.

005.07B Independent of an employee's use of sick leave and exceeding the five (5) consecutive workday requirement noted above, if an immediate supervisor has reason to believe that an employee's presence at work poses a significant health or safety risk, the employee may be required to produce medical verification regarding fitness for work.

005.08 Advancing Sick Leave. Sick leave may, at the discretion of the immediate supervisor and appropriate Office Administrator, be advanced to employees with six (6) months of service with the Department, in an amount not to exceed that which the employee would earn in the following three (3) month period. Employees will reimburse the Department for all used, unearned sick leave upon termination, either from a deduction in their final check or by separate payment on a schedule agreed to by the Department. Employees may not request more than one advancement in a three (3) month period. If at the end of the advancement period the employee has not earned back the advanced sick leave used, another request for advancement cannot be approved until the employee has earned back the advanced sick leave used. Written notice of advancement must be provided to the Human Resources Office.

005.09 Should an employee require medical treatment while on vacation, vacation leave may be changed to sick leave under the following circumstances:

005.09A For the period of time medical treatment was required and for reasonable periods of bed-rest thereafter that were required and that occurred within the otherwise normally scheduled work hours of the employee;

005.09B Upon submission of a physician's statement substantiating treatment and probable duration of illness; and

005.09C Upon approval of the immediate supervisor and appropriate Office Administrator.

005.10 Balancing Sick Leave During Employment. There will be no maximum limit on sick leave balances carried from year to year.

005.11 Transfer of Sick Leave. Sick leave, both as to earned unused hours and as to years of service for accumulation purposes, may be transferred when the employee transfers between another Nebraska State agency, Nebraska State university or college and the Department without a break in service by mutual agreement between employers.

005.12 Balancing Sick Leave Upon Separation. Upon separation of employment all sick leave will be forfeited. However, all accumulated unused sick leave may be transferred when the employee transfers between another Nebraska State agency, Nebraska state university or college and the Department without a break in service, by mutual agreement between employers. In the event of the death of an employee, the employee's beneficiary will be paid one-fourth (1/4) of the accumulated unused sick leave computed at the rate of pay earned by the employee at the time of death and will not exceed four hundred and eighty (480) hours. Upon separation of employment, if the employee is at least fifty-five (55) years of age, the employee will be paid one-fourth (1/4) of the accumulated unused sick leave paid at the hourly rate in effect upon separation. An employee may only receive this payout once, no matter how many times they are re-employed with the State of Nebraska. Payment for one-fourth (1/4) of the accumulated unused sick leave balance in the case of separation or death will not exceed four hundred and eighty (480) hours.

005.12A Employees who are at least fifty-five (55) years of age, who are laid off, will have the option to defer the payment of one-quarter (1/4) of their sick leave account for up to twelve (12) months. Should the laid off employee return to Department employment within twelve (12) months, the employee's sick leave balance and service dates will be reinstated (minus time in a non-pay status). Should the laid off employee not obtain further Department employment at the end of the twelve (12) month period, the

Department will pay the employee one-quarter (1/4) of their sick leave account, not to exceed four hundred and eighty (480) hours.

005.13 If an absence extends beyond the sick leave accrued to the credit of the employee, except in cases of workers' compensation, such employee will be required to utilize (1) accumulated unused compensatory time off if the employee is a nonexempt employee as defined in Chapter 8, Section 001.02, of this Title and (2) accrued vacation leave, in that order. For purposes of this subsection, accrued sick and vacation leave does not include advanced sick and vacation leave. After all accrued sick leave, compensatory time off, and vacation leave have been exhausted, the employee, upon written request, may be granted leave without pay (outside FML in Section 006 of this Chapter) at the discretion of the appropriate Office Administrator. However, granting such leave without pay is discouraged and should not be done on a regular basis. Written notice regarding the leave without pay must be provided to the Human Resources Office.

006 Family and Medical Leave (FML). Family and Medical Leave (FML) is unpaid time off from work and is subject to the provisions of 29 CFR 825. An employee must have at least twelve (12) total months of State service and have worked at least 1250 hours in the previous twelve (12) month period to be eligible for FML. Employees may request that accrued paid leave (e.g., vacation, sick) and compensatory time, if the employee is subject to Chapter 8, –Section 004, of this Title, be applied along with the unpaid FML entitlement. In this case, any paid leave will run concurrently with the FML entitlement.

Employees who are absent and receiving workers' compensation benefits, or using any paid leave exceeding 40 hours for full-time employees or exceeding the number of hours proportionate to the percentage of FTE for part-time employees taken for any of the reasons listed in Section 006.03 of this Chapter will have such leave credited against the twelve (12) week FML entitlement beginning with the first date of absence. Unpaid FML not charged to sick or vacation is subject to service date adjustments under Section 014 of this Chapter.

If FML exceeds forty (40) hours during a twelve-month period starting with the date FML is first used for full-time employees, or exceeds the number of hours proportionate to the percentage of FTE for part-time employees, sick leave must be used concurrently if the reason for the FML is also a reason sick leave may be used under Section 005. If the reason for FML is not also a reason sick leave may be used, or if and when accumulated sick leave is exhausted, such employee will be required to utilize (1) accumulated unused compensatory time off if the employee is subject to Chapter 8, Section 004, of this Title and (2) accrued vacation leave, in that order until exhausted; however, vacation leave may be reserved in an amount up to forty (40) hours for full-time employees, or proportionate to the percentage of FTE for part-time employees unless Catastrophic Leave is requested per Section 013 of this Chapter.

006.01 Notice of Intent to Use Family and Medical Leave. An employee must provide a minimum of thirty (30) calendar days notice to the Department before he/she may use Family and Medical Leave. Where thirty (30) calendar days notice is not foreseeable, notice must be given as early as possible. If certification of a serious health condition is required, FMLA forms must be obtained from the Human Resources Office.

006.02 Family and Medical Leave Duration. Total unpaid leave time taken for Family and Medical Leave is limited to twelve (12) weeks within a twelve (12) month period, starting with the date the Family and Medical Leave is first credited against the twelve (12) week entitlement pursuant to Section 006 of this Chapter. Employees may use accrued sick leave beyond the twelve (12) week Family and Medical Leave limitation for appropriate sick leave reasons as defined in Section 005.01 ~~005.02~~ of this Chapter, with proper certification from a health care provider. Family and Medical Leave cannot be carried forward beyond the twelve (12) month period and banked for future use.

Incremental Use. With the approval of the Department, Family and Medical Leave may be taken in increments with proper medical certification. Federal law allows employees not eligible for overtime (e.g., exempt employees) to make incremental use of unpaid Family and Medical Leave without affecting their "salaried" status.

006.03 Conditions for Using Family and Medical Leave. An employee may use Family and Medical Leave for the following reasons:

006.03A Birth of a child of the employee and care for that newborn child;

006.03B Placement of a child with the employee for adoption or foster care;

006.03C In order to care for the employee's spouse, child, or parent, if such spouse, child, or parent has a serious health condition.

006.03C1 Spouse means a husband or wife as defined or recognized under law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized. Child may include a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen (18) years of age or is eighteen (18) years of age or older and incapable of self-care because of a mental or

physical disability. Care for mother-in-law or father-in-law is not included. However, parent may include individuals other than natural or adoptive parents who served in a long-term parental role for the employee.

006.03D A serious health condition that makes the employee unable to perform the functions of the employee's job.

006.04 Definition of Serious Health Condition. Serious health condition means illness, injury, impairment, or physical or mental conditions that involve:

006.04A In-patient care in a hospital, hospice, or residential medical care facility including any period of incapacity or any subsequent treatment in connection with such in-patient care; or

006.04B Continuing treatment by a health care provider as provided for in 29 C.F.R. §825.115.

006.04C Examples of serious health conditions include: heart attack, heart by-pass or valve operations, most cancers, back conditions requiring extensive therapy or surgery, strokes, severe respiratory conditions, spinal conditions, severe arthritis, severe nervous disorders, mental illness, need for prenatal care, severe morning sickness, childbirth, and recovery from childbirth. This does not include voluntary or cosmetic treatments, unless inpatient hospitalization is required.

006.05 Certification of Serious Health Conditions. Except as provided in Section 006.08, when requesting Family and Medical Leave for a serious health condition, an employee must provide certification from a health care provider, which includes:

006.05A The date on which the serious health condition commenced;

006.05B The probable duration of the condition;

006.05C The appropriate medical facts within the knowledge of the health care provider regarding the condition;

006.05D A statement that the employee is needed to care for the child, spouse, or parent, and an estimate of the amount of time that such employee is needed to care for the child, spouse, or parent; or a statement that the employee is unable to perform the functions of the job; and

006.05E In the case of certification for intermittent leave, or leave on a reduced leave schedule, a statement of the medical necessity for the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule; or a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the child, parent, or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule. In the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment should be included.

006.06 Medical Second Opinions. The Department may require a second opinion, (the Department's choice of health care provider), and must pay for the cost of the second opinion. If the second opinion differs from the first, a third opinion may be sought, from a mutually agreed upon health care provider, again, at the Department's expense. The results of the third opinion are final.

006.07 Multiple Health Conditions. In the event the employee is requesting leave due to more than one serious health condition, the certification must specifically address each individual condition. Separate forms will be submitted as appropriate. Regardless of whether a single or multiple health condition(s) is/are involved, the limits in Section 006 of this Chapter apply.

006.08 When paid leave will be used for an absence, which may qualify as Family/Medical Leave, medical certification may be requested at the Department's discretion.

006.09 Health Insurance While on Family and Medical Leave. Employer health insurance contributions will continue during an employee's unpaid Family and Medical Leave absence, provided the employee makes his/her required contribution. Employer contributions will be based as if the employee had continued to work his/her normal schedule.

006.10 Workers' Compensation and Family and Medical Leave. If an employee requests Family and Medical Leave due to an injury or illness qualifying for workers' compensation, the Department will contact the Division of Administrative Services - Risk Management, for coordination of workers' compensation and Family and Medical Leave benefits.

007 Family Military Leave. Family Military Leave is available to employees in accordance with the terms and conditions of the *Nebraska Family Military Leave Act*, Neb. Rev. Stat. §§ ~~Sections~~ 55-501 through 55-507, ~~R.R.S.~~ and the amendments to the federal Family Medical Leave Act made by the National Defense Authorization Act (NDAA) of 2008 (29 U.S.C. § 2612 et~~.~~ seq.).

007.01A Requesting employees will provide the Department with certification from the proper military authority to verify eligibility for the leave taken under the *Nebraska Family Military Leave Act* ~~Sections 55-501 through 55-507 R.R.S~~.

007.01B Requesting employees will provide the Department with certification by the covered service member's health care provider for leave requested to care for that service member under the provisions of the federal National Defense Authorization Act amendments to the Family Medical Leave Act.

007.01C Requesting employees will provide the Department with such certification as may be provided for through regulations issued by the United States Secretary of Labor for leave requested for a "qualifying exigency" arising out of the fact that an employee's spouse, son, daughter or parent is on active duty, or has been notified of impending call for active duty, in the Armed Forces in support of a contingency operation under the provisions of the federal National Defense Authorization Act amendments to the Family Medical Leave Act.

008 Bereavement Leave. Up to forty (40) hours paid bereavement leave may be granted to employees for a death in the immediate family. For a death not in the immediate family, up to eight (8) hours leave with pay may be granted. For purposes of this Section, immediate family means spouse, parents, grandparents, siblings, children, step children, ~~including~~ foster children, children-in-law, nieces/nephews, aunts/uncles, grandchildren, spouse of any of these, or someone who bears a similar relationship to the spouse of the employee. Step-persons bearing these relationships are included. At the discretion of the appropriate Office Administrator, bereavement leave benefits may be extended for other individuals with a similar personal relationship (e.g., acted as a mother, father, etc.) to the employee as that of an immediate family member. The hours of bereavement leave that may be granted to part-time employees will be proportionate to the percentage of FTE that they work. Bereavement leave will not be charged to sick leave or vacation leave.

008.01 Bereavement leave will be available for a period of thirty (30) calendar days after the death, or first notice of the death, of an immediate family member, and for a period of fifteen (15) calendar days after the death or first notice of the death of persons not immediate family members. Exceptions due to extenuating circumstances may be approved by the appropriate Office Administrator.

008.02 No employee will be unreasonably denied the granting or advancement of up to an additional eighty (80) hours of vacation leave (prorated for less than full-time employees) when such additional time is available and necessary to settle personal matters related to a death in the immediate family. The granting of leave under this Chapter will not prohibit or interfere with the granting of leave under any other Chapter or provision of this Title.

009 Administrative Leave. Administrative leave, with pay, may be granted by the Commissioner or the Deputy Commissioner due to natural disasters, public health emergencies, inclement weather, or other local work-related emergencies.

009.01 When State offices, located in a building not owned or operated by the State, are closed by other than State officials due to inclement weather or other local work-related emergencies, employees have the following options, subject to advance approval by their immediate supervisor:

009.01A Report to work at a pre-arranged alternate worksite;

009.01B Telecommute from home if practicable due to the nature of the work, as determined by the appropriate Office Administrator ~~Team Leader~~.

009.01C Use accrued vacation leave, earned compensatory time, or leave without pay as a last resort.

009.01D Make up the missed work time within the work week.

009.01E Absent the ability to exercise any of the above options, employees may be placed on ready to work status. This means they are ready and available to be called back to a work location at any time. Employees in a ready to work status will be compensated and will perform any state work possible during this status. Ready-to-work status is intended for office closures that are due to clearly unanticipated occurrences such as flooding, fire, or other building damage. It is not intended for when the circumstances that resulted in the office closure were reasonably predictable in advance by the Department and the employee, such as a snowstorm ~~snow storm~~ predicted in advance. In such cases, the employee and his or her supervisor or other designee are to communicate and make arrangements in advance in regard to possible alternate work locations.

009.02 If State offices remain open during inclement weather or other work-related emergencies, employees are expected to make a reasonable effort to report for work or make alternative arrangements for work with their supervisor. Employees who fail to report for work will be charged compensatory time, vacation leave, or leave without pay. The appropriate Office Administrator, or the immediate supervisor, if authorized by the appropriate Office Administrator, may grant permission to both exempt and nonexempt employees to make up missed hours during the same week rather than requiring them to use compensatory time, vacation leave or leave without pay.

009.04 Nonexempt and exempt employees who report for and remain at work in periods during which administrative leave was authorized will be granted compensatory time off, to be used at a later date.

010 Military Leave. Employees will be eligible for Military Leave in accordance with applicable federal and state laws. This leave is limited to one hundred and twenty (120) hours a year, with no accumulation of unused leave carried over to the following calendar year. Such military leave may be taken in hourly increments.

011 Civil Leave. The employee will provide the Department with documentation to verify eligibility for civil leave. Civil leave does not include leave for military duty in connection with national defense, national disaster, or civil disturbances. Employees (including temporary) will be eligible for paid civil leave under the following conditions:

011.01 Jury Duty. When an employee is called to serve as a juror, civil leave without loss of pay will be granted during the time when the employee's physical presence is required by the court. Employees will return to work when the employee's physical presence is not required by the court.

011.02 Election Board Duty. When an employee serves as a juror, clerk, election inspector, or judge of an election board or a counting board, civil leave without loss of pay will be granted during the time when the employee's physical presence is required by the court or the election or counting board. The employee will also retain all fees paid them for their civil service.

011.03 Voting Time. An employee who is a registered voter and does not have two (2) consecutive hours in the period between the time of the opening and closing of the polls during which he or she is not required to be present at work for the Department is entitled on election day to be absent from employment for such a period of time as will, in addition the employee's nonworking time, total two (2) consecutive hours between the time of the opening and closing of the polls. If the employee applies for such leave of absence prior to or on election day, paid civil leave of two (2) hours will be

granted. The Department may specify the hours during which the employee may be absent. The two (2) hours authorized for voting does not apply to those employees who choose to vote by the use of an absentee ballot or who by reason of their employment must vote by use of an absentee ballot.

011.04 Court/Hearing Appearances. While serving as a witness under a work-related subpoena or voluntarily at the request of the Department, the employee will be excused from work with pay during the time that the employee's presence is required by the court or administrative body which issued the subpoena, or as required to testify when requested by the Department. At all other times during the employee's regular workday, the employee who is subject to a work-related subpoena will be on the job and working. Any witness fee received under such subpoena will be remitted to the funding source from which the employee's salary is paid.

Employees attending court or an administrative hearing as a plaintiff, defendant, or witness on non-work-related matters, will use vacation leave or earned compensatory time, if available. If the employee does not have vacation leave or compensatory time available, the appropriate Office Administrator may grant leave without pay. In the event the employee is subpoenaed for non-work-related matters and does not have vacation leave or compensatory time, the appropriate Office Administrator will grant leave without pay. Any witness fees paid to the employee for such court appearances may be retained by the employee.

012 Miscellaneous Leave. Employees will be eligible for the following types of leave:

012.01 Interviews. Interviews with employees for positions within the Department will be performed during work hours. Time spent for interviews, and travel to attend such interviews which occur during the employee's regular workday will be compensable.

012.02 Leave of Absence. Employees with at least three (3) years of Department service are eligible for a leave of absence without pay. A leave of absence of twelve (12) months or less for professional advancement, special training, or other good and sufficient reasons may be granted by the Commissioner. A leave of absence of more than twelve (12) months is subject to approval by the Board, which will review the request and the recommendation of the Commissioner of Education. Such leave of absence will be requested in writing to the Commissioner through the appropriate Office Administrator.

012.02A At the expiration of an approved leave of absence, employees will return to a position of a similar job classification or pay grade as

the position the employee held prior to leave, if available and the employee is otherwise qualified. If no such position is available, the employee will be considered "laid off" under the provisions of Chapter 12 of this Title. In the alternative, an employee may also accept demotion in accordance with Chapter 6, Section 004, of this Title, if available. Failure on the part of an employee to return to work on the agreed upon date, except ~~for~~ when satisfactory reasons are submitted to and approved by the Commissioner prior to the agreed upon return date, may be cause for dismissal.

012.02B Vacation and sick leave will not accrue while on leave of absence without pay. However, vacation and sick leave earned but not used prior to leave of absence will be carried forward upon employee's return to duty.

If the State or Federal program from which the employee was paid prior to the leave is terminated during the leave, the Department may choose to pay the employee on leave for his/her unused vacation leave balance.

012.03 Leave to Donate Blood. With the advance approval of their immediate supervisor, employees may be allowed paid time away from the job to donate blood in State-sponsored drives held in state offices, or to donate blood at the request of blood banks or centers facing a blood supply emergency. The amount of leave time granted will be at the discretion of the immediate supervisor. Donating blood under circumstances unrelated to state-sponsored drives or supply emergencies will require employees to obtain advance approval to use vacation leave or to adjust their work hours to complete a full workday.

012.04 Employee Assistance Program. Employees attending Employee Assistance Program (EAP) sessions at the Department's direction will do so at the Department's expense and may attend during work time. If an employee wishes to voluntarily attend EAP sessions in order to address personal issues that are affecting work performance, supervisors may authorize the employee to do so during work time without being charged sick or vacation leave. Employees attending EAP sessions on their own initiative will do so at their own expense and will use approved sick or vacation leave, compensatory time, or leave without pay.

012.05 Retirement Seminars. Leave with pay will be provided to eligible employees to attend up to two (2) planning seminars and two (2) pre-retirement planning programs presented by the Nebraska Public Employees Retirement Systems.

012.06 Injury Leave. Employees who are subject to the provisions of the Nebraska Workers' Compensation Act are entitled to the benefits of that law due to injury or occupational disease arising out of and in the course of their employment.

012.06A Injury or occupational disease arising out of and in the course of employment will be reported to the Human Resources Office as soon as possible. See Chapter 15, ~~–~~Section 008, of this Title for additional information on workers' compensation.

012.06B Employees entitled to be paid workers' compensation have the option of being ~~will be~~ granted injury leave with full pay for the first five (5) workdays they are unable to work due to injury or due to treatments for such injury, including the day of injury (if inability to work began on that day). At the expiration of injury leave, provisions of the Nebraska Workers' Compensation Act will apply. Injury leave will not be charged to vacation or sick leave.

012.06C Employees who are receiving workers' compensation for injury or occupational disease occurring out of and in the course of employment, will have the option of electing to use accumulated unused sick and/or vacation leave and accumulated unused compensatory time (if applicable) to supplement workers' compensation up to but not exceeding the regular rate of pay. Employees electing this option will be charged sick or vacation leave or compensatory time~~,~~ and earn sick and vacation leave in proportion to the percentage of gross wages paid by the Department. The Department's share of the health insurance premium will be paid during an absence under workers' compensation after all accrued leave and compensatory time have been depleted. Employees on workers' compensation will be treated as part-time employees for purposes of leave earnings and will earn prorated sick and vacation leave based on the number of hours worked and/or accrued leave time hours used to supplement the workers' compensation payment. If employees do not have, or choose not to use, accrued leave time to supplement the workers' compensation payment they will earn leave time only on the number of hours worked, if any.

012.06D Holidays occurring during a pay period during which workers' compensation benefits are received will be paid at a rate proportionate to the number of hours worked and/or accrued leave time hours used during the pay period.

012.07 Disaster Relief Leave. Employees who provide proof of their disaster relief volunteer certification with the American Red Cross may, with appropriate supervisory authorization, be granted paid civil leave, not to exceed fifteen (15) workdays in each calendar year, to participate in specialized disaster relief services in Nebraska for the American Red Cross, upon the request of the American Red Cross.

012.08 Adoption. The primary caregiver of a newly adopted child will, upon a request that is within thirty (30) calendar days of such adoption, receive up to six (6) weeks of leave, which is the generally accepted medical standard leave period for new mothers by natural birth. The leave will be taken first as sick leave, and if and when sick leave is exhausted, then as vacation leave~~,~~ or compensatory time, if available. FMLA leave is also available in accordance with provisions of Section 006 of this Chapter.

An employee is not eligible for adoption leave if the child being adopted is a special needs child over eighteen (18) years of age, a child who is over eight (8) years of age and is not a special needs child, a stepchild being adopted by his or her stepparent, a foster child being adopted by his or her foster parent, or a child who was originally under a voluntary placement for purposes other than adoption without assistance from an attorney, physician, or other individual or agency which later results in a petition for the adoption of the child by the person with whom the voluntary placement was made.

012.09 Attendance at Legislative Hearings. Employees may be allowed to utilize vacation leave or compensatory time off (or modified work schedule for those employees who do not earn compensatory time) for the purpose of attending legislative hearings of their own choosing. Upon notification to the employee's supervisor of the purpose of such request for time off, said request may not be unreasonably denied. Such employee's supervisor will be given as much prior notice as possible under the circumstances as to when such leave is proposed.

013 Catastrophic Illness Donation. The provisions of this Section are non-grievable. Employees may contribute accrued vacation leave to benefit another employee in the Department who is personally experiencing a catastrophic illness. The recipient must initiate a request by completing and signing a donation request form provided by the Department. Leave will be donated in no less than four (4) hour increments. The contributing employee must complete and sign a donation authorization form provided by the Department and identify the number of hours of vacation leave being donated and the recipient. Vacation leave donated to, and used by, another employee pursuant to this provision cannot be returned to the credit of the donor's vacation leave account. Catastrophic Leave will be available only to employees who have

exhausted their own paid leave through bona fide serious illness or accident.

013.01 Recipient Eligibility. In order to receive a leave donation employees must:

013.01A Be experiencing a serious illness or injury that requires a prolonged absence of at least thirty (30) consecutive calendar days during the past six (6) months;

013.01B Produce satisfactory medical verification of the requirements of Section 013.01A of this Chapter;

013.01C Have one (1) year of service to the Department;

013.01D Have exhausted all earned paid leave time including compensatory time, sick leave, and vacation leave through bona fide serious illness or accident; and~~,~~

013.01E Not have offered anything of value in exchange for the donation.

013.02 Donor Eligibility. In order to make a leave donation, employees must:

013.02A Not have solicited nor accepted anything of value in exchange for the donation; or~~,~~

013.02B Have remaining to his/her credit at least forty (40) hours of accrued vacation leave after the donation has been made.

013.03 Donation Value Conversion. Leave donated will be converted to a dollar value and then converted to hours based on the recipient's hourly rate. No more than 800 converted hours of donated leave may be received by an employee during a twelve (12) month period.

013.04 Donation Period. Donations cannot be retroactively applied to the thirty (30) consecutive calendar day qualifying period required in Section 013.01A of this Chapter.

014 Maternity Leave Donation (MLD) Program. An employee may participate in the MLD program with the approval of the Human Resources Office.

014.01 Eligibility of Recipient. Employees must submit a written request on the form provided by the Human Resources Office and:~~,~~

014.01A Be the expectant mother of a newborn baby or be the adoptive mother;

014.01B Have a Department-approved ~~an agency-approved~~ FML request;

014.01C Have exhausted all earned sick leave for eligible sick leave reasons; and

014.01D Have not offered anything of value in exchange for the donation.

014.02 Contributing Maternity Leave Donations. Employees may contribute accrued vacation leave or earned compensatory time to benefit another employee in the Department ~~Agency~~ who requests MLD. Vacation leave and earned compensatory time will be donated in no less than 4 (4)- hour increments. The contributing employee must identify the specific amount of time donated and the name of the recipient of the donated time on the appropriate forms for that purpose. Vacation leave and compensatory time donated and transferred to another employee pursuant to this provision will be irrevocably credited to the recipient's MLD account.

014.02A Vacation leave and compensatory time transferred will be converted to a dollar value and then converted to hours based on the recipient's hourly rate. No more than an equivalent of 480 hours of MLD may be received by an employee during the approved FML period. The Department ~~Agency~~ will transfer donated leave to the recipient's MLD account from the donor's accruals in chronological order based on the date the form was received and on an as needed basis.

014.03 Eligibility of the Donor. Before donating vacation leave or earned compensatory time employees will meet the following criteria:

014.03A Only increments of four (4) hours may be donated;

014.03B Have not solicited nor accepted anything of value in exchange for the donation; and

014.03C Have remaining to his/her credit at least 40 hours of accrued vacation leave (earned compensatory time can be donated completely, leaving a zero balance).

015 Service Date Adjustments. The employee's service date will be adjusted when an unpaid absence exceeds fourteen (14) consecutive calendar days except when an employee is still eligible for workers' compensation payments. The adjustment will correspond to the number of days the employee is on unpaid leave.

016 Leave accrual. All types of leave are granted in proportional amounts for part-time employees and those who work less than a full year.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 10 – PERFORMACE APPRAISALS

001 Conducting Appraisals. Employees will be appraised on their job performance at regular intervals per Chapter 5, ~~–~~Section 006.03, of this Title.

002 Special Performance Appraisal. A special performance appraisal may be submitted whenever the supervisor desires to record instances of performance worthy of recognition, either favorable or unfavorable. Reasons for submission of a special performance appraisal will be explained in the comments section of the appraisal.

003 Rebuttal. The employee may, within seven (7) calendar days of the appraisal conference, make written comments within the employee signature area or submit a separate written statement to the Human Resources Office that will become a permanent part of the personnel file. No additional written observation will be made on the appraisal after the appraisal conference has been held without notification to the employee.

004 Grievance. Employees may ~~will~~ not grieve the subjective content of a performance appraisal under the provisions of Chapter 14 of this Title. They may, however, grieve the validity of the appraisal as provided below:

004.01 A grievance may be filed if the evaluated employee can establish discrimination by reason of sex, race, color, age, national origin, marital status, religion, disability, or genetic information (as prohibited by the federal Genetic Information Non-discrimination Act [GINA] and Neb. Rev. Stat. § ~~Section~~ 48-236 ~~R.R.S.~~); the evaluator provided false information on the appraisal instrument; or the evaluator was not in a direct supervisory or management position covering the daily work of the employee being evaluated. A supervisor's subjective assessment of a matter of performance is not false information for purposes of this subsection.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 11 – PERSONNEL FILE INFORMATION

001 Home Address. All employees are required to provide a current physical home address to the Human Resources Office.

002 Content. Personnel records include all information stored in any form by the Human Resources Office, which is personally identifiable with an individual employee. The Department agrees to maintain one official Department personnel file per individual for the provisions of this Chapter. The one official Department personnel file will be maintained electronically by ~~at the State Office Building in~~ the Human Resources Office. Copies of materials from the official personnel file on an employee may be maintained at the work site of the particular employee.

002.01 Public Information. Public information contained in personnel records will consist only of the full name of the employee; the employee's job title and date(s) of employment; a statement as to whether the individual is or was an employee of the Department; the employee's work location and work phone number; and the gross salary of the employee. Public personnel information will be provided to any party requesting it. Additionally, pursuant to subdivision (18) of Neb. Rev. Stat. § 84-712.05 ~~Section 84-712.05(15) R.R.S.~~, all "job application materials," as defined in that subdivision ~~subsection~~, that are submitted by persons who are hired and become employees of the Department, are public records and are required to be provided upon proper request under the state public records laws.

002.02 Confidential Information. Confidential information contained in personnel records will include all information that is not considered public information. Confidential information will be released only to the employee; the Board; any Department administrator or supervisor in the line of authority to the employee; staff from the Human Resources Office or the Legal Services ~~General Counsel's~~ Office; any governmental law enforcement, or investigative agency or representative upon presentation of proper identification to the Human Resources Office; a subpoena or court order; anyone who presents a document signed by the employee granting access to confidential information, or as reasonably needed for the Department to defend itself in any legal or administrative proceeding brought against the Department or any of its officials or employees in their professional capacities, or as reasonably needed by the Department to prosecute legal or administrative actions brought by the Department.

003 Inspection and Copies. An employee of the Department will be allowed to inspect and/or obtain a copy of their own personnel file maintained by Human Resources at any time during work hours. Upon an employee's specific request to the Human Resources Office, the Human Resources Office will, within ten (10) workdays, provide electronic access or copies of the specific documents.

004 Cost. The cost of any copies of the files will be assumed by the Department unless

said copies are of material which had been previously provided to the employee, in which case the cost of such copies will be assessed to the employee at the rate per copy charged for public records per the Department's administrative policies regarding public access to records and reproduction costs.

005 Notice. Employees will be notified by the Department in writing within ten (10) workdays of any information being placed in their personnel file by persons other than the employee which information bears upon the character of the employee or the employee's job performance. The Department will be required to reproduce the information for the employee in accordance with Section 003 of this Chapter.

006 Release of Information. All third party inquiries requesting information regarding the employment record of an employee will be directed to the Human Resources Office. Upon receipt of a completed release of information form, the Human Resources Office will provide the requested information. When the employee does not specify on the release form the information to be disclosed, Human Resources will disclose to the authorized third party the information described in Neb. Rev. Stat. § ~~Section~~ 48-201 ~~R.R.S~~. When a request for other than public information is received, and a completed release form is not on file to allow release of the requested information, the Human Resources Office will forward an Authorization for Release of Employment Records form to the employee or the requestor. If no written authorization is received, the Human Resources Office will release only public information. The release form will be retained in the employee's personnel file. Documented employment information from a current or former employee's personnel file will be shared with other state agency human resources staff or hiring supervisors, upon request, when the current or former employee has applied for a position in another department/division/agency on the basis of the release on the state job application.

007 Medical Records. Employee records of medical examination and other miscellaneous medical records will be maintained electronically by Human Resources separate from personnel file documents. Access to medical records will be provided only to personnel who require them to carry out an assigned responsibility.

008 Post-employment. This Chapter does not cover the inclusion of information in any employee's personnel file following termination of the employee. Former employees will have reasonable rights of access to their Department personnel file, subject to the provisions in this Title.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 12 – LAYOFF, RECALL AND RESIGNATION

001 Effective. A resignation is effective when accepted in writing or orally by a supervisor or any member of the Human Resources Office or the Legal Services Office.

001.01 Absent extenuating circumstances, an employee will be considered as abandoning his/her job if absent from their designated work site more than two (2) consecutive workdays without giving notice. Abandonment is considered a voluntary resignation.

002 Payment for Vacation Leave. Vacation leave not used prior to the last day of employment will be paid to the employee in one lump sum, to be mailed to the employee after termination except as provided ~~for~~ in Chapter 9, Section 004.04, ~~004.05~~ of this Title.

003 Determining Authority. The Commissioner, after providing written notification to the Board, may separate any employee without prejudice after thirty (30) calendar days written notice, because of reduction in funds or in workload ~~work load~~. The Commissioner has discretion to determine whether the layoff will be geographical, organizational, program, by classification, or any combination thereof.

004 Layoff General Rules. When a layoff of employees occurs, the following applies:

004.01 Layoffs will be identified by the budget and program areas within a specific locality. The Department will identify the job classification(s) for layoff to provide the most efficient and productive operation of the Department. Within the identified job classification(s), the order of layoff will be based on seniority (based on the Department service date or Department company service date as opposed to any adjusted service date that is calculated due to prior State service at another State Agency).

005 Transfer Rights – Vacant Positions. Employees who have received written notice of layoff will have the right to exercise transfer rights under this Section. If there is a vacant position in the Department for which the employee satisfies the qualification requirements as determined by the Department, the employee may elect to transfer to such vacant position.

005.01 Within eight (8) calendar days of a laid off employee being provided such notice, the employee must notify the Department in writing of any intentions to transfer in accordance with this Section.

005.02 If more than one laid off employee elects to transfer into a vacant position, the selection will be made based on seniority.

005.03 In determining the priority of transfers identified in this Section, transfers to vacant positions in the same geographical area (i.e., within sixty [60]

miles) will be given priority over transfers to positions in a different geographical area.

005.04 An employee who transfers to another position in the same job classification will be transferred so as to effectuate no loss in pay.

006 Recall and Re-employment. This Section specifies how laid off employees will be either recalled or given re-employment opportunities for vacancies created following a layoff.

006.01 Recall to Previously Eliminated Position. Following a layoff, when a previously eliminated position is restored, the employee occupying the position at the time of reduction in force will have recall priority subject to Sections 006.02A through 006.02C of this Chapter. The recall salary will be based on the salary rate in effect at the time of layoff.

006.02 Recall to Vacancy in the Same Job Series. Following a layoff, when a vacancy is created in the same job series, employees who satisfy the required qualifications as determined by the Department will be recalled in reverse order of a layoff or transfer in lieu of layoff as follows:

006.02A At the time the vacancy occurs, the Department will notify the first five (5) qualified employees in line for recall of the vacancy.

006.02B Such employee(s) will then have ten (10) workdays following date of notification to accept or refuse the recall by providing written notice to the Department. The recall vacancy will be offered to the employee with the most seniority who provides written acceptance within ten (10) workdays.

006.02C Failure to Respond. Employees who fail to respond by either accepting or refusing the recall vacancy on two (2) successive notifications will forfeit further recall rights.

006.03 Re-employment Opportunities. In the event ~~that~~ a vacancy occurs as provided in Section 006.02 of this Chapter and there are no persons laid off or transferred in lieu of layoff who held a position in the job series at the time layoff began, the Department will notify all laid off employees of the vacancy and the qualifications required to hold the position. Such employees will then have ten (10) calendar days following receipt of such notice to apply for said position. The Department has the right to hire the most qualified applicant.

006.04 The pay rate of an employee who occupies a position of a lower job classification as a result of recall from layoff or re-employment will be set in accordance with Chapter 6, Section 004, of this Title.

006.05 Financial Assistance for Relocating. In cases in which employees have received state financial assistance, per Chapter 15, –Section 016, of this Title, in geographically relocating to avoid layoff, there will be no requirement for such assistance if recalled to their previous position.

007 Time Period for Recall and Re-employment. During the twelve (12) month period following layoff or transfer in lieu of layoff of the employee, no new employees will be hired to fill vacant positions until all employees on layoff or transfer in lieu of layoff who desire to return to work and who are qualified for the vacant position(s) have had the opportunity to be recalled or re-employed per Section 006 of this Chapter. It will be the responsibility of the employee who was laid off or transferred in lieu of layoff to be available for recall or re-employment during such time, and such employee will be responsible for providing the Department with a current address. It will be the responsibility of the employee who was laid off or transferred in lieu of layoff to update and/or supplement the written documentation in their personnel file regarding their employment qualifications so as to allow the Department to evaluate their eligibility for recall or re-employment under Section 006 of this Chapter.

007.01 During the twelve (12) month period, employees may waive their rights to receive recall and re-employment notice rights contained in this Chapter by providing a written statement to the Human Resources Office.

008 Accumulated Leave Payoff. Employees who are laid off will be paid at the time of layoff for all accumulated and unused vacation leave, sick leave if eligible under Chapter 9, Section 005.12A, of this Title, compensatory time, and overtime. Statutory provisions for the retention of vacation and sick leave will not be modified by this Chapter.

009 Notification. "Notification," as used in this Chapter, means Certified Mail to the employee's last known address, or personal delivery, or deposit at last known residence. Notifications issued to an individual employed at the Department may be made by e-mail or personal delivery to the employee's office. In the event of personal delivery, a receipt acknowledging delivery will be signed by the laid off employee.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 13 – CORRECTIVE AND DISCIPLINARY ACTIONS

001 Grounds. Grounds for corrective, disciplinary action, and/or dismissal include, but are not limited to:

001.01 Violation of, or failure to comply with, the State Constitution; any statute; an executive order; published rules and regulations of the Department; Department policies or procedures including work rules; this Chapter; or~~,~~ administrative memoranda.

001.02 Failure or refusal to comply with a lawful directive or to accept a reasonable or proper assignment from an authorized supervisor.

001.03 Inefficiency, incompetence, or negligence in the performance of duties.

001.04 Careless, negligent, improper, or unsafe use of state property, equipment, or funds; or~~,~~ conversion of state property. This includes transmitting threatening, obscene, or harassing material through the State's communication systems.

001.05 Use of bribery or undue influence to gain or attempt to gain promotion, leave, favorable assignment, or other individual benefit or advantage.

001.06 Falsification, fraud, or willful omission of information when applying for a position, applying for or renewing required credentials, performing the duties of a position, responding to work-related questions or inquiries of any supervisor, or completing records or reports relevant for the Department.

001.07 Unauthorized or improper use of any type of leave, repeated tardiness, repeated failure to comply with scheduled work hours, including meal or rest periods, or absence without approved leave.

001.08 Failure to maintain satisfactory working relationships with the public, other Department employees, supervisors or managers, or with persons placed under the direct care and responsibility of the employee.

001.09 Failure to obtain and maintain a current license or certificate required by law or Department standards as a condition of employment.

001.10 Violation of any provision of the Department's Code of Ethics under the provisions of Chapter 16 of this Title.

001.11 Conduct while on- or off-duty, which brings discredit to the Department, the State, or which impairs an employee's services and/or the Department's performance or function, including criminal charges arising from such conduct.

001.12 Unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage in the workplace or reporting for duty under the influence of alcohol and/or unlawful drugs, or when prior consumption of same is plainly detected.

001.13 Insubordinate acts of language which seriously hamper the Department's ability to control, manage, or function.

001.14 Acts or conduct (on or off the job) which adversely affects the employee's performance and/or the successful completion of the Department's performance or function.

001.15 Unlawful workplace ~~work place~~ discrimination (harassment) based in whole or in part, on race, color, sex, sexual orientation, religion, age, disability, genetic information (as prohibited by the federal Genetic Information Non-discrimination Act [GINA] and Neb. Rev. Stat. § ~~Section~~ 48-236 ~~R.R.S.~~), or national origin, which manifests itself in the form of unwelcome comments, jokes, printed material, and/or unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

001.16 Display of sexually explicit or obscene materials and/or the utterance of offensive comments in the workplace that are derogatory toward a group or individual based upon race, sex, sexual orientation, color, religion, disability, age, or national origin.

001.17 Possession of any type of firearm during the course of performing their job. The prohibition includes transporting firearms into any work site or in a state vehicle.

002 Suspension With Pay. A suspension with pay is an ordered absence from duty while on full pay status for a prescribed period of time. A suspension with pay may be ordered only upon approval of the Deputy Commissioner or the Commissioner. This action allows for: an immediate response to a suspected but not fully substantiated offense; a period in which an investigation can be thoroughly pursued as expediently as possible; or~~,~~ for other reasons at the discretion of the Deputy Commissioner or the Commissioner. Suspensions with pay are not grievable.

002.01A The ordered suspension with pay will be in writing, signed by the Deputy Commissioner or the Commissioner, and will become part of the employee's official personnel file. If the employee is absent when a suspension with pay is ordered, the Deputy Commissioner or the Commissioner will direct written notice to the employee either by Certified Mail with instructions to "Deliver to Addressee Only, Return Receipt Requested," by personal delivery, or deposit to the employee's last known address, or via ~~by~~ email

to the employee's personal email address ~~employee~~ with agreement of the employee.

002.01B If a suspension with pay is ordered to allow for an investigation of a suspected offense, and if the offense is not substantiated, then the ordered suspension will be removed from the employee's personnel file.

002.01C In the absence of the Deputy Commissioner or the Commissioner, the appropriate Office Administrator may order an employee's suspension with pay for up to ten (10) calendar days. Upon the Deputy Commissioner's or the Commissioner's return, the Deputy Commissioner or the Commissioner will affirm or modify the suspension with pay within five (5) calendar days.

003 Corrective Action.

003.01 Oral Counseling. This is an informal level of corrective action. It is a warning given by an immediate supervisor in conference with an employee in which the matter that caused the corrective action to be taken is discussed and the employee is advised what action is expected of him/her to correct the problem. A written record of the oral counseling may be prepared if a copy is provided to the employee; however, no record of it will be placed in the employee's personnel file.

003.02 Written Warning. When, in the opinion of the supervisor, oral counseling is not an adequate measure to correct the deficiency, a written warning, which will be considered a corrective action, may be imposed. The written warning must be fully documented and must include an oral conference between the supervisor and the employee at the time the written warning is presented or as otherwise agreed to by both parties. The written narrative will be consistent with the oral conference. The written warning will be dated, explain the reason for the warning, and explain the action expected of the employee to correct the cause or problem. Both the supervisor and the employee will sign the written warning, and the employee will be given a copy of the completed and signed warning. The employee's signature thereon does not imply agreement with the contents of the written warning, but documents only that he/she has seen it and the oral conference described above has been held. The written warning will be considered effective on the date that it is issued to and received by the employee.

003.02A Written warnings will be issued on official forms the Department may designate for this purpose.

003.02B The employee has the opportunity to attach written rebuttal, clarification, or objection to the written warning within five (5) workdays of receipt by the employee.

003.02C The written warning will become inactive ninety (90) calendar days after having been issued to the employee unless the originating supervisor will renew it by additional written commentary on the original form explaining the renewal.

003.02C1 When the written warning is renewed, the employee will again have the opportunity to offer written commentary in response to the renewal and will be provided with a copy of the annotated (renewed) form.

003.02C2 A written warning may be renewed no more than one (1) time.

003.02C3 All record of the written warning will be removed from the employee's personnel file ninety (90) calendar days after it will become inactive. It may only be retained by the Department in a separate file for warnings and may be referenced by the Department or employee in the event of litigation, personnel action, (including subsequent disciplinary or corrective action), audit, or other administrative proceeding or complaint, if relevant.

004 Forms of Discipline. Four (4) forms of disciplinary action are available for supervisory use by the Department. The seriousness and/or nature of the situation will determine the form of discipline to be used. These are:

004.01 Suspension Without Pay. A suspension without pay is an ordered suspension from duty for a prescribed period of time for which no pay, vacation, sick, or holiday leave is granted, nor is vacation, sick, or holiday leave accrued. A suspension without pay may be ordered only upon written approval of the Deputy Commissioner.

004.01A The length of the suspension will be determined by the Deputy Commissioner in view of the seriousness of the violation and/or continued violation after the employee has been duly warned.

004.01B An ordered suspension without pay will be in writing, ~~and~~ signed by the Deputy Commissioner, and will become part of the employee's official personnel file. If the employee is absent when a suspension without pay is ordered, the Deputy Commissioner

will direct written notice to that employee by one of the following methods: Certified Mail with instructions to "Deliver to Addressee Only, Return Receipt Requested;" personal delivery or deposit to the employee's last known address; or by email to the employee's personal email address with agreement of the employee.

004.02 Disciplinary Demotion. The movement of an employee from the present position to one of lesser responsibility and/or authority and to a lower salary, may be ordered only upon the written approval of the Deputy Commissioner, a copy of which is provided to the employee.

004.02A A request for disciplinary demotion will be in writing with full documentation, signed by the supervisor and the appropriate Office Administrator. The disciplinary demotion will be signed by the Deputy Commissioner and will become a part of the employee's official personnel file. An employee who is the subject of a disciplinary demotion will also be placed on secondary probation as described in Chapter 5, Section 003, of this Title.

004.03 Administrative Probation. An administrative probation is a period of time, not more than six (6) calendar months, imposed by the appropriate Office Administrator ~~Team Leader~~, for disciplinary reasons during which the employee must rectify the performance or behavior which led to the imposition of the disciplinary action. The notice of administrative probation will be in writing, dated, and will inform the employee of the reason for the probation, the action required for improvement, and state that failure to improve may result in further action. The employee will acknowledge receipt of the probation notice by signing the document. The employee's signature on the notice of administrative probation does not imply agreement with the notice of administrative probation.

004.03A Employees placed in an administrative probationary status will not be promoted or granted pay increases during the administrative probationary period.

004.03B Employees granted vacation, sick, holiday, bereavement, civil, administrative, or military leave while on administrative probation may have their probation extended by the number of days absent on leave.

004.03C The administrative probation may be extended by the Deputy Commissioner for a period not to exceed a cumulative total of one (1) calendar year unless extended in accordance with the provisions of Section 004.03B of this Chapter. Reasons for such

extension will be made known to the employee in writing.

004.03D The termination of a regular employee on administrative probation does not preclude the filing of a grievance by the employee.

004.03E An employee may be placed on administrative probation, upon return to work, following a suspension.

004.03F An employee may be removed from administrative probation at any time.

004.04 Dismissal. An employee may be dismissed from employment with the Department for failure to respond to previous corrective or disciplinary actions or when circumstances render any preceding steps unnecessary or inappropriate.

004.04A The Office Administrator and the employee's immediate supervisor, if other than the Office Administrator, will recommend dismissal to the Commissioner in writing, and the decision to dismiss or take another action will be made by the Commissioner.

004.04B The Commissioner will inform the employee in writing of a time at which the employee may present any additional facts, material, or evidence regarding his/her dismissal to the Commissioner. Failure by the employee to appear before the Commissioner acts as a waiver by the employee to the aforementioned meeting prior to action by the Board.

004.04C The employee may be represented by a third party in the meeting with the Commissioner, but the time, date, and/or place of said meeting will not be postponed or rescheduled because the representative of the employee is unable to attend unless both the Commissioner and the employee mutually agree to another time, date, and/or place.

004.04D Within five (5) workdays following the scheduled date of the meeting with the Commissioner, the Commissioner will provide the employee a copy of his/her decision and the action which the Commissioner has decided to impose. This written decision may be hand-delivered, sent by Certified Mail, sent by regular U.S. Mail to the employee, or provided via ~~by~~ email to the employee's personal email address with prior agreement of the employee. The five (5) workday period may be extended upon agreement between the Commissioner and the employee. For the purposes

of this subsection, the date the written decision is "provided" to the employee is (a) two (2) business days after it was deposited in the regular U.S. Mail; or (b) the date of personal or certified delivery~~,~~ or the date it was e-mailed.

004.04D1 The employee may obtain a hearing before the Board or, at the Board's option, its designated hearing officer, by delivering a written request to the Commissioner within ten (10) workdays of receipt of the Commissioner's letter of notice; and

004.04D2 The date, time, and place of the hearing will be communicated in writing to the employee.

004.04D3 When a hearing is held, the employee may be present and be heard, be represented by counsel, examine documentary evidence presented, cross-examine witnesses, offer documentary evidence, and present witnesses. Hearings are conducted in accordance with Title 92, Nebraska Administrative Code, Chapter 61.

004.04D3a The Hearing Officer's findings of fact and recommendation to the Board and the Board's order in a contested case are public records.

004.04E If the Commissioner's decision is to dismiss the employee, the Commissioner may elect to take whatever action he/she chooses which affects the employee until the dismissal becomes final, including placing the employee on suspension without pay. Such action will be in writing and be included with the written decision provide under Section 004.04D of this Chapter.

004.04F If no timely written request of a hearing is received by the Commissioner, the dismissal decision becomes final and will appear in the Commissioner's Report for the next regularly scheduled Board meeting.

004.04G When the Department determines that immediate disciplinary action is required for an employee not officed in Lincoln, the Commissioner or a Deputy Commissioner may designate an individual to sign and deliver the notice of disciplinary action to the employee for the Commissioner or a Deputy Commissioner. The disciplinary action will be effective immediately upon the receipt of such notice by the employee. The Commissioner or a

Deputy Commissioner will subsequently sign and forward a copy of such notice to the disciplined employee.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 14 – GRIEVANCE PROCEDURE

001 Eligibility. All regular employees have grievance rights. Applicants, temporary employees, contract employees, and employees on original probation have no grievance rights within this Chapter. An employee who has successfully completed an original probation period will retain grievance rights during subsequent probation periods per Chapter 5, ~~–~~Section 003, of this Title.

002 Definition. A grievance is defined as a contention of misapplication or violation of any of the following: Department policies, rules or regulations including these Personnel Rules, written administrative policies, other written operating procedures, laws, or written instructions pertaining to employees.

002.01 Effective Dates of Management Actions. Filing of a grievance does not delay the effective date of any management action. In the event ~~that~~ a suspension without pay or demotion is not supported through the grievance procedures, the employee will be returned to his or her position as though said suspension without pay or demotion had not taken place.

003 Non-Grievable Matters. The following issues, when done in compliance with established law, rule, or Department policy, are examples of non-grievable matters. The list below is not to be considered all-inclusive:

003.01 Performance appraisals;
003.02 Department appointments, including promotions to positions;
003.03 Involuntary transfers not requiring the employee to relocate;
003.04 Leave of absence decisions;
003.05 Payment of moving expenditures;
003.06 Merit increase allocations;
003.07 Position classification, including, but not limited to, reclassification per Chapter 6 of this Title;
003.08 Investigatory suspensions with pay;
003.09 Pay adjustments pursuant to Chapter 7 of this Title; ~~and~~
003.10 Federal Fair Labor Standards Act (FLSA) status determinations;
003.11 Placement on suspension without pay or other action of the Commissioner following a decision recommending an employee's dismissal to the Board as described in Chapter 13, Section 004.04, of this Title;~~.~~
003.12 Regardless of compliance with laws, rules, regulations, or Department policies, an employee may not grieve actions or inactions that were alleged to have been done to or concern another employee;~~.~~
003.13 Maternity Leave Donation Program participation; and~~.~~
003.14 Corrective Action.

004 An employee may grieve layoffs (and/or transfer, recall and re-employment rights) only on the grounds of unlawful discrimination or failure to follow the provisions of the Personnel Rules in regard to the layoff.

005 Disciplinary Dismissals. Employees may contest disciplinary dismissals according to the provisions in Chapter 13, ~~–~~Section 004.04, of this Title.

006 Grievance Procedure. The employee may be accompanied at any step of the grievance procedure by a representative of the employee's selection. The Department may also be accompanied by a representative at any step. A grievance form will be provided by the Department and made available to each and every employee upon request. This form is reproduced in Appendix A of this Title. No employee will be denied the right to a grievance hearing by reason of the employee's failure to properly fill out or fully complete the grievance form. However, a signed grievance form must be utilized in order to file a grievance. The Grievance Procedure will be as follows:

006.01 Step One. Within fifteen (15) workdays of the employee's knowledge of the event or condition which caused the grievance, the grievant will present the completed grievance form to the Office Administrator ~~first request a meeting with the immediate supervisor and the next level of supervision~~. If an employee is placed on suspension with pay, the workdays within that period are not counted against the fifteen (15) workday time frame. Within fifteen (15) workdays after receiving the completed grievance form, the supervisor, Office Administrator, or designee if applicable, and grievant will meet to discuss the grievance and attempt to resolve the matter, and the Office Administrator will arrive at a response and communicate the same to the grievant in writing. ~~In cases where the next level of supervision is the Deputy Commissioner, then the Director of Human Resources will attend the meeting as the Deputy Commissioner's designee. At the time the request is made, the employee will notify the supervisor(s) in writing that the meeting will constitute Step One in the grievance procedure. Within five (5) workdays of the request, the immediate supervisor, next level supervisor, or designee if applicable, and grievant will meet. The supervisors will arrive at a response and communicate the same to the grievant, in writing, within four (4) workdays of the meeting. If the response is not satisfactory to the grievant, Step One of the grievance will be reduced to writing by the employee on the approved form within three (3) workdays of receipt of the supervisors' response and the supervisors will have five (5) workdays upon receipt of the written grievance to provide the grievant with a written answer. The grievant will specifically identify the rules, procedures, or policies, as defined in Section 002 of this Chapter, that are contended to be misapplied.~~

006.01A In cases of disciplinary demotion or disciplinary suspension without pay the grievant will proceed as specified in Step Three ~~Four~~ of this procedure by filing an appeal to the Board without having to convene the meeting described in Section 006.01 of this Chapter. The appeal to the Board referred to in Step Three ~~Four~~ below must be filed with the Commissioner, in writing on the

appropriate form, within fifteen (15) workdays of the grievant's receipt of the Deputy Commissioner's suspension order or disciplinary demotion approval.

006.01B In cases of administrative probation, the grievant will submit the grievance to the Deputy Commissioner in writing on the appropriate form within fifteen (15) ~~ten (10)~~ workdays of the date of the receipt of the notice described in Chapter 13, ~~–~~Section 004.03, of this Title without having to convene the meeting described in Step One. The Deputy Commissioner will give a written answer within fifteen (15) ~~ten (10)~~ workdays of receipt of the grievance. If a resolution to the grievance is not reached, the employee may proceed as specified in Step Three ~~Four~~ of this procedure within fifteen (15) workdays of the receipt of the Deputy Commissioner's answer.

~~006.01C In cases where an Office Administrator other than the Director of Human Resources was one of the supervisors that was party to the meeting at Step One, Section 006.01 of this Chapter, then the grievant will skip Step Two below and proceed directly to Step Three within five (5) workdays of the employee's receipt of the written answer to the employee's written grievance described in Section 006.01 of this Chapter.~~

006.02 Step Two. When the written answer in the preceding step is not satisfactory to the grievant, the grievant may, within fifteen (15) ~~five (5)~~ workdays of the receipt of the Office Administrator's ~~supervisor's~~ written answer, appeal the decision to the Deputy Commissioner in writing. The Deputy Commissioner ~~present the completed grievance form to the appropriate Office Administrator who~~ will give a written response to the grievant within fifteen (15) ~~five (5)~~ workdays thereafter. The Deputy Commissioner may hold a meeting with the grievant in order to better understand the facts and circumstances before rendering a decision. ~~If the next level of supervision above the grievant's supervisor is the Deputy Commissioner, Step Two will be skipped and the grievant may proceed directly to Step Three by presenting the completed grievance form to the Deputy Commissioner within five (5) workdays of the employee's receipt of the supervisors' written answer in Step One above.~~

~~006.03 Step Three. When the response in the preceding step is not satisfactory to the grievant, the grievant may, within five (5) workdays of receiving the response from the appropriate Office Administrator, present the grievance to the Deputy Commissioner by submitting the completed grievance form. The Deputy Commissioner will give a written answer to the grievant within five (5) workdays, thereafter.~~

006.03 ~~006.04~~ Step Three ~~Four~~. If a resolution to the grievance is not reached, the grievant may, within fifteen (15) workdays after receipt of the Deputy Commissioner's decision, appeal the grievance to the Board. The appeal at this level will be directed to the Commissioner as Secretary of the Board. This appeal will include the filing of the grievance form as described in Section 006.01 of this Chapter.

006.03A ~~006.04A~~ Within ninety (90) calendar days after receiving the appeal, the Commissioner will place the matter on the agenda of a meeting of the Board for a determination on if the Board or a hearing officer will conduct the hearing in accordance with Section 006.03B ~~006.04B~~ of this Chapter.

006.03B ~~006.04B~~ The Board may elect to conduct the hearing or may designate that a hearing officer, not an employee of the Department, conduct a hearing and recommend a decision to the Board. The employee will be notified of the Board's determination of who will conduct the hearing and the time and place of the hearing. In cases in which the Board elects to have a hearing officer conduct the hearing, the hearing officer will cause a complete record to be made of all evidence offered at the time of the hearing. The hearing officer will prepare written findings of fact and recommend a decision to the Board. The hearing officer will deliver these findings of fact and recommendation to the Board together with a complete transcript of all evidence offered at the time of the hearing. Hearings will be conducted in accordance with Title 92, Nebraska Administrative Code, Chapter 61. The hearing will take place within ninety (90) calendar days of the Board meeting at which the matter appeared on the agenda under Section 006.03A ~~006.04A~~ of this Chapter.

006.03C ~~006.04C~~ Both parties in a hearing pursuant to Step Three ~~Four~~ may present witnesses, and these witnesses will be subject to cross examination. If the witness is an employee of the Department, he/she will be paid for those hours outside his/her normal hours of work.

006.03D ~~006.04D~~ The Board may affirm, modify, or reverse the decision of the Deputy Commissioner. The Board will notify, in writing, the aggrieved employee of the Board's decision within a reasonable time period.

007 Arbitration. At the time said appeal is filed pursuant to Step Three ~~Four~~, the

employee and/or representative and the Commissioner may mutually agree to submit the dispute to voluntary binding arbitration. Otherwise, the dispute will be submitted to the Board in accordance with this Chapter.

007.01 If both parties choose to submit the appeal to voluntary binding arbitration, they will sign a waiver within ten (10) workdays indicating they acknowledge that the decision of the arbitrator is final, except as provided in the Uniform Arbitration Act, and cannot be appealed.

007.02 The arbitrator's scope of review will be to determine whether or not term(s) of these Personnel Rules has/have been violated, and whether the Department's action was taken in good faith and for cause. Arbitration hearings will be informal and the rules of evidence will not apply. The parties may be represented by attorneys in arbitration hearings. In cases involving discipline, the Department will present its case first, and in all other cases the employee will present his/her case first. The decision of the arbitrator will be final and may not be appealed. The arbitrator will decide the grievance in question based upon the issues presented in the written grievance filed pursuant to the grievance procedure. The arbitrator may interpret relevant provisions of the Personnel Rules and apply them to the particular case presented to him/her, but the arbitrator will have no authority to add to, subtract from, or in any way modify the terms of the Personnel Rules. The fee and expenses of an arbitrator will be borne equally by all parties. Arbitrators will be selected from lists developed and mutually agreed upon by the parties. If the parties cannot agree upon an arbitrator, a method of alternate striking of names will be employed.

007.03 The Commissioner or the Deputy Commissioner will have the authority to set time limitations for: the length of time within which an arbitrator must be chosen; the amount of time the parties will have to present their case (each party will receive the same amount of time); the time within which a case must be heard after an arbitrator is appointed; the length of time that will be allowed for the parties to submit post-hearing briefs; and the period of time after a hearing within which the arbitrator must enter his/her decision. Post-hearing briefs will not be allowed in any case unless the parties and the arbitrator are all in agreement as to the need for such briefs.

007.04 The decision of the arbitrator will be made in writing within sixty (60) calendar days of the hearing and will include findings of fact and conclusions of law. The findings of fact will consist of a concise statement of the conclusions upon each contested issue of fact. Parties to the proceeding and the Human Resources Office will receive a copy of the decision by first class U.S. mail. The arbitrator's decision will become public record upon submittal to the parties. If the arbitrator does not

render a decision within ninety (90) calendar days from the date the arbitration hearing was held, a penalty of fifty dollars ($50) per day will be imposed and deducted from the arbitrator's fee for each day over ninety (90) calendar days the decision is late, until the decision is received. This penalty may only be waived upon mutual agreement of the parties.

007.05 Both parties must provide the other party and the arbitrator with a listing of all exhibits to be introduced at the hearing, a copy of each exhibit, and a listing of individuals that the party plans to call as witness(es) in the arbitration/hearing, at least five (5) calendar days prior to the hearing. Such requests and/or notice will be addressed to the party from which the discovery is sought. Only discovery requests which are relevant or would lead to relevant evidence for the grievance will be granted; however, in no case will discovery be granted which seeks evidence which is recognized as privileged by the Courts of this State. Discovery requests must be provided within ten (10) workdays of the receipt of the request, unless objections are entered. Objections to discovery will be made to the arbitrator, and the arbitrator will consider the matter and issue a decision.

008 Number of Days. The number of days indicated in each step of the procedure will be the maximum. Failure of the grievant to proceed to the next step within the maximum time limit will be considered as termination of the grievance. Failure of the Department in any step to render a decision to the aggrieved employee(s) within the maximum time limits will automatically allow the aggrieved employee(s) to proceed to the next step.

"Days" will mean regularly scheduled workdays when the Nebraska Department of Education~~, Nebraska State~~ Office Building offices~~,~~ are open, excluding, however, such regularly scheduled workdays during which employees involved in the procedure are absent from the work site on approved leave or travel status. For all employees who are permanently located at work sites other than 500 South 84th Street ~~301 Centennial Mall South~~, Lincoln, Nebraska, days as defined above will be counted from the date of receipt. The day in which an item is received is not counted as a day for the receiving party.

Any time period established herein may be extended upon the written consent of the employee and the Deputy Commissioner.

009 Grievance Statement. The original Employee Grievance Statement will remain unchanged throughout the grievance procedure. Copies of the grievance statement and response at each step will be filed with the Human Resources Office by the grievant.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 15 – MISCELLANEOUS

001 Working Schedule. A schedule of working hours, which reflect individual job requirements, will be determined by the appropriate Office Administrator and the immediate supervisor. All employees will use the electronic calendar provided by the Department that will be accessible with full details to the immediate supervisor, indirect supervisor of the employee, and to others as directed by anyone in the employee's chain of command. All employees will establish their schedule of work hours approved by their supervisor, and record that schedule of work hours in their electronic calendar. All employees are accountable for a forty (40) hour workweek unless employed less than full-time for which work hours for a workweek are equivalent to the percentage of their employment for each week. All employees will record in advance on their electronic calendar all meetings, travel, and leave time. Emergencies or unforeseen medical needs are exceptions to advance recording so long as an employee immediately provides a written explanation to their supervisor no later than when first returning to work and promptly records the leave on their electronic calendar.

001.01 Change in Work Schedule. Supervisors will provide ten (10) workdays written notice to the affected employees prior to making changes in their permanent work schedules. The supervisor may temporarily change an employee's work schedule for cause without the ten (10) workday notification.

001.02 Lunch. Each day, employees will have an unpaid lunch break of at least thirty (30) minutes and no more than sixty (60) minutes unless they are scheduled to work six (6) hours or less that day. If an employee is working six (6) hours or less and would like to forgo the lunch break, the supervisor can approve the request. Scheduling the time of the lunch break is subject to the approval of the immediate supervisor. Schedule requests will not be unreasonably denied by the supervisor. Employees may not take a lunch break for a shorter period of time than one-half (1/2) hour. A lunch break may not be saved for use in shortening the workday.

001.03 Breaks. A rest break of fifteen (15) minutes may be taken during each four (4) hours an employee is on the job. Break time may not be saved for use in shortening the workday or in extending the lunch break. Rest breaks are considered work time.

001.04 Overtime. Nothing contained in this Chapter will be construed as limiting the Department's right to require overtime work by employees, subject to the provisions of Chapter 8 of this Title.

001.05 Job Sharing. Job sharing may be allowed by mutual agreement of the Deputy Commissioner, the appropriate Office Administrator, and the immediate supervisor. The Department will attempt to maintain job sharing arrangements in effect as of the effective date of this Chapter for

as long as is practical and both involved employees remain employed in their current positions.

002 Drug-Free Workplace ~~Work Place~~. The unlawful manufacture, distribution, possession, or use of any illicit drugs or of alcohol is prohibited in the workplace ~~work place~~. Employees who violate the standards of conduct are subject to referral for prosecution.

002.01 Employees, who are convicted of a criminal-drug-statute violation occurring in the workplace ~~work place~~, will be subject to disciplinary action up to and including termination; or will be required to satisfactorily participate in an approved drug/alcohol abuse or drug/alcohol rehabilitation program approved for such purposes by a federal, state, or local health law enforcement or other appropriate agency.

002.02 Temporary employees or contractors who are convicted of a criminal-drug-statute violation occurring in the workplace ~~work place~~ will be subject to termination of employment/contract; or will be required to participate satisfactorily in an approved drug/alcohol abuse or drug/alcohol rehabilitation program.

002.03 Conviction for any criminal-drug-statute violation occurring in the workplace ~~work place~~ must be reported by the employee or contractor to the Human Resources Office no later than five (5) calendar days after the conviction.

003 Discrimination. Unlawful workplace ~~work place~~ discrimination (harassment), based in whole or in part on sex, race, color, religion, marital status, national origin, age, disability, protected activity (such as an employee's opposition to discrimination or participation in complaint proceedings), or genetic information (as prohibited by the federal Genetic Information Non-discrimination Act [GINA] and Neb. Rev. Stat. § ~~Section~~ 48-236 ~~R.R.S.~~); constitutes unlawful workplace ~~work place~~ discrimination (harassment). Employees who commit unlawful workplace ~~work place~~ discrimination (harassment) while performing duties for the Department may be subject to disciplinary action, up to and including dismissal from employment. Employees who make complaints or assist in investigations of unlawful workplace ~~work place~~ discrimination (harassment) will be protected against retaliation. Reports of alleged unlawful discrimination will be made to a staff member of the Human Resources Office, or any NDE Office Administrator. Employees covered by the Agreement may utilize grievance procedures contained in the Agreement, and employees not covered by the Agreement may utilize the grievance procedures contained in Chapter 14 of this Title.

003.01 Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

003.01A Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

003.01B Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

003.01C Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

003.01D Sexual harassment does not include personal compliments welcomed by the recipient or social interaction, or relationships freely entered into by employees or prospective employees.

003.01E Behavior Constituting Sexual Harassment. In determining whether alleged conduct constitutes sexual harassment, the Department will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual behavior and the context in which the behavior occurred. The determination of the legality of a particular action will be made from the facts on a case-by-case basis. Sexual harassment will not be permitted during the workday, nor will acts of sexual harassment be condoned outside the work environment if such are construed to encroach on the normal working relationship.

004 Political Activities. Unless specifically restricted by federal or state law, employees may participate in political activities except during office hours or when otherwise engaged in the performance of their official duties. Employees may not, however, participate in political activity using their status as a state employee to influence others.

005 Nepotism and Supervision of Family Members. Employees will not engage in nepotism. Nepotism means the act of hiring, promoting, or advancing a family member in state government or recommending the hiring, promotion, or advancement of a family member in state government. This includes within the Department and with other State Agencies. "Family Member" means an individual who is the spouse, child, parent, brother, sister, grandchild, or grandparent, by blood, marriage, or adoption, of an official or employee of the Department. Employees will not be assigned to positions in which they directly supervise, evaluate, or review the appraisal of a

family member or to positions in which they are directly supervised, evaluated, or reviewed by a family member.

006 Employee Education Opportunities

006.01 Postsecondary Coursework During Work Time. Employees may request approval to use work time to take up to seven (7) credit hours each calendar year from postsecondary institutions that award credit on the semester schedule or up to nine (9) credit hours each calendar year from postsecondary institutions that award credit on the quarter schedule. However, no more than four (4) credit hours may be taken in any one (1) semester, or no more than four and one-half (4.5) credit hours in any one (1) quarter, during work time without loss of pay. All summer sessions combined will be considered equivalent to one (1) semester period. If a class crosses calendar years, eligibility to take a course will be determined based on the start date of the class. Approval under this section is intended to allow employees to use work time to attend courses that have a regular meeting schedule as opposed to self-paced, online courses or credits for activities such as thesis or doctoral work. Depending on the distance and location, travel time may also be considered regular work time. Prior approval of course work and/or related travel time during work hours must be obtained from the immediate supervisor, Office Administrator, and the Deputy Commissioner. Management may limit the amount of work release time granted. Requests and subsequent documentation must be submitted on a form provided by the Department. Requests will be directed through the employee's immediate supervisor to the Human Resources Office. Any additional credit hours may be scheduled outside the normal workday. Approval under this Section will not be unreasonably denied; however, approval is discretionary and may be made on bases such as, but not limited to, fiscal considerations, workload, and documented evidence of employee performance concerns in the prior two-year period. For purposes of this Chapter, the term "postsecondary institution" means an institution of higher learning accredited by an accrediting body that is recognized by the United States Secretary of Education and is authorized to grant associate, baccalaureate, or postbaccalaureate degrees.

006.02 Reimbursement for Postsecondary Coursework Expenses. As an alternative to the above, employees may be eligible to receive not more than seven (7) credit hours each calendar year of tuition reimbursement for courses from postsecondary institutions that award credit on the semester schedule or not more than nine (9) credit hours each calendar year of tuition reimbursement for courses from postsecondary institutions that award credit on the quarter schedule for job-related courses. If a class crosses calendar years, eligibility to take a course will be determined based on the start date of the class. Job relatedness will be determined by the Deputy

Commissioner, whose decision will be final. Reimbursement may be for any portion of the tuition cost, required course fees, and books, with the employee being notified of the amount of reimbursement prior to the beginning of the course.

Reimbursement for course-related expenses will be prorated based on the number of credit hours reimbursed. Approval for reimbursement will not be unreasonably denied; however, approval is discretionary and may be made on bases such as, but not limited to, fiscal considerations, workload, and documented evidence of employee performance concerns in the prior two-year period. Eligibility for reimbursement requires:

006.02A A course grade of "C" or better for undergraduate courses, ~~or~~

006.02B A "pass" for pass/fail courses, or

006.02C A course grade of "B" or better for graduate courses; and

006.02D Proof of payment or a deferred payment agreement with the postsecondary institution and/or federal student aid loan servicing entity.

006.02E Requests for reimbursement and substantiating documentation must be made in writing prior to the beginning of the course on a form provided by the Department. Requests will be directed through the employee's immediate supervisor to the Human Resources Office. Employees who receive tuition reimbursement will be required to reimburse the Department if they voluntarily leave their employment with the Department within one (1) year of the course completion date. The Department requires written documentation to verify enrollment including course dates and times, course completion and the grade earned.

006.03 Employees Directed to take Postsecondary Coursework. If an employee is directed by the Department to take a job-related course at a postsecondary institution, the Department will pay for all costs of said course including tuition, books, other required instructional materials, mandatory fees, and associated travel costs. Job relatedness will be determined by the Deputy Commissioner whose decision will be final. The employee so directed will be considered to be working for the Department during classroom time, and any travel incurred to attend such courses will be treated as travel for the Department. The Department will require written documentation to verify the employee's enrollment, course completion, and the grade earned.

006.03A Employees may use Department computers, Internet access, printers, and office supplies for online courses ~~or~~ and related homework if the employee has been directed to take a job-related course for professional development per Section 006.02 of this Chapter, or if an employee elects and receives supervisory approval to take an online course available through the State's Employee Development Center – Learning. If employees voluntarily take an online postsecondary or other educational or vocational course, the Department's computers, Internet access, printers, and office supplies may not be used.

006.04 Online Coursework. Online postsecondary coursework may be taken, and reimbursement for any portion of the tuition cost, required course fees, and books may be allowed, if the course is job-related and prior approval to take the course is granted by the immediate supervisor, Office Administrator, and the Deputy Commissioner. Online courses may not be taken on work time unless dedicated online sessions with the instructor, or related to the class, are required as specified by a course catalog and only occur during the employee's regular work time. Employees may use Department computers, Internet access, printers, and office supplies for online courses and related homework if the employee has been directed to take a job-related course for professional development per Section 006.03 of this Chapter, or if an employee elects and receives supervisory approval to take an online course available through the State's learning management system ~~Employee Development Center – Learning~~. If employees voluntarily take an online postsecondary or other educational or vocational course, the Department's computers, Internet access, printers, and office supplies may not be used.

006.05 Conference or Meeting Participation. In addition to the assigned activities of each employee, the appropriate Office Administrator will maintain and carry out a policy of approving a reasonable request of each employee to participate in meetings, conferences, or in-service activities related to the employee's job. Determination of reasonable requests and job relatedness will rest with the appropriate Office Administrator. Upon approval of such a request, the employee may attend such meeting, conference, or in-service activity without loss of pay and at the expense of the Department. Additionally, an employee may be permitted to participate in at least one (1) meeting, conference, or in-service activity per year relating to the employee's job consisting of a total of not more than five (5) workdays at the expense of said employee without loss of pay.

006.06 All decisions made by management pursuant to the application of this Chapter are final.

007 Solicitation Policy. Soliciting employees during work hours is not authorized.

007.01 Vendors offering non-work-related products for sale to employees are not authorized to contact employees during the employee's duty hours or to sell, promote, or distribute information on state property.

007.02 Employees who sell products for a secondary income may only contact other employees during non-duty hours.

007.03 Employees located at all other work sites may, upon the approval of the local administrator, post information on products for sale, and non-duty contact times in locations provided for that purpose.

008 Workers' Compensation. All injuries, no matter how slight, occurring in the course of employment, are to be reported immediately to the supervisor and the Human Resources Office. An Employee Report of Alleged Occupational Injury Form (available from the Human Resources Office) must be completed and forwarded to the Human Resources Office by the employee as soon as possible. In the event ~~that~~ the employee is incapable of completing and signing the report, the employee's immediate supervisor will complete the report to the best of his/her knowledge. The Employee Report of Alleged Occupational Injury will be completed and signed by the employee at the earliest possible date.

009 Usage of State Telephone/Telecommunications Resources. Employees should exercise professional judgment in their use of business phones. The State telephone network is provided for official State business only. Long distance personal calls are not authorized and must be charged to one's resident telephone or personal credit card. Such calls may also be placed from a toll phone.

010 Nonexempt Employee Travel Time. Required travel time for nonexempt employees will be considered work time per the requirements as set forth in the federal Fair Labor Standards Act (29 CFR Part 785).

010.01 Under this federal regulation, the Department does not consider time spent in overnight travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile to be "work time."

011 Personal Vehicles. When reasonably requested by the Department, or when requested by the employee and approved by the Department, employees may use their own automobile for work-related travel at a rate of reimbursement per the Department's policies regarding employee expense reimbursement.

012 Lodging and Meal Reimbursement. The Department will reimburse lodging and meal expenses per the Department's policies regarding employee expense reimbursement.

013 Lodging Arrangements. Single occupancy lodging will be made available to any employee traveling on Department business unless the employee: waives the option, prefers multiple accommodation lodging, or lodging availability in the town precludes single occupancy.

014 Transportation. Employees including full-time, part-time, contract, temporary, and fixed-term, as defined in Chapter 4 of this Title, may be authorized to use a State vehicle on official State business. State vehicles are not to be used for personal use.

014.01 Valid Driver's License Requirement. All persons who operate State or personal vehicles while on Department business are required to have a valid driver's license and to successfully complete a defensive driving course as offered by the State. Should persons who drive on Department business have their driver's license revoked or suspended for any reason, the employee must report such revocation or suspension to their immediate supervisor.

014.02 Supervisor Responsibility. It will be the responsibility of the Office Administrator to ascertain that each person who drives on Department business possess a current valid driver's license and has satisfactorily completed a Defensive Driving Course, as prescribed. This responsibility may be delegated to the section head or person in a division who has the responsibility to authorize/permit use of a vehicle on Department business.

015 Employment Outside of Working Hours. Employees may engage in employment outside of working hours in a private business interest. Such employment outside of Department work or in a private business interest will not interfere with the efficient performance of duties or conflict with the interests of the Department of Education or with State statutes. The Department may require disclosure of outside employment.

016 Moving Expense Reimbursement ~~Allowance~~. Employees who are involuntarily relocated to another geographical location for the benefit of the Department, and newly hired employees, excluding temporary employees, may be reimbursed for certain ordinary, necessary, and reasonable moving expenses subject to the requirements of the Department of Administrative Services Accounting Manual and the prior written approval of the Commissioner. Reimbursement must be submitted to the Department's Accounting Section within sixty (60) days of the final day on which the expenses were incurred in accordance with Neb. Rev. Stat. § 81-1174 and Department procedures. ~~Employees transferring to or relocating in another geographical section of the State for the benefit of the Department will be eligible for reimbursement of moving expenses in accordance with the State Accounting Manual issued by the Department of Administrative Services, upon approval of the Commissioner. For purposes of this Section, a relocation to another geographical section of the state is when the employee is directed to work at a primary work site that is at least thirty (30) miles from both the present work site and the employee's~~

~~current residence, whichever is the shorter distance.~~

~~016.01 Payment. No payment of moving expense will be made until an invoice is received and approved by the Commissioner or his or her designee.~~

~~016.02 Leave. Employees who are transferred to or relocating in another geographical location of the State will be allowed sixteen (16) hours with pay to attend to their personal affairs in their present location and to establish their personal affairs in their new location. Additional required time off will be vacation leave, compensatory time, or leave without pay at the employee's discretion.~~

~~016.03 Reimbursement. The Department may reimburse newly appointed employees for reasonable expenses incurred in relocating to their place of employment provided that the employee agrees, in writing, to remain in the employment of the State for a period of one (1) year. Termination within the one (1) year period for any reason within their control may be cause to require them to reimburse the Department for moving expenses.~~

~~016.04 Commuting Costs. Commuting costs related to transfers and relocations are not reimbursable by the Department.~~

017 Severability. If any section or portion of the Chapters in this Title, or the applicability thereof, to any person or circumstance is held to be invalid by a court, the remainder of these Chapters will not be affected thereby.

018 Recognition Programs. The Commissioner may implement an Employee Recognition Program, which may include items such as Employee-of-the-Year/Manager-of-the-Year meals; framed certificates; clocks; bookends; platters; desk accessories; pens; letter openers; gift certificates; food and refreshments; trophies; shirts; plaques, pins, and/or monetary recognition.

019 Business Attire. All employees are expected to dress in attire that is appropriate for conducting his or her work responsibilities. Office Administrators and supervisors may identify specific attire requirements depending on the nature of the employee's work.

020 Retiree Health Insurance. In addition to the provisions outlined in Neb. Rev. Stat. § ~~Sections~~ 84-1601 through 84-1615 ~~R.R.S.~~, employees who are eligible for retirement and do retire, will be afforded the opportunity to continue health insurance coverage in the group plan until they become Medicare eligible. The employee will be responsible for the entire cost of the premium for the plan chosen, which includes the normal employee contribution and the normal State contribution.

021 Insurance Coverage Consistency with Master Contract. The Department agrees to

provide employees with the same health, dental and vision insurance plans at the same cost sharing ratio as the Department will provide to its employees who are subject to the Agreement. In the event ~~that~~ such insurance programs grant to the employee various options, the Department's obligation will apply only to the mandatory portion to be paid by the Department under the program. The Department further agrees to provide all employees all other insurance plans that are made available in the Master Contract at the same cost.

022 Reporting of Waste, Fraud, or Violations of Law. Employees who are aware of fraud, fiscal waste, or violations of law will report such information to the Commissioner, any Deputy Commissioner, or staff in the Human Resources Office. Employees may also give such information to the Office of Auditor of Public Accounts.

TITLE 93 – NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES
CHAPTER 16 – CODE OF ETHICS

001 General. Employees will comply with the Code of Ethics as provided in this Chapter.

002 Nebraska Political Accountability and Disclosure Act. Employees will comply with the Nebraska Political Accountability and Disclosure Act, which provides that:

002.01 No person will offer or give to the following persons anything of value, including a gift, loan, contribution, reward, or promise of future employment, based on an agreement that the vote, official action, or judgment of any public official, public employee, or candidate would be influenced thereby:~~,~~

002.01A A public official, public employee, or candidate;

002.01B A member of the immediate family of an individual listed in Section 002.01A of this Chapter; or

002.01C A business with which an individual listed under Sections 002.01A or 002.01B of this Chapter is associated.

002.02 No person listed in Section 002.01A of this Chapter will solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment, based on an agreement that the vote, official action, or judgment of the public official, public employee, or candidate would be influenced thereby.

002.03 An employee will not use or authorize the use of his or her public office or any confidential information received through the holding of a public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.

002.04 An employee will not use or authorize the use of personnel, resources, property, or funds under that person's official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law.

003 Impairing Independent Judgment. Employees are additionally prohibited from accepting other employment or entering into contractual arrangements which will impair independence of judgment in the exercise of official duties.

004 Securing Unwarranted Privileges. Employees are additionally prohibited from using~~,~~ or attempting to use their position in the Department to secure unwarranted privileges or exemptions for themselves or others.

005 Conflict of Interest. Employees are additionally prohibited from engaging in any

transaction as representatives or agents of the Department with any entity in which direct or indirect financial interests might reasonably tend to conflict with the proper discharge of official duties.

006 Personal Investments. Employees are additionally prohibited from making personal investments in enterprises which might be directly involved in decisions to be made by them as employees of the Department.

007 Selling Goods or Services. Employees are additionally prohibited from selling goods or services to any persons, firms, corporations, public or government entities, or associations which are licensed or whose rates are fixed by the Department, or from having any substantial interest in persons, firms, corporations, or associations which sell goods or services to other persons, firms, corporations, or associations which are licensed by the Department.

008 Partnerships. Employees are additionally prohibited from accepting, or agreeing to accept, or being in partnership with any persons who accept or agree to accept any employment, fees, gifts, or services for taking any action on behalf of the other persons regarding licensing or regulatory matters before the Board.

009 Business Transactions. Employees are additionally prohibited from entering into any private business transactions with any persons or entities that have matters pending, or to be pending, upon which such employees are, or will be, called upon to render decisions or pass judgments in an official capacity as representatives of the Department. If any such employees are already engaged in the business transactions at the time the matters arise, they will be disqualified from rendering any decisions or passing any judgments upon the same.

010 Vested Interest in Contracts. Employees are additionally prohibited from influencing the making of any contracts, or courses of action leading to the making of contracts, between the Department and persons, firms, corporations, or associations in which they may have a direct or indirect vested interest.

011 Gifts or Loans. Employees are additionally prohibited from accepting any gifts of value or loans from any person doing business with the Department. Gifts or favors are to be courteously refused or returned if they are the kind that might influence the conduct of employees.

012 Employee Consulting, Presentations and Speeches. Periodically, employees are asked to consult or to make presentations or speeches in their area of expertise. When such a request is received, the employee involved will discuss the request with the appropriate Office Administrator through their immediate supervisor. If it is determined that providing the consultation or making the presentation or speech will relate to the service, leadership, or regulatory functions of the Department, then any expenses incurred should be reimbursed from the program's budget.

013 Honorariums. If an honorarium is received for consulting or making a presentation or speech~~,~~ while on Department time and/or on a (work-related) subject area for which the employee has responsibility in the Department, the honorarium will be submitted to Central Accounting for deposit against the employee's line of coding. In this instance, the Department will be responsible for employee expenses.

014 Private Consulting. The following restrictions apply to employees providing private consultation services on personal time:

014.01 Employees may not provide outside consulting services for compensation (monetary or non-monetary) to any entity coming under the supervision or regulation of the Department.

014.02 Employees may not provide outside consulting services for compensation (monetary or non-monetary) to any agency within the state for which the service is available from the Department without charge.

014.03 All consulting activities will require the use of personal vacation time with prior approval of the immediate supervisor and appropriate Office Administrator. Approval of the use of vacation time will be based on the extent to which regular duties are not compromised. Approved consulting may not be done in conjunction with any Department related activity and/or travel.

014.04 Employees may not solicit or invite consultative service opportunities for private or personal gain during the discharge of duties as a State employee.

014.05 Employees may not use State resources or products for private consulting even if the cost of such are paid to the State from outside sources.

015 Teaching. College or university teaching is allowed whenever the following conditions are met:

015.01 The employee has received approval of their immediate supervisor and the appropriate Office Administrator; ~~and~~

015.02 Such teaching, preparation, and other activities associated with the teaching duties, will take place totally outside the regular duty hours of the employee, unless vacation leave is used; ~~and,~~

015.03 No Department equipment or resources are used for the teaching activities; ~~and,~~

015.04 The employee has received advance approval of vacation time for such teaching including duty hours spent in travel, preparation, and other

activities associated with the teaching duties. Whenever vacation time is used, the outside teaching responsibilities must not interfere or limit the performance of the duties and responsibilities required by the Department; and~~,~~

015.05 There is a written agreement between the institution of higher education and the employee outlining the terms and conditions of their teaching and such agreement has been approved by the immediate Department supervisor and is on file in that supervisor's office and in the Human Resources Office.~~; and/or,~~

015.06 Teaching assignments may be approved or assigned as part of the employee's regular duties. Additional compensation may not be accepted when teaching duties are part of the employee's regular workday.

016 Professional Organization Participation. Employees may be granted time during work hours to participate in the activities of professional organizations which, in the estimation of the appropriate Office Administrator, are considered to be job-related. The appropriate Office Administrator will determine whether or not travel expenses will be reimbursed.

NEBRASKA DEPARTMENT OF EDUCATION
NDE PERSONNEL RULES GRIEVANCE FORM

All employees occupying a regular ~~permanent~~ position have grievance rights. The purpose of this process is to reduce potential areas of conflict and to secure, at the lowest possible administrative level, equitable and timely resolutions to problems that may arise. A grievance is defined as a contention of misapplication or violation of any of the following: Department policies, rules or regulations including Title 93, NDE Personnel Rules, written administrative policies, other written operating procedures, laws, or written instructions pertaining to employees.

Name of Employee (Grievant)

Home Address | City, State & Zip | Home Phone

Classification | Work Location | Work Phone

Immediate Supervisor/Work Phone | Office Administrator/Work Phone

INSTRUCTIONS: Employees must follow all of the steps described in the NDE Personnel Rules, Chapter 14. "Days" means regularly scheduled workdays when the Nebraska Department of Education~~, Nebraska State~~ Office Building offices, are open, excluding, however, such regularly scheduled workdays during which employees involved in the procedure are absent from the work site on approved leave or travel status. For all employees who are permanently located at work sites other than 500 S. 84th Street ~~301 Centennial Mall South~~, Lincoln, Nebraska, days as defined above will be counted from the date of receipt. The day in which an item is received is not counted as a day for the receiving party.

STEP 1: The grievant has fifteen (15) days from his or her knowledge of the event or condition causing the grievance to present the completed grievance form to the Office Administrator. Within fifteen (15) workdays after receiving the completed grievance form, the supervisor, Office Administrator, or designee if applicable, and grievant will meet to discuss the grievance and attempt to resolve the matter, and the Office Administrator will arrive at a response and communicate the same to the grievant in writing. ~~to request a meeting with the immediate supervisor and next level of supervision. If the supervisors' answer is not satisfactory to the grievant, the grievant may proceed according to the steps and timelines in Chapter 14, Grievance Procedure, using this form and completing the Statement of Grievance and Relief Requested (page 2). Responses at all steps must be attached to this form. The grievant must submit this completed form to the IMMEDIATE SUPERVISOR AND NEXT LEVEL SUPERVISOR within three (3) workdays after receiving the supervisors' response.~~

Office Administrator's ~~Immediate Supervisor's~~ Signature | Date Received | Date Answered

~~Next Level Supervisor's Signature~~ | ~~Date Received~~ | ~~Date Answered~~

STEP 2: When the Office Administrator's response is not satisfactory to the grievant, the grievant may, within fifteen (15) workdays of receipt of the Office Administrators response, appeal the decision to the Deputy Commissioner in writing by submitting this completed form and attachments to the Deputy Commissioner. The Deputy Commissioner will give a written answer to the grievant within fifteen (15) workdays thereafter. The Deputy Commissioner may hold a meeting with the grievant to better understand the facts and circumstances before rendering a decision. ~~This completed form and attachments to the Office Administrator within five (5) workdays after the supervisors' response in Step 1.~~

Deputy Commissioner's ~~Office Administrator Signature~~ | Date Received | Date Answered

STEP 3: If a resolution to the grievance is not reached, the employee may, within fifteen (15) workdays after receipt of the Deputy

Commissioner's decision, appeal the grievance to the Board. ~~This completed form and attachments to the DEPUTY COMMISSIONER within five (5) workdays after the written response in Step 2.~~

Date Received: _____ Date of Decision: _____

Date Filed: _____ Grievance Number: _____

_____

~~Deputy Commissioner Signature~~ ~~Date Received~~ ~~Date Answered~~

~~STEP 4: Grievance to the STATE BOARD OF EDUCATION within fifteen (15) workdays after the written response in Step 3.~~

~~Date Received:~~_____ ~~Date of Decision:~~_____

Date Filed: _____ **Grievance Number:** _____

STATEMENT OF GRIEVANCE

A. **Identify** the management action that you believe involved a misinterpretation or misapplication of Department policies, rules or regulations including Title 93, NDE Personnel Rules, written administrative policies, other written operating procedures, laws, or written instructions pertaining to employees.

B. **Describe** the event or condition that caused the grievance.

C. **Describe** the relief you are requesting.

_____ _____

Employee/Grievant Signature (required) Date

Revised 2023 ~~2018~~

Nebraska State Board of Education Written Public Comment April 2023

Nebraska State Board of Education

Pursuant to State Board of Education Board Operating Policy 1.06 - Public Participation at Board Meetings:

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Click the "Next" button below to begin.

Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

Courtney

Last name *

Otto

City *

Gretna

State *

NE

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

We are thankful for our teachers who promote truth not based on public agenda, personal issues, or ideologies that contradict what is in the best interests of chlldren. It's a disgrace to have a teacher representing our state who sees value in promoting drag queen ideologies to children. This has no place in a classroom. This is for a parent to teach at home, should they so choose. Please keep our classrooms focused on reading, writing, math, science, social studies, art, music, and PE. Please stand for teaching our children truth, please respect the stages of growth and development in children, and please remember the role of teacher is in a classroom and not to put their personal beliefs on children.

Signature

Please type your first and last name again. This will appear with your written comments and serves as your signature.

Signed,

First name *

Courtney

Last name *

Otto

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Nebraska State Board of Education Written Public Comment April 2023

Nebraska State Board of Education

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Click the "Next" button below to begin.

Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

Kathy

Last name *

Peter

City *

O'NEILL

State *

Ne

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

Please stand behind Kirk Penner. His opinions matter just as much as anyone else. And as far as I know, opinions are just opinions,not bullying anyone. If Mr. Penner is going to to be reprimanded for his opinions,then Miss Renee Jones should be reprimanded for her opinions also!! Stop the madness!!

Signature

Please type your first and last name again. This will appear with your written comments and serves as your signature.

Signed,

First name *

Kathy

Last name *

Peter

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Click the "Next" button below to begin.

Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

Mary

Last name *

Nickel

City *

Cambridge

State *

NE

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

I hope April 14th will be a very productive meeting. I hope focus will be on academic excellence in improving Nebraska student proficiency scores throughout the State. I hope your newly elected Commissioner will strive for this excellence in promoting patriotic and constitutional excitement to our Nebraska teachers and students. I think in retaining teachers we need to go back to the basics and like most good teachers "I just want to teach the kids". They are fed up with dumbing down the kids, worrying about hurting the feelings of transgenders ,pronouns, and gender fluid ideologies. They don't want Drag Queen anything. Let's face it these things have no place in public schools. The "teacher of the year" complaining about Kirk Penner bullying her is absurd. These school board members were elected by us the people in our districts and represent us. What ever happened to bragging about the achievements of students? Now it's trendier to say how we are so "woke" and support everything EXCEPT the academics. Please, help teachers and students be accountable,polite,strong ,independent thinkers! Thank you
Mary Nickel

Signature

Please type your first and last name again. This will appear with your written comments and serves as your signature.

Signed,

First name *

Mary

Last name *

Nickel

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Click the "Next" button below to begin.

Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

Jessica

Last name *

Coyle

City *

Nenzel

State *

NE

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

As a constituent, parent, school board member and Christian, I want to say I'm in full support of Kirk Penner. I have no issue with any other race or belief as those are your own. I don't feel trans gender, drag or any other sexual orientation should be taught in school. If a child comes to a counselor with questions that's one thing, but to direct it at all child is indoctrination. The teacher of the year should represent the state in a non bias manner and not push personal beliefs as the states beliefs. We need to protect the innocence of our youth as they witness things at home children shouldn't have to. Please stand up for our children and protect them as they don't know the difference.

Thank you for your time.
Jessica Coyle

Signature

Please type your first and last name again. This will appear with your written comments and serves as your

signature.

Signed,

First name *

Jessica

Last name *

Coyle

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Nebraska State Board of Education

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Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

JeanAnn

Last name *

Watermeier

City *

Syracuse

State *

NE

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

I am saddened and embarrassed that the Nebraska 2023 Teacher of the Year has publicly come out and stated negative dialogue with Kirk Penner regarding the Drag Queen books she plans to purchase and share with her students. These types of books should be kept out of schools.

As a public school teacher, she does not represent me or many other teachers in the state. We can still love and accept people that are different from us without being nasty to those who don't agree with us.

Using her platform this way is unacceptable. In a time of teacher shortages, doing this does not help in recruitment or retention.

Signature

Please type your first and last name again. This will appear with your written comments and serves as your signature.

Signed,

First name *

JeanAnn

Last name *

Watermeier

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Click the "Next" button below to begin.

Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

Jennifer

Last name *

Bredehoft

City *

Omaha

State *

NE

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

I am personally concerned that the State of Nebraska has not taken action against Renee Jones. I do not want schools to take a role in sexualizing my children in the name of "inclusiveness". Children need to learn grammer, math, and educational concepts. Creating confusion and self doubt in Children regarding their sexual identity or gender leaves them vulnerable to sexual abuse. Giving our children a strong sense of security in who they are provides them with a layer of strength. Please support Kirk Penner. If government, teachers, and parents hide from standing up for protecting the rights of children to live innocent lives we are contributing to the destruction of the concept of family and healthy development. Teaching children that having common gender norms is somehow hateful, wrong, unenjoyable, or inexcusable will only lead them into destructive patterns as they grow. Parents are capable of introducing children to sexual concepts when the children as individuals are ready to understand without it impacting their development.
I have a child with autism who is easily confused. He is already a target for those that would want to take advantage of him. Adding in another layer of confusion being forced upon him by public schooling to produce a sexualized, easy to violate, cooperative, sensitized child is incomprehensible. The thought that tax dollars would lead and fund education with a focused goal of introducing transgender and sexual identity concepts to small children is disturbing on a number of levels. The impact of increased sexual identity and transgender issues within society over the last ten years has been impossible to ignore. It has not increased unity, support of and valuing each gender equally for their differences, or reduced damaging mental or physical health issues. Suicide continues to increase for children (not to mention murders) and yet we are not connecting the introduction of harmful agendas to the increase in damaging physical and mental health effects on our children.
It is worrisome that our NE teacher of the year would emphasize and contribute to these types of concepts, regardless of the impact on THEIR mental and physical health. I am appalled at the representation she feels teachers should have and what she considers to be a priority in today's childhood education. Regardless of my own personal thoughts on this issue, the results on this type of insensitizing is clear when looking at the data and imprint on society. If the founders of the constitution would have devoted even half of their time towards the studies of transgender or drag queen theory and its contributions to the developing psychi of young children I have reason to believe they would have provided the same guidance. Do not introduce concepts that confuse children and create insecurities. Instead empower them to be confidant as they are, truly unique from the moment they were created with a strong sense of self.Please continue to stand firm and support Kirk Penner and children's rights to innocence and protection from sexualization by adults. I am grateful he is willing to speak up and stand up for the rights of children to be children untainted by the confused world of adult gender and sexual stress, depression, overwhelm, and politics.
Please support the innocence of children and their right to live more carefree. Thank you for caring about the future of our world. Children raised with stable, strong, and a clear understanding of simple basic life necessities stand an amazing chance at growing up to contribute to society as law abiding citizens that believe in giving back to those around them. We are raising up what we wish to see as a society. Our society has no need of increased confusion, shame, self mutilation, abuse, victimization, self denial, or insecurities. We need our society to be strengthened through clarity and deep acceptance of one's self and individual development. Thank you for standing up for Kirk Penner on this topic and for children everywhere.
With gratitude,
Jen Bredehoft

Signature

Please type your first and last name again. This will appear with your written comments and serves as your signature.

Signed,

First name *

Jennifer

Last name *

Bredehoft

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Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

Anthony

Last name *

Storbeck

City *

Crawford

State *

Nebraska

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

I am writing this email in support of Mr. Penner and his efforts to subvert the attacks on our children and family values by the Teachers Union and Teacher of the year Renee Jones or anyone else that is trying to indoctrinate our children by promoting LGBTQ agenda's such as Drag Queen Story hour or any age-inappropriate material in public school classrooms and libraries. Mr. Penner's efforts to stop these agendas should be rewarded!

Signature

Please type your first and last name again. This will appear with your written comments and serves as your signature.

Signed,

First name *

Anthony

Last name *

Storbeck

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Click the "Next" button below to begin.

Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

Cora Charlene

Last name *

Martin

City *

Broken Bow

State *

NE

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

Please protect our innocent children from the current worldly agenda being promoted. Parents, grandparents and concerned citizens continue to monitor the proceedings of this elected board.
Thank you,
Cora Charlene Martin

Signature

Please type your first and last name again. This will appear with your written comments and serves as your signature.

Signed,

First name *

Cora Charlene

Last name *

Martin

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Click the "Next" button below to begin.

Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

Gail

Last name *

Rule

City *

Omaha

State *

Nebraska

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

As a former teacher in Omaha, a mother of three, and a grandmother of four, I want our State Board of Education to know that I am still concerned, and closely watching, the direction our board takes on sex education in our schools. I expect our Board to stand with Nebraska values, not the "woke" ideology of a small minority. Your position, shouldn't be based on vocal activists, but on the underlying principals surrounding the purpose of our public school system.
Our focus should be on reading, writing and math. It should be to stay out of trendy political topics and support the fundamentals of education. Anything less is a discredit to Nebraska's parents and our children.

Signature

Please type your first and last name again. This will appear with your written comments and serves as your signature.

Signed,

First name *

Gail

Last name *

Rule

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Click the "Next" button below to begin.

Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

Marilyn

Last name *

Asher

City *

Omaha

State *

Nebraska

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

As a grandparent of Nebraska elementary school children, I am proud of the stand that Kirk Penner has taken against the poor taste and unprofessional style of teacher, Renee Jones, in her promotion of books such as "The Hips on the Drag Queen go Swish, Swish, Swish." A very few years ago, even those who are in the LGBTQ camp would have been dismayed at the thought of a public school teacher promoting drag in the classroom.

Any attempt to silence Mr. Penner will not be supported by my husband and myself. As we see the scores of elementary and secondary school students in Nebraska not able to compete in on the world stage, it is imperative that high standards of reading, writing and math instruction be enforced in Nebraska schools. Mr. Penner is one of the three school board members who is focusing on quality education instead of "equity" education. You do not have my permission to reprimand him but should, instead, thank him for his comments.

Signature

Please type your first and last name again. This will appear with your written comments and serves as your signature.

Signed,

First name *

Marilyn

Last name *

Asher

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Nebraska State Board of Education
Pursuant to State Board of Education Board Operating Policy 1.06 - Public Participation at Board Meetings:

Persons may address the Board for public comment purposes by written submission in lieu of live testimony. Such written submissions must be provided 24 hours in advance to the start of the public meeting where public comment is scheduled, or by close of business of the Thursday prior to any meeting scheduled for a Monday, and is limited to 750 words. Written public comments submitted in accordance with these requirements will be provided to the Board members and become part of the record of the meeting, but will not be read aloud during the meeting.

Individuals who submit written public comment for a given meeting should not plan to speak before the Board in live testimony at that month's meeting.

Individuals may submit only one written public comment entry per month. Multiple submissions will not be accepted.

Submissions must include your complete first and last name, city and state. You will also be required to electronically sign the submission. This information will be included with your comments.

Click the "Next" button below to begin.

Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

James

Last name *

Bartsch

City *

Omaha

State *

Nebraska

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

I stand in support of Vice President of the State Board of Education, Kirk Penner in his comments about Teacher of the Year Renee Jones. My understanding is that she promotes the LGBTQ agenda to students. I also understand that she recommends to students a book that portrays a Drag Queen in good light. Neither one of those activities is a good influence on our children. Thank you.

Signature

Please type your first and last name again. This will appear with your written comments and serves as your signature.

Signed,

First name *

James

Last name *

Bartsch

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Nebraska State Board of Education Written Public Comment April 2023

Nebraska State Board of Education

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Click the "Next" button below to begin.

Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

Lisa

Last name *

Hermann

City *

Wood River

State *

NE

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

As an educator of 33 years, I am very concerned about the teacher shortage and the lack of interest in education. I am incredibly proud to be an educator and can not imagine doing anything else as a career. However, the lack of support, the attack on educators, and the stress of testing before entering an education program drive young adults away from our profession. I cannot think of any other undergraduate program that requires their students to pass a test to enter a program. These students have scored well on their ACT, have been admitted to a university and are willing to take classes and be taught and mentored by educators in their college program.

From experience, an educator can come into a school system after graduating with honours and passing the PRAXIS with flying colours yet not be able to collaborate with peers, build relationships with students, and plan engaging lessons. Passing the PRAXIS does not create excellent teachers; hard work, mentoring, dedication to the profession, loyalty, and the willingness to research and plan lessons to meet the needs of all students, do, along with so many other things that teachers do day in and day out. I could fill out a list of 100 things teachers do that do not even come close to being mentioned on a PRAXIS exam. Suppose students think that all you need to become an educator is to be able to answer an algebra problem or write a comparative paragraph while citing sources. In that case, they will be overwhelmed entirely entering our profession.

There is so much to learn in our profession that does not include multiple-choice questions. We should allow students into our classrooms for countless semesters to witness different teaching styles, classroom dynamics, unique classroom designs, and philosophies the teacher shares. They should be able to ask questions of veteran teachers when it comes to dealing with difficult parents and unruly students, balancing home with the hours put into their profession, and collaborating with their peers. Teachers need to be taught to think outside the box and understand that there frequently is not one correct answer but a plethora of possibilities, possibilities that, combined with love, understanding, logic, and critical thinking, can create the best learning environment for students.

Teaching is so much more than a test; so much more than a number on a subtest. Please help grow our profession by providing students with opportunities to be mentored. Please support our youth in following their dreams and growing professionally; no one has all the answers right away. Please understand that my job is not a multiple-choice test with only one answer. Please support our state's teachers, students, and school districts by providing them with quality candidates (no one ever asks about the PRAXIS in interviews, and schools do not care about those scores). Please give college students a chance to decide if our profession fits them; do not tell them they cannot without providing an opportunity.

Signature

Please type your first and last name again. This will appear with your written comments and serves as your signature.

Signed,

First name *

Lisa

Last name *

Hermann

This form was created inside of NE-Dept Of Education.

Google Forms

TO: Deborah A. Frison, Ed.D, Deputy Commissioner

FROM: Bryce Wilson, Denise Thege

DATE: April 14, 2023

SUBJECT: MONTHLY LIST OF CONTRACTS $10,000 TO $50,000

RATIONALE: As stated in the Nebraska State Board of Education Policy Manual P5 the Commissioner shall provide the Board each month with a list of contracts between $10,000 and $50,000.

1. Contractor(s): Grand Island Public Schools
   Contract Amount: $48,883.27
   Funding Source: Federal
   Scope of Services: Provide summer transition program for youth age 14-21.
   Date of Contract: 4/1/23-7/31/23
   Contact Person: Lindy Foley

2. Contractor(s): York Public Schools
   Contract Amount: $33,098.16
   Funding Source: Federal
   Scope of Services: Provide summer transition program for youth age 14-21.
   Date of Contract: 4/1/23-7/31/23
   Contact Person: Lindy Foley

3. Contractor(s): Whispering Acres Tails & Treasures
   Contract Amount: $45,734.99
   Funding Source: Federal
   Scope of Services: Provide summer transition program for youth age 14-21.
   Date of Contract: 4/1/23-7/31/23
   Contact Person: Lindy Foley

4. Contractor(s): Lux Center for the Arts
   Contract Amount: $26,283.21
   Funding Source: Federal
   Scope of Services: Provide summer transition program for youth age 14-21.
   Date of Contract: 4/1/23-7/31/23
   Contact Person: Lindy Foley

5. Contractor(s): Meghan Gibbons
   Contract Amount: $17,000
   Funding Source: Federal/General
   Scope of Services: Completion of program quality observations, coaching and training.
   Date of Contract: 4/15/23-4/14/24
   Contact Person: Melody Hobson

6. Contractor(s): Melanie Willis
   Contract Amount: $10,000
   Funding Source: Federal
   Scope of Services: Serve as Bullying Specialist.
   Date of Contract: 3/1/23-6/30/23
   Contact Person: Zainab Rida

7. Contractor(s): Pete Goldschmidt
   Contract Amount: $19,000
   Funding Source: General
   Scope of Services: Provide recommendations for incorporating English Leader progress on ELPA21 in the AQuESTT Accountability System.
   Date of Contract: 3/6/23-6/30/23
   Contact Person: Shirley Vargas

8. Contractor(s): B2 Creative Inc
   Contract Amount: $15,000
   Funding Source: Federal
   Scope of Services: Production, storage and shipping of Step Up to Quality signage.
   Date of Contract: 3/1/23-2/29/24
   Contact Person: Melody Hobson

9. Contractor(s): Ralston Public Schools
   Contract Amount: $18,729.07
   Funding Source: Federal
   Scope of Services: Provide summer transition program for youth age 14-21.
   Date of Contract: 4/1/23-7/31/23
   Contact Person: Lindy Foley

10. Contractor(s): HHS
    Contract Amount: $10,000
    Funding Source: Federal
    Scope of Services: Facilitate and present at Early Development Network meetings and conduct additional Part C activities.
    Date of Contract: 4/5/23-4/4/24
    Contact Person: Amy Rhone

11. Contractor(s): Sped Strategies
    Contract Amount: $15,000
    Funding Source: Federal
    Scope of Services: Provide professional learning.
    Date of Contract: 4/1/23-5/31/23
    Contact Person: Amy Rhone

12. Contractor(s): Perfect Touch Cleaning Svc
    Contract Amount: $10,720.34
    Funding Source: Federal
    Scope of Services: Cleaning service for VR Kearney Office.
    Date of Contract: 4/1/23-3/31/24
    Contact Person: Lindy Foley

13. Contractor(s): Jackson Lewis
    Contract Amount: $20,980
    Funding Source: Federal
    Scope of Services: Legal services.
    Date of Contract: 2/23/23-12/31/24
    Contact Person: Kristin Yates

14. Contractor(s): The Kim Foundation
    Contract Amount: $11,750
    Funding Source: Federal
    Scope of Services: Sponsorship for Suicide Prevention Session.
    Date of Contract: 3/30/23-6/8/23
    Contact Person: Zainab Rida

15. Contractor(s): Mentor Nebraska
    Contract Amount: $49,999
    Funding Source: Federal
    Scope of Services: Provide training and presentations.
    Date of Contract: 3/15/23-8/30/24
    Contact Person: Zainab Rida

16. Contractor(s): Joan Callahan
    Contract Amount: $18,750
    Funding Source: Federal/General
    Scope of Services: Provide training and ERS classroom observations.
    Date of Contract: 4/1/23-3/31/24
    Contact Person: Melody Hobson

17. Contractor(s): UNL
    Contract Amount: $46,626
    Funding Source: Federal
    Scope of Services: Assist with reporting requirements.
    Date of Contract: 4/1/23-3/31/24
    Contact Person: Amy Rhone

18. Contractor(s): Theodora Schiro
    Contract Amount: $13,250
    Funding Source: Federal
    Scope of Services: Present and provide training.
    Date of Contract: 3/30/23-6/8/23
    Contact Person: Zainab Rida

19. Contractor(s): ESU 4
    Contract Amount: $10,000
    Funding Source: Federal
    Scope of Services: Support for mental health professional development.
    Date of Contract: 3/25/23-8/31/23
    Contact Person: Zainab Rida

20. Contractor(s): Partners for Insightful Evaluation
    Contract Amount: $49,950
    Funding Source: Federal
    Scope of Services: Provide evaluation oversight for the remainder of CDC 1801 Healthy Schools grant funding.
    Date of Contract: 3/31/23-8/31/23
    Contact Person: Zainab Rida

21. Contractor(s): National Council for Mental Wellbeing
    Contract Amount: $26,000
    Funding Source: Federal
    Scope of Services: Host a training
    Date of Contract: 3/13/23-12/31/23
    Contact Person: Zainab Rida

22. Contractor(s): Michelle Rupiper
    Contract Amount: $13,500
    Funding Source: Federal
    Scope of Services: Coaching/training services.
    Date of Contract: 5/1/23-4/30/24
    Contact Person: Melody Hobson

23. Contractor(s): Brian L. Maher Ed.D.
    Contract Amount: Estimated less than $30,000
    Funding Source: General
    Scope of Services: Consultant services for transition to Commissioner of Education.
    Date of Contract: 4/7/23-6/30/23
    Contact Person: Patti Gubbels

24. Contractor(s): Sadie Shriver
    Contract Amount: $24,000
    Funding Source: Federal
    Scope of Services: Assist FBLA Advisor.
    Date of Contract: 4/16/23-4/15/24
    Contact Person: Katie Graham

25. Contractor(s): Center for Rural Affairs
    Contract Amount: $33,100
    Funding Source: Federal
    Scope of Services: Assist with farm to school trainings.
    Date of Contract: 4/14/23-4/13/24
    Contact Person: Zainab Rida