

## **NEBRASKA STATE BOARD OF EDUCATION MEETING NOTIFICATION AND AGENDA**

- Meeting Date:** Friday, August 4, 2023 9:00 AM
- Meeting Title:** State Board of Education Meeting Notification and Agenda
- Location:** Nebraska Innovation Campus  
Banquet Hall  
2021 Transformation Drive  
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/](http://www.education.ne.gov/stateboard/state-board-agendas/)
- Lunch:** On Friday Friday, August 4, 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 recess)  
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. Career and Technical Student Organization National Officer Recognition  
Sydney Kobza
  - 2.2. Nebraska Center for the Education of Children Who Are Blind or Visually Impaired (NCECBVI) Presentation

Amy Rhone and Tanya Armstrong, Superintendent of the NCECBVI

3. COMMISSIONER'S REPORT

Commissioner Maher

3.1. Agenda Overview and Consent Agenda Process

Commissioner Maher

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

Commissioner Maher

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. Authorize the Commissioner to appoint the recommended individual(s) to fill vacancies on the Special Education Advisory Council (SEAC)

Amy Rhone

5.2.B. Authorize the Commissioner to approve the 2023-2024 Nebraska Council on Teacher Education (NCTE) membership roster

Brad Dirksen

5.3. Contract Approvals

5.3.A. Authorize the Commissioner to renew the contracts with partners for the School Mental Health Project to address mental health needs of students and staff across Nebraska

Zainab Rida

5.3.B. Authorize the Commissioner to contract with Westat, Inc (NETA Part B and Part C) to provide support to The Office of Special Education in project coordination, data analysis, and additional supports surrounding the State Educational Agency performing all federal and state regulatory requirements

Amy Rhone

5.3.C. Authorize the Commissioner to amend existing contracts with IDEA State Complaint Investigators: ACERI Partners, LLC; Emily Adams dba Data Driven Enterprises; Lisa Arborgast; Nicole Stewart; and PRISM Investigations, LLC

Amy Rhone

- 5.3.D. Authorize the Commissioner to renew a contract with TCB Consulting, LLC dba CN Resource for the completion of Compliance Reviews of the USDA's Child Nutrition Programs  
Zainab Rida
- 5.3.E. Authorize the Commissioner to renew a contract with Emspace+Lovgren  
Melody Hobson
- 5.3.F. Authorize the Commissioner to contract with Hourglass Educational Technology Solutions from August 15, 2023, through August 15, 2024, to provide software as a service and discovery and knowledge transfer services for the Comprehensive Needs Assessment  
Shirley Vargas
- 5.3.G. Authorize the Commissioner to approve 2023-2024 medical consultant contracts for the Disability Determinations Section  
Krysti Michl
- 5.3.H. Authorize the Commissioner to renew a contract with Eduloka Limited d/b/a inLumon for software maintenance, support and licensing of the educator licensing system and secure hosting of the application and data  
Brad Dirksen and Clayton Waddle

#### 5.4. Grant Approvals

- 5.4.A. Approve grant renewals to the named educational service units for Pre-K through grade 2 support  
Melody Hobson
- 5.4.B. Authorize the Commissioner to continue to fund subgrants with Educational Service Unit #1, #3, #6, #10, and #13 for the purposes of funding the position and activities of the NeMTSS Early Childhood Facilitators for Regions 1, 2, 3, 4, and 5  
Amy Rhone
- 5.4.C. Authorize the Commissioner to continue to fund a grant to the University of Nebraska Lincoln and Educational Service Unit #13 for the Nebraska Personnel Development to Improve Services and Results for Children with Disabilities – Improving Retention of Special Education Teachers and Early Intervention Personnel Project  
Amy Rhone
- 5.4.D. Authorize the Commissioner to continue to fund the Board of Regents, University of Nebraska – Lincoln, Nebraska Multi-Tiered System of Support (MTSS) Implementation Support Team (IST) Project  
Amy Rhone

5.4.E. Authorize the Commissioner to continue to fund a subgrant with The University of Nebraska - Lincoln (UNL) - Visual Impairment Project for Orientation and Mobility Personnel Preparation and school supports  
Amy Rhone

5.4.F. Authorize the Commissioner to continue to fund subawards with Educational Service Unit #3, #6, #10, and #13 for the purposes of funding the position and activities of the NeMTSS Regional Lead for Regions 1, 2, 4, and 5  
Amy Rhone

5.4.G. Approve continuation grants to the entities listed below in the provision of federally required IDEA Part C duties  
Amy Rhone

5.5. Lease Approvals

5.6. Minutes of the Previous State Board of Education Meeting

5.7. Miscellaneous Approvals

5.7.A. Approve renewal of Rule 11 teacher waiver request for Deshler Public Schools  
Melody Hobson

5.7.B. Approve renewal of the Rule 11 teacher waiver request for Leigh Community Schools  
Melody Hobson

5.7.C. Approve the renewal of the Rule 11 teacher waiver request for Lexington Public Schools  
Melody Hobson

5.7.D. Approve the renewal of the Rule 11 teacher waiver request for Morrill Public Schools  
Melody Hobson

5.7.E. Approve school districts' requests for exclusions to the budget limitation in accordance with the provisions of the Tax Equity & Educational Opportunities Support Act  
Bryce Wilson

5.7.F. Authorize the Commissioner to sign an agreement with the Nebraska Department of Health and Human Services for use of Child Care and Development Funds  
Melody Hobson

5.7.G. Accept the list of submissions of Affidavit for Instructional Hour Exception for 2022-2023 filed under the waiver provisions contained in State Statute 79-213

R.R.S.  
Brad Dirksen

6. STANDING COMMITTEE REPORTS

President Gubbels

6.1. Executive Committee

President Gubbels

6.1.A. Action Item: Contract with the Nebraska Association of School Boards (NASB) for Commissioner Appraisal Evaluation Services

President Gubbels

6.1.B. Action Item: Approve Commissioner Goals

President Gubbels

6.2. Budget and Finance Committee

Patsy Koch Johns

6.2.A. Monthly Board Travel Expense Reports

6.2.B. Action Item: Authorize the Commissioner to contract with one or more consultants to assist in the sharing of data as required under Section 79-303.01

Kristin Yates, Shirley Vargas, and Lane Carr

6.2.C. Action Item: Authorize the Commissioner to provide funds to the Nebraska Statewide Workforce and Education Reporting System (NSWERS) in fulfillment of NDE's financial commitment to the partnership

Kristin Yates

6.2.D. Action Item: Authorize the Commissioner to contract with the National Center for Grow Your Own (NCGYO) to support implementation of the Nebraska Teacher Apprenticeship Program

Lane Carr

6.2.E. Action Item: Authorize the Commissioner to subaward with IDEA Part B – Discretionary Funding to provide support for the OSE Regional Secondary Transition Support Projects

Amy Rhone

6.2.F. Action Item: Authorize the Commissioner to subaward funds to Educational Service Unit (ESU) #4 to operate the Nebraska Center for the Education of Children who are Blind/Visually Impaired (NCECBVI) Project to support schools who are experiencing personnel shortages in the area of Blind and Visual Impairment supports

Amy Rhone

6.2.G. Action Item: Authorize the Commissioner to continue to subaward to Educational Service Unit (ESU) #4 to operate the Nebraska Center for the Education of Children who are Blind/Visually Impaired (NCECBVI) Project designed to provide outreach services  
Amy Rhone

6.2.H. Action Item: Authorize the Commissioner to subaward funding for providing enhanced educational interpreter training and mentoring programs through the Coronavirus State Fiscal Recovery Funds (CSFRF)  
Amy Rhone

6.2.I. Action item: Authorize the Commissioner to contract for the remodel of leased office space (north side of first floor) at 500 S. 84th St., Lincoln, NE  
Joel Scherling

6.3. Planning and Evaluation Committee  
Deborah Neary

6.3.A. Action item: Approve early childhood education programs operated by public school districts and educational service units  
Melody Hobson

6.3.B. Action Item: Approve College View Academy to operate for the 2023-2024 school year under Rule 14  
Brad Dirksen

6.3.C. Action Item: Approve cut scores for English Language Arts and Mathematics, and the Science Validation results  
Trudy Clark

6.3.D. Discussion Item: Notice of intent to bring ALT ELPA cut scores to the September State Board meeting for Board approval (Staff Presentation)  
Allyson DenBeste

6.3.E. Discussion Item: Discuss approval of the Rule 11 teacher waiver request from Scottsbluff Public Schools (Staff Presentation)  
Melody Hobson

6.3.F. Discussion Item: Review draft Priority School Progress Plan for Isanti Elementary and High School with anticipated approval in September 2023 (Staff Presentation)  
Shirley Vargas

6.4. Rules and Regulations Committee  
Elizabeth Tegtmeier

6.4.A. Report On Rules

6.4.B. Discussion Item: Discuss proposed revisions to Rule 59 for School Health and Safety  
Zainab Rida

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, September 8, 2023, at 9:00 a.m. in Aurora, Nebraska. As needed, a work session will be held on Thursday, September 7, 2023 in Aurora, Nebraska.

The agenda contains a list of subjects known at the time of its distribution on July 27, 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/state-board-agendas/](http://www.education.ne.gov/stateboard/state-board-agendas/). *Except for items of an emergency nature, the agenda will not be changed later than 24 hours before the scheduled commencement of the meeting.*

# The Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI)



Amy Rhone, Administrator  
The Office of Special Education

Tanya Armstrong, Superintendent  
NCECBVI



# Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI) - <http://www.ncecbvi.org/>



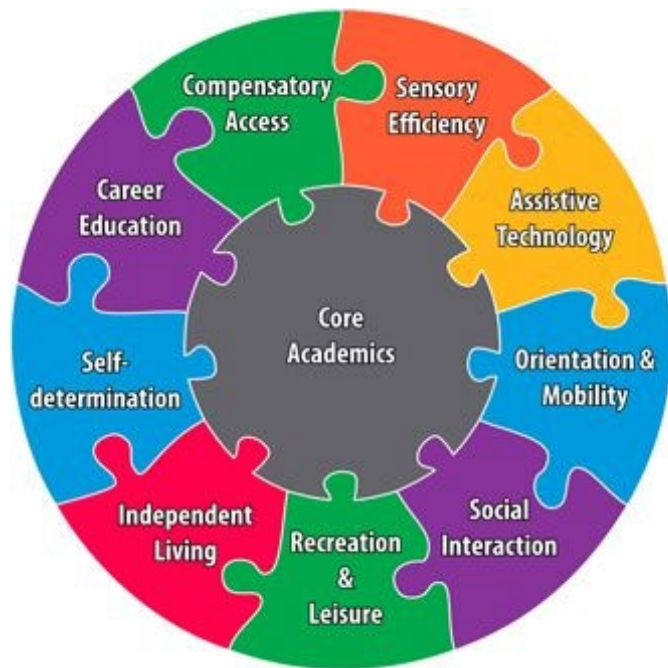
Founded in 1875, the Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI) serves children from birth to age 21. NCECBVI's program offers the expertise and specialized skills of the center's staff to students who are blind, visually impaired, and those with multiple disabilities in residential, day, and outreach settings. Services are provided to local school districts, students, families, teachers, and other support staff upon request.

The Nebraska Center for the Education of Children Who Are Blind or Visually Impaired provides a variety of services for students with blindness, visual impairments and multiple disabilities on the campus in Nebraska City as well as statewide in students' local school districts, homes and communities.

# Welcome to the NCECBVI Campus!



# Expanded Core Curriculum



# Sensory Garden



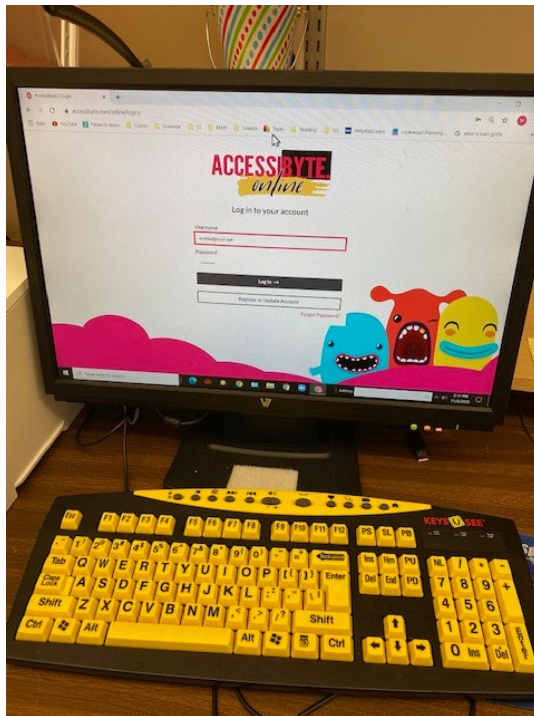
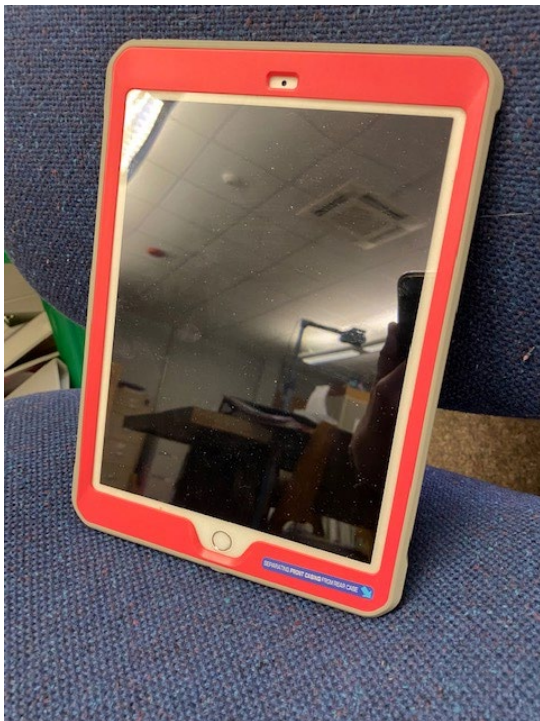
# Library



# Technology



# Technology



# Room Identifiers



# Specialized Instruction



# Specialized Instruction




# Residential Program



# Nebraska Instructional Resource Center (NIRC)





Nebraska Center for the  
Education of Children who are  
Blind or Visually Impaired

February 24, 2023

Dear Mrs. Lisa Fricke,

Thank you for your recent visit to NCECBVI! Per your request, I have provided some general information about our programs and services:

The Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI) serves children from infancy to age 21 throughout the state of Nebraska. NCECBVI's program offers the expertise and specialized skills of the center's staff to serve students who are blind, visually impaired, and students with multiple disabilities in residential, day, and outreach settings. Services are provided to local school districts, students, families, teachers, and other support staff upon request. NCECBVI serves as the state resource center for all special education programs for children who are blind or visually impaired in Nebraska and provides services such as instructional materials and technology support, assessment and evaluation services, teacher training and professional development, summer programs, residential services, center-based programs, and consultation services to school districts and Educational Service Units.

"Pursuant to Neb. 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."

ESU 4 receives payments from NDE based on the amount written in the contract. These funds are appropriated annually from the legislature and known as the 402 Program funds. NCECBVI is also fortunate to receive additional support from the NDE, Office of Special Education through an IDEA discretionary grant that supports several of our center-based and outreach projects. However, the difference between the contract amount, the discretionary funding, and the cost of actual expenses has historically been around \$1 million dollars, therefore creating a deficit amount which ESU 4/NCECBVI attempts to make up by charging for center-based tuition and outreach services. Any shortfall becomes the responsibility of ESU 4 to pay out of their budget.

Below I have added information showing a list of Nebraska school districts that NCECBVI is currently serving; this will be updated again after March 15, 2023. Remember that students with a visual impairment from any school district in Nebraska have access to instructional materials from the Nebraska Instructional Resource Center at no cost; NIRC is located on the NCECBVI campus.

Please let me know if you have additional questions about any of our programs and services. Feel free to visit us again!

Sincerely,

Dr. Tanya Armstrong, Superintendent  
tarmstrong@esu4.net  
402-209-8119

According to the 2022 Federal Quota census count submitted on March 15, 2022, **803 Nebraska students** were identified as blind or visually impaired and receiving services in their local district:

<b>Legally Blind:</b>	<b>381</b>	<b>Partially Sighted:</b>	<b>422</b>
Birth-2:	16	Birth-2:	17
Ages 3-5:	36	Ages 3-5:	51
Ages 6-21:	329	Ages 6-21:	354

- **Schools/Programs: 143**
  - ESU 1:
    - **Bloomfield, Creighton, Emerson/Hubbard, Laurel/Concord/Coleridge, Randolph, South Sioux City, Umo 'Ho' Nation, Wakefield, Walthill, Wausa, Wayne, Winnebago**
  - ESU 2:
    - **Ashland-Greenwood, Fremont, North Bend, Oakland-Craig, Raymond Central, St. Wenceslaus/Bishop Neumann, Tekamah-Herman, Wahoo, Wisner-Pilger, Yutan**
  - ESU 3:
    - **Bellevue, Bennington, Blair, Elkhorn, Fort Calhoun, Gretna, Millard, Papillion-LaVista, Plattsmouth, Ralston, Springfield-Platteview, Westside**
  - ESU 4:
    - **Auburn, District OR1, Falls City, Lewiston, NCECBVI, Nebraska City, Pawnee City, Sterling, Syracuse/Dunbar/Avoca**
  - ESU 5:
    - **Beatrice, Deshler, Fairbury, Freeman, Meridian, Southern, Thayer Central**
  - ESU 6:
    - **Centennial, Crete, District 145, Dorchester, Exeter-Milligan, Fillmore Central, Friend, Heartland, Malcolm, McCool Junction, Milford, Norris, Seward, Shickley, Wilber-Clatonia, York**
  - ESU 7:
    - **Central City, Columbus, David City, East Butler, Fullerton, Immanuel Lutheran, Lakeview Community, Osceola, Schuyler, St. Bonaventure, Twin River**
  - ESU 8:
    - **Battle Creek, Boyd County, Chambers, Elgin, Elkhorn Valley, Madison, Neligh-Oakdale, Norfolk, O'Neill, Pierce, West Holt**
  - ESU 9:
    - **Adams Central, Aurora, Blue Hill, Giltner, Hastings, Red Cloud, Silver Lake, South Central Nebraska Unified #55, Superior, Sutton**
  - ESU 10:
    - **Anselmo-Merna, Broken Bow, Callaway, Central Valley, Gibbon, Gothenburg, Grand Island, Grand Island Central Catholic, Kearney, Lexington, Loup City, Ord, Pleasanton, Ravenna, Riverside, Sumner/Eddyville/Miller, Wood River**
  - ESU 11:
    - **Alma, Axtell, Bertrand, Elwood, Holdrege, Minden**
  - ESU 13:
    - **Alliance, Banner County, Bayard, Bridgeport, Chadron, Crawford, Creek Valley, Gering, Hemingford, Kimball, Mitchell, Morrill, Potter-Dix, Scottsbluff, Sidney**
  - ESU 15:
    - **McCook**
  - ESU 16:
    - **Brady, Mullen, North Platte, Ogallala**
  - ESU 17:
    - **Valentine**
  - ESU 18:
    - **Lincoln**
  - ESU 19:
    - **Omaha**

According to the 2023 Federal Quota census count submitted on March 15, 2023, **789 Nebraska students** were identified as blind or visually impaired and receiving services in their local district:

<b>Legally Blind:</b>	<b>371</b>	<b>Partially Sighted:</b>	<b>418</b>
Birth-2:	12	Birth-2:	9
Ages 3-5:	36	Ages 3-5:	51
Ages 6-21:	323	Ages 6-21:	358

- **Schools/Programs: 151**
  - ESU 1:
    - **Bloomfield, Creighton, Emerson/Hubbard, Laurel/Concord/Coleridge, Randolph, South Sioux City, St. Augustine IMS, Umo 'Ho' Nation, Wakefield, Walthill, Wausa, Wayne, Winnebago**
  - ESU 2:
    - **Ashland-Greenwood, Fremont, Logan View, North Bend, Oakland-Craig, Raymond Central, St. Wenceslaus, Tekamah-Herman, Wahoo, Wisner-Pilger, Yutan**
  - ESU 3:
    - **Bellevue, Bennington, Blair, Elkhorn, Fort Calhoun, Gretna, Millard, Papillion-LaVista, Plattsmouth, Ralston, Springfield-Platteview, Westside**
  - ESU 4:
    - **Auburn, District OR1—Palmyra/Bennet, Falls City, Lewiston, NCECBVI, Nebraska City, Pawnee City, Sterling, Syracuse/Dunbar/Avoca**
  - ESU 5:
    - **Beatrice, Deshler, Fairbury, Freeman, Meridian, Southern**
  - ESU 6:
    - **Centennial, Crete, District 145—Waverly/Eagle, Dorchester, Exeter-Milligan, Fillmore Central, Friend, Heartland, Malcolm, McCool Junction, Milford, Norris, Seward, Shickley, Wilber-Clatonia, York**
  - ESU 7:
    - **Boone Central, Central City, Columbus, East Butler, Fullerton, High Plains, Lakeview Community, Schuyler, St. Bonaventure, Twin River**
  - ESU 8:
    - **Battle Creek, Boyd County, Chambers, Elgin, Elkhorn Valley, Madison, Neligh-Oakdale, Norfolk, O'Neill, Pierce, Plainview, West Holt**
  - ESU 9:
    - **Adams Central, Aurora, Blue Hill, Doniphan-Trumbell, Harvard, Hastings, Red Cloud, Silver Lake, South Central Nebraska Unified #5, Superior, Sutton**
  - ESU 10:
    - **Anselmo-Merna, Ansley, Burwell, Callaway, Central Valley, Gibbon, Gothenburg, Grand Island, Grand Island Central Catholic, Kearney, Lexington, Loup City, Ord, Pleasanton, Ravenna, Riverside, Sargent, St. Paul Lutheran, Sumner/Eddyville/Miller, Wood River**
  - ESU 11:
    - **Alma, Axtell, Bertrand, Elwood, Holdrege, Minden**
  - ESU 13:
    - **Alliance, Banner County, Bridgeport, Crawford, Creek Valley, Gering, Gordon-Rushville, Hemingford, Kimball, Leyton, Mitchell, Morrill, Potter-Dix, Scottsbluff, Sidney**
  - ESU 15:
    - **McCook**
  - ESU 16:
    - **Brady, McPherson County, Mullen, North Platte, Ogallala**
  - ESU 17:
    - **Valentine**
  - ESU 18:
    - **Lincoln**
  - ESU 19:
    - **Omaha**

**Out-State Travel Authorization Reports - August**

<u>Name</u>	<u>Event Name</u>	<u>Date</u>	<u>Location</u>	<u>Trip Request (i.e. 1st, 2nd, Other)</u>
Lisa Fricke	(NONE)			
Jacquelyn Morrison	(NONE)			
Deborah Neary	(NONE)			
Kirk Penner	(NONE)			

**Out-State Travel Authorization Reports - August**

<u>Name</u>	<u>Event Name</u>	<u>Date</u>	<u>Location</u>	<u>Trip Request (i.e. 1st, 2nd, Other)</u>
Patsy Koch Johns	(NONE)			
Patti Gubbels	(NONE)			
Elizabeth Tegtmeier	(NONE)			
Sherry Jones	(NONE)			



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Amy Rhone – Office of Special Education

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to appoint the recommended individual(s) to fill vacancies on the Special Education Advisory Council (SEAC).

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

**RATIONALE/BACKGROUND INFORMATION:** The State Board approves all SEAC members. The normal expiration of terms of individuals after the 2022-2023 year created 4 SEAC vacancies. To meet the requirements of the federal special education law, the Individuals with Disabilities Education Act (IDEA), it is necessary to fill the vacancies. Members are chosen to represent all eight of the State Board of Education election districts. The Council voting membership shall not be fewer than 15 members nor more than 30 members.

Below is listed 3 of the recommended new members as we are still actively recruiting for the 4<sup>th</sup> vacancy. The completed applications for the recommended members are on file in the Special Education Office, available upon request; not included due to IDEA confidentiality requirements.

<u>Name</u>	<u>Representation</u>
<b>Ann Carmoney (iv)</b> <i>*State Board District 1</i>	<b>State Education Official - Homeless Assistance Act</b>

Ann is the State Liaison/Coordinator for students experiencing homelessness and carries out activities under the Homeless Assistance Act for the NDE Federal Programs Team.

Ann also spent 15 years as a special education teacher before joining the NDE. She has knowledge on state laws, rules, and regulations regarding students in special education. As the State Coordinator for Title I Part D, Ann oversees the educational facilities in juvenile detention, and many of those students have IEP's. As the State Homeless Liaison, Ann oversees activities carried out under the Homeless Assistance Act as well as the American Rescue Plan – Homeless Children and Youth (ARP-HCY) grants.

**Timothy O'Malley (i) Parent**

*\*State Board District 4*

Timothy is the parent of a child with Autism and has served for over 5 years as a member of the Omaha Public Schools – Special Education Advisory Committee. He has helped in various capacities and assists however possible including with OPS open house(s) to attract new parents and families.

As his child was diagnosed very early in life, Timothy and his wife have been researching and attending Autism Action Partners (A.A.P.) as well as many other meetings and gatherings about special needs. With a never-ending relentless approach, he continues to network with anyone and everyone he can in the community as well as medical professionals. Timothy was referred to the NDE SEAC by a former SEAC Chairperson.

**Rachel Ann Ward (vi) Other State Agency - Financing/Delivery of Related Services**

*\*State Board District 1*

Rachel is the Program Specialist for the Nebraska Council on Developmental Disabilities (NCDD) where she manages the operation and technical functions of Subawards & Service Contracts to include implementation, monitoring, and evaluations of those project activities. Rachel reports to the Administration for Community Living (ACL) and monitors Subrecipients by on-site and/or desk audits. She has been in the Developmental Disabilities field since 2007, with a long history in the Provider setting managing group homes.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** N/A

**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 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 10, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Brad Dirksen, Administrator, Accountability, Accreditation and Program Approval

**PROPOSED AGENDA ITEM:** Approve the 2023-2024 Nebraska Council on Teacher Education (NCTE) membership roster.

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

**RATIONALE/BACKGROUND INFORMATION:** The Nebraska Council on Teacher Education is an advisory body to the State Board of Education. They develop and recommend standards related to the following: approval of Nebraska teacher education programs, teaching endorsements, and issuance of educator certificates. The nominations, which are shaded on the attached NCTE membership roster, were provided by various organizations and institutions that are specified in the Organizational Policies of the Nebraska Council on Teacher Education. The new or reappointed nominations comprise the roster of individuals plus alternates who vote on the recommendations which come before the Council.

Current terms expire on July 31, 2023 and new terms begin on August 1, 2023. The length of terms varies according to Section 4.0 of the Organizational Policies.

**PROPOSED BOARD MEETING (MONTH/YEAR):**

August 2023

**ESTIMATED COST:** N/A

*\*Updated 07.06.2023*

# NEBRASKA COUNCIL ON TEACHER EDUCATION

## 2023-2024 MEMBERSHIP

– State Board Approved

❖ Indicates members with NCATE Training

⌘ Indicates members with CAEP training

\*New NCTE Members

### HIGHER EDUCATION

#### **Bellevue University**

Susan Alford (2024)  
1000 Galvin Road South  
Bellevue, NE 68005  
402.557.7131  
[salford@bellevue.edu](mailto:salford@bellevue.edu)

#### **Chadron State College**

Catherine Rust (2024)  
1000 Main St.  
Chadron, NE 69337  
308.432.6337  
[crust@csc.edu](mailto:crust@csc.edu)

#### **College of Saint Mary**

Lisa Nelson (2024)  
7000 Mercy Rd.  
Omaha, NE 68106  
402.399.2606  
[lnelson@csm.edu](mailto:lnelson@csm.edu)

#### **Concordia University**

Lorinda Sankey (2024)  
800 N. Columbia  
Seward, NE 68434  
402.643.7385  
[Lorinda.Sankey@cune.edu](mailto:Lorinda.Sankey@cune.edu)

#### **Creighton University**

April Buschelman (2024)  
2500 California Plaza  
Omaha, NE 68178  
402.280.3583  
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## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 18, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Zainab Rida, Ph.D.

**PROPOSED AGENDA ITEM:** Authorize the Commissioner the authority to renew the contracts with partners for the School Mental Health Project to address mental health needs of students and staff across Nebraska.

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

### RATIONALE/BACKGROUND INFORMATION:

In August 2021, the Office of Coordinated Student Support Services School Mental Health Team drafted a proposal that was approved by the State Board of Education in August 2021 to offer support to all 244 Schools Districts across Nebraska in their efforts to better support the mental health needs of students and school staff. Projected outcomes from this project would be that students and school staff will have their mental health supported and offered resources if needed, and that students will receive education around mental health and ways to support their own, and others', mental health.

The proposed project aligns with the first priority area of ESSER focus – Mental Health Supports: Interventions to support student and staff social emotional wellbeing and mental health.

This project will address school mental health through the following activities:

*Partner with the Mid-America Mental Health Technology Transfer Center (MHTTC)* to host a School Mental Health Institute Booster Session and provide a series of modules on how to develop a Comprehensive School-Based Mental Health Program, along with training in other areas of interest.

*Educational Service Units (ESUs) (\$5,700,000)* – Partnerships with ESUs across the state will continue as they offer training to schools within their service area on how to develop a Comprehensive School-Based Mental Health System. ESUs will also provide ongoing Technical Assistance to LEAs as they engage in work to develop their CSBMH Program. In addition, ESUs will collect, and report data required for this project.

*Local Education Agencies (LEAs) (\$8,275,140)* - LEAs that are interested in developing a CSBMH Program will complete the Institute application and develop a School Mental Health team of 3-7 members that would attend a School Mental Health Institute held by an ESU. While attending an Institute, the team will conduct a Needs Assessment and create an Action Plan for developing their CSBMH Program. This team will also engage in regular Technical Assistance calls with either the NDE or and ESU. This project will provide financial support for the LEAs as they work to develop their CSBMH Program. The LEA will be provided a list of options for the financial support and will complete a budget with their plans on how they would utilize the funding. LEAs will also be responsible for collecting and reporting data required for this project.

*University of Nebraska Public Policy Center (NUPPC) (\$432,000)* – This partnership will allow for evaluation of the School Mental Health Institutes and the development of Comprehensive School-Based Mental Health Programs at LEAs across the state. NUPPC will collect and analyze data from ESUs and LEAs and create yearly reports.

*Contractors to be Named (\$170,000)* – Additional partnerships will be established to develop and deliver training around various topics related to mental health and to develop resources that can be utilized by all LEAs and ESUs.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** Not to exceed \$14,577,140

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: ESSER II and ESSER III
- New or Renewal: Renewal
- If renewal, date of first approval: August 2021

**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 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

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

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to contract with Westat, Inc (NETA Part B and Part C) to provide support to The Office of Special Education in project coordination, data analysis, and additional supports surrounding the State Educational Agency performing all federal and state regulatory requirements

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

**RATIONALE/BACKGROUND INFORMATION:** Pursuant to federal (34 C.F.R. § 300.600) and state special education regulations (92 Neb. Admin. Code § 51-004.14), NDE is required to monitor the implementation of the Individuals with Disabilities Education Act (IDEA) and its implementing regulations and Nebraska special education statutes and implementing regulations. These statutes and their implementing regulations require the state of Nebraska to ensure that a free appropriate public education is provided to children with exceptionalities in the least restrictive environment, and that parents of children with exceptionalities, and certain other specified individuals or organizations, are afforded the rights specified in the statutes and implementing regulations. Through an RFP, The Office of Special Education selected Westat, Inc to provide support to The OSE in project coordination, data analysis, and additional supports surrounding the State Educational Agency performing all regulatory requirements.

Through this contract, Westat Inc. will provide technical assistance to build Planning Region Teams (PRT)/District capacity for implementation of evidence-informed strategies through training. This also includes State Performance Plan/Annual Performance Report (SPP/APR) support. For PRTs, this includes support for Results-Based Early intervention training to inform the Part C State Systemic Improvement Plan (SSIP) and support for the Nebraska based consultants that support this work. The vender would also be able to support documentation and improvement of NDE's special education general supervision system, with a particular focus on special education legal requirements, district level of determination, and dispute resolution. Provide data analysis to support

data-informed decision-making. Several data collections, data analysis and reports are included in this work. For LEAs, this also includes the review and summary of Targeted Improvement Plan (TIP) data to inform the State Systemic Improvement Plan (SSIP).

Through this contract, Westat, Inc. will build out supports for the The Office of Special Education in analysis of data in the following, federally required, areas:

- required risk assessment calculations
- trend data in relationship to the State Performance Plan/Annual Performance Report and public reporting requirements
- equity calculations in relationship to disproportionality and representation
- parent survey data
- family report data
- professional development in relationship to federal requirements to the State Educational Agency, Local Educational Agencies, and Planning Region Teams staff
- State Performance Plan/Annual Performance Review and Feedback
- Differentiated Monitoring of Systems (DMS) (OSEP's Differentiated Monitoring and Supports) Documentation
- District Levels of Determination
- Dispute Resolution consultation
- Early Intervention topical training and materials
- Specialized and Customized Professional Development (PD) and Technical Assistance (TA) including but not limited to Targeted Improvement Plan summary, child find materials, guidance and monitoring documents.

The source of various data sets lies with different groups within the Nebraska Department of Education (e.g., ADVISER), Nebraska school districts and approved cooperatives, the United State Department of Education, and other NDE-Authenticated third-party tools (e.g., TS Gold, Student Information Systems, Qualtrics, BOSR). Thus, The Office of Special Education will look to enter into a data sharing agreement that fits all requirements set forth in both state and federal regulations with Westat, Inc. pursuant to the request.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:**

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal IDEA Part B – 611 and 619 and Part C Funding
- New or Renewal: Renewal
- If renewal, date of first approval: October 2017

**FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:**

- Indicate the method of procurement: Competitive Negotiation
- Rationale for method of procurement: NDE reviewed proposals from multiple potential vendors via a publicly posted RFP. Vendor responses were evaluated by the evaluation committee members. A Request for Proposals was publicly posted on the websites of the Nebraska Department of Administrative Services, Nebraska Department of Education, and The Office of Special Education. The RFP was also shared on The Office of Special Education's Social Media Platforms. The proposals were reviewed and scored by a team of 5. This contract does not create an employee/employer relationship.
- Rationale for contractor selection: The Westat, Inc proposal was the only proposal received and earned the highest overall score from the evaluation committee members. The Westat, Inc proposal demonstrated experience in performing various activities outlined within the RFP that would lead to the that can provide project coordination, data analysis, and additional supports surrounding the State Educational Agency performing all regulatory requirements pursuant to federal (34 C.F.R. § 300.600) and state special education regulations (92 Neb. Admin. Code § 51 and 52). The contractor is familiar with The Office of Special Education Programs (OSEP) requirements around General Supervision for State Educational Agencies and has provided this support successfully for both Nebraska and other states in previous years. Given Westat, Inc received a high score and has demonstrated previous quality performance with other states, they were selected for this contract.

**FOR GRANT SUBAWARDS:**

- Describe the grantee selection process: NA



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

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

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to add additional funding to existing contracts with IDEA State Complaint Investigators: ACERI Partners, LLC; Emily Adams dba Data Driven Enterprises; Lisa Arbogast; Nicole Stewart; and PRISM Investigations, LLC.

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

**RATIONALE/BACKGROUND INFORMATION:** In August of 2022, The NDE entered into contracts with 5 individuals or entities to conduct IDEA State Complaint Investigations for The Office of Special Education.

As provided for under the Individuals with Disabilities Education Act (IDEA) Part B, 34 C.F.R. §§ 300.151 – 300.153 and the Nebraska Department of Education Regulations and Standards for Special Education Programs, Title 92, Nebraska Administrative Code, Chapter 51 (Rule 51); and Part C, C.F.R. 34 §303.434 and the Nebraska Department of Education Regulations and Standards for the Provision of Early Intervention Services, Chapter 52 (Rule 52) a State Complaint is one of the options parents or others have to resolve issues related to special education.

In compliance with NDE, and state and federal laws and policies, the contractors will conduct complaint investigations and assist NDE with complaint appeals. Each contractor will review all records, documents, and data relevant to the assigned complaints, including applicable law and legal analysis, and develop a plan of action to complete the investigation within the designated timeline. The contractors will seek any needed clarification relating to the assigned complaints by gathering additional information, documentation, and legal analysis, as well as interview parties relevant to assigned complaints. They will also draft and disseminate NDE-approved reports, letters, and notifications related to assigned complaints. Further, the contractors will be available to participate in NDE-approved continuing education opportunities related to special education law.

Each contractor was subject to the RFP process and was selected due to being the best option available.

Due to an extraordinary increase in state complaints, the initial amount of funding determined for each contract will not be enough for the remaining 2 years within the contract, The NDE, Office of Special Education will amend the current contracts to add additional funding to ensure the meeting of federal and state regulations.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** \$245,050.00

Contractor:	Additional funds:
ACERI Partners, LLC	\$50,000.00
Emily Adams dba DDE	\$50,000.00
Lisa Arborgast	\$50,000.00
Nicole Stewart	\$50,000.00
PRISM Investigations	\$45,050.00 (\$4,950 already amended and added)

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal IDEA, Part B (611 and 619) and Part C Funding
- New or Renewal: Amendment
- If renewal, date of first approval: 2022

**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:**

- Describe the grantee selection process: N/A



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 13, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Zainab Rida, Ph.D.  
Administrator, Office of Coordinated Student Support Services

**PROPOSED AGENDA ITEM:** Grant the Commissioner the authority to contract with TCB Consulting, LLC dba CN Resource for the completion of Administrative and Procurement reviews of School Food Authorities (SFAs) participating in the USDA's National School Lunch Program (NSLP) and School Breakfast Program (SBP), and Compliance Reviews for the USDA's Summer Food Service Program (SFSP).

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

**RATIONALE/BACKGROUND INFORMATION:** The USDA requires that SFAs participating in the NSLP and SBP receive regular oversight and monitoring through Administrative Reviews (AR) and Procurement Reviews (PR). Sponsors participating in the SFSP must also receive regular oversight through compliance reviews. The NDE Nutrition Services team requires support for completing these reviews in order for all (approximately 385) SFAs to receive this oversight and monitoring once every five years. Full-time staffing limitations governed by the Legislature, along with other staff responsibilities, require the support of a contract company to ensure thorough oversight is completed within the required timelines governed by the USDA regulations. Therefore, the NDE Nutrition Services would like to continue its contractual agreement with TCB Consulting, LLC dba CN Resource TCB, LLC to complete a portion of the Administrative and Procurement Reviews for SY2022-23.

TCB Consulting, LLC dba CN Resource was selected using formal procurement through a Request for Proposal process. The contract for SY2023-24 is the second of four possible renewals. Their work will begin in October 2023 and will conclude in August 2024

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** \$200,000.00

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal State Administrative Expense (SAE) funds
- New or Renewal: Renewal (second of up to four renewals)
- If renewal, date of first approval: October 2021

**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:**

- Describe the grantee selection process: NA



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 18, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Melody Hobson

**PROPOSED AGENDA ITEM:** Grant the Commissioner the authority to approve a contract renewal with Emspace+Lovgren to continue a public engagement campaign for Step Up to Quality.

**AGENDA ITEM TYPE :** Consent/ Contract Renewal

### **RATIONALE/BACKGROUND INFORMATION:**

The Office of Early Childhood Education intends to renew a contract with Emspace + Lovgren for continuing a public engagement campaign. This will be a continuation of the statewide communications and public engagement project for Step Up to Quality, involving media services, creative development and assistance with new media use, social media marketing, earned media opportunities, and other innovative and creative methods to engage the identified audiences. The project will include website expansion, paid media and a local media strategy.

Highlights for upcoming year:

- Showcase Step Up to Quality providers.
- Conduct user studies for website.
- Include news stories and press kit for providers.
- Continue with strategies that have shown to be effective,
  - social media,
  - targeted outreach to reporters and outlets.
  - Tailored focus for both child care providers and families.

**PROPOSED BOARD MEETING:** August 2023

**ESTIMATED COST:** \$200,000

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal Child Care and Development Funds
- New or Renewal: Renewal
- If renewal, date of first approval: This is the third contract awarded as the result of a request for proposals (RFP) issued in June 2020.

**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:**

- Describe the grantee selection process: NA

*\*Updated 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 21, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Shirley Vargas, Ed.L.D.  
School Transformation Officer

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to contract with Hourglass Educational Technology Solutions from August 15, 2023, through August 15, 2024, to provide software as a service and discovery and knowledge transfer services for the Comprehensive Needs Assessment.

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

### **RATIONALE/BACKGROUND INFORMATION:**

The NDE Comprehensive Needs Assessment (CNA) was developed in 2018, in partnership with other NDE staff, ESU staff members, and REL Central, to meet the requirements for improvement planning of Comprehensive Support and Improvement (CSI) schools. The CNA is a tool to help school-level teams determine areas of strength and growth based on multiple sources of data and is part of a larger continuous improvement process. It's aligned with the six tenets of AQuESTT and allows school-level teams to systematically review their processes, practices, and systems, to understand needs, examine root causes, identify evidence-based strategies, and create meaningful continuous improvement plans.

To reach more than CSI schools, we launched a pilot study with 12 schools/ESUs during the 2021-22 school year, to understand the user experience in a web-based CNA tool with Hourglass, through our partnership with REL Central and Marzano Research. Prior to this year, the CNA was a Microsoft Excel Sheet, not conducive to team collaboration and data sharing. We found participants appreciated the collaborative nature of platform and its ease of use, however, they would look more training on its use and to engage more staff.

This contract will continue to allow Hourglass to provide the CNA as a Software as a Service (SaaS) for SY 2023-24, and continue discovery and knowledge transfer services, which will help with sustainability beyond SY 2023-24.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** not to exceed \$130,000

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Title II-A State Set-aside
- New or Renewal: Renewal
- If renewal, date of first approval: August 2022

**FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:**

- Indicate the method of procurement: Non-competitive negotiation
- Rationale for method of procurement: REL Central-Marzano Research, the USDE technical assistance agency assigned to Nebraska, partnered with Hourglass Educational Technology Solutions to support NDE with modernizing the comprehensive needs assessment. Upon the ending of the REL Central contract in December 2021, the work was slated to continue through June 2022. The possible interruption of services and propriety information from Hourglass left the NDE to establish a contract with Hourglass, as the NDE continues to create its own resource.
- Rationale for contractor selection: This product is only available from a single-source

**FOR GRANT SUBAWARDS:**

- Describe the grantee selection process: NA

*\*Updated 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 24, 2023

**TO:** Brian L. Maher  
Commissioner of Education

**FROM:** Krysti Michl  
DDS Administrator

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to approve 2023-2024 medical consultant contracts for the Disability Determinations Section.

**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.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August, 2023

**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.

Mathew George, M.D.	Contract amount of \$135,000
Timothy Gardner, M.D.	Contract amount of \$135,000

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: 100% federally funded by the Social Security Administration
- New or Renewal: New
- If renewal, date of first approval: Not applicable

**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



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 24, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Brad Dirksen, Administrator  
Clayton Waddle, Director of Educator Certification

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to contract with Eduloka Limited d/b/a inLumon to software maintenance, support and licensing of the educator licensing system and secure hosting of the application and data.

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

### RATIONALE/BACKGROUND INFORMATION:

This contract is for the software maintenance, support and licensing of the educator licensing system and securing and hosting of the application and data, known in Nebraska as The Educator Application and Certification Hub (TEACH). TEACH is the application that is used by the educator certification section of the Department to process applications for teaching, administrative and special services certificates and permits. TEACH enables applicants to submit applications online, communicate with Department certification analysts, and track the progress of their application. This application also allows school system administrators to view and monitor their staff's certification status.

The Department, through a request for proposal (RFP) process, chose inLumon to create and maintain the current certification application system in 2019. The TEACH system became functional in 2020 and the Board authorized the Commissioner to renew a contract with inLumon in May of 2021. The Department entered into a contract with inLumon which expires August 31, 2023. Without a contract with inLumon the Department would not have the ability to utilize the TEACH system, which would dramatically reduce the ability to process certification applications. This reduction in efficiency would have a direct impact on the number and availability of certificated teachers for the start of the 2023-24 academic year.

The Department anticipates the contract period to be September 1, 2023 through February 29, 2024.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** \$125,000.00

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Cash funds through educator certification fees.
- New or Renewal: Renewal
- If renewal, date of first approval: March 1, 2019

**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 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 18, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Melody Hobson

**PROPOSED AGENDA ITEM:** Approve grant renewals to the named educational service units for Pre-K through grade 2 support.

**AGENDA ITEM TYPE:** Consent/ Grant renewal

### **RATIONALE/BACKGROUND INFORMATION:**

- In 2021, a workgroup consisting of staff from the Nebraska Department of Education and educational service units (ESUs) worked together to create an early childhood needs assessment survey. The survey was disseminated statewide to school districts and ESUs and was designed to determine the needs of teachers who teach preschool and/or primary grades.
- Results of the survey indicated teacher support is needed in using research informed practices, including teaching and assessment strategies appropriate for the age and development of the student.
- Five ESUs were awarded grant funds.
- The grants were designed to serve as two year “pilot” projects that are intends to serve regional needs.
- This is the second year of the grant funding.

**PROPOSED BOARD MEETING:** August 2022

**ESTIMATED COST:** \$650,000

- ESU 1 - \$130,000
- ESU 3 - \$130,000
- ESU 7 - \$130,000
- ESU 10 - \$130,000
- ESU 16 - \$130,000

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: ESSERS
- New or Renewal: Renewal
- If renewal, date of first approval: August 2022

**FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:**

- NA

**FOR GRANT SUBAWARDS:**

- Describe the grantee selection process: Grants were reviewed for renewal by an internal NDE team and decisions to recommend renewal were based on activities completed, data gathered regarding regional needs, plans for upcoming grant year, and budget.

*\*Updated 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Amy Rhone, Administrator, Office of Special Education

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to continue to fund subgrants with Educational Service Unit #1, #3, #6, #10, and #13 for the purposes of funding the position and activities of the NeMTSS Early Childhood Facilitators for Regions 1, 2, 3, 4, and 5.

**AGENDA ITEM TYPE:** Grant

**RATIONALE/BACKGROUND INFORMATION:** To meet requirements related to qualified personnel and comprehensive system of personnel development. The Pyramid Model is an evidence-based practice that supports the MTSS framework for early childhood. The Pyramid Model provides a layered continuum of supports matched to the child need but in order to fully implement and sustain the practices learned personnel need training and coaching. Through NeMTSS, our state is organizationally structured into 5 regions to support Nebraska schools and programs in the development of their MTSS Framework and Systems. The Pyramid Model fits within the MTSS Framework as an evidence-based practice to support young children and prevent and address challenging behaviors.

The Early Childhood MTSS Regional Facilitator is aligned to the NeMTSS region with a teaming approach including the NeMTSS Regional Facilitator, and Early Learning Coordinator. The Early Childhood MTSS Regional Facilitator will provide coordination, technical assistance, training, and resources around the implementation of the Pyramid Model and other evidence-based practices to Nebraska Schools, ESUs, and Community-Based early childhood programs through regional support.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**Grantee:** ESU #3 – Early Childhood MTSS Regional Implementation Facilitator  
Project Amount: \$110,000

**Grantee:** ESU #6 – Early Childhood MTSS Regional Implementation Facilitator

Project Amount: \$110,000

**Grantee:** ESU #1 – EC MTSS Regional Implementation Facilitator

Project Amount: \$110,000

**Grantee:** ESU #10 - EC MTSS Regional Implementation Facilitator

Project Amount: \$110,000

**Grantee:** ESU #13 – EC MTSS Regional Implementation Facilitator

Project Amount: \$110,000

Project Duration: 9/1/23 to 8/31/24

#### **FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal IDEA Part B/619 and IDEA Part C
- New or Renewal: Renewal
- If renewal, date of first approval: ESU 3 and 6 – 2020; ESU 1 and 10 – Jan. 2021; ESU 13 – April 2021

#### **FOR GRANT SUBAWARDS:**

- Describe the grantee selection process: As the Office of Special Education must make federal application(s) each year under Part B (611 and 619) and Part C, the use of IDEA Federal Funding must align to meeting the IDEA federal regulations as they are set forth within the respective applications.

The NDE, Office of Special Education, annually, conducts opportunities to apply for discretionary grant funds to conduct activities for the improvement of services to infants, toddlers, students with disabilities and their families. Annual alignment in priorities established by the federal Office of Special Education Programs (OSEP), as well as a alignment of priorities within our NDE, Office of Special Education, allows for the selection of project to receive sub-recipient grants, contracts, and/or memorandums of understanding (MOU) for each funding period. Notice of funding opportunities are annually published and proposals are evaluated to ensure funds are awarded to projects that are able to meet the federal and state priorities.

The Office of Special Education, Part B Discretionary Grant funds requested within this proposal meet the Federal subgranting requirements contained within 2 CFR §200.331 to use the funds to carry out a portion of the public award and for a public purpose specified in the authorizing statute of IDEA Part B:

- To provide technical assistance to schools and LEAs, and direct services, including direct student services described in section 1003A(c)(3) of the ESEA to children with disabilities, to schools or LEAs implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the ESEA on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement based on the challenging academic standards described in section 1111(b)(1) of the ESEA (20 U.S.C. 1411 (e)(2)(C)(xi))

As well as the Part C Grants that meet the Federal subgranting requirements contained within 2 CFR §200.331 to use the funds to carry out a portion of the public award and for a public purpose specified in the authorizing statute of IDEA Part C:

- Child Find (34 CFR 303.112)
- comprehensive personnel development (34 CFR 303.118)
- statewide public awareness program (34 CFR 303.116)

Through this sub-award, NDE ensures appropriate and quality learning opportunities should exist for all children. The NeMTSS Early Childhood Regional Facilitator project(s), as part of the OSE subaward process, has undergone an evaluation of sub-award/grant obligations, annually to ensure that the grantee selected is carrying out the responsibilities set forth within the state plan and sub-award/grant. The project(s) have successfully carried out similar duties on previous sub-awards/grants.



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

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

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to continue to fund a grant to the University of Nebraska Lincoln and Educational Service Unit #13 for the Nebraska Personnel Development to Improve Services and Results for Children with Disabilities – Improving Retention of Special Education Teachers and Early Intervention Personnel Project.

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

**RATIONALE/BACKGROUND INFORMATION:** On August 1, 2021, the Office of Special Education was awarded a US Department of Education Grant for the Nebraska Personnel Development of Improving Services and Results for Children with Disabilities – Improving Retention of Special Education Teachers and Early Intervention Personnel. This is a 5-year grant. The first- two years of the grant award was for \$241,838 each year. These funds will not be used to hire people at NDE rather, a portion of the assistant director's salary was allocated for grant project oversight at the department, and instead the funds were used to subgrant to the Board of Regents of the University of Nebraska and Educational Services Unit #13 to hire and carry out the grant activities. All funding activities were developed as part of a grant award and are approved through the Office of Special Education Programs (OSEP) as part of the US Department of Education Grant for the Nebraska Personnel Development of Improving Services and Results for Children with Disabilities.

The ability of States to deliver high quality special education instruction to students with special needs is contingent upon the availability of specially trained teachers with appropriate backgrounds, credentials, and certifications. Unfortunately, special education staff shortages are a growing problem nationally (Billingsley, 2002) and in Nebraska (Nebraska Special Education Teacher and Provider Shortage Task Force, 2019), leaving many students with special needs at further risk for compromised educational outcomes. Prior to the start of the 2019-2020 school year, nearly one third of Nebraska schools responding to a survey reported unfilled special education positions (Nebraska Special Education Teacher and Provider Shortage Task Force, 2019). The impact of these shortages is felt in schools and by students across the state. Therefore, a systematic state-wide program is needed to address special education teacher retention and ultimately teacher shortages.

During the 2021-2022 and 2022- 2023 project periods, The University of Nebraska-Lincoln developed a system for collecting and reporting statewide special education teacher retention data. A comprehensive, web-based data system that will allow the collecting and monitoring of special education teacher retention data in Nebraska. Staff at UNL will also identify and describe the key components of the comprehensive retention plan. Further, in 2022-2023, the University of Nebraska-Lincoln deployed the data collection needed for the 2023-2024 plan implementation to begin. This plan consists of The University of Nebraska – Lincoln, they creating professional development materials, both for the administrator leadership training academy and for an induction and mentorship program, implementation procedures and fidelity measures.

The Principal Investigator, Dr. Amanda Witte, will be responsible for the overall contract project management. Dr. Witte will work closely with Amy Rhone and the OSE Assistant Director and will be responsible for conducting organizational meetings, providing expertise, and serving as the primary liaison with the evaluation and communications teams. She will serve on the project management team and will help guide all project efforts.

Map Academy Faculty, Dr. HyeonJin Yoon will lead the evaluation team and all evaluation efforts. Dr. Yoon will serve on the project management team and will provide ongoing consultation. The MAP Academy is a service center housed within CYFS that provides statistical and methodological assistance in research design, analysis, and dissemination.

Nebraska Center for Research on Children, Youth, Families, and Schools (CYFS) Communications & Media is a service center housed within CYFS that provides Computer, technology and web support, database development, website design and interactive learning modules, articles, press releases and social media promotion, videos, photography, animation, graphics and other materials for print and web designs. The Communications and Media team will be responsible for the development and maintenance of the project website and the creation of the project brand, digital multi-media modules, video training materials, interactive web platforms, and social media messages (blogs, Facebook pages, Twitter feeds). They will support overall dissemination of project findings via the web, social media, and other means.

Education Service Unit #13 hired a Project Manager during the 2021-2022 grant year. The Project Manager has begun addressing day-to-day management details such as working with budget and office staff; addressing challenges and barriers to overall project execution; and providing regular progress updates to the project directors. She will help develop retention plan materials and procedures, will lead the academy and mentorship programs, and will collect fidelity measures She will serve as a bridge between the implementation, operations, and evaluation arms of the project.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

<b>ESTIMATED COST:</b>	University of Nebraska-Lincoln	\$ 97,906
	Educational Service Unit #13	\$115,496

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: US Department of Education Discretionary Grant: IDEA Personnel Development to Improve Services and Results for Children with Disabilities.

- New or Renewal: Renewal
- If renewal, date of first approval: October 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: As the Office of Special Education was awarded the federal grant award for the Nebraska Personnel Development to Improve Services and Results for Children with Disabilities – Improving Retention of Special Education Teachers and Early Intervention Personnel Project, the subawards selected for funding were part of the federal application submission. Thus, for continued funding each year, The NDE, OSE must complete an Annual Performance Report on the progress of the activities approved within the grant. This requires annual alignment in priorities established by the federal Office of Special Education Programs (OSEP), as well as a alignment of priorities within our NDE, Office of Special Education, which allows for the selection of different projects to receive sub-recipient grants, contracts, and/or memorandums of understanding (MOU) for each funding period. Notice of funding opportunities are annually published and proposals are evaluated to ensure funds are awarded to projects that are able to meet the federal and state priorities.

Through each of these sub-awards, NDE ensures appropriate and quality learning opportunities should exist for all children. The UNL – Teacher Retention project and Educational Service Unit #13 – Teacher Retention project as part of the OSE subaward process, have undergone an evaluation of sub-award/grant obligations, annually to ensure that the grantee selected is carrying out the responsibilities set forth within the state plan and sub-award/grant. Both projects have successfully carried out similar duties on previous sub-awards/grants.



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

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

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to continue to fund the Board of Regents, University of Nebraska – Lincoln, Nebraska Multi-Tiered System of Support (MTSS) Implementation Support Team (IST) Project.

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

**RATIONALE/BACKGROUND INFORMATION:** The Nebraska Multi-Tiered System of Support (NeMTSS) Implementation Support Team Project is designed to provide the operation and oversight for the NeMTSS Team of Nebraska. This grant will continue to fund ongoing professional learning and research needed to assist Nebraska schools in effective implementation of a Multi-Tiered System of Support (MTSS), high quality instruction and interventions, and data-based decision making to advance academic outcomes for all students, including those at risk. Data for students in Nebraska, current levels of implementation of MTSS for academics, and research on the importance of schools receiving professional development support when building and implementing MTSS, and new Nebraska legislation point to a need for continued support for districts/buildings.

During the 2023-24 project period, the University of Nebraska – Lincoln, Center for Research on Children, Youth, Families, and Schools will provide support to the NeMTSS State Team in direct regional MTSS and SEL and behavior Supports, Research Expertise, Program Monitoring, Consultant Support, and Communication and Materials Development Support. The CYFS Communications Service Center will provide the NeMTSS team with assistance in communications and technology. They will provide support for materials development, promotion of events, coordination of distance-learning efforts (e.g., webinars), and expertise in knowledge dissemination. In addition, they will provide development and ongoing additions and revisions to the NeMTSS website, including the web-based Program Comparison Tool and other tools to be developed. They will also coordinate all social media efforts including regular Twitter and Facebook postings to spread NeMTSS information and brand awareness. They will work with The Pyramid Team to script, film and edit a series of explainer videos. The communications team will assist in planning and managing the annual NeMTSS summit, monitoring online registration systems and hosting Zoom sessions for summit presentations.

This project will support all NeMTSS team efforts as needed. They will provide coordination support for efforts such as purchasing goods and services, organizing the NeMTSS summit, promoting the summit and other

events, and providing coordination among the larger NeMTSS team (e.g., calendar updates, scheduling meetings, file organization). They will also support the development and refinement of training materials. This project will also help support NeMTSS team learning efforts including the annual NeMTSS retreat. This all-staff training event aims to make efficient use of team time.

The CYFS team will also continue to provide research services through Graduate Assistantships to support the overall efforts of the NeMTSS team. They will provide research briefs upon request, will continue to update the program comparison chart, and will continue the development of the social emotional screeners chart. The team will also provide statistical and methodological advice as needed.

The Principal Investigator, Amanda Witte, and her team will work closely with the Administrator of the Office of Special Education, Nebraska Department of Education, and NeMTSS statewide coordinators to provide expertise and leadership to support the overall NeMTSS efforts. She will lead evidence-based practices research, participate in regional and state planning and leadership meetings and activities, lead knowledge dissemination efforts, support grant writing, and provide expertise as needed. She will also serve as liaison between UNL, NDE, and NeMTSS as well as develop and coordinate the monitoring of NeMTSS implementation and outcomes.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** \$810,000.00

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal IDEA, Part B (611) Funding
- New or Renewal: Renewal
- If renewal, date of first approval: 2018

**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:**

- Describe the grantee selection process: As the Office of Special Education must make federal application(s) each year under Part B (611 and 619) and Part C, the use of IDEA Federal Funding must align to meeting the IDEA federal regulations as they are set forth within the respective applications.

The NDE, Office of Special Education, annually, conducts opportunities to apply for discretionary grant funds to conduct activities for the improvement of services to infants, toddlers, students with disabilities and their families. Annual alignment in priorities established by the federal Office of Special Education Programs (OSEP), as well as a alignment of priorities within our NDE, Office of Special Education, allows for the selection of project to receive sub-recipient grants, contracts, and/or memorandums of understanding (MOU) for each funding period. Notice of funding

opportunities are annually published and proposals are evaluated to ensure funds are awarded to projects that are able to meet the federal and state priorities.

The Office of Special Education, Part B Discretionary Grant funds requested within this proposal meet the Federal subgranting requirements contained within 2 CFR §200.331 to use the funds to carry out a portion of the public award and for a public purpose specified in the authorizing statute of IDEA Part B:

- To provide technical assistance to schools and LEAs, and direct services, including direct student services described in section 1003A(c)(3) of the ESEA to children with disabilities, to schools or LEAs implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the ESEA on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement based on the challenging academic standards described in section 1111(b)(1) of the ESEA (20 U.S.C. 1411 (e)(2)(C)(xi))

Through this sub-award, NDE ensures appropriate and quality learning opportunities should exist for all children. The UNL – NeMTSS IST project, as part of the OSE subaward process, has undergone an evaluation of sub-award/grant obligations, annually to ensure that the grantee selected is carrying out the responsibilities set forth within the state plan and sub-award/grant. The UNL-NeMTSS IST project has successfully carried out similar duties on previous sub-awards/grants.

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## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

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

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

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to continue to fund a subgrant with The University of Nebraska - Lincoln (UNL) - Visual Impairment Project for Orientation and Mobility Personnel Preparation and school supports.

**RATIONALE/BACKGROUND INFORMATION:** This project provides the instructional infrastructure for a Visual Impairment Personnel Preparation program and the new Orientation and Mobility Specialist program at UNL. Since the 1990's the Nebraska Department of Education and UNL have implemented a program to train professionals to work with students with blindness and visual impairments. It has evolved from a summer-only workshop format to a complete 36 credit hour graduate program that is receiving national recognition. The Project assist in the funding of the Assistant Professor of Practice at UNL making sure NDE standards outlined in Rule 24 and ensuring courses and student teacher experiences infuse national standards and competencies from the Council of Exceptional Children. The project also funds some tuition assistance for Nebraska residents who pursue a graduate program of study leading to a Nebraska endorsement in visual impairments. It will also support a Project Coordinator to assist with training the new O and M Program, which started implementing the requirements in Rule 24 in 2020.

This project is needed, as it is the only personnel preparation program in visual impairments and will be the only O and M program in the state of Nebraska. Collaboration between both UNL and NDE allows us to provide high quality, graduate education to future teachers of the visually impaired and O and M Specialist serving children birth to age 21. There continues to be a shortage in the state in both of these areas that support our students who are blind or visual impaired.

**ESTIMATED COST:** \$158,000

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal, IDEA Part B (611) Funding
- New or Renewal: Renewal
- If renewal, date of first approval: 2019

**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:**

- Describe the grantee selection process: As the Office of Special Education must make federal application(s) each year under Part B (611 and 619) and Part C, the use of IDEA Federal Funding must align to meeting the IDEA federal regulations as they are set forth within the respective applications.

The NDE, Office of Special Education, annually, conducts opportunities to apply for discretionary grant funds to conduct activities for the improvement of services to infants, toddlers, students with disabilities and their families. Annual alignment in priorities established by the federal Office of Special Education Programs (OSEP), as well as a alignment of priorities within our NDE, Office of Special Education, allows for the selection of project to receive sub-recipient grants, contracts, and/or memorandums of understanding (MOU) for each funding period. Notice of funding opportunities are annually published and proposals are evaluated to ensure funds are awarded to projects that are able to meet the federal and state priorities.

The Office of Special Education, Part B Discretionary Grant funds requested within this proposal meet the Federal subgranting requirements contained within 2 CFR §200.331 to use the funds to carry out a portion of the public award and for a public purpose specified in the authorizing statute of IDEA Part B:

- To support and direct services, including technical assistance, personnel preparation, and professional development and training (20 U.S.C. 1411 (e)(2)(C)(i))
- To assist local educational agencies in meeting personnel shortages (20 U.S.C. 1411 (e)(2)(C)(vii))
- To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities (20 U.S.C. 1411 (e)(2)(C)(vii))

Through this sub-award, NDE ensures appropriate and quality learning opportunities should exist for all children. The UNL – BVI project, as part of the OSE subaward process, has undergone an evaluation of sub-award/grant obligations, annually to ensure that the grantee selected is carrying out the responsibilities set forth within the state plan and sub-award/grant. The project has successfully carried out similar duties on previous sub-awards/grants.



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

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

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to continue to fund subawards with Educational Service Unit #3, #6, #10, and #13 for the purposes of funding the position and activities of the NeMTSS Regional Lead for Regions 1, 2, 4, and 5.

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

**RATIONALE/BACKGROUND INFORMATION:** NeMTSS is a framework that promotes an integrated system connecting general education and special education, along with all components of teaching and learning, into a high quality, standards-based instruction and intervention system that is matched to a student's academic, social-emotional and behavior needs. The goal of the NeMTSS State Plan is to provide an overview for MTSS practices in Nebraska and provide supports to Nebraska Schools in the development of their MTSS Framework and Systems. As such, it will chart the course for school-wide implementation from Pre-Kindergarten through graduation. The supports are devoted to explaining the essential elements of MTSS and the systematic implementation in schools. It is intended to help Nebraska Districts increase understanding of the various aspects of the system and to identify areas that warrant future professional development within a school setting. NeMTSS has been working to provide supports to school systems for over 12 years now. What began as a small grant within the University of Nebraska - Lincoln from the Department of Education has begun to build out a tiered system of support that now includes the grant with the University of Nebraska- Lincoln as well as NDE Consultants, a State Team, and Stakeholders informing decisions to build out Nebraska MTSS Support for schools.

The NeMTSS Regional Lead will provide coordination, technical assistance, training, and support to Nebraska Schools and ESUs through a regional support, dividing the state into three sections. The Lead will serve on the NeMTSS State Team (PLC) and build out the trainings and technical assistance needed throughout the region and state that is identified as needed. The coordination, technical assistance, training, and support will be provided through on-site training, building meetings, module development, webinars, etc. to Nebraska's School District and ESU personnel.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:**

Educational Service Unit (ESU) #3, \$162,000  
Educational Service Unit (ESU) #6, \$162,000  
Educational Service Unit (ESU) #10, \$162,000  
Educational Service Unit (ESU) #13, \$162,000

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal IDEA, Part B (611) Funding
- New or Renewal: Renewal
- If renewal, date of first approval: 2019

**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: As the Office of Special Education must make federal application(s) each year under Part B (611 and 619) and Part C, the use of IDEA Federal Funding must align to meeting the IDEA federal regulations as they are set forth within the respective applications.

The NDE, Office of Special Education, annually, conducts opportunities to apply for discretionary grant funds to conduct activities for the improvement of services to infants, toddlers, students with disabilities and their families. Annual alignment in priorities established by the federal Office of Special Education Programs (OSEP), as well as a alignment of priorities within our NDE, Office of Special Education, allows for the selection of project to receive sub-recipient grants, contracts, and/or memorandums of understanding (MOU) for each funding period. Notice of funding opportunities are annually published and proposals are evaluated to ensure funds are awarded to projects that are able to meet the federal and state priorities.

The Office of Special Education, Part B Discretionary Grant funds requested within this proposal meet the Federal subgranting requirements contained within 2 CFR §200.331 to use the funds to carry out a portion of the public award and for a public purpose specified in the authorizing statute of IDEA Part B:

- To provide technical assistance to schools and LEAs, and direct services, including direct student services described in section 1003A(c)(3) of the ESEA to children with disabilities, to schools or LEAs implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the ESEA on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities, including providing professional development to special and

regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement based on the challenging academic standards described in section 1111(b)(1) of the ESEA (20 U.S.C. 1411 (e)(2)(C)(xi))

Through this sub-award, NDE ensures appropriate and quality learning opportunities should exist for all children. Each NeMTSS Regional Lead project, as part of the OSE subaward process, has undergone an evaluation of sub-award/grant obligations, annually to ensure that the grantee selected is carrying out the responsibilities set forth within the state plan and sub-award/grant. Each project has successfully carried out similar duties on previous sub-awards/grants.



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 21, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

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

**PROPOSED AGENDA ITEM:** Approve continuation grants to the entities listed below in the provision of federally required IDEA Part C duties.

**AGENDA ITEM TYPE:** Grant

**RATIONALE/BACKGROUND INFORMATION:** Federal IDEA Part C regulations require federal IDEA Part C funds to be utilized by states for activities related to Child Find and Referral Procedures, comprehensive personnel development system, implementation of evidence-based practices including comprehensive evaluation and data collection/reporting procedures in order to be in compliance with federal programmatic and fiscal requirements under IDEA Part C. The following projects will be using these funds.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**Project:** University of Nebraska Medical Center – Munroe-Meyer Institute

**Project Amount:** \$415,188

**Purpose:** To meet comprehensive Child Find and Referral requirements for infants/toddlers with special health care needs, including those in underserved populations, in pediatric medical clinics in Nebraska via the utilization of Parent Resource Coordinators. The Parent Resource Coordinator helps families receive IDEA Part C early intervention services, family-centered care and identify wrap-around supports to enhance the development of the infant/toddler.

**Project:** University of Nebraska Medical Center – Munroe-Meyer Institute

**Project Amount:** \$375,871

**Purpose:** To meet comprehensive Child Find and Referral requirements for medically fragile infants in Nebraska's Neo-natal intensive care units (NICU) through provision of specialized developmental follow-up for all babies who have had a NICU experience.

**Project:** University of Nebraska Lincoln – Board of Regents

**Project Amount:** \$193,135

**Purpose:** To meet comprehensive Child Find and Referral requirements and Referral procedures of a central referral directory to refer infants/toddlers and their families who have developmental concerns to the state's IDEA Part C/early intervention program; to meet comprehensive system of personnel development requirements for early intervention providers via the development/use of online training modules.

**Project:** Parent Training and Information Center

**Project Amount:** \$76,762

**Purpose:** To meet comprehensive system of personnel development for early intervention providers and for training of parents related to Parent's rights/procedural safeguards per IDEA Part C requirements.

**Project:** University of Nebraska Medical Center – Munroe-Meyer Institute

**Project Amount:** \$158,428

**Purpose:** To support COVID-19 recovery and bolster the four steps of early identification of developmental delays and disabilities for infants and toddlers during COVID-19 response and mitigation efforts. To meet comprehensive Child Find and Referral requirements for developmental monitoring and autism screening to ensure the timely referral of infants and toddlers to early intervention.

**Project:** University of Nebraska Lincoln – Board of Regents

**Project Amount:** \$ 80,960

**Purpose:** To meet comprehensive system of personnel development for early intervention providers and for training of parents per IDEA Part C requirements.

#### **FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal IDEA Part C
- New or Renewal: Renewal
- If renewal, date of first approval: July 2020

#### **FOR GRANT SUBAWARDS:**

- Describe the grantee selection process: As the Office of Special Education must make federal application(s) each year under Part B (611 and 619) and Part C, the use of IDEA Federal Funding must align to meeting the IDEA federal regulations as they are set forth within the respective applications.

The NDE, Office of Special Education, annually, conducts opportunities to apply for discretionary grant funds to conduct activities for the improvement of services to infants, toddlers, students with disabilities and their families. Annual alignment in priorities established by the federal Office of Special Education Programs (OSEP), as well as a alignment of priorities within our NDE, Office of Special Education, allows for the selection of project to receive sub-recipient grants, contracts, and/or memorandums of understanding (MOU) for each funding period. Notice of funding

opportunities are annually published and proposals are evaluated to ensure funds are awarded to projects that are able to meet the federal and state priorities.

Part C Grants that meet the Federal subgranting requirements contained within 2 CFR §200.331 to use the funds to carry out a portion of the public award and for a public purpose specified in the authorizing statute of IDEA Part C:

- Child Find (34 CFR 303.112)
- comprehensive personnel development (34 CFR 303.118)
- statewide public awareness program (34 CFR 303.116)

Through this sub-award, NDE ensures appropriate and quality learning opportunities should exist for all children. Each project as part of the OSE subaward process, has undergone an evaluation of sub-award/grant obligations, annually to ensure that the grantee selected is carrying out the responsibilities set forth within the state plan and sub-award/grant. The project(s) have successfully carried out similar duties on previous sub-awards/grants.

## **State Board of Education Work Session and Business Meeting.**

Thursday-Friday June 1-2, 2023

Nebraska Innovation Campus, Banquet Hall, 2021 Transformation Drive, 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, June 1, 2023, 3:00 p.m.**

#### **1. CALL TO ORDER**

President Gubbels called the meeting to order at 3:00 p.m.

##### 1.1 Roll Call

Roll Call showed the following attendance:

Lisa Fricke

Patsy Koch Johns

Sherry Jones

Patti Gubbels

Elizabeth Tegtmeier

Kirk Penner

Jacquelyn Morrison (arrived at 3:25 p.m.)

Deborah Neary

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. Legislative Session Summary and Discussion of Legislative Priorities for 2024

Board Members engaged in a work session with NDE Staff on the Legislative Session Summary and Legislative Priorities for 2024.

#### **3. ADJOURNMENT**

President Gubbels adjourned the meeting at 4:01 p.m.

The State Board of Education will reconvene Friday, June 2, 2023, at 9:00 a.m. at Nebraska Innovation Campus, Banquet Hall, 2021 Transformation Drive, Lincoln, NE 68508.

**STATE BOARD OF EDUCATION MEETING, Friday, June 2, 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 (arrived at 9:03 a.m.)
Jacquelyn Morrison (arrived at 9:19 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.

Deborah Neary left at 9:10 a.m. Returned at 9:13 a.m.

**2. SPECIAL PRESENTATIONS**

(NONE)

**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. Provide an update on the annual review of Priority School Progress for Isanti Elementary, Middle and High School

NDE Staff provided an update on the annual review of Priority School Progress for Isanti Elementary, Middle and High School.

3.3. Discussion of the standard setting process for NSCAS assessments in English Language Arts and Mathematics and Science validation

NDE Staff provided information on the standards setting process for NSCAS assessments in English Language Arts and Mathematics and Science validation.

**4. PRESIDENT’S REPORT**

President Gubbels delivered the President’s Report.

President Gubbels called for a break at 10:38 a.m. The meeting resumed at 10:49 a.m.

Kirk Penner returned at 10:52 a.m.

**5. CONSENT AGENDA**

Motion by Lisa Fricke, 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	Absent

The motion passed.

## 6. STANDING COMMITTEE REPORTS

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

6.1.A. Approve the Commissioner's Position Description, and the Essential Functions, Performance Indicators, and Evidence of Attainment Examples

Motion by, Lisa Fricke second by Patsy Koch Johns to approve the Commissioner's Position Description, and the Essential Functions, Performance Indicators, and Evidence of Attainment Examples.

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.

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. Action Item: Authorize the Deputy Commissioner to approve awards for new and expansion Early Childhood Education program grants to the identified public-school districts

Motion by, Kirk Penner second by Lisa Fricke to approve awards for new and expansion Early Childhood Education program grants to the identified public-school districts.

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.

- 6.2.C. Action Item: Authorize the Deputy Commissioner to contract with LDP, Inc. d/b/a Leader Services to provide support in developing a web application for collecting, storing, tracking, monitoring, reporting, and verifying federally required state-level data, district level data, and complaint investigation data

Motion by Kirk Penner, second by Patsy Koch Johns to contract with LDP, Inc. d/b/a Leader Services.

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.

Deborah Neary left at 11:12 a.m. Returned 11:14 a.m.

- 6.2.D. Action Item: Authorize the Deputy Commissioner to approve the reVISION Action Grants for 2023-2024

Motion by Deborah Neary, second by Patsy Koch Johns to Authorize the Deputy Commissioner to approve the reVISION Action Grants for 2023-2024.

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.

- 6.2.E. Action Item: Authorize the Deputy Commissioner to approve a contract with Pearl Strategies for the costs of services delivered utilizing state set-side funds through American Rescue Plan/Homeless Children and Youth (ARP/HCY) I and II Grants

Motion by Sherry Jones, second by Deborah Neary to approve a contract with Pearl Strategies.

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.

- 6.2.F. Action Item: Authorize the Deputy Commissioner to distribute the Local Food for Schools Grant funds to School Food Authorities

Motion by Sherry Jones, second by Patsy Koch Johns distribute the Local Food for Schools Grant funds to School Food Authorities.

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

The motion passed.

Kirk Penner left at 11:23 a.m.

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

- 6.3.A. Action Item: Approve the Rule 11 teacher waiver request from Creek Valley Public Schools

Motion by Sherry Jones, second by Patsy Koch Johns to approve the Rule 11 teacher waiver request from Creek Valley Public Schools.

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

The motion passed.

- 6.3.B. Action Item: Approve the Rule 11 teacher waiver request from Red Cloud Community Schools

Motion by Sherry Jones, second by Patsy Koch Johns to approve the Rule 11 teacher waiver request from Red Cloud Community Schools.

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

The motion passed.

- 6.3.C. Action Item: Authorize the Deputy Commissioner to approve the accreditation of school systems appearing on the accompanying list to operate for the 2023-2024 school year under Rule 10

Motion by Lisa Fricke, second by Patsy Koch Johns to approve the accreditation of school systems appearing on the accompanying list to operate for the 2023-2024 school year under Rule 10.

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

The motion passed.

- 6.3.D. Action Item: Authorize the Deputy Commissioner to approve the new approved schools and adding grades to approved schools appearing on the accompanying list to operate for the 2023-24 school year under Rule 14.

Motion by Deborah Neary, second by Sherry Jones to approve the accreditation of school systems appearing on the accompanying list to operate for the 2023-2024 school year under Rule 14.

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

The motion passed.

- 6.3.E. Action Item: Authorize the Deputy Commissioner to approve the new interim-program school appearing on the accompanying list to operate for the 2023-24 school year under Rule 18

Motion by Deborah Neary, second by Patsy Koch Johns to approve the new interim-program school appearing on the accompanying list to operate for the 2023-24 school year under Rule 18.

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

The motion passed.

- 6.3.F. Authorize the Deputy Commissioner to approve the educator preparation programs in Nebraska colleges and universities under Rule 20

Motion by Patsy Koch Johns, second by Sherry Jones to approve the educator preparation programs in Nebraska colleges and universities under Rule 20.

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

The motion passed.

- 6.3.G. Action Item: Approve the amendment for Section 4 of Nebraska's Every Student Succeeds Act (ESSA) Plan

Motion by Patsy Koch Johns, second by Lisa Fricke to approve the amendment for Section 4 of Nebraska's Every Student Succeeds Act (ESSA) Plan.

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

The motion passed.

President Gubbels called for a break at 12:00 p.m. The meeting resumed at 1:00 p.m.

## 8. PUBLIC COMMENT PERIOD

- 8.1. Lisa Schonhuff spoke with regard to training teachers for the demographics and diversity present in the classrooms.

Linda Vermuuten spoke with regard to appreciating uniqueness and why have critical race in schools. Value every individual student and every individual teacher.

- 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: Authorize the Deputy Commissioner to approve proposed revisions to Rule 20 (92 NAC 20) Regulations for the Approval of Teacher Education Programs

Motion by Patsy Koch Johns, second by Elizabeth Tegtmeier to approve proposed revisions to Rule 20 (92 NAC 20) Regulations for the Approval of Teacher Education Programs

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.

- 6.4.C. Action Item: Authorize the Deputy Commissioner to approve 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

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

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.

- 6.4.D. Action Item: Authorize the Deputy Commissioner to approve proposed revisions to Rule 24 (92 NAC 24) Regulations for Certification Endorsements

Motion by Jacquelyn Morrison, second by Patsy Koch Johns to approve proposed revisions to Rule 24 (92 NAC 21) Regulations for Certification Endorsements.

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.

- 6.4.E. Adopt the content test and passing score requirements for endorsements set forth in Rule 24 (92 NAC 24) Regulations for Certification Endorsements

Motion by Jacquelyn Morrison, second by Kirk Penner to adopt the content test and passing score requirements for endorsements set forth in Rule 24 (92 NAC 24) Regulations for Certification Endorsements.

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.

- 6.4.F. Action Item: Adopt proposed revisions to Title 93, Nebraska Administrative Code, Chapters 1-16 (93 NAC 1-16), Nebraska Department of Education Personnel Rules

Motion by Elizabeth Tegtmeier, second by Kirk Penner to adopt the proposed revisions to Title 93, Nebraska Administrative Code, Chapters 1-16 (93 NAC 1-16), Nebraska Department of Education Personnel Rules.

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.

## 7. ADDITIONAL BUSINESS

- 7.1. Discuss SBOE Consultant Selection Process, History, Decision-Making Steps, & Related Conflict of Interest & Gift Policies

Board Member Neary discussed the need for more transparency and that the Board should have input on processes utilized when hiring consultants to work with the Board. NDE Staff provided additional information on contracts for consultants that worked with the Board.

## 8. PUBLIC COMMENT PERIOD, Cont.

- 8.2. Written Public Comment

(NONE)

## 9. INFORMATION ITEMS AND REPORTS

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

## 10. GOOD OF THE ORDER

President Gubbels mentioned the dates of the upcoming conferences:

Administrators Days is July 26-28, 2023. NDE Day is July 26; NSEA U Professional Development Conference is July 17-July 19, 2023. Four Board Members have volunteered to do two panels during the day; NASB School Leaders and Law Conference June 14-15, 2023; and the NASBE New Member Institute Virtual Meeting June 28, 2023.

## 11. ADJOURNMENT

President Gubbels adjourned the meeting at 2:49 p.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, August 4, 2023, at 9:00 a.m. in Lincoln, NE.

DRAFT

## State Board of Education Special Work Session

Friday, July 7, 2023

The Lincoln Marriott Cornhusker Hotel, Arbor I and II, 333 South 13th Street, Lincoln, NE 68508

[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, Friday, July 7, 2023, 9:00 a.m.

#### 1. CALL TO ORDER

President Gubbels called the meeting to order at 9:02 a.m.

##### 1.1 Roll Call

Roll Call showed the following attendance:

Patsy Koch Johns

Lisa Fricke

Patti Gubbels

Kirk Penner

Sherry Jones

Elizabeth Tegtmeier

Deborah Neary (arrived at 9:08 a.m.)

Commissioner Brian Maher was also in attendance.

Absent: Jacquelyn Morrison

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 establishing Commissioner performance objectives

Dr. Steve Joel, McPherson & Jacobson, LLC, facilitated a process for Board members to develop performance objectives for Dr. Maher. The final draft of performance objectives will be presented to the Board at the August 4, 2023, meeting for adoption.

#### 3. ADJOURNMENT

President Gubbels adjourned the meeting at 12:41 p.m.

The next meetings of the State Board of Education will be held August 3-4, 2023, at Nebraska Innovation Campus, Banquet Hall, 2021 Transformation Drive, Lincoln, NE 68508.



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 13, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Melody Hobson

**PROPOSED AGENDA ITEM:** Approve renewal of Rule 11 teacher waiver request for Deshler Public Schools

**AGENDA ITEM TYPE:** Consent

### **RATIONALE/BACKGROUND INFORMATION:**

- Operation of school district and educational service unit (ESU) early childhood programs are governed by the Nebraska Department of Education Rule 11: Regulations for the Approval of Prekindergarten Programs Established by School Boards and Educational Service Units and for the Issuance of Early Childhood Education Grants (Title 92, Nebraska Administrative Code, Chapter 11)
- The Nebraska State Board of Education is charged with approving prekindergarten (Early childhood education and care programs for children birth to kindergarten entrance age) programs operated by school districts and educational service units annually.
- Teachers in early school district and ESU prekindergarten classrooms are required to hold a valid Nebraska Teaching Certificate with an early childhood endorsement.
- School districts that hire individuals with a valid teaching certificate, but no early childhood endorsement must ensure that the teacher must work toward earning an early childhood endorsement.
- School districts who cannot hire one or more teacher(s) who hold a valid teaching certificate of any kind must apply for a Rule 11 waiver for the teacher(s).
- The Nebraska State Board of Education has the authority/responsibility to either approve or deny the Rule 11 waiver.

Deshler Public Schools received a waiver for an early childhood teacher in 2021. That teacher has taken appropriate coursework to make progress toward her teaching certificate.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:**

**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 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 13, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Melody Hobson

**PROPOSED AGENDA ITEM:** Approve renewal of the Rule 11 teacher waiver request for Leigh Community Schools.

**AGENDA ITEM TYPE:** Consent

### RATIONALE/BACKGROUND INFORMATION:

- Operation of school district and educational service unit (ESU) early childhood programs are governed by the Nebraska Department of Education Rule 11: Regulations for the Approval of Prekindergarten Programs Established by School Boards and Educational Service Units and for the Issuance of Early Childhood Education Grants (Title 92, Nebraska Administrative Code, Chapter 11)
- The Nebraska State Board of Education is charged with approving prekindergarten (Early childhood education and care programs for children birth to kindergarten entrance age) programs operated by school districts and educational service units annually.
- Teachers in early school district and ESU prekindergarten classrooms are required to hold a valid Nebraska Teaching Certificate with an early childhood endorsement.
- School districts that hire individuals with a valid teaching certificate, but no early childhood endorsement must ensure that the teacher must work toward earning an early childhood endorsement.
- School districts that cannot hire one or more teacher(s) who hold a valid teaching certificate of any kind must apply for a Rule 11 waiver for the teacher(s).
- The Nebraska State Board of Education has the authority/responsibility to either approve or deny the Rule 11 waiver.

Leigh Community Schools received a Rule 11 waiver for their preschool teacher in June of 2022. The teacher for whom the waiver was granted has successfully completed additional coursework toward her bachelor's degree and eligibility for a teaching certificate. This meets the requirements for renewal of the Rule 11 teacher waiver.

**PROPOSED BOARD MEETING:** August 2023

**ESTIMATED COST:**

**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 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 13, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Melody Hobson

**PROPOSED AGENDA ITEM:** Approve the renewal of the Rule 11 teacher waiver request for Lexington Public Schools.

**AGENDA ITEM TYPE:** Consent

### **RATIONALE/BACKGROUND INFORMATION:**

- Operation of school district and educational service unit (ESU) early childhood programs are governed by the Nebraska Department of Education [Rule 11: Regulations for the Approval of Prekindergarten Programs Established by School Boards and Educational Service Units and for the Issuance of Early Childhood Education Grants](#) (Title 92, Nebraska Administrative Code, Chapter 11)
- The Nebraska State Board of Education is charged with approving prekindergarten (Early childhood education and care programs for children birth to kindergarten entrance age) programs operated by school districts and educational service units annually.
- Teachers in early school district and ESU prekindergarten classrooms are required to hold a valid Nebraska Teaching Certificate with an early childhood endorsement.
- School districts that hire individuals with a valid teaching certificate, but no early childhood endorsement must ensure that the teacher must work toward earning an early childhood endorsement.
- School districts who cannot hire one or more teacher(s) who hold a valid teaching certificate of any kind must apply for a Rule 11 waiver for the teacher(s).
- The Nebraska State Board of Education has the authority/responsibility to either approve or deny the Rule 11 waiver.

Lexington public schools operates multiple early childhood classrooms. The district received a Rule 11 teacher waiver in 2021 because they could not hire a certified teacher for an open position in a prekindergarten classroom. The teacher hired has completed coursework within the past year that moves her closer to completing the requirements necessary for a bachelor's degree and a teaching certificate.

**PROPOSED BOARD MEETING :** August 2023

**ESTIMATED COST: N/A**

**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 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 13, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Melody Hobson

**PROPOSED AGENDA ITEM:** Approve the renewal of the Rule 11 teacher waiver request for Morrill Public Schools.

**AGENDA ITEM TYPE:** Consent

### RATIONALE/BACKGROUND INFORMATION:

- Operation of school district and educational service unit (ESU) early childhood programs are governed by the Nebraska Department of Education Rule 11: Regulations for the Approval of Prekindergarten Programs Established by School Boards and Educational Service Units and for the Issuance of Early Childhood Education Grants (Title 92, Nebraska Administrative Code, Chapter 11)
- The Nebraska State Board of Education is charged with approving prekindergarten (Early childhood education and care programs for children birth to kindergarten entrance age) programs operated by school districts and educational service units annually.
- Teachers in early school district and ESU prekindergarten classrooms are required to hold a valid Nebraska Teaching Certificate with an early childhood endorsement.
- School districts that hire individuals with a valid teaching certificate, but no early childhood endorsement must ensure that the teacher must work toward earning an early childhood endorsement.
- School districts that cannot hire one or more teacher(s) who hold a valid teaching certificate of any kind must apply for a Rule 11 waiver for the teacher(s).
- The Nebraska State Board of Education has the authority/responsibility to either approve or deny the Rule 11 waiver.

Morrill Public Schools operates a full working-day, full-year early childhood education and care program for the community. The district received a Rule 11 teacher waiver last year for a teacher who was working toward her teaching certificate. She has continued to take appropriate college coursework.

**PROPOSED BOARD MEETING:** August 2023  
**ESTIMATED COST:** N/A

**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 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

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

**PROPOSED AGENDA ITEM:** Approve school districts' requests for exclusions to the budget limitation in accordance with the provisions of the Tax Equity & Educational Opportunities Support Act.

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

**RATIONALE/BACKGROUND INFORMATION:**

### **1. Voluntary Termination Agreements**

Proposed Board Action: Approve the exclusion amount for Voluntary Termination Agreements for the district shown on the attachment.

Rationale/Background information: Section 79-1028.01(1) (g), (i), (j), (k), provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for expenditures for voluntary termination agreements. Department Staff have reviewed the request listed on the attachment and recommend approval. If approved, the school district may access additional budget authority. This request is applicable to the 2023/24 school district budget.

### **2. Retirement Contribution Increase**

Proposed Board Action: Approve the exclusion amount for a Retirement Contribution Increase for the district shown on the attachment.

Rationale/Background information: Section 79-1028.01(1)(e)&(f) provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for a retirement contribution increase. Department Staff have reviewed the request listed on the attachment and recommend

approval. If approved, the school district may access additional budget authority. This request is applicable to the 2023/24 school district budget.

### **3. Native American Impact Aid**

Proposed Board Action: Approve the exclusion amount for Native American Impact Aid Exclusion for the district shown on the attachment.

Rationale/Background information: Section 79-1028.01(1)(n) provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for Federal Impact Aid received by the district. Districts that have land within its boundaries that is federal property classified as Indian lands under and have children in attendance who reside on Indian lands in accordance with 20 U.S.C. 7703(7) and have received funds in accordance with 20 U.S.C. 7703(a)(1)(c) are eligible for this exclusion. Department Staff have reviewed the request listed on the attachment and recommend approval. If approved, the school district may access additional budget authority.

### **4. Special Supplementary Grant**

Proposed Board Action: Approve the grant listed on the attachment as a Special Supplementary Grant.

Rationale/Background Information: Section 79-1028.01(1)(d) provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for amounts received for Special Supplementary Grants from Corporations, Foundations, or Other Private Interests as special grant funds for budget limitations purposes. The individual grant listed on the attachment has been reviewed by Department Staff and appears to qualify as a special supplementary grant per State Statute Section 79-1003(39). If approved, the school district may access additional budget authority. This request is applicable to the 2023/24 school district budget.

### **5. Insurance Settlement**

Proposed Board Action: Approve the Insurance Settlement listed on the attachment as a Special Grant Fund.

Rationale/Background information: The State Board, pursuant to provisions of State Statute Section 79-1003(39), has designated Insurance Settlements as a special grant fund for budget limitation purposes. The Insurance Settlement listed on the attachment has been reviewed by Department Staff and appears to qualify as a special grant fund. If approved, the school districts may access additional budget authority. This request is applicable to the 2023/24 school district budget.

### **6. Reimbursement for Wards of the Court**

Proposed Board Action: Approve the Reimbursement for Wards of the Court listed on the attachment as a Special Grant Fund.

Rationale/Background Information: Section 79-1028.01(1)(d) provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for amounts received for Reimbursement for Wards of the Court as a special grant fund for budget limitation purposes. The Reimbursement for Wards of the Court listed on the attachments has been reviewed by Department Staff and appears to qualify as a special grant fund per State Statute Section 79-1003(39). If approved, the school

district may access additional budget authority. This request is applicable to the 2023/24 school district budget.

### **7. Short-Term Borrowings**

Proposed Board Action: Approve the Short-Term Borrowing listed on the attachment as a Special Grant Fund.

Rationale/Background Information: Section 79-1028.01(1)(d) provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for amounts received for Short-Term Borrowings as a special grant fund for budget limitation purposes. The Short-Term Borrowing listed on the attachment has been reviewed by Department Staff and appears to qualify as a special grant fund per State Statute Section 79-1003(39). If approved, the school district may access additional budget authority. This request is applicable to the 2023/24 school district budget.

### **8. Early Childhood Education Grants**

Proposed Board Action: Approve the amount for the 2023/24 Early Childhood Education Grants Expenditure Exclusion for the district shown on the attachment.

Rationale/Background information: Section 79-1028.01(2)(c) provides for the State Board to permit a district to exceed its budget authority for the general fund budget of expenditures for the amount received by the district for 2023/24 Early Childhood Education Grants if 2023/24 is the first year early childhood membership is included in the district's formula students. Department Staff have reviewed the request listed on the attachment and recommend approval. If approved, the school district may access additional budget authority. This request is applicable to the 2023/24 school district budget.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 4, 2023

**ESTIMATED COST:** None

**FOR CONTRACTS AND GRANTS:** N/A

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

**FOR GRANT SUBAWARDS:** N/A

**Requests Relative to the Budgeting Provisions  
of the Tax Equity & Educational Opportunities Support Act  
For the 2023/24 School Year  
August 4, 2023**

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**Recommendation 1**

**Voluntary Termination Agreements [Section 79-1028.01(1)(g), (i), (j), (k)]**

<b>County-District Number</b>	<b>School District Name</b>	<b>Amount to be Approved</b>
19-0123	Schuyler Community Schools	\$66,611
23-0071	Crawford Public Schools	\$14,790
27-0594	Logan View Public Schools	\$23,333
28-0017	Millard Public Schools	\$3,206,250
28-0054	Ralston Public Schools	\$245,000
56-0001	North Platte Public Schools	\$38,480
65-0011	Superior Public Schools	\$32,500
66-0027	Syracuse Dunbar Avoca Schls	\$16,654
66-0111	Nebraska City Public Schools	\$95,609
71-0001	Columbus Public Schools	\$179,012
76-0002	Crete Public Schools	\$10,043

**Recommendation 2**

**Retirement Contribution Increase [Section 79-1028.01(1)(e)&(f)]**

<b>County-District Number</b>	<b>School District Name</b>	<b>Amount to be Approved</b>
01-0090	Adams Central Public Schools	\$312,692
02-0018	Elgin Public Schools	\$47,990
04-0001	Banner County Public Schools	\$49,040
07-0006	Alliance Public Schools	\$249,507
09-0010	Ainsworth Community Schools	\$101,828
10-0069	Raveena Public Schools	\$99,935
11-0014	Oakland Craig Schools	\$100,642
12-0056	David City Public Schools	\$188,291
12-0502	East Butler Public Schools	\$102,282
13-0022	Weeping Water Public Schools	\$88,178
14-0008	Hartington Newcastle Pub Schs	\$85,837
18-0011	Harvard Public Schools	\$52,994
19-0058	Clarkson Public Schools	\$58,471
19-0123	Schuyler Community Schools	\$13,350,907
23-0002	Chadron Public Schools	\$199,555
23-0071	Crawford Public Schools	\$48,836
24-0004	Overton Public Schools	\$70,662
24-0020	Gothenburg Public Schools	\$180,421

**Recommendation 2 (Continued)****Retirement Contribution Increase [Section 79-1028.01(1)(e)&(f)]**

26-0001	Ponca Public Schools	\$99,558
27-0594	Logan View Public Schools	\$121,328
28-0001	Omaha Public Schools	\$9,125,875
28-0017	Millard Public Schools	\$3,830,139
28-0054	Ralston Public Schools	\$650,589
28-0059	Bennington Public Schools	\$680,290
30-0001	Exeter-Milligan Public Schools	\$77,606
32-0125	Medicine Valley Public Schools	\$50,883
33-0018	Arapahoe Public Schools	\$68,998
33-0021	Cambridge Public Schools	\$95,364
41-0504	Aurora Public Schools	\$292,367
45-0007	O'Neill Public Schools	\$173,576
45-0239	West Holt Public Schools	\$159,896
51-0001	Ogallala Public Schools	\$263,120
54-0576	Wausa Public Schools	\$55,741
55-0001	Lincoln Public Schools	\$8,146,667
56-0001	North Platte Public Schools	\$660,970
56-0037	Hershey Public Schools	\$111,556
59-0005	Battle Creek Public Schools	\$105,140
61-0004	Central City Public Schools	\$174,703
65-0011	Superior Public Schools	\$99,847
66-0027	Syracuse Dunbar Avoca	\$51,170
66-0111	Nebraska City Public Schools	\$250,115
69-0055	Loomis Public Schools	\$56,152
71-0001	Columbus Public Schools	\$1,110,970
72-0032	Shelby Rising City Public Schls	\$97,600
76-0002	Crete Public Schools	\$417,450
77-0037	Gretna Public Schools	\$1,231,598
79-0032	Scottsbluff Public Schools	\$805,545
80-0005	Milford Public Schools	\$180,270
85-0060	Deshler Public Schools	\$34,883
87-0001	Pender Public Schools	\$89,840
87-0013	Walthill Public School	\$99,593
89-0024	Arlington Public Schools	\$150,558
90-0595	Winside Public Schools	\$69,575
91-0047	Blue Hill Community Schools	\$82,198
92-0045	Wheeler Central Schools	\$47,873
93-0096	Heartland Community Schools	\$88,542

**Recommendation 3**

**Native American Impact Aid [Section 79-1028.01(1)(n)]**

<b>County-District Number</b>	<b>School District Name</b>	<b>Amount to be Approved</b>	<b>School Year</b>
87-0013	Walthill Public Schools	\$1,581,000	2023/24
87-0017	Winnebago Public Schools	\$3,100,000	2023/24

**Recommendation 4**

**Special Supplementary Grant [Section 79-1003(40)]**

<b>County-District Number</b>	<b>School District Name</b>	<b>Amount to be Approved</b>	<b>Source</b>
28-0001	Omaha Public Schools	\$535,731	Buffet Early Childhood Grant
		\$440,000	Education Quest
		\$114,000	Common Sense Media
		\$25,500	Knowledge Network
		\$1,232,201	Lozier Foundation
		\$266,733	Omaha Public Schools Foundation
		\$1,250,000	KIOS Radio Station Donations - Corp for Public Broadcasting
		\$12,899,054	Sherwood Foundation
28-0010	Elkhorn Public Schools	\$146,193	Intensive Intervention Support for Elementary School Students
		\$440,000	Early Development Network Home and Community-Based Services Coordination
28-0017	Millard Public Schools	\$2,568,900	Millard Education Foundation Grants
		\$36,000	Hubbard Grant
		\$2,500	Midwest Dairy Council
		\$15,000	Pacific Life Foundation
		\$4,000	Project Wee Care
		\$245,000	Substance and Mental Health Services Administration
		\$6,000	United Way Literacy Grant
		\$4,000	Omaha Community Foundation
		\$440,000	Douglas County ARP Grant
		\$3,000	Whole Kids Foundation

**Recommendation 4 (Continued)**  
**Special Supplementary Grant [Section 79-1003(40)]**

28-0054	Ralston Public Schools	\$100,000	Ralston School Foundation
		\$20,000	Region 24 Interagency Planning
		\$85,000	Learning Community Elementary Center Programming Grant
		\$155,000	Buffet Early Childhood Grant
		\$85,000	LC Elementary Learning Center Programming Grant
55-0001	Lincoln Public Schools	\$2,000,000	PTO/PTA
		\$3,000,000	Foundation for Lincoln Public Schools
		\$750,000	United Way
		\$50,000	Woods
		\$600,000	University of Nebraska
		\$350,000	TeamMates
		\$1,250,000	Miscellaneous Grants
80-0005	Milford Public Schools	\$250,000	Anonymous Donor Gift Through Union Bank & Trust

**Recommendation 5**  
**Insurance Settlement [Section 79-1003(40)]**

<b>County-District Number</b>	<b>School District Name</b>	<b>Amount to be Approved</b>
34-0015	Beatrice Public Schools	\$1,225,000

**Recommendation 6**  
**Reimbursement for Wards of the Court [Section 79-1003(40)]**

<b>County-District Number</b>	<b>School District Name</b>	<b>Amount to be Approved</b>
30-0025	Fillmore Central Public Schls	\$900,000
41-0504	Aurora Public Schools	\$25,000

**Recommendation 7**  
**Short-Term Borrowings [Section 79-1003(40)]**

<b>County-District Number</b>	<b>School District Name</b>	<b>Amount to be Approved</b>
41-0504	Aurora Public Schools	\$1,500,000
92-0045	Wheeler Central Public Schls	\$900,000

**Recommendation 8**

**Early Childhood Education Grants [Section 79-1028.01(2)(c)]**

<b>County-District Number</b>	<b>School District Name</b>	<b>Amount to be Approved</b>
79-0032	Scottsbluff Public Schools	\$133,250



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 13, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Melody Hobson

**PROPOSED AGENDA ITEM:** Grant the Commissioner the authority to sign an agreement with the Nebraska Department of Health and Human Services for use of Child Care and Development Funds.

**AGENDA ITEM TYPE:** Consent

### RATIONALE/BACKGROUND INFORMATION:

- The Nebraska Department of Health and Human Services (DHHS) Division of Children and Family Services has been designated by the Governor of Nebraska as the State Lead Agency for the Child Care and Development Block Grant (CCDBG) (45 C.F.R. 98.et.seq).
- Annually, the DHHS enters into an agreement with the Nebraska Department of Education (NDE) to carry out training, technical assistance and other activities to support early childhood education and care providers across Nebraska.
- DHHS is making \$5,055,750 available to the NDE from the federal fiscal year 2023 Child Care and Development Block Grant.
- The period of the 2023 agreement will be from October 1, 2023, through September 30, 2024.
- The CCDF funds support:
  - Staffing within the Office of Early Childhood Education,
  - Grants to ESUs for the Early Learning Connection system,
  - T.E.A.C.H. Early Childhood Nebraska® scholarships,
  - Maintenance and enhancements to the Nebraska Early Childhood Professional Records System (NECPRS),
  - Coaching, training, and other support for Step Up to Quality.

**PROPOSED BOARD MEETING:** August 2023

**ESTIMATED COST:** N/A This agreement provides money to the NDE

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal Child Care and Development Block Grant through the DHHS
- New or Renewal: Renewal
- If renewal, date of first approval: The DHHS and NDE have been implementing agreements for use of CCDF funds since the 1990's.

**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:**

- Describe the grantee selection process: N/A

*\*Updated 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Brad Dirksen, Administrator

**PROPOSED AGENDA ITEM:** Accept the list of submissions of Affidavit for Instructional Hour Exception for 2022-2023 filed under the waiver provisions contained in State Statute 79-213 R.R.S.

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

### **RATIONALE/BACKGROUND INFORMATION:**

School districts and systems that were unable to meet instructional hour requirements as outlined in State Statute 79-211 R.R.S. due to sickness, storm conditions, or destruction of the schoolhouse have submitted an Affidavit for Instructional Hour Exception for the 2022-2023 school year, as allowed for in State Statute 79-213 R.R.S.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** \$0.00

**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 07.06.2023*



## **Affidavit Submissions for 2022-2023**

### **School System**

Banner County School District - severe storm conditions leading to school closure

Blair Community Schools (Pre-K Only) – severe storm conditions leading to school closure

Cody-Kilgore School District - severe storm conditions leading to school closure

Isanti Community School - severe storm conditions leading to school closure

Perkins County Schools - severe storm conditions leading to school closure

St Agnes Academy - severe storm conditions leading to school closure

Twin River Public Schools (Pre-K Only) - severe storm conditions leading to school closure

Zion Lutheran Elementary School – epidemic sickness and severe storm conditions leading to school closure



## STATE BOARD OF EDUCATION EXECUTIVE COMMITTEE REPORT

Date: August 3, 2023

The Executive Committee reports on its special meeting on August 19 and 20 and its regular meeting yesterday, Thursday, August 3.

For board member review, the June meeting committee meeting report is attached in Sparq.

The special meeting on August 19 and 20 was for the purpose of conducting the review of board bylaws and policies. The committee is continuing to review the existing policies and intends to bring a recommendation to the board no later than the October 2023 meeting.

At the August 3 meeting, the committee reviewed the proposal from the Nebraska Association of School Boards (NASB) for the commissioner appraisal services. The committee recommends the board approve a contract with NASB.

The committee reviewed the draft commissioner goals from the July 7 special meeting. The committee recommends the board approve the commissioner goals.

The committee continued the discussion of the proposed revisions to the board bylaws and policies. This concludes the Executive Committee report.

Patti Gubbels, Chair

\*Submit a printed copy to the Committee Chair and email to the Recording Secretary.  
Updated 8/3/2023

NEBRASKA STATE BOARD OF EDUCATION  
**COMMISSIONER  
PERFORMANCE  
EVALUATION**



# THE NASB MISSION STATEMENT

THE NEBRASKA ASSOCIATION OF SCHOOL BOARDS  
PROVIDES PROGRAMS, SERVICES, AND ADVOCACY TO  
STRENGTHEN PUBLIC EDUCATION FOR ALL NEBRASKANS.



## NASB BOARD LEADERSHIP TEAM MISSION

TO PROMOTE AND ADVANCE EFFECTIVE BOARD  
GOVERNANCE AND LEADERSHIP TO SUPPORT  
LEARNING FOR ALL STUDENTS.

Marcia R. Herring, NASB Director of Board Leadership

[mherring@NASBonline.org](mailto:mherring@NASBonline.org)

Katie Coble, NASB Board Leadership Associate

[kcoble@NASBonline.org](mailto:kcoble@NASBonline.org)

1.800.422.4572

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June 19, 2023

Board President Gubbels and members of the Nebraska State Board of Education,

It is a privilege to share the NASB Online Evaluation System and Commissioner Performance Evaluation Proposal with the members of the Nebraska State Board of Education and the Commissioner. The NASB Board Leadership Department is pleased to provide a multitude of programs and services to our members, including the following online evaluation process.

The Association adopted protocol and procedures are characteristic of a comprehensive evaluation method. This proposal outlines the scope and sequence that enables the board to administer an efficient and secure evaluation of the Commissioner. The NASB Board Leadership team represents a collective commitment to the time, resources, and values necessary to provide the optimum service needed to meet the defined timeline and needs of the board.

It would be our honor to partner with the Nebraska State Board of Education on this most important endeavor. I look forward to the opportunity to address questions and points of clarification as needed. Please feel free to contact me at 402-817-0296 at your convenience.

Respectfully submitted,

*Marcia R. Herring*

**Marcia R. Herring**

**NASB Director of Board Leadership**



## COMMISSIONER EVALUATION OUTLINE

The Association recommends a defined course of action to ensure the board executes an effective and appropriate evaluation process.

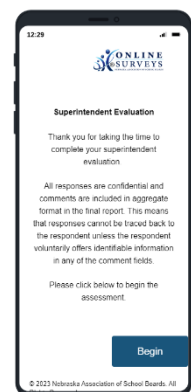
When outlining an effective process, best practice may include:

- ✓ Review and update of the Commissioner’s job description aligned to the evaluation instrument
- ✓ Review, update, and adopt the evaluation instrument periodically
- ✓ Consider applicable policy and contract language to determine if the evaluation is to be administered and reviewed at a specific time of year
- ✓ Assess language within the Commissioner’s contract to ensure alignment of evaluation protocols
- ✓ Adopt an annual timeline to support board procedures for administering the Commissioner’s evaluation according to policy and applicable contract language

## NASB ONLINE EVALUATION SYSTEM

When administering the Commissioner Evaluation through the NASB Online Survey Service, the Association will:

- ✓ Integrate the custom evaluation tool into the Online Survey platform
- ✓ Work collaboratively with the board President to design a timeline to support the evaluation survey process with the Commissioner and board
- ✓ Distribute the Commissioner evaluation on behalf of the board according to the timeline set forth
- ✓ Forward the Commissioner link to complete a self-assessment [Association allows seven days for this phase of the process.]
- ✓ Compile the results of the self-assessment and distribute to each board member
- ✓ Distribute survey link via email to all board members to complete the Commissioner’s evaluation [Association allows ten days for this phase of the process.]  
*Note: The Commissioner Evaluation survey is accessible by computer, smart phone, and other mobile devices for ease of completion*
- ✓ Distribute reminders to board members who have not completed the evaluation prior to the deadline
- ✓ Compile the results of the feedback provided by the board



- ✓ Develop an Executive Summary highlighting board identified strengths and areas of need
- ✓ Distribute the evaluation report and summary to the Board President either through email or the U.S. Postal Service.
- ✓ Provide follow-up call with Board President to discuss summary and explain best practice and protocols/procedures moving forward

*Note: A sample report is included within Appendix I.*

### REVIEWING THE EVALUATION:

- ✓ Include Commissioner evaluation as an agenda item
- ✓ Discuss protection of the Commissioner’s evaluation summary with NDE Legal Counsel [Open Meetings Law/Personnel documents.]
- ✓ Celebrate the success derived under the leadership of the Commissioner
- ✓ Work collaboratively with the Commissioner to define goals and expectations to align to the identified areas of growth
- ✓ Include identified goals within the evaluation going forward

NASB recommends the board continually review and adopt the Commissioner’s evaluation instrument that effectively identifies the achievement progress under the Commissioner’s leadership.

### FOLLOWING THE COMMISSIONER EVALUATION, THE COMMISSIONER AND BOARD WILL:

- ✓ Adopt a timeline and develop goals to address the improvement and growth of the Commissioner’s performance in the identified areas as set forth in the evaluation summary
- ✓ Protect the personnel record with proper disposal of documents
- ✓ The Commissioner and Board President sign the official copy and place in the Commissioner’s personnel file
- ✓ Schedule and advertise a board work session to review the results of the evaluation
- ✓ Discuss the success of the board and consider areas of growth
- ✓ Establish goals to address areas of growth, define performance indicators to measure progress, and set timelines to review, update and amend goals as progress is documented

Moving forward, conducting a formative/summative evaluation with NASB will allow for a comparative Commissioner Evaluation report showing standard averages from the current year and the most recent evaluation. This use of comparative data allows the board to assess progress of areas of growth and goals.

## PROPOSED FEE:

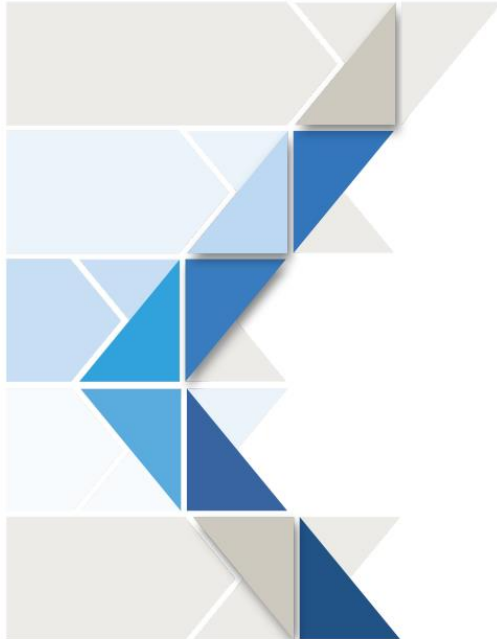
The following is a description of Service provided by NASB. The Association will:

- ✓ Integrate the custom evaluation tool into the Online Survey Platform
- ✓ Establish evaluation timeline with Board President
- ✓ Distribute self-assessment to Commissioner; develop self-evaluation report
- ✓ Distribute self-assessment report to board
- ✓ Distribute evaluation to board; monitor progress; send reminders as needed
- ✓ Compile the results of the feedback provided by the board into final report and develop an executive summary
- ✓ Distribute the evaluation report and summary to the Board President
- ✓ Provide follow-up call with Board President

**Total Estimated Cost: \$1,500**

# APPENDIX I: NASB STANDARD SUPERINTENDENT EVALUATION SAMPLE REPORT

The following four images provide a sample report of the NASB Standard Superintendent Evaluation reports.



## Nebraskaland Public Schools Superintendent Evaluation Spring 2023



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### Self-Evaluation Standard Averages *(listed highest to lowest)*

#### Spring 2023

- 5.00 - Standard III: Budget Planning & Management
- 5.00 - Standard VI: Community Relations
- 4.57 - Standard V: Organizational & Cultural Leadership
- 4.50 - Standard II: Policy
- 4.50 - Standard IV: Educational Leadership
- 4.29 - Standard VII: Professional Leadership
- 4.20 - Standard I: Mission, Vision, & Goals
- 3.83 - Standard VIII: Board-Superintendent Relations

### Board Evaluation Standard Averages *(listed highest to lowest)*

#### Spring 2023

- 5.29 - Standard III: Budget Planning & Management
- 5.24 - Standard VI: Community Relations
- 5.15 - Standard VIII: Board-Superintendent Relations
- 5.10 - Standard I: Mission, Vision, & Goals
- 5.10 - Standard V: Organizational & Cultural Leadership
- 5.06 - Standard II: Policy
- 4.68 - Standard VII: Professional Leadership
- 4.48 - Standard IV: Educational Leadership

*Averages range from 1.00-6.00 with averages closer to 6.00 indicating strengths and averages closer to 1.00 indicating areas for growth.  
Scale: Excellent (6.00); Good (5.00); Average (4.00); Unsure (3.00); Fair (2.00); Poor (1.00)*

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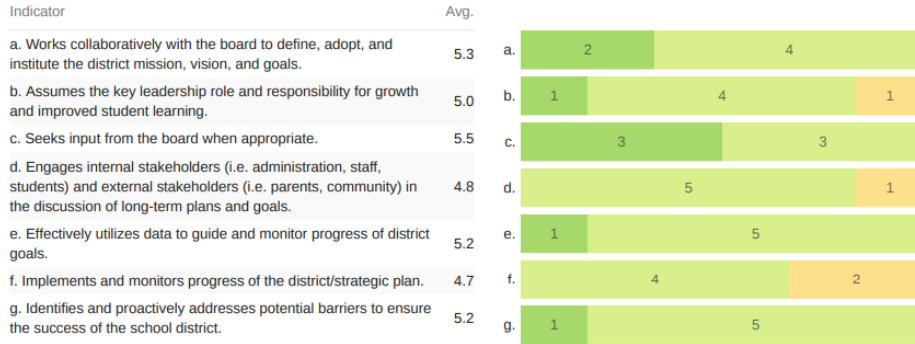
3

## Standard I: Mission, Vision, & Goals

*Standard Descriptor: The superintendent works collaboratively with the board to define, adopt, and institute the district mission, vision, and goals to ensure the progress and success of student learning and achievement.*

Please indicate what you feel is the most accurate descriptor to the following statements.

The Superintendent . . .



*Note: The averages range from 1.00-6.00 with averages closer to 6.00 indicating strengths and averages closer to 1.00 indicating areas for growth.*

● Excellent 
 ● Good 
 ● Average 
 ● Fair 
 ● Poor 
 ● Unsure

Values are as follows:

Excellent: 6 Good: 5 Average: 4 Fair: 2 Poor: 1 Unsure: 3

## Standard I: Mission, Vision, & Goals

**Provide evidence to support your choices above.**

*Suggested supplemental evidence for this standard includes but is not limited to:*

- District strategic plan/district goals
- School improvement team
- Student performance data
- Engagement/communication plan
- Plan for implementing, monitoring and reporting progress of strategic plan/district goals
- School improvement plan (including updates/assessment of progress and modifications)
- Superintendent performance plan aligned with district priorities and indicators to measure progress and success
- Meeting agendas/minutes

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**If you were to suggest one area of growth in the superintendent's performance within Mission, Vision, & Goals for the upcoming year, what would it be?**

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Integer pretium! Id augue dolore tempor eu molestie dignissim ipsum.

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Vitae platea ab laoreet massa velit. Tempora! Vulputate wisi commodo dictumst et placerat ultrices.



## Commissioner Performance Expectations (Goals)

Updated 7/24/2023

- 1) Evaluate the status of statewide assessment.
  - By March 1, 2024, report findings to the State Board.
  - Develop recommendations, if any, to address findings.
- 2) Develop an understanding of the internal operations of the Agency to include workplace assignments, staffing patterns and needs, succession planning, and high public contact services (e.g., educator certification, exempt schools)
  - Gather data and input to articulate a report to the board concerning these items by March 1, 2024.
- 3) Conduct a review of the existing NDE strategic plan.
  - By March 1, 2024, report findings to the board.
- 4) Evaluate the existing communication strategies involving the board, within the NDE, and the public.
  - By December 1, 2023, report findings to the board and recommendations on strengthening internal and external communications.
- 5) Intentionally work to build relationships within NDE employees, NDE partners, board members individually and collectively, Legislators, the Governor, school district personnel, and federal officials.
  - Compile a calendar of meetings and interactions and report out in regular communications. Report to the board by October 31, 2023 and March 1, 2024.



## STATE BOARD OF EDUCATION BUDGET AND FINANCE COMMITTEE REPORT

Date: August 3, 2023

“The Budget and Finance Committee reports that on its Thursday, August 3, 2023, meeting. Members present were Patsy Koch Johns, Elizabeth Tegtmeier, Sherry Jones, and Deborah Neary.

The Committee reviewed the action item to contract with a consultant to assist with a data sharing requirement per State Statute 79-303.01. NDE staff reviewed the agencies involved and the need for this contract and concerns to be addressed by a consultant with the Committee. The Committee supported bringing this item to the full Board.

The next item reviewed was to provide funding for NDE’s share of the work related to the Nebraska Statewide Workforce and Education Reporting System using Federal grant funds. This collaboration amongst Education entities was created to provide unbiased data on student and work-related outcomes. The Committee supported bringing this item to the full Board for vote.

The third action item reviewed by the Committee was the authorization to contract with the National Center for Grow Your Own to support the implementation of the Nebraska Teacher Apprenticeship program. Per NDE staff this contract is to guide the implementation of the new program funded by Legislature. The Committee recommends bringing this item to the full board. The Committee then reviewed the IDEA Part B Discretionary funding projects that are designed to provide support for the OSE Regional Secondary Transition Support Projects. The Committee recommended bringing this item to the full board.

The next two items the Committee reviewed were grants for to the Nebraska Center for the Education of Children who are blind/visually impaired. These grants are to support blind and visually impaired students across the State. The Committee supported bringing both items to the full board.

The Committee also reviewed contracts for 6 different projects to be funded with the Governors Coronavirus State Fiscal Recovery funds as outline in statute. The Committee supported bringing these items to the full board.

The last action item reviewed was a contract for the last phase of the office space at 84<sup>th</sup> St for the DDS section. This work will be paid for with Federal funds. The Committee supported bringing this item to the full 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 in the next couple of months. The upcoming items included new grants to ESU's for PreK - 2<sup>nd</sup> professional development, an upcoming RFP and corresponding contract for family employment awareness, the results of the McKinney Vento Grant applications and potential deficit budget items to be submitted in October.

This concludes the Budget and Finance Committee report.”

Patsy Koch Johns, Chair



**In-State Travel Authorization Reports - August**

<b>Name</b>	<b>Event Name</b>	<b>Date</b>	<b>Location</b>	<b>Board Bylaw B16 Code A-F</b>
Lisa Fricke	Administrators' Days - NDE Day	July 25-27, 2023	Kearney, NE	E
Jacquelyn Morrison	(NONE)			
Deborah Neary	Administrators' Days - NDE Day	July 25-27, 2023	Kearney, NE	E
Kirk Penner	Administrators' Days - NDE Day	July 27, 2023	Kearney, NE	E

**In-State Travel Authorization Reports - August**

<b>Name</b>	<b>Event Name</b>	<b>Date</b>	<b>Location</b>	<b>Board Bylaw B16 Code A-F</b>
Patsy Koch Johns	Administrators' Days - NDE Day	July 25-26, 2023	Kearney, NE	E
	Educator Shortage Summit	October 26, 2023	Kearney, NE	E
Patti Gubbels	NSEA - U	July 17, 2023	Kearney, NE	E
	Administrators' Days - NDE Day	July 25-27, 2023	Kearney, NE	E
Elizabeth Tegtmeier	Administrators' Days - NDE Day	July 25-27, 2023	Kearney, NE	E
	ESU 16	August 12, 2023	Sutherland, NE	E
	Educator Shortage Summit	October 26, 2023	Kearney, NE	E
Sherry Jones	Administrators' Days - NDE Day	July 27, 2023	Kearney, NE	E
	Educator Shortage Summit	October 26, 2023	Kearney, NE	E



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 24, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Kristin Yates, Ph.D.  
Information Systems Officer

Shirley Vargas, Ed.L.D.  
School Transformation Officer

Lane Carr  
Administrator, Office of Policy & Strategic Initiatives

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to contract with one or more consultants to assist in the sharing of data as required under Section 79-303.01.

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

### **RATIONALE/BACKGROUND INFORMATION:**

In June 2023, the Nebraska Legislature passed LB 705 which included a provision for multiple state agencies to enter into a memorandum of understanding (MOU) to inform future data sharing policies and procedures, as it pertains to educational outcomes of systems involved youth.

Per N.R.S. 79-303.01, “On or before October 1, 2023, the State Department of Education, the Department of Health and Human Services, the Office of Probation Administration, and the State Court Administrator shall enter into a memorandum of understanding for the sharing of data relevant to students who are under the jurisdiction of the juvenile court. The purpose for the sharing of data is to provide systems-wide coordination to improve educational opportunities and outcomes and to facilitate service coordination for such students. The memorandum shall include the intent for the State Department of Education to contract with an outside consultant with expertise in the education of court-involved students to assist in the development of such policies and procedures.”

In addition to the meeting the October 1, 2023, deadline, there is also a requirement to submit a draft report with recommendations by September 1, 2024, with the final draft due by December 1, 2024.

Given the timelines set forth by the legislature, it is imperative to move quickly in our contracting process and identify potential contractor(s) to move this work forward. It will involve coordinating multiple stakeholders across four state agencies, as well as other necessary NDE staff and external partners.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** not to exceed \$400,000

**FOR CONTRACTS AND GRANTS:**

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

**FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:**

- Indicate the method of procurement: Competitive Negotiation – Request for Proposals (RFP)
- Rationale for method of procurement: To obtain a cross section of contractors within and outside of Nebraska with experience in stakeholder engagement, cross agency data sharing agreements and processes, increasing academic and nonacademic outcomes for vulnerable student populations such as systems involved youth, and local and state governance structures.
- Rationale for contractor selection: Process is currently underway.

**FOR GRANT SUBAWARDS:**

- Describe the grantee selection process: NA

*\*Updated 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 20, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Kristin Yates, Information Systems Officer

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to provide funds to the Nebraska Statewide Workforce and Education Reporting System (NSWERS) in fulfillment of NDE's financial commitment to the partnership.

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

### RATIONALE/BACKGROUND INFORMATION:

NSWERS is partnership between the Nebraska Department of Education, the Nebraska State Colleges, the University of Nebraska and the six public Nebraska community colleges to share data and develop a comprehensive, sustainable, and robust lifelong learning and workforce longitudinal data system serving the needs of the people of Nebraska. The NSWERS partnership began with Legislative Bill 1071 (2010)<sup>1</sup> which required the NSWERS partners to enter into a memorandum of understanding to share student data. The resulting Memorandum of Understanding established an agreement "to share student data for the purposes of evaluation of and research related to public prekindergarten, elementary, secondary, and postsecondary education to improve education in Nebraska." In the fall of 2019, these partners advanced this cooperation and completed the legal formation of the NSWERS as a joint public entity under the Nebraska Interlocal Cooperation Act<sup>2</sup> for mutual advantage regarding data initiatives. A memorandum of understanding for the sharing of workforce data was completed with the Nebraska Department of Labor in 2021. Additional information regarding the history of NSWERS can be viewed [here](#) and a copy of the NSWERS Interlocal Agreement is contained in Appendix A to this agenda item.

NSWERS is governed by the NSWERS Executive Council, which is comprised of the Commissioner of Education, the Chancellor of the Nebraska State Colleges, the President of the University of Nebraska and a community college president. NSWERS currently focuses on data

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<sup>1</sup> [LB1071.pdf \(nebraskalegislature.gov\)](#)

<sup>2</sup> [Nebraska Legislature](#)

collection, infrastructure development and data dissemination on eight key educational and workforce outcomes: high school graduation rate, college going rate, postsecondary persistence, postsecondary graduation rate, time to employment, employment gap metrics, industry placement statistics and identification of employment location<sup>3</sup>. In addition, NSWERS has established a six-stage research framework to translate data collected into actionable information for decision making for the broad constituency of stakeholders interested in education and workforce outcomes<sup>4</sup>. NSWERS serves an important role for NDE because of its growing capacity to provide cross-sector longitudinal data in areas of interest to NDE and K-12 education stakeholders. NSWERS receives no state funding from the legislature and is currently funded by a variety of grants from non-profit foundations and contributions from NSWERS Partners. A copy of NDE's written commitment to providing funding resources is attached to this agenda item as Appendix B.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August, 2023

**ESTIMATED COST:** \$418,561.00

**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: Not Applicable. Nebraska Revised Statutes §73-507(2)(f) exempts agreements for services to be performed for a state agency by another state or local government agency or contracts made by a state agency with a local government agency for the direct provision of services to the public from competitive bidding requirements.<sup>5</sup>
- Rationale for method of procurement: Not applicable
- Rationale for contractor selection: Not applicable

**FOR GRANT SUBAWARDS:**

- Describe the grantee selection process: Not applicable

*\*Updated 07.06.2023*

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<sup>3</sup> [Eight Outcomes – NSWERS](#)

<sup>4</sup> [Information & Research Agenda – NSWERS](#)

<sup>5</sup> [Nebraska Legislature](#)

**NEBRASKA P-20W**

**NSWERS FIRST AMENDED AND RESTATED AGREEMENT  
ESTABLISHING THE NEBRASKA STATEWIDE WORKFORCE &  
EDUCATIONAL REPORTING SYSTEM (NSWERS)**

This First Amended and Restated Agreement (this "Agreement") is entered into by and among the Nebraska State Board of Education (Board of Education), the Board of Regents of the University of Nebraska (University), the Board of Trustees of the Nebraska State Colleges (State Colleges), and each of the six Nebraska Community Colleges (Central, Mid Plains, Metropolitan, Northeast, Southeast, and Western) (Community Colleges) (collectively, the "Parties"). The Parties are all public agencies within the meaning of Nebraska Revised Statutes §13-803. Upon execution, this Agreement amends and restates the original interlocal agreement establishing the Nebraska Statewide Workforce & Educational Reporting System (NSWERS), entered into among the Parties on or about October 8, 2019.

**I. PURPOSE**

LB 1071 (2010) required the Nebraska State Board of Education, Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the board of governors of each community college area to enter into a Memorandum of Understanding to adopt a policy to share student data. LB 1071 is codified in the Nebraska Revised Statutes (§85-110 (University of Nebraska); §85-309 (Nebraska State College System); §79-776 (Nebraska Department of Education); §85-1511 (Nebraska Community Colleges)). The resulting Memorandum of Understanding for Sharing of Student Data between the Nebraska Department of Education, the University of Nebraska, the Nebraska State Colleges, and the Nebraska Community Colleges (herein the "MOU") established an agreement "to share student data for the purposes of evaluation of and research related to public prekindergarten, elementary, secondary, and postsecondary education to improve education in Nebraska" and is incorporated herein by reference and attached hereto as Exhibit "A". The joint entity created herein shall operate under the name of the Nebraska Statewide Workforce & Educational Reporting System (NSWERS) and shall supercede the MOU once executed by all parties to the agreement identified in Article III herein.

The purpose of this Agreement is to provide for a phased (preparation and implementation phase) undertaking to create a joint entity known as NSWERS.

NSWERS will exist to provide optimized and secured access to accurate and reliable longitudinal student information to analysts and researchers to discover those policies, processes, and practices across students' academic involvement and transition into the workforce that best improve student outcomes.

NSWERS shall engage in activities including, but not limited to, overseeing and directing the operations, maintenance, and reporting of student data from the prekindergarten through postsecondary and workforce data warehouses. NSWERS shall further define, and may expand upon, the data to be shared and establish appropriate guidance as well.

## II. DEFINITION OF TERMS

The following terms shall have the following meanings unless the context or use indicates or requires another or different meaning or intent.

"NSWERS" shall mean the joint entity organized and operated pursuant to this Agreement, the full name of which is: Nebraska Statewide Workforce & Educational Reporting System.

"Executive Council" shall mean the Executive Council of NSWERS appointed as provided in Section IV hereof.

"Party" shall mean the Board of Education, University, State Colleges and Community Colleges.

"Executive Council Member" shall mean a member of the Executive Council of the NSWERS.

"System" shall mean the rules, procedures, protocols, networks, software, hardware, principles, goals, guidance, and other instrumentalities used by NSWERS to fulfill the Purpose in Article I.

## III. PARTIES TO THIS AGREEMENT

The only Parties to this Agreement shall be the Board of Education, University, State Colleges, and each of the six Community Colleges.

## IV. ESTABLISHMENT OF NSWERS

A. Joint Entity. This agreement creates a joint administrative entity consistent with the provisions of Nebraska Revised Statute §13-804(6) to be known

as NSWERS. NSWERS shall be subject to the control of the Parties within the meaning of §13-804(6). NSWERS shall constitute a separate administrative entity, exercising the public powers granted by this Agreement and acting on behalf of the Parties. Each Party agrees to participate and engage in the phased activities of NSWERS as provided in this Agreement.

B. The execution of this Agreement by each Party facilitates (i) the creation of NSWERS as an independent administrative government entity under the Nebraska Interlocal Cooperation Act to continue and complete the planning, design and approval of the System used for the purposes provided in Article I; (ii) approval of the annual budget for NSWERS; (iii) reviewing and updating the initial annual budget with the State of Nebraska and other funding sources for the Implementation of NSWERS; and (iv) risk management including appropriate insurance, indemnification and other provisions to assure that each Party is responsible for their own conduct without creating unnecessary joint and several exposures.

C. Execution of Exhibit B to this Agreement by each Party authorizes NSWERS to begin operation as a joint entity to provide optimized and secured access to accurate and reliable longitudinal student information for the purposes provided in Article I.

D. The Executive Council shall consist of four (4) members comprised of the following:

- Commissioner of Education
- President of the University of Nebraska
- Chancellor of the Nebraska State College System
- A President of one of the Nebraska Community Colleges

E. Executive Council Members other than the Nebraska Community College representative shall be appointed for such terms as shall be specified in the appointment and until their successors are appointed. The intent of the Parties is for Executive Council Members to serve for so long as they remain in their official capacity as stated in IV(A). The Nebraska Community College representative shall be elected by majority vote of the Presidents of participating Nebraska Community Colleges signatory to this document. Election of the representative for the Nebraska Community Colleges shall take place no later than January 15th of each calendar year.

F. Executive Council Members shall serve without compensation from NSWERS.

G. A vacancy on the Executive Council shall be filled by the Party whose position on the Executive Council is vacant.

H. No Executive Council Member shall be eligible to vote during any period of time that the Party such Executive Council Member represents is in default on any amount owed to the NSWERS. During the existence of such default, the vote or votes of the Executive Council Members representing such Party shall not be counted as eligible votes for any purpose of this Agreement, or for the determination of a quorum to transact business.

#### V. POWERS AND DUTIES OF NSWERS

The powers and duties of the NSWERS shall include all powers which the Interlocal Cooperation Act confers upon the NSWERS to the extent that such powers are consistent with the purposes specified in Article I hereof and the Bylaws of NSWERS.

#### VI. FINANCIAL MATTERS

A. NSWERS shall not be operated for profit, but shall be operated in such manner as shall enhance the missions and welfare of the Parties. NSWERS shall operate on a fiscal year from July 1 to June 30 and shall establish an operating budget which shall include all revenue of every type and description and expenses of every type and description. Each Party shall pay for contracted services and shall make payments therefore as provided in such contract.

B. The Executive Council shall prepare and distribute to each Party on April 1 of each year a written estimate of the revenues and expenditures proposed for the subsequent fiscal year. Included within the written estimate of revenues and expenditures shall be a recommended funding amount needed and the proposed source for the same. The proposed budget must be unanimously approved by the voting members of the Executive Council. In the event that unexpected conditions arise which cause any material increase to the overall budget, the Executive Council shall inform each Party in a timely manner. In the event that the Executive Council deems it necessary to seek additional funds, assets, or administrative services from the Parties, such request will be submitted in writing and reviewed within the budgeting framework and time constraints of each Party. Each Party reserves its authorization, appropriation, and other powers to approve any requested additional funds, assets, or administrative services.

(1) The Executive Council commits to serving as the lead in pursuing external sources funding for the costs associated with the

NSWERS system (beginning July 1, 2022). In the event that the recommended amount of funding is not secured, the Executive Council shall inform the Parties as soon as possible.

(2) Subsequent determinations regarding dedication of any funds or resources by any party will be based upon future grants, appropriations or other funding sources.

C. NSWERS shall keep or shall cause to be kept appropriate books and records with respect to all financial activities of the NSWERS. Such books and records will be available for inspection by any Party.

## VII. DURATION

This Agreement shall become effective upon execution by the Parties hereto and shall continue in effect indefinitely until it is terminated as herein provided.

## VIII. TERMINATION AND DISPOSITION OF PROPERTY

At any time during which the NSWERS shall not have outstanding any bonds, notes or other evidences of indebtedness, this Agreement may be terminated by the unanimous action of the Parties and the NSWERS may be dissolved or liquidated.

Upon dissolution or liquidation, general assets of the NSWERS shall be sold and the proceeds thereof distributed to the Parties as determined by the Executive Council. Institutional or agency data submitted to NSWERS shall remain the property of the submitting institution or agency and is not a general asset of the entity.

Institutional or agency data submitted to NSWERS shall be returned to the submitting institution or agency upon dissolution or liquidation of the entity; however, in the event return of submitted data is not feasible, said data shall be destroyed in a manner compliant with prevailing industry standard techniques. Data products derived from submitted data and reliant on personally identifiable information shall likewise be returned to the submitting institution or agency or shall be destroyed.

## IX. MISCELLANEOUS

A. Entire Agreement; Amendment. This Agreement, the Articles of NSWERS and the Bylaws contain the entire agreement of the Parties and shall be binding upon the successors and assigns of the respective Parties. All prior agreements and understandings between the Parties are hereby superseded. No amendment, deletion or addition shall be made to this Agreement except as agreed upon by all Parties in writing.

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

C. Conflict of Interest. No officer, employee, or agent of any of the Parties shall have any personal pecuniary interest, direct or indirect, arising out of or related to this Agreement.

D. Severability. The terms of this Agreement are severable. If any term or provision is declared by a court of competent jurisdiction to be illegal, void, or unenforceable, the remainder of the provisions shall continue to be valid and enforceable.

E. Nondiscrimination. No Party will discriminate against any employee, or applicant for employment to be employed in the performance of this Agreement, with respect to hire, tenure, terms, conditions, or privilege of employment because of the race, color, national origin, sex, sexual orientation, gender identity, marital status, disability, religion or age of the employee or applicant.

F. Hold Harmless. To the extent allowed by law, each Party (the "Indemnifying Party") shall assume all risk of loss and hold the other Parties, their employees, agents, assignees, and legal representatives harmless from all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments and all expenses incident thereto, for injuries to persons, for civil rights liability, and for loss of, damage to, or destruction of property arising out of or in connection with this Agreement and proximately caused by the negligent or intentional acts or omissions of the Indemnifying Party, its employees, agents, assignees or legal representatives.

G. Insurance. The Parties agree to separately maintain self-insurance coverage or a policy of general liability insurance in the amount of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate.

H. Headings. The captions or headings in this Agreement are for reference only and do not define, describe, extend, or limit the scope or intent of the Agreement.

I. Counterparts. This Agreement may be executed in counterparts, each of which shall be an original, and which together shall constitute a single document.

J. Notice. All notices, consents, approvals, demands, requests or other communications required or permitted to be given under any of the provisions of this Agreement will be in writing and will be sent to the person(s) and address(es) set forth below via certified mail, hand delivery, overnight courier, or facsimile transmission (to the extent a facsimile number is set forth below). All such notices shall be effective when received.

If to Board of Education: Nebraska Department of Education  
c/o Commissioner of Education  
500 S. 84<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Lincoln, NE 68510-2611

with a copy to: Nebraska Department of Education  
c/o Office of Legal Services  
500 S. 84<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Lincoln, NE 68510-2611

If to the University: University of Nebraska  
c/o President  
3835 Holdrege Street  
P.O. Box 830743  
Lincoln, NE 68583

with a copy to: University of Nebraska  
c/o Office of General Counsel  
3835 Holdrege Street  
P.O. Box 830743  
Lincoln, NE 68583

If to State Colleges: Nebraska State College System  
c/o Chancellor  
1327 H Street, Suite 200  
Lincoln, NE 68508

with a copy to: Nebraska State College System  
c/o Office of General Counsel  
1327 H Street, Suite 200  
Lincoln, NE 68508

If to Central CC: Central Community College  
c/o College President  
3134 W. Highway 34

P.O. Box 4903  
Grand Island, NE 68802-4903

with a copy to:

Central Community College  
c/o Vice President for Administrative Services  
3134 W. Highway 34  
P.O. Box 4903  
Grand Island, NE 68802-4903

If to Metropolitan CC:

Metropolitan Community College  
c/o College President  
P.O. Box 3777  
Omaha, NE 68164

with a copy to:

Metropolitan Community College  
c/o Associate Vice Chancellor for Compliance and  
General Counsel  
P.O. Box 3777  
Omaha, NE 68164

If to Mid-Plains CC:

Mid-Plains Community College  
c/o College President  
601 W. State Farm Road  
North Platte, NE 69101

with a copy to:

Mid-Plains Community College  
c/o Vice President of Administrative Services  
1101 Halligan Drive  
North Platte, NE 69101

If to Northeast CC:

Northeast Community College  
c/o Office of the President  
801 East Benjamin Avenue  
Norfolk, NE 68701

with a copy to:

Northeast Community College  
c/o Office of the Vice President of Administrative  
Services and General Counsel  
801 East Benjamin Avenue  
Norfolk, NE 68701

If to Southeast CC:

Southeast Community College  
c/o Office of the President  
301 South 68<sup>th</sup> Street Place  
Lincoln, NE 68510

With a copy to: Perry Law Firm  
c/o Derek Aldridge  
233 South 13<sup>th</sup> Street, Suite 1400  
Lincoln, NE 68508


If to Western Nebraska CC: Western Nebraska Community College  
c/o Office of the President  
1601 East 27<sup>th</sup> Street  
Scottsbluff, NE 69361

with a copy to: Dr. Nino Kalatozi  
Western Nebraska Community College  
1601 East 27<sup>th</sup> Street  
Scottsbluff, NE 69361

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their respective duly authorized officers.

**THE NEBRASKA STATE BOARD OF EDUCATION**


**DATE:**

By:   
Commissioner

Oct 4, 2022

**THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA**

**DATE:**

By:   
President

08/19/22 | 17:32 CDT

**THE BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES**

**DATE:**

By: *Paul Turman*  
Chancellor

08/21/22 | 08:20 PDT

**THE BOARD OF GOVERNORS OF CENTRAL COMMUNITY COLLEGE**

**DATE:**

By: Matthew Gotschall  
President

08/19/22 | 15:59 CDT  
\_\_\_\_\_

**THE BOARD OF GOVERNORS OF  
METROPOLITAN COMMUNITY  
COLLEGE**

**DATE:**

By: Fancy Schmitz  
President

08/24/22 | 11:23 PDT  
\_\_\_\_\_

**THE BOARD OF GOVERNORS OF  
MID-PLAINS COMMUNITY COLLEGE**

**DATE:**

By: [Signature]  
President

08/22/22 | 09:04 CDT  
\_\_\_\_\_

**THE BOARD OF GOVERNORS OF  
NORTHEAST COMMUNITY COLLEGE**

**DATE:**

By: Leah Barnett  
President

09/13/22 | 09:52 CDT  
\_\_\_\_\_

**THE BOARD OF GOVERNORS OF  
SOUTHEAST COMMUNITY COLLEGE**

**DATE:**

By: [Signature]  
President

08/30/22 | 11:48 PDT  
\_\_\_\_\_

**THE BOARD OF GOVERNORS OF  
WESTERN NEBRASKA COMMUNITY  
COLLEGE**

**DATE:**

By: John Mavin  
President

08/19/22 | 14:44 CDT  
\_\_\_\_\_

## EXHIBIT "A"

Memorandum of Understanding for Sharing of Student Data  
between the Nebraska Department of Education, the University of Nebraska,  
the Nebraska State Colleges, and the Nebraska Community Colleges

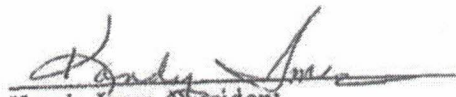
The Nebraska State Board of Education, the Board of Regents for the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the Board of Governors for each Community College Area (hereinafter "Organizations") agree to share student data for the purposes of evaluation of and research related to public prekindergarten, elementary, secondary, and postsecondary education to improve education in Nebraska.

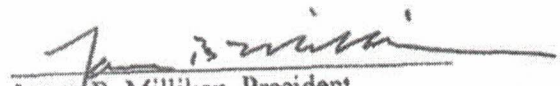
The Organizations agree to share data in a manner that safeguards the confidentiality of personally identifiable information in students' education records as defined by the federal Family Education Rights and Privacy Act (FERPA) and any other applicable federal or state laws and regulations. FERPA establishes restrictions on the disclosure and re-disclosure of personally identifiable information in students' education records without the written consent of the parent or eligible student. FERPA permits student information to be used by state educational authorities for the purposes of the evaluation of state or federally supported education programs, and/or conducting research for or on behalf of the state supported schools to improve education.

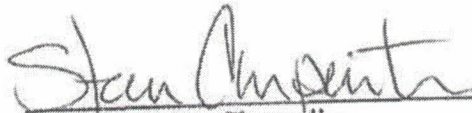
The Organizations agree to share certain student data under the following stipulations:

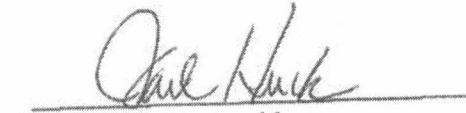
1. The Organizations agree to provide individual student data including, but not limited to; demographic, enrollment and completion/degree information.
2. The data, including any personally identifiable student information, will be used for the purposes of evaluating the state's education system, including the prekindergarten through postsecondary levels, and researching the same to improve instruction and education, to align resources to strategic objectives, to inform educational policy development, and to ascertain the attainment of state educational goals.
3. The student data will be maintained in a secure environment by the Organizations and shall not be shared with other parties, entities, or state agencies except as provided herein.
4. The individual student data will not be released outside any of the participating Organizations unless otherwise permitted by law.
5. The participating Organizations will maintain a record of those individuals who are allowed access to the data and shall assure that each person is fully cognizant of the restrictions placed upon use of the data and the restrictions upon its disclosure.

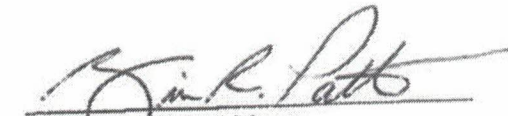
6. The participating Organizations will limit access to student data to those authorized officials, employees and agents of a participating Organization who require the data to develop, share, maintain, analyze and evaluate information for the purposes outlined in this agreement.
7. No external release of reports or information based on the data will include any information that is determined to likely constitute personally identifiable information from an education record of a student unless such release is allowed by FERPA.
8. No compensation will be exchanged between the Organizations for participation in this agreement.
9. The Nebraska Department of Education will maintain the prekindergarten through postsecondary data warehouse to carry out the purposes of this agreement.
10. The Organizations agree that decisions related to the creation, operations, maintenance, and reporting of student data from the prekindergarten through postsecondary data warehouse will be carried out by the data governing council created herein with the following representation:
  - a. Commissioner of Education, or his or her designee;
  - b. President of the University of Nebraska, or his or her designee;
  - c. Chancellor of the Nebraska State College System, or his or her designee;  
and
  - d. The Executive Director of the Nebraska Community College Association or successor organization, or his or her designee.The data governing council shall further define, and may expand upon, the data to be shared. Any reports generated with data from the data warehouse will be reviewed by the data governing council prior to their release. The data governing council will establish appropriate guidance and a process regarding timely submission of data release reports so that adequate time is allowed for review of any report prior to the release date of a report.
11. This agreement shall take effect upon completion of signatures and remain in effect unless amended by all the Organizations.

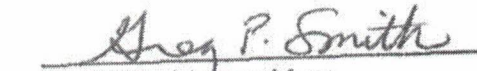
  
Kandy Ines, President  
Nebraska State Board of Education

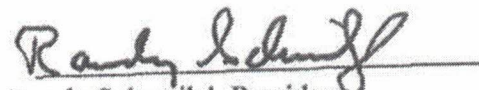
  
James B. Milliken, President  
University of Nebraska

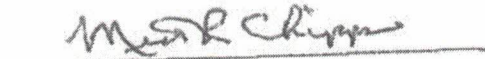
  
Stan Carpenter, Chancellor  
Nebraska State Colleges

  
Dr. Jack Huck, President  
Southeast Community College

  
Dr. Bill Path, President  
Northeast Community College

  
Dr. Greg Smith, President  
Central Community College

  
Randy Schmailzl, President  
Metropolitan Community College

  
Dr. Michael Chipps, President  
Mid-Plains Community College

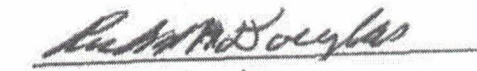
  
Richard Douglas, Attorney  
Western Nebraska Community  
College

EXHIBIT "B"

ATTACHMENT TO NSWERS AGREEMENT ESTABLISHING THE NEBRASKA STATEWIDE WORKFORCE & EDUCATIONAL REPORTING SYSTEM (NSWERS)

The undersigned, a public agency within the meaning of Nebraska Revised Statutes §13-803 executes the attached NSWERS Agreement Establishing the Nebraska Statewide Workforce & Educational Reporting System initiating the Implementation Phase.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their respective duly authorized officers.

THE NEBRASKA STATE BOARD OF EDUCATION

DATE:

By: *[Signature]*  
Commissioner

Oct 4, 2022

THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA

DATE:

By: *[Signature]*  
President

08/19/22 | 17:32 CDT

THE BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

DATE:

By: *Paul Turman*  
Chancellor

08/21/22 | 08:20 PDT

THE BOARD OF GOVERNORS OF CENTRAL COMMUNITY COLLEGE

DATE:

By: Matthew Gotschall  
President

08/19/22 | 15:59 CDT

**THE BOARD OF GOVERNORS OF METROPOLITAN COMMUNITY COLLEGE**

**DATE:**

By: Fanny Schmitz  
President

08/24/22 | 11:23 PDT

**THE BOARD OF GOVERNORS OF MID-PLAINS COMMUNITY COLLEGE**

**DATE:**

By: [Signature]  
President

08/22/22 | 09:04 CDT

**THE BOARD OF GOVERNORS OF NORTHEAST COMMUNITY COLLEGE**

**DATE:**

By: Leah Barrett  
President

09/13/22 | 09:52 CDT

**THE BOARD OF GOVERNORS OF SOUTHEAST COMMUNITY COLLEGE**

**DATE:**

By: Paul Lee  
President

08/30/22 | 11:48 PDT

**THE BOARD OF GOVERNORS OF WESTERN NEBRASKA COMMUNITY COLLEGE**

**DATE:**

By: John Marvin  
President

08/19/22 | 14:44 CDT

Certificate Of Completion

Envelope Id: 85A6975900BF4D1DA5DD80BFA5BBED93
Subject: Please DocuSign: Amended NSWERS Interlocal Agreement
Source Envelope:
Document Pages: 15
Certificate Pages: 6
AutoNav: Enabled
Enveloped Stamping: Disabled
Time Zone: (UTC-06:00) Central Time (US & Canada)

Status: Sent

Envelope Originator:
Matthew Hastings
1400 R St.
Lincoln, NE 68588
matthewhastings@nebraska.edu
IP Address: 129.93.161.220

Record Tracking

Status: Original
8/18/2022 11:54:46 AM

Holder: Matthew Hastings
matthewhastings@nebraska.edu

Location: DocuSign

Signer Events

Signature

Timestamp

John Marrin
marrinj1@wncc.edu
Security Level: Email, Account Authentication
(Optional)

John Marrin

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Viewed: 8/19/2022 2:43:58 PM
Signed: 8/19/2022 2:44:52 PM

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Leah Barrett
lbarrett@northeast.edu
President
Security Level: Email, Account Authentication
(Optional)

Leah Barrett

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Matthew Blomstedt
matt.blomstedt@nebraska.gov
Security Level: Email, Account Authentication
(Optional)

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Electronic Record and Signature Disclosure:
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Matthew Gotschall
mgotschall@ccneb.edu
Security Level: Email, Account Authentication
(Optional)

Matthew Gotschall

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**Signer Events**

Paul Illich  
 pillich@southeast.edu  
 Security Level: Email, Account Authentication  
 (Optional)

**Signature**


Signature Adoption: Drawn on Device  
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 Signed: 8/30/2022 1:48:33 PM

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Paul Turman  
 pturman@nscs.edu  
 Chancellor  
 Security Level: Email, Account Authentication  
 (Optional)



Signature Adoption: Pre-selected Style  
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Randy Schmailzl  
 rschmailzl@mccneb.edu  
 Security Level: Email, Account Authentication  
 (Optional)



Signature Adoption: Pre-selected Style  
 Using IP Address: 199.184.232.1

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**Electronic Record and Signature Disclosure:**  
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 ID: 1fbcbfd8-c203-435d-948a-61b542d5c939

Ryan Purdy  
 purdyr@mpcc.edu  
 Security Level: Email, Account Authentication  
 (Optional)



Signature Adoption: Uploaded Signature Image  
 Using IP Address: 72.15.174.2

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 Signed: 8/22/2022 9:04:17 AM

**Electronic Record and Signature Disclosure:**  
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 ID: 59dcbfab-9ddd-476d-96c0-0a26c4d5700b

Walter "Ted" Carter, Jr.  
 tcarter@nebraska.edu  
 President  
 Security Level: Email, Account Authentication  
 (Optional)



Signature Adoption: Drawn on Device  
 Using IP Address: 76.85.154.104  
 Signed using mobile

Sent: 8/19/2022 2:40:55 PM  
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 Signed: 8/19/2022 5:32:49 PM

**Electronic Record and Signature Disclosure:**  
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**In Person Signer Events****Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp**

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<b>Carbon Copy Events</b>	<b>Status</b>	<b>Timestamp</b>
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<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
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Certified Delivered	Security Checked	8/19/2022 4:43:30 PM
Signing Complete	Security Checked	8/19/2022 5:32:49 PM
<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
<b>Electronic Record and Signature Disclosure</b>		

University of Nebraska

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, Internet 2 OBO University of Nebraska - Lincoln (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

**How to contact Internet 2 OBO University of Nebraska - Lincoln:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [esignature@nebraska.edu](mailto:esignature@nebraska.edu)

**To advise Internet 2 OBO University of Nebraska - Lincoln of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [esignature@nebraska.edu](mailto:esignature@nebraska.edu) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

**To request paper copies from Internet 2 OBO University of Nebraska - Lincoln**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [esignature@nebraska.edu](mailto:esignature@nebraska.edu) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

**To withdraw your consent with Internet 2 OBO University of Nebraska - Lincoln**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [esignature@nebraska.edu](mailto:esignature@nebraska.edu) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Internet 2 OBO University of Nebraska - Lincoln as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Internet 2 OBO University of Nebraska - Lincoln during the course of your relationship with Internet 2 OBO University of Nebraska - Lincoln.

## NEBRASKA P-20W

### NSWERS AGREEMENT ESTABLISHING THE NEBRASKA STATEWIDE WORKFORCE & EDUCATIONAL REPORTING SYSTEM (NSWERS)

The parties to this Agreement are the Nebraska State Board of Education (Board of Education), the Board of Regents of the University of Nebraska (University), the Board of Trustees of the Nebraska State Colleges (State Colleges), the Nebraska Department of Labor (Department of Labor) and each of the six Nebraska Community Colleges (Central, Mid Plains, Metropolitan, Northeast, Southeast, and Western) (Community Colleges). The Parties are all public agencies within the meaning of Nebraska Revised Statutes §13-803.

#### I. PURPOSE

LB 1071 (2010) required the Nebraska State Board of Education, Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the board of governors of each community college area to enter into a Memorandum of Understanding to adopt a policy to share student data. LB 1071 is codified in the Nebraska Revised Statutes (§85-110 (University of Nebraska); §85-309 (Nebraska State College System); §79-776 (Nebraska Department of Education); §85-1511 (Nebraska Community Colleges)). The resulting Memorandum of Understanding for Sharing of Student Data between the Nebraska Department of Education, the University of Nebraska, the Nebraska State Colleges, and the Nebraska Community Colleges (herein the "MOU") established an agreement "to share student data for the purposes of evaluation of and research related to public prekindergarten, elementary, secondary, and postsecondary education to improve education in Nebraska" and is incorporated herein by reference and attached hereto as Exhibit "A". Nebraska Revised Statutes §48-611 and §48-612 require the Commissioner of Labor to take all appropriate steps to facilitate employment of individuals in Nebraska, assist in the vocational training of students, ensure accurate data concerning employment is maintained and to research and report on same. The joint entity created herein shall operate under the name of the Nebraska Statewide Workforce & Educational Reporting System (NSWERS) and shall supercede the MOU once executed by all parties to the agreement identified in Article III herein.

The purpose of this Agreement is to provide for a phased (preparation and implementation phase) undertaking to create a joint entity known as NSWERS. NSWERS will exist to provide optimized and secured access to accurate and reliable longitudinal student information to analysts and researchers to discover those

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policies, processes, and practices across students' academic involvement and transition into the workforce that best improve student outcomes.

NSWERS shall engage in activities including, but not limited to, overseeing and directing the operations, maintenance, and reporting of student data from the prekindergarten through postsecondary and workforce data warehouses. NSWERS shall further define, and may expand upon, the data to be shared and establish appropriate guidance as well.

## II. DEFINITION OF TERMS

The following terms shall have the following meanings unless the context or use indicates or requires another or different meaning or intent.

"NSWERS" shall mean the joint entity organized and operated pursuant to this Agreement, the full name of which is: Nebraska Statewide Workforce & Educational Reporting System.

"Executive Council" shall mean the Executive Council of NSWERS appointed as provided in Section IV hereof.

"Party" shall mean the Board of Education, University, Department of Labor, State Colleges and Community Colleges.

"Executive Council Member" shall mean a member of the Executive Council of the NSWERS.

"System" shall mean the rules, procedures, protocols, networks, software, hardware, principles, goals, guidance, and other instrumentalities used by NSWERS to fulfill the Purpose in Article I.

## III. PARTIES TO THIS AGREEMENT

The only Parties to this Agreement shall be the Board of Education, University, Department of Labor, State Colleges, and each of the six Community Colleges.

## IV. PHASED ESTABLISHMENT OF NSWERS

A. Phases. The Parties Agree that the initial execution of this Agreement initiates only the Preparation Phase portions of this Agreement and that the execution of the supplement to this Agreement in the form as attached in Exhibit B

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executed by all of the Parties is required to initiate the Implementation Phase of this Agreement.

B. **Joint Entity.** This agreement creates a joint administrative entity consistent with the provisions of Nebraska Revised Statute § 13-804(6) to be known as NSWERS. NSWERS shall be subject to the control of the Parties within the meaning of §13-804(6). NSWERS shall constitute a separate administrative entity, exercising the public powers granted by this Agreement and acting on behalf of the Parties. Each Party agrees to participate and engage in the phased activities of NSWERS as provided in this Agreement.

C. **Preparation Phase** begins with the execution of this Agreement by each Party and includes (i) the creation of NSWERS as an independent administrative government entity under the Nebraska Interlocal Cooperation Act to continue and complete the planning, design and approval of the System used for the purposes provided in Article I; (ii) proposal and approval of the initial annual budget for NSWERS; (iii) reviewing and updating the initial annual budget with the State of Nebraska and other funding sources for the Implementation of NSWERS; and (iv) risk management including appropriate insurance, indemnification and other provisions to assure that each Party is responsible for their own conduct without creating unnecessary joint and several exposures.

D. **Implementation Phase** shall include the execution of Exhibit B to this Agreement by each Party authorizing NSWERS to begin operation as a joint entity to provide optimized and secured access to accurate and reliable longitudinal student information for the purposes provided in Article I.

E. **The Executive Council** shall consist of five (5) members comprised of the following:

Commissioner of Education  
 President of the University of Nebraska  
 Commissioner of Labor  
 Chancellor of the Nebraska State College System  
 A President of one of the Nebraska Community Colleges

F. **Executive Council Members** other than the Nebraska Community College representative shall be appointed for such terms as shall be specified in the appointment and until their successors are appointed. The intent of the Parties is for Executive Council Members to serve for so long as they remain in their official capacity as stated in IV(B). The Nebraska Community College representative shall be elected by majority vote of the Presidents of participating Nebraska Community Colleges signatory to this document. Initial election of the representative for the Nebraska Community Colleges shall take place as soon as practicable after

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execution of this Agreement and no later than January 15<sup>th</sup> of each calendar year thereafter.

G. Executive Council Members shall serve without compensation from NSWERS.

H. A vacancy on the Executive Council shall be filled by the Party whose position on the Executive Council is vacant.

I. No Executive Council Member shall be eligible to vote during any period of time that the Party such Executive Council Member represents is in default on any amount owed to the NSWERS. During the existence of such default, the vote or votes of the Executive Council Members representing such Party shall not be counted as eligible votes for any purpose of this Agreement, or for the determination of a quorum to transact business.

#### V. POWERS AND DUTIES OF NSWERS

The powers and duties of the NSWERS shall include all powers which the Interlocal Cooperation Act confers upon the NSWERS to the extent that such powers are consistent with the purposes specified in Article I hereof and the Bylaws of NSWERS.

#### VI. FINANCIAL MATTERS

A. NSWERS shall not be operated for profit, but shall be operated in such manner as shall enhance the missions and welfare of the Parties. NSWERS shall operate on a fiscal year from July 1 to June 30 and shall establish an operating budget which shall include all revenue of every type and description and expenses of every type and description. Each Party shall pay for contracted services and shall make payments therefore as provided in such contract.

B. The Executive Council shall prepare and distribute to each Party on April 1 of each year a written estimate of the revenues and expenditures proposed for the subsequent fiscal year. Included within the written estimate of revenues and expenditures shall be a recommended funding amount needed and the proposed source for the same. The proposed budget must be unanimously approved by the voting members of the Executive Council. In the event all members do not unanimously approve the proposed budget on or before June 1 of each year, the Parties agree that the approved budget for the then-current fiscal year will be the budget for the subsequent fiscal year. In the event that unexpected conditions arise which cause any material increase to the overall budget, the Executive Council shall inform each Party in a timely manner. In the event that the Executive

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Council deems it necessary to seek additional funds, assets, or administrative services from the Parties, such request will be submitted in writing and reviewed within the budgeting framework and time constraints of each Party. Each Party reserves its authorization, appropriation, and other powers to approve any requested additional funds, assets, or administrative services.

(1) The University of Nebraska hereby commits to serving as the administrative lead in pursuing external sources funding for the costs associated with the NSWERS system in the first three fiscal years immediately following the execution of this Agreement (beginning July 1, 2019). In the event that the recommended amount of funding is not secured, the University of Nebraska shall hereby commit to provide funding in an amount not to exceed Two Million Dollars (\$2,000,000) in fiscal year one and funding in an amount not to exceed One Million Three Hundred Thousand Dollars (\$1,300,000) in fiscal year two and three, all said amounts to be subject to reduction by the amount of any funding provided by interlocal parties or any external funding received in each fiscal year.

(2) The University of Nebraska shall hereby commit to provide funding in an amount not to exceed One Million Three Hundred Thousand Dollars (\$1,300,000) per year for the purpose of continued funding and maintenance of the staffing and operating expenses associated with the operation of NSWERS beginning in the fourth fiscal year following execution of this Agreement. Said commitment shall be subject to reduction by the amount of any external funding received in any fiscal year and shall terminate in the event the recommended amount of funding to provide for the operation of NSWERS is secured from interlocal parties or external sources.

(3) Subsequent determinations regarding dedication of any funds or resources by any party will be based upon future grants, appropriations or other funding sources.

C. NSWERS shall keep or shall cause to be kept appropriate books and records with respect to all financial activities of the NSWERS. Such books and records will be available for inspection by any Party.

## VII. DURATION

This Agreement shall become effective upon execution by the Parties hereto and shall continue in effect indefinitely until it is terminated as herein provided.

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### VIII. TERMINATION AND DISPOSITION OF PROPERTY

At any time during which the NSWERS shall not have outstanding any bonds, notes or other evidences of indebtedness, this Agreement may be terminated by the unanimous action of the Parties and the NSWERS may be dissolved or liquidated.

Upon dissolution or liquidation, general assets of the NSWERS shall be sold and the proceeds thereof distributed to the Parties as determined by the Executive Council. Institutional or agency data submitted to NSWERS shall remain the property of the submitting institution or agency and is not a general asset of the entity. Institutional or agency data submitted to NSWERS shall be returned to the submitting institution or agency upon dissolution or liquidation of the entity; however, in the event return of submitted data is not feasible, said data shall be destroyed in a manner compliant with prevailing industry standard techniques. Data products derived from submitted data and reliant on personally identifiable information shall likewise be returned to the submitting institution or agency or shall be destroyed.

### IX. MISCELLANEOUS

A. Entire Agreement; Amendment. This Agreement, the Articles of NSWERS and the Bylaws contain the entire agreement of the Parties and shall be binding upon the successors and assigns of the respective Parties. All prior agreements and understandings between the Parties are hereby superseded. No amendment, deletion or addition shall be made to this Agreement except as agreed upon by all Parties in writing.

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

C. Conflict of Interest. No officer, employee, or agent of any of the Parties shall have any personal pecuniary interest, direct or indirect, arising out of or related to this Agreement.

D. Severability. The terms of this Agreement are severable. If any term or provision is declared by a court of competent jurisdiction to be illegal, void, or unenforceable, the remainder of the provisions shall continue to be valid and enforceable.

E. Nondiscrimination. No Party will discriminate against any employee, or applicant for employment to be employed in the performance of this Agreement, with respect to hire, tenure, terms, conditions, or privilege of employment because

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of the race, color, national origin, sex, sexual orientation, gender identity, marital status, disability, religion or age of the employee or applicant.

F. **Hold Harmless.** To the extent allowed by law, each Party (the "Indemnifying Party") shall assume all risk of loss and hold the other Parties, their employees, agents, assignees, and legal representatives harmless from all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments and all expenses incident thereto, for injuries to persons, for civil rights liability, and for loss of, damage to, or destruction of property arising out of or in connection with this Agreement and proximately caused by the negligent or intentional acts or omissions of the Indemnifying Party, its employees, agents, assignees or legal representatives.

G. **Insurance.** The Parties agree to separately maintain self-insurance coverage or a policy of general liability insurance in the amount of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate.

H. **Headings.** The captions or headings in this Agreement are for reference only and do not define, describe, extend, or limit the scope or intent of the Agreement.

I. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be an original, and which together shall constitute a single document.

I. **Notice.** All notices, consents, approvals, demands, requests or other communications required or permitted to be given under any of the provisions of this Agreement will be in writing and will be sent to the person(s) and address(es) set forth below via certified mail, hand delivery, overnight courier, or facsimile transmission (to the extent a facsimile number is set forth below). All such notices shall be effective when received.

If to Board of Education: Nebraska Department of Education  
c/o Commissioner of Education  
301 Centennial Mall South, 6<sup>th</sup> Floor  
P.O. Box 94987  
Lincoln, NE 68509-4987

with a copy to: Nebraska Department of Education  
c/o Office of Legal Services  
301 Centennial Mall South, 6<sup>th</sup> Floor  
P.O. Box 94987  
Lincoln, NE 68509-4987

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If to the University: University of Nebraska  
c/o President  
3835 Holdrege Street  
P.O. Box 830743  
Lincoln, NE 68583

with a copy to: University of Nebraska  
c/o Office of General Counsel  
3835 Holdrege Street  
P.O. Box 830743  
Lincoln, NE 68583

If to State Colleges: Nebraska State College System  
c/o Chancellor  
1327 H Street, Suite 200  
Lincoln, NE 68508

with a copy to: Nebraska State College System  
c/o Office of General Counsel  
1327 H Street, Suite 200  
Lincoln, NE 68508

If to Department of Labor: Nebraska Department of Labor  
c/o Commissioner  
550 South 16<sup>th</sup> Street  
Lincoln, NE 68508

with a copy to: Nebraska Department of Labor  
c/o Office of General Counsel  
550 South 16<sup>th</sup> Street  
Lincoln, NE 68508

If to Central CC: Central Community College  
c/o College President  
3134 W. Highway 34  
P.O. Box 4903  
Grand Island, NE 68802-4903

with a copy to: Central Community College  
 c/o Vice President for Administrative Services  
 3134 W. Highway 34  
 P.O. Box 4903  
 Grand Island, NE 68802-4903

If to Metropolitan CC: Mr. Randy Schmailzl  
 College President  
 Metropolitan Community College  
 P.O. Box 3777  
 Omaha, NE 68164

with a copy to: James R. Thibodeau  
 Associate Vice Chancellor for Compliance  
 and General Counsel  
 Metropolitan Community College  
 P.O. Box 3777  
 Omaha, NE 68164

If to Mid-Plains CC: Mr. Ryan Purdy  
 c/o Office of the President  
 Mid-Plains Community College  
 601 W. State Farm Road  
 North Platte, NE 69101

with a copy to: Michael Steele  
 c/o Vice President of Administrative Services  
 Mid-Plains Community College  
 1101 Halligan Drive  
 North Platte, NE 69101

If to Northeast CC: Northeast Community College  
 c/o Office of the President  
 801 East Benjamin Avenue  
 Norfolk, NE 68701

with a copy to: Northeast Community College  
 c/o Office of the Executive Vice President  
 801 East Benjamin Avenue  
 Norfolk, NE 68701

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If to Southeast CC: Southeast Community College  
c/o Office of the President  
301 South 68<sup>th</sup> Street Place  
Lincoln, NE 68510

with a copy to: Perry Law Firm  
c/o Rex R. Shultze  
233 South 13th Street, Suite 1400  
Lincoln, NE 68508

If to Western NE CC: Western Nebraska Community College  
c/o Office of the President  
1601 East 27<sup>th</sup> Street  
Scottsbluff, NE 69361

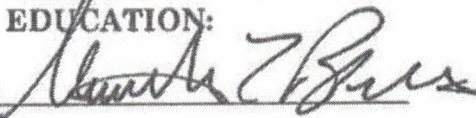
with a copy to: Dr. Nino Kalatozi  
Western Nebraska Community College  
1601 East 27<sup>th</sup> Street  
Scottsbluff, NE 69361

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their respective duly authorized officers this \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

By: 

THE NEBRASKA STATE BOARD OF EDUCATION:

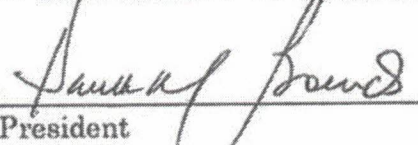
By: 

Commissioner

ATTEST:

By: 

THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA

By:   
President

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ATTEST:

THE NEBRASKA DEPARTMENT  
OF LABOR:

By: \_\_\_\_\_

By: \_\_\_\_\_  
Commissioner

ATTEST:

THE BOARD OF TRUSTEES OF  
THE NEBRASKA STATE COLLEGES

By: \_\_\_\_\_

By: Paul Turner  
Chancellor

ATTEST:

THE BOARD OF GOVERNORS OF  
CENTRAL COMMUNITY COLLEGE

By: \_\_\_\_\_

By: [Signature]  
President

ATTEST:

THE BOARD OF GOVERNORS OF  
METROPOLITAN COMMUNITY  
COLLEGE

By: \_\_\_\_\_

By: \_\_\_\_\_  
President

ATTEST:

THE BOARD OF GOVERNORS OF  
MID-PLAINS COMMUNITY COLLEGE

By: \_\_\_\_\_

By: [Signature]  
President

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ATTEST:

THE BOARD OF GOVERNORS OF  
NORTHEAST COMMUNITY COLLEGE

By: Deanne M. Rebojka

By: Mary R. Horbe  
President

ATTEST:

THE BOARD OF GOVERNORS OF  
SOUTHEAST COMMUNITY COLLEGE

By: \_\_\_\_\_

By: [Signature]  
President

ATTEST:

THE BOARD OF GOVERNORS OF  
WESTERN NEBRASKA COMMUNITY  
COLLEGE

By: Susan L. Verbeck

By: J. Lynn Roberts  
President

## EXHIBIT "A"

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Memorandum of Understanding for Sharing of Student Data  
between the Nebraska Department of Education, the University of Nebraska,  
the Nebraska State Colleges, and the Nebraska Community Colleges

The Nebraska State Board of Education, the Board of Regents for the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the Board of Governors for each Community College Area (hereinafter "Organizations") agree to share student data for the purposes of evaluation of and research related to public prekindergarten, elementary, secondary, and postsecondary education to improve education in Nebraska.

The Organizations agree to share data in a manner that safeguards the confidentiality of personally identifiable information in students' education records as defined by the federal Family Education Rights and Privacy Act (FERPA) and any other applicable federal or state laws and regulations. FERPA establishes restrictions on the disclosure and re-disclosure of personally identifiable information in students' education records without the written consent of the parent or eligible student. FERPA permits student information to be used by state educational authorities for the purposes of the evaluation of state or federally supported education programs, and/or conducting research for or on behalf of the state supported schools to improve education.

The Organizations agree to share certain student data under the following stipulations:

1. The Organizations agree to provide individual student data including, but not limited to; demographic, enrollment and completion/degree information.
2. The data, including any personally identifiable student information, will be used for the purposes of evaluating the state's education system, including the prekindergarten through postsecondary levels, and researching the same to improve instruction and education, to align resources to strategic objectives, to inform educational policy development, and to ascertain the attainment of state educational goals.
3. The student data will be maintained in a secure environment by the Organizations and shall not be shared with other parties, entities, or state agencies except as provided herein.
4. The individual student data will not be released outside any of the participating Organizations unless otherwise permitted by law.
5. The participating Organizations will maintain a record of those individuals who are allowed access to the data and shall assure that each person is fully cognizant of the restrictions placed upon use of the data and the restrictions upon its disclosure.

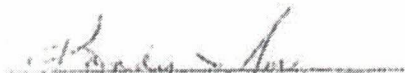
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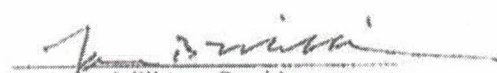
6. The participating Organizations will limit access to student data to those authorized officials, employees and agents of a participating Organization who require the data to develop, share, maintain, analyze and evaluate information for the purposes outlined in this agreement.
7. No external release of reports or information based on the data will include any information that is determined to likely constitute personally identifiable information from an education record of a student unless such release is allowed by FERPA.
8. No compensation will be exchanged between the Organizations for participation in this agreement.
9. The Nebraska Department of Education will maintain the prekindergarten through postsecondary data warehouse to carry out the purposes of this agreement.
10. The Organizations agree that decisions related to the creation, operations, maintenance, and reporting of student data from the prekindergarten through postsecondary data warehouse will be carried out by the data governing council created herein with the following representation:
  - a. Commissioner of Education, or his or her designee;
  - b. President of the University of Nebraska, or his or her designee;
  - c. Chancellor of the Nebraska State College System, or his or her designee;
  - and
  - d. The Executive Director of the Nebraska Community College Association or successor organization, or his or her designee.


The data governing council shall further define, and may expand upon, the data to be shared. Any reports generated with data from the data warehouse will be reviewed by the data governing council prior to their release. The data governing council will establish appropriate guidance and a process regarding timely submission of data release reports so that adequate time is allowed for review of any report prior to the release date of a report.

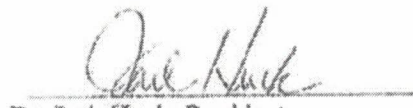
11. This agreement shall take effect upon completion of signatures and remain in effect unless amended by all the Organizations.


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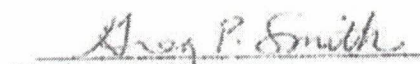
  
Kandy Imes, President  
Nebraska State Board of Education

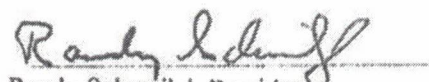
  
James B. Milliken, President  
University of Nebraska

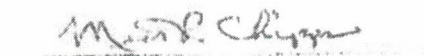
  
Stan Carpenter, Chancellor  
Nebraska State Colleges

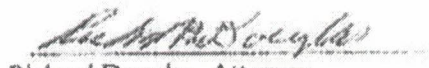
  
Dr. Jack Huck, President  
Southeast Community College

  
Dr. Bill Path, President  
Northeast Community College

  
Dr. Greg Smith, President  
Central Community College

  
Randy Schmailzl, President  
Metropolitan Community College

  
Dr. Michael Chipps, President  
Mid-Plains Community College

  
Richard Douglas, Attorney  
Western Nebraska Community  
College

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EXHIBIT "B"

ATTACHMENT TO NSWERS AGREEMENT ESTABLISHING THE NEBRASKA STATEWIDE WORKFORCE & EDUCATIONAL REPORTING SYSTEM (NSWERS)

The undersigned, a public agency within the meaning of Nebraska Revised Statutes §13-803 executes the attached NSWERS Agreement Establishing the Nebraska Statewide Workforce & Educational Reporting System initiating the Implementation Phase this \_\_\_ day of \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their respective duly authorized officers this \_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

THE NEBRASKA STATE BOARD OF EDUCATION:

By: [Signature]

By: [Signature]  
Commissioner

ATTEST:

THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA

By: [Signature]

By: [Signature]  
President

ATTEST:

THE NEBRASKA DEPARTMENT OF LABOR:

By: \_\_\_\_\_

By: \_\_\_\_\_  
Commissioner

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ATTEST:

THE BOARD OF TRUSTEES OF  
THE NEBRASKA STATE COLLEGES

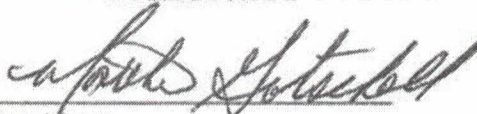
By: \_\_\_\_\_

By: \_\_\_\_\_  
Chancellor

ATTEST:

THE BOARD OF GOVERNORS OF  
CENTRAL COMMUNITY COLLEGE

By: \_\_\_\_\_

By:   
President

ATTEST:

THE BOARD OF GOVERNORS OF  
METROPOLITAN COMMUNITY  
COLLEGE

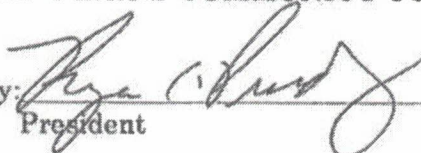
By: \_\_\_\_\_

By: \_\_\_\_\_  
President

ATTEST:

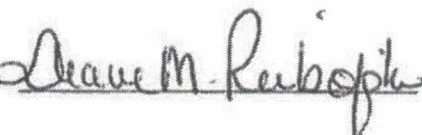
THE BOARD OF GOVERNORS OF  
MID-PLAINS COMMUNITY COLLEGE

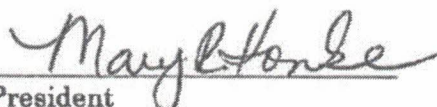
By: \_\_\_\_\_

By:   
President

ATTEST:

THE BOARD OF GOVERNORS OF  
NORTHEAST COMMUNITY COLLEGE

By: 

By:   
President

7 9 0 4 3

**ATTEST:**

**THE BOARD OF GOVERNORS OF  
SOUTHEAST COMMUNITY COLLEGE**

By: \_\_\_\_\_

By: \_\_\_\_\_  
President

**ATTEST:**

**THE BOARD OF GOVERNORS OF  
WESTERN NEBRASKA COMMUNITY  
COLLEGE**

By: \_\_\_\_\_

By: \_\_\_\_\_  
President

**NEBRASKA P-20W****NEBRASKA STATEWIDE WORKFORCE &  
EDUCATIONAL REPORTING SYSTEM (NSWERS)****NSWERS BYLAWS****ARTICLE I****ESTABLISHMENT OF JOINT ENTITY**

Section 1.1. Establishment and Name. LB 1071 (2010) required the Nebraska State Board of Education, Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the board of governors of each community college area to enter into a Memorandum of Understanding to adopt a policy to share student data. LB1071 is codified in the Nebraska Revised Statutes (§85-110 (University of Nebraska); §85-309 (Nebraska State College System); §79-776 (Nebraska Department of Education); §85-1511 (Nebraska Community Colleges)). The resulting Memorandum of Understanding for Sharing of Student Data between the Nebraska Department of Education, the University of Nebraska, the Nebraska State Colleges, and the Nebraska Community Colleges (herein the "MOU") established an agreement "to share student data for the purposes of evaluation of and research related to public pre-kindergarten, elementary, secondary, and postsecondary education to improve education in Nebraska" and is incorporated herein by reference. Nebraska Revised Statutes §48-611 and §48-612 require the Commissioner of Labor to take all appropriate steps to facilitate employment of individuals in Nebraska, assist in the vocational training of students, ensure accurate data concerning employment is maintained and to research and report on same. The data governing council created herein shall operate under the name of the Nebraska Statewide Workforce & Educational Reporting System (NSWERS).

**Section 1.2 Definitions.**

Section 1.2.1 "President" shall mean the President of NSWERS as appointed pursuant to Section 4.2 herein.

Section 1.2.2 "Vice President" shall mean the Vice President of NSWERS as appointed pursuant of Section 4.3 herein.

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Section 1.3. Members of NSWERS. The membership of NSWERS shall include signatories to the MOU and the Nebraska Department of Labor (herein the "Participating Agencies"). The initial membership of NSWERS is identified on Exhibit "A" attached hereto.

Section 1.4. New Members. Prospective members of NSWERS may be nominated by any Participating Agency, and new members will be added with unanimous approval by NSWERS Executive Council.

Section 1.5. Powers and Duties. NSWERS shall make decisions related to the creation, operations, maintenance, and reporting of student data from the prekindergarten through postsecondary and workforce data warehouses. NSWERS shall further define, and may expand upon, the data to be shared and establish appropriate guidance.

Section 1.6. Principal Office. The principal office of NSWERS is the University of Nebraska Central Administration, 3835 Holdrege Street, Lincoln, Nebraska 68583-0743. Meetings shall be conducted at the President of NSWERS' institutional offices or as the Executive Council members may designate from time to time.

## ARTICLE II EXECUTIVE COUNCIL AND COMMITTEES

Section 2.1. Executive Council Membership. The Participating Agencies shall be represented by a council of five (5) representative members comprised of the Commissioner of Education, President of the University of Nebraska, Commissioner of Labor, Chancellor of the Nebraska State College System, and a President of one of the Nebraska Community Colleges (herein the "Executive Council"). The representative for the Nebraska Community Colleges shall be elected by majority vote of the Presidents of participating Nebraska Community Colleges signatory to the Agreement establishing NSWERS. Initial election of the representative for the Nebraska Community Colleges shall take place as soon as practicable after execution of the NSWERS Agreement and no later than January 15th of each calendar year thereafter.

Section 2.2. Duties. Subject to Section 3.5 hereinafter elaborated, the Executive Council shall define and prioritize the high-level objectives, policies and operating

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parameters of NSWERS. Specific duties include: maintain overall responsibility and authority over NSWERS; designate a President, Vice-President and Secretary-Treasurer; secure funding, resources and support for the NSWERS system and staff; approve the budget and annual plan for NSWERS; approve NSWERS policies and procedures; establish expectations and priorities for the research agenda; solicit and organize non-voting members of the Advisory Committee; and appoint representatives.

Section 2.3. Term. Each Executive Council member shall hold membership until their successor is designated, elected or appointed by their respective Participating Agency or Agencies.

Section 2.4. Removal and Vacancies. Executive Council members may only be removed by their respective Participating Agency or Agencies. Any vacancies shall be promptly filled by designation, election or appointment of the respective Participating Agencies.

Section 2.5. Compensation. The Executive Council members shall not be compensated for their services.

Section 2.6. Committees of the Executive Council. NSWERS, by resolution of the majority of the Executive Council members at which a quorum is present, may establish committees that may exercise specific duties of NSWERS. Such committees shall at all times be subject to the direction and control of the Executive Council. Committee members shall be appointed by the affirmative vote of a majority of the Executive Council members present. A majority of members of any committee shall constitute a quorum for the transaction of business at a meeting of such committee. In other matters of procedure, the provisions of these Bylaws shall apply to committees and members thereof to the same extent they apply to the Executive Council. The designation of any committee and the delegation thereto of authority shall not operate to relieve NSWERS of any responsibility of NSWERS.

Section 2.6.1 Advisory Committee. NSWERS shall have a standing advisory committee of stakeholders comprised of membership selected from outside of the Participating Agencies to make recommendations to inform NSWERS' objectives (herein the "Advisory Committee"). The Advisory Committee shall be subject to the provisions of Section 2.6 above.

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Section 2.6.2 Management Committee. NSWERS shall have a standing management committee comprised of representative members of NSWERS responsible for operational management and advancing NSWERS' agenda and initiatives at the direction of the Executive Council (herein the "Management Committee"). The Management Committee shall be subject to the provisions of Section 2.6 above.

Section 2.6.3 Technology Committee. NSWERS shall have a standing technology committee responsible for architecting and governing the data warehouse and the connection to data sources at the direction of the Management Committee (herein the "Technology Committee"). The Technology Committee shall be subject to the provisions of Section 2.6 above.

Section 2.6.4 Research Review Committee. NSWERS shall have a standing research review committee responsible for reviewing research requests within the context of the research agenda at the direction of the Management Committee (herein the "Research Review Committee"). The Research Review Committee shall be subject to the provisions of Section 2.6 above.

Section 2.6.5 Other Committees. Additional committees having and exercising the authority of NSWERS may be established by the Executive Council as set forth in Section 2.6.

### ARTICLE III MEETINGS OF NSWERS

Section 3.1. First Meeting. The Commissioner of the Nebraska Department of Education shall convene the first meeting of the Executive Council.

Section 3.2. Regular Meetings. The Executive Council shall meet at least two times annually. Meetings shall be held at the President's institutional offices or at such other place the Executive Council may designate.

Section 3.3. Special Meetings. Special meetings may be called from time to time with the approval of the President and Vice President of NSWERS.

Section 3.4. Notice of Meetings. Notice of the time and place of regular and special Executive Council meetings will be given to the membership by electronic mail and

published on NSWERS' web page. NSWERS will comply with the applicable provision of the Open Meetings Act (Nebraska Revised Statutes §§84-1407 to 84-1414) for all Executive Council regular or special meetings.

Section 3.5. Quorum. A majority of the representative members shall constitute a quorum for the transaction of business of any meeting of the Executive Council. An affirmative vote of a majority of all members of the Executive Council qualified to serve and vote at said time shall be required for the adoption of any resolution unless otherwise provided by law or these Bylaws. In all other matters a majority of those present at the meeting shall control action of NSWERS.

Section 3.6. Acts of NSWERS. Except as otherwise required by Nebraska law or specified in these Bylaws, NSWERS shall take action by the affirmative vote of the majority of the representative members comprising the Executive Council, who shall be entitled to one (1) vote on each matter submitted to a vote.

Section 3.7. Presumption of Assent. A member of the Executive Council who is present at a meeting of the Executive Council at which action on any matter is taken shall be presumed to have assented to the action taken unless their dissent is entered in the minutes of the meeting or unless they file a written dissent with the President.

#### ARTICLE IV OFFICERS OF NSWERS

Section 4.1 Number. The officers of NSWERS shall be a President, Vice President, and Secretary-Treasurer, and such other officers as the Executive Council may deem appropriate.

Section 4.2. President of NSWERS. There shall be a President of NSWERS who shall serve for two years and rotate among the Nebraska Department of Education, the University of Nebraska, the Nebraska Department of Labor, the Nebraska State Colleges, and the Nebraska Community Colleges. The President shall be the principal executive officer of NSWERS and shall preside at all meetings of the Executive Council. Establishment of the order of rotation shall be conducted in accordance with Section 3.5 herein.

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Section 4.3 Vice President. The Vice President shall be the member who will serve as President in the next two-year term. In the absence of the President, or in the event of his or her refusal to act, the Vice President shall perform the duties of the President and, in general perform all the duties incident to the office of Vice President as the Executive Council may assign.

Section 4.4 Secretary-Treasurer. The Secretary-Treasurer shall be elected by the Executive Council at its initial meeting. The Secretary-Treasurer shall maintain minutes of the proceedings of the Executive Council; see that all notices are given in accordance with these Bylaws or as required by law; shall be the custodian of all books, records, papers, and property of NSWERS; shall have charge of custody and be responsible for all funds of NSWERS; and in general shall perform all the duties incident to the office of Secretary-Treasurer and such other duties as the Executive Council may assign.

Section 4.5 Term of Service. The term of service of the officers shall be two years.

Section 4.6 Compensation. Officers of NSWERS shall not be compensated for their service.

#### ARTICLE V CONTRACTS, CHECKS, AND DEPOSITS

Section 5.1 Contracts. The Executive Council may authorize any officer or agent of NSWERS to enter into any contract or execute and deliver any instrument in the name of and on behalf of NSWERS, and such authority may be general or confined to specific instances.

Section 5.2 Checks, Drafts, and Orders for the Payment of Money. All checks, drafts, or orders for payment of money, notes or other evidences of indebtedness issued in the name of NSWERS shall be signed by such officer or officers, agent or agents of NSWERS and in such a manner as shall from time to time be determined by resolution of the Executive Council. In the absence of such determination by the Executive Council, such instruments shall be signed by the President of NSWERS.

Section 5.3 Deposits. All funds of NSWERS shall be deposited and be secured in the same manner as public funds to the credit of the NSWERS in such banks or banks as the Executive Council may select.

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ARTICLE VI  
GENERAL PROVISIONS

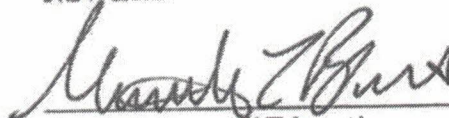
Section 6.1. Amendments. These Bylaws may be amended or repealed and new Bylaws may be adopted by the affirmative vote of the majority of the representative members at any regular or special meeting, provided that at least ten (10) days written notice is given of the intention to adopt new Bylaws or alter, amend or repeal the existing Bylaws at such meeting.

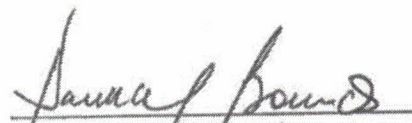
Section 6.2. Records. NSWERS shall keep records and minutes of the proceedings of the meetings and actions of the Executive Council and of the committees of the Executive Council. The minutes of each meeting shall be reviewed and approved at each regular meeting of the Executive Council. If a special meeting occurs, minutes of that meeting shall be reviewed and approved at the next regular meeting of the Executive Council. The records and minutes of the Executive Council shall be available on NSWERS web page.

Section 6.3. Resolution of Inconsistencies. In the Event of a conflict or inconsistency between the NSWERS Agreement establishing the Nebraska Statewide Workforce & Educational Reporting System (NSWERS) and the terms of the NSWERS Bylaws created herein, the Agreement establishing NSWERS shall govern.

Approved and adopted by unanimous action of the NSWERS Executive Council present on \_\_\_\_\_, 2019.

NSWERS

  
\_\_\_\_\_  
Commissioner of Education

  
\_\_\_\_\_  
University of Nebraska,  
President

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Commissioner of Labor

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Nebraska State College System,  
Chancellor

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Nebraska Community College  
Representative

17 9 0 4 3

**EXHIBIT A**  
**MEMBERS OF THE NEBRASKA STATEWIDE WORKFORCE &  
EDUCATIONAL REPORTING SYSTEM (NSWERS)**

Nebraska Department of Education

University of Nebraska

Nebraska Department of Labor

Nebraska State College System

Central Community College

Metropolitan Community College

Mid-Plains Community College

Northeast Community College

Southeast Community College

Western Nebraska Community College

## NEBRASKA P-20W

### NSWERS FIRST AMENDED AND RESTATED AGREEMENT ESTABLISHING THE NEBRASKA STATEWIDE WORKFORCE & EDUCATIONAL REPORTING SYSTEM (NSWERS)

This First Amended and Restated Agreement (this "Agreement") is entered into by and among the Nebraska State Board of Education (Board of Education), the Board of Regents of the University of Nebraska (University), the Board of Trustees of the Nebraska State Colleges (State Colleges), and each of the six Nebraska Community Colleges (Central, Mid Plains, Metropolitan, Northeast, Southeast, and Western) (Community Colleges) (collectively, the "Parties"). The Parties are all public agencies within the meaning of Nebraska Revised Statutes §13-803. Upon execution, this Agreement amends and restates the original interlocal agreement establishing the Nebraska Statewide Workforce & Educational Reporting System (NSWERS), entered into among the Parties on or about October 8, 2019.

#### I. PURPOSE

LB 1071 (2010) required the Nebraska State Board of Education, Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the board of governors of each community college area to enter into a Memorandum of Understanding to adopt a policy to share student data. LB 1071 is codified in the Nebraska Revised Statutes (§85-110 (University of Nebraska); §85-309 (Nebraska State College System); §79-776 (Nebraska Department of Education); §85-1511 (Nebraska Community Colleges)). The resulting Memorandum of Understanding for Sharing of Student Data between the Nebraska Department of Education, the University of Nebraska, the Nebraska State Colleges, and the Nebraska Community Colleges (herein the "MOU") established an agreement "to share student data for the purposes of evaluation of and research related to public prekindergarten, elementary, secondary, and postsecondary education to improve education in Nebraska" and is incorporated herein by reference and attached hereto as Exhibit "A". The joint entity created herein shall operate under the name of the Nebraska Statewide Workforce & Educational Reporting System (NSWERS) and shall supercede the MOU once executed by all parties to the agreement identified in Article III herein.

The purpose of this Agreement is to provide for a phased (preparation and implementation phase) undertaking to create a joint entity known as NSWERS. NSWERS will exist to provide optimized and secured access to accurate and reliable longitudinal student information to analysts and researchers to discover those

policies, processes, and practices across students' academic involvement and transition into the workforce that best improve student outcomes.

NSWERS shall engage in activities including, but not limited to, overseeing and directing the operations, maintenance, and reporting of student data from the prekindergarten through postsecondary and workforce data warehouses. NSWERS shall further define, and may expand upon, the data to be shared and establish appropriate guidance as well.

## II. DEFINITION OF TERMS

The following terms shall have the following meanings unless the context or use indicates or requires another or different meaning or intent.

“NSWERS” shall mean the joint entity organized and operated pursuant to this Agreement, the full name of which is: Nebraska Statewide Workforce & Educational Reporting System.

“Executive Council” shall mean the Executive Council of NSWERS appointed as provided in Section IV hereof.

“Party” shall mean the Board of Education, University, State Colleges and Community Colleges.

“Executive Council Member” shall mean a member of the Executive Council of the NSWERS.

“System” shall mean the rules, procedures, protocols, networks, software, hardware, principles, goals, guidance, and other instrumentalities used by NSWERS to fulfill the Purpose in Article I.

## III. PARTIES TO THIS AGREEMENT

The only Parties to this Agreement shall be the Board of Education, University, State Colleges, and each of the six Community Colleges.

## IV. ESTABLISHMENT OF NSWERS

A. Joint Entity. This agreement creates a joint administrative entity consistent with the provisions of Nebraska Revised Statute § 13-804(6) to be known as NSWERS. NSWERS shall be subject to the control of the Parties within the meaning of §13-804(6). NSWERS shall constitute a separate administrative entity, exercising the public powers granted by this Agreement and acting on behalf of the Parties. Each Party agrees to participate and engage in the phased activities of

NSWERS as provided in this Agreement.

B. The execution of this Agreement by each Party facilitates (i) the creation of NSWERS as an independent administrative government entity under the Nebraska Interlocal Cooperation Act to continue and complete the planning, design and approval of the System used for the purposes provided in Article I; (ii) approval of the annual budget for NSWERS; (iii) reviewing and updating the initial annual budget with the State of Nebraska and other funding sources for the implementation of NSWERS; and (iv) risk management including appropriate insurance, indemnification and other provisions to assure that each Party is responsible for their own conduct without creating unnecessary joint and several exposures.

C. Execution of Exhibit B to this Agreement by each Party authorizes NSWERS to begin operation as a joint entity to provide optimized and secured access to accurate and reliable longitudinal student information for the purposes provided in Article I.

D. The Executive Council shall consist of four (4) members comprised of the following:

Commissioner of Education  
 President of the University of Nebraska  
 Chancellor of the Nebraska State College System  
 A President of one of the Nebraska Community Colleges

A. Executive Council Members other than the Nebraska Community College representative shall be appointed for such terms as shall be specified in the appointment and until their successors are appointed. The intent of the Parties is for Executive Council Members to serve for so long as they remain in their official capacity as stated in IV(A). The Nebraska Community College representative shall be elected by majority vote of the Presidents of participating Nebraska Community Colleges signatory to this document. Election of the representative for the Nebraska Community Colleges shall take place

no later than January 15<sup>th</sup> of each calendar year.

E. Executive Council Members shall serve without compensation from NSWERS.

F. A vacancy on the Executive Council shall be filled by the Party whose position on the Executive Council is vacant.

G. No Executive Council Member shall be eligible to vote during any period of time that the Party such Executive Council Member represents is in default on any amount owed to the NSWERS. During the existence of such default, the vote or votes of the Executive Council Members representing such Party shall not be counted as eligible votes for any purpose of this Agreement, or for the determination of a quorum to transact business.

#### V. POWERS AND DUTIES OF NSWERS

The powers and duties of the NSWERS shall include all powers which the Interlocal Cooperation Act confers upon the NSWERS to the extent that such powers are consistent with the purposes specified in Article I hereof and the Bylaws of NSWERS.

#### VI. FINANCIAL MATTERS

A. NSWERS shall not be operated for profit, but shall be operated in such manner as shall enhance the missions and welfare of the Parties. NSWERS shall operate on a fiscal year from July 1 to June 30 and shall establish an operating budget which shall include all revenue of every type and description and expenses of every type and description. Each Party shall pay for contracted services and shall make payments therefore as provided in such contract.

B. The Executive Council shall prepare and distribute to each Party on April 1 of each year a written estimate of the revenues and expenditures proposed for the subsequent fiscal year. Included within the written estimate of revenues and expenditures shall be a recommended funding amount needed and the proposed source for the same. The proposed budget must be unanimously approved by the voting members of the Executive Council. In the event that unexpected conditions arise which cause any material increase to the overall budget, the Executive Council shall inform each Party in a timely manner. In the event that the Executive

Council deems it necessary to seek additional funds, assets, or administrative services from the Parties, such request will be submitted in writing and reviewed within the budgeting framework and time constraints of each Party. Each Party reserves its authorization, appropriation, and other powers to approve any requested additional funds, assets, or administrative services.

(1) The Executive Council commits to serving as the lead in pursuing external sources funding for the costs associated with the NSWERS system (beginning July 1, 2022). In the event that the recommended amount of funding is not secured, the Executive Council shall inform the Parties as soon as possible.

(2) Subsequent determinations regarding dedication of any funds or resources by any party will be based upon future grants, appropriations or other funding sources.

C. NSWERS shall keep or shall cause to be kept appropriate books and records with respect to all financial activities of the NSWERS. Such books and records will be available for inspection by any Party.

## VII. DURATION

This Agreement shall become effective upon execution by the Parties hereto and shall continue in effect indefinitely until it is terminated as herein provided.

### VIII. TERMINATION AND DISPOSITION OF PROPERTY

At any time during which the NSWERS shall not have outstanding any bonds, notes or other evidences of indebtedness, this Agreement may be terminated by the unanimous action of the Parties and the NSWERS may be dissolved or liquidated.

Upon dissolution or liquidation, general assets of the NSWERS shall be sold and the proceeds thereof distributed to the Parties as determined by the Executive Council. Institutional or agency data submitted to NSWERS shall remain the property of the submitting institution or agency and is not a general asset of the entity. Institutional or agency data submitted to NSWERS shall be returned to the submitting institution or agency upon dissolution or liquidation of the entity; however, in the event return of submitted data is not feasible, said data shall be destroyed in a manner compliant with prevailing industry standard techniques. Data products derived from submitted data and reliant on personally identifiable information shall likewise be returned to the submitting institution or agency or shall be destroyed.

### IX. MISCELLANEOUS

A. Entire Agreement; Amendment. This Agreement, the Articles of NSWERS and the Bylaws contain the entire agreement of the Parties and shall be binding upon the successors and assigns of the respective Parties. All prior agreements and understandings between the Parties are hereby superseded. No amendment, deletion or addition shall be made to this Agreement except as agreed upon by all Parties in writing.

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

C. Conflict of Interest. No officer, employee, or agent of any of the Parties shall have any personal pecuniary interest, direct or indirect, arising out of or related to this Agreement.

D. Severability. The terms of this Agreement are severable. If any term or provision is declared by a court of competent jurisdiction to be illegal, void, or unenforceable, the remainder of the provisions shall continue to be valid and enforceable.

E. Nondiscrimination. No Party will discriminate against any employee, or applicant for employment to be employed in the performance of this Agreement, with respect to hire, tenure, terms, conditions, or privilege of employment because

of the race, color, national origin, sex, sexual orientation, gender identity, marital status, disability, religion or age of the employee or applicant.

F. **Hold Harmless.** To the extent allowed by law, each Party (the "Indemnifying Party") shall assume all risk of loss and hold the other Parties, their employees, agents, assignees, and legal representatives harmless from all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments and all expenses incident thereto, for injuries to persons, for civil rights liability, and for loss of, damage to, or destruction of property arising out of or in connection with this Agreement and proximately caused by the negligent or intentional acts or omissions of the Indemnifying Party, its employees, agents, assignees or legal representatives.

G. **Insurance.** The Parties agree to separately maintain self-insurance coverage or a policy of general liability insurance in the amount of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate.

H. **Headings.** The captions or headings in this Agreement are for reference only and do not define, describe, extend, or limit the scope or intent of the Agreement.

I. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be an original, and which together shall constitute a single document.

J. **Notice.** All notices, consents, approvals, demands, requests or other communications required or permitted to be given under any of the provisions of this Agreement will be in writing and will be sent to the person(s) and address(es) set forth below via certified mail, hand delivery, overnight courier, or facsimile transmission (to the extent a facsimile number is set forth below). All such notices shall be effective when received.

If to Board of Education: Nebraska Department of Education  
c/o Commissioner of Education  
500 S. 84<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Lincoln, NE 68510-2611

with a copy to: Nebraska Department of Education  
c/o Office of Legal Services  
500 S. 84<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Lincoln, NE 68510-2611

If to the University: University of Nebraska  
c/o President  
3835 Holdrege Street  
P.O. Box 830743  
Lincoln, NE 68583

with a copy to: University of Nebraska  
c/o Office of General Counsel  
3835 Holdrege Street  
P.O. Box 830743  
Lincoln, NE 68583

If to State Colleges: Nebraska State College System  
c/o Chancellor  
1327 H Street, Suite 200  
Lincoln, NE 68508

with a copy to: Nebraska State College System  
c/o Office of General Counsel  
1327 H Street, Suite 200  
Lincoln, NE 68508

If to Central CC: Central Community College  
c/o College President  
3134 W. Highway 34  
P.O. Box 4903  
Grand Island, NE 68802-4903

with a copy to: Central Community College  
 c/o Vice President for Administrative Services  
 3134 W. Highway 34  
 P.O. Box 4903  
 Grand Island, NE 68802-4903

If to Metropolitan CC: Metropolitan Community College

College President

P.O. Box 3777  
 Omaha, NE 68164

with a copy to: Metropolitan Community College  
 Associate Vice Chancellor for Compliance  
 and General Counsel  
 Metropolitan Community College  
 P.O. Box 3777  
 Omaha, NE 68164

If to Mid-Plains CC: Mid-Plains Community College  
 President  
 601 W. State Farm Road  
 North Platte, NE 69101

with a copy to: Mid-Plains Community College  
 Vice President of Administrative Services  
 1101 Halligan Drive  
 North Platte, NE 69101

If to Northeast CC: Northeast Community College  
 c/o Office of the President  
 801 East Benjamin Avenue  
 Norfolk, NE 68701

with a copy to: Northeast Community College  
 c/o Office of the Executive Vice President  
 801 East Benjamin Avenue  
 Norfolk, NE 68701

If to Southeast CC: Southeast Community College  
c/o Office of the President  
301 South 68<sup>th</sup> Street Place  
Lincoln, NE 68510

with a copy to: Perry Law Firm  
c/o Rex R. Shultze  
233 South 13th Street, Suite 1400  
Lincoln, NE 68508

If to Western NE CC: Western Nebraska Community College  
c/o Office of the President  
1601 East 27<sup>th</sup> Street  
Scottsbluff, NE 69361

with a copy to: Dr. Nino Kalatozi  
Western Nebraska Community College  
1601 East 27<sup>th</sup> Street  
Scottsbluff, NE 69361

IN WITNESS WHEREOF, the parties hereto have executed this Agreement  
by their respective duly authorized officers this \_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

**THE NEBRASKA STATE BOARD  
OF EDUCATION:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Commissioner

**ATTEST:**

**THE BOARD OF REGENTS OF  
THE UNIVERSITY OF NEBRASKA**

By: \_\_\_\_\_

By: \_\_\_\_\_

President

**ATTEST:**

**THE BOARD OF TRUSTEES OF  
THE NEBRASKA STATE COLLEGES**

By: \_\_\_\_\_

By: \_\_\_\_\_  
Chancellor

**ATTEST:**

**THE BOARD OF GOVERNORS OF  
CENTRAL COMMUNITY COLLEGE**

By: \_\_\_\_\_

By: \_\_\_\_\_  
President

**ATTEST:**

**THE BOARD OF GOVERNORS OF  
METROPOLITAN COMMUNITY  
COLLEGE**

By: \_\_\_\_\_

By: \_\_\_\_\_  
President

**ATTEST:**

**THE BOARD OF GOVERNORS OF  
MID-PLAINS COMMUNITY COLLEGE**

By: \_\_\_\_\_

By: \_\_\_\_\_  
President

**ATTEST:**

**THE BOARD OF GOVERNORS OF  
NORTHEAST COMMUNITY COLLEGE**

By: \_\_\_\_\_

By: \_\_\_\_\_  
President

**ATTEST:**

**THE BOARD OF GOVERNORS OF  
SOUTHEAST COMMUNITY COLLEGE**

By: \_\_\_\_\_

By: \_\_\_\_\_  
President

**ATTEST:**

**THE BOARD OF GOVERNORS OF  
WESTERN NEBRASKA COMMUNITY  
COLLEGE**

By: \_\_\_\_\_

By: \_\_\_\_\_  
President

Appendix B

March 22, 2021

TO: Brenda Owen, Assistant Vice President for Business & Finance, NU  
FROM: Matthew L. Blomstedt, Commissioner of Education  
RE: NDE 3-Year Contribution to NSWERS Budget

Please accept this memorandum as a financial commitment from the Nebraska Department of Education (NDE) to support the Nebraska Statewide Workforce & Educational Reporting System (NSWERS) for three years FY2022 – FY2024.

NDE is committed to providing the following support for this important program:

<b>Fiscal Year</b>	<b>Contribution to the NSWERS Budget</b>
FY 2021	\$ --
FY 2022	\$135,417
FY 2023	\$139,480
FY 2024	\$143,664
Total	\$418,561

It is our understanding this funding will be used to advance the mission of the NSWERS organization on behalf of its partner members, including the Nebraska Department of Education. We will work with the NU Office of Business and Finance to arrange payment as needed.

Please contact me if you have any questions.

C: Susan Fritz  
Matthew Hastings



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Lane Carr  
Administrator, Office of Policy and Strategic Initiatives

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to contract with the National Center for Grow Your Own (NCGYO) to support implementation of the Nebraska Teacher Apprenticeship Program

**AGENDA ITEM TYPE:** Contract

### **RATIONALE/BACKGROUND INFORMATION:**

With the passage of LB705 in June 2023, the NDE is responsible for implementing the new Nebraska Teacher Apprenticeship Program. This program will help “recruit and increase the number of teachers throughout the state by utilizing an apprenticeship model for training.” The NDE has been appropriated \$1 million to implement the program.

First implemented in Tennessee, and now reaching eighteen states, teacher apprenticeship programs provide an alternative route to enter the teaching force through hands on, competency-based, hands-on instruction. Many apprentices begin as paraprofessionals, and through guided classroom experience and minimized college credits, achieve a bachelor’s degree and teaching certificate.

The State Board included implementing a teacher apprenticeship program in their legislative and regulatory priorities:

*Priority 6: Eliminate the Special Education Staffing Vacancy and Cut the Educator Shortage in Half by 2030.*

The National Center for Grow Your Own has become a national leader, creating a network of the 18 other state education agencies in addition to local education agencies and university partners. NCGYO help shepherd programs through the registration process for apprenticeships, and provide guidance to all parties on core needs, principles, and expectations. The NDE began a contract with them following the legislation being introduced, and wishes to continue consultation with the

organization to implement the program, and seek additional grant funds from the US Department of Labor.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** \$150,000

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal Title IIA – State Set Aside
- 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: Single Source
- Rationale for method of procurement: In addition to an urgent need for support to implement this policy, NCGYO is an organization created specifically for the purpose of implementing this niche policy area.
- Rationale for contractor selection: NCGYO is a national leader in the ideation, development, and implementation of teacher apprenticeship programs. Their organization was created for this sole purpose, and no other organization exists with the expertise, experience, and track record.

**FOR GRANT SUBAWARDS:**

- Describe the grantee selection process: N/A

*\*Updated 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

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

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to subaward with the six entities listed below for services and support to The NDE, Office of Special Education (OSE) with IDEA Part B – Discretionary Funding to provide support for the OSE Regional Secondary Transition Support Projects.

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

**RATIONALE/BACKGROUND INFORMATION:** The Nebraska Department of Education (NDE), Office of Special Education, through the use of IDEA – Part B Funding, annually makes available the use of funds for Regional Secondary Transition Support Projects. The purpose of these projects is to promote collaboration and stakeholder engagement among transition partners, increase local capacity, and facilitate data-informed selection and implementation of evidence-based and promising practices (EBPP) identified by the NTACT- Collaborative. The intended statewide outcome is to improve transition-focused education and post-secondary outcomes for youth with disabilities in Nebraska.

Historically, funds for transition capacity building, professional development, and administrative and financial support were provided through two separate support projects- The ESU 10 Transition System Support Grant and the Regional Secondary Transition Support Projects. Starting with the 2023-2024 school year these funds will be combined to allocate additional funding to each region. The additional financial support to each region will allow regions to provide capacity-building activities, professional development, and support that is more closely aligned and individualized to each region's transition needs.

Regions that are awarded funds for the 2023-2024 school year will be required to allocate funding to the following:

Regional Transition Projects focused on improvement and capacity building driven by timely and current data and assessment information. Professional development and technical assistance activities should focus on connecting assessment data to the planning and programs, as well as

developing educators and other transition service providers to support implementation of EBPPs. Policy analysis and change should ensure that policies facilitate, rather than inhibit, implementation of effective practices.

Funds must be used to assist with implementing practices that have a high likelihood of improving post-school outcomes for students with disabilities:

- increasing graduation rate
- decreasing dropout rate
- increasing rate of competitive employment
- increasing rate of enrollment in post-secondary education or training

Projects must be aligned with the *Effective Practices and Predictors Matrix* referenced at [NTACT-C, National Technical Assistance Center on Transition- The Collaborative](#) to improve Post School Outcomes for students with disabilities throughout the applicant's Transition Region.

1.0 FTE Regional Transition Facilitator to support coordination of transition activities within the region. This person will work closely with the NDE Coordinator of Transition Supports to provide technical assistance and help in the facilitation of activities that encourage capacity building and professional development surrounding transition within the region.

Below are the entities that were selected through a RFP process to provide The OSE, Regional Secondary Transition Support Projects.

- 1) PII Nebraska – Transition and Parent Support Program
- 2) Educational Service Unit #3 – Metro (Region 2) Regional Transition Support Project
- 3) Educational Service Unit #6 – Southeast (Region 1) Transition Support Project
- 4) Educational Service Unit #7 – Northeast (Region 3) Transition Support Project
- 5) Educational Service Unit #10 – Central (Region 4) Transition Support Project
- 6) Educational Service Unit #13- Western (Region 5) Transition Support Project

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:**

- 1) PII Nebraska – Transition and Parent Support Program, \$85,910.00
- 2) Educational Service Unit #3 – Metro (Region 2) Regional Transition Support Project, \$120,640.00
- 3) Educational Service Unit #6 – Southeast (Region 1) Transition Support Project, \$120,640.00
- 4) Educational Service Unit #7 – Northeast (Region 3) Transition Support Project, \$120,640.00
- 5) Educational Service Unit #10 – Central (Region 4) Transition Support Project, \$120,640.00
- 6) Educational Service Unit #13- Western (Region 5) Transition Support Project, \$120,640.00

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal IDEA Part B (611) Funding
- 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: As the Office of Special Education must make federal application(s) each year under Part B (611 and 619) and Part C, the use of IDEA Federal Funding must align to meeting the IDEA federal regulations as they are set forth within the respective applications.

The NDE, Office of Special Education, annually, conducts opportunities to apply for discretionary grant funds to conduct activities for the improvement of services to infants, toddlers, students with disabilities and their families. Annual alignment in priorities established by the federal Office of Special Education Programs (OSEP), as well as a alignment of priorities within our NDE, Office of Special Education, allows for the selection of project to receive sub-recipient grants, contracts, and/or memorandums of understanding (MOU) for each funding period. Notice of funding opportunities are annually published and proposals are evaluated to ensure funds are awarded to projects that are able to meet the federal and state priorities.

The Office of Special Education, Part B Discretionary Grant funds requested within this proposal meet the Federal subgranting requirements contained within 2 CFR §200.331 to use the funds to carry out a portion of the public award and for a public purpose specified in the authorizing statute of IDEA Part B:

- To support and direct services, including technical assistance, personnel preparation, and professional development and training (20 U.S.C. 1411 (e)(2)(C)(i))
- To assist local educational agencies in meeting personnel shortages (20 U.S.C. 1411 (e)(2)(C)(vii))
- To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities (20 U.S.C. 1411 (e)(2)(C)(vii))
- Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities (20 U.S.C. 1411 (e)(2)(C)(vi))



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

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

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to subaward funds to Educational Service Unit (ESU) #4 to operate the Nebraska Center for the Education of Children who are Blind/Visually Impaired (NCECBVI) Project designed to provide a special project around outreach services., intended to support schools who are experiencing personnel shortages in the area of Blind and Visual Impairment supports.

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

**RATIONALE/BACKGROUND INFORMATION:** Through the NCECBVI State Plan that is approved by the Nebraska Department of Education schools receive the following supports and services: instructional materials and technology support, assessments and evaluation services, consultation services, professional development, center-based program and residential services, and student and family support services. Historically, The NDE, OSE has helped fund parts of these programs outlined in the state plan. This project will fund additional outreach services such as teacher mentoring, family and student supports, management, and oversight of the instructional materials for all students who are blind/visually impaired statewide, and statewide professional development for teachers, administrators, orientation and mobility specialists, and families, specific to schools who may be experiencing shortages in the area of Blind and Visual Impairment supports.

Through this special project, The NCECBVI will provide additional:

- Skill Training: Braille, Orientation and Mobility, Independent Living, Vocational Training, Assistive Technology, Social Skills, Transitional Living
- Enrichment Activities: Outdoor Education, Arts and Crafts, Music, Sports, Recreation and Leisure
- Family Activities: Parent Training, Sibling Training, Family Networking
- Assessment and Evaluation Services
- Professional Development and Training

The Center may provide: Low Vision Clinics, Orientation and Mobility Assessments, Functional Vision Assessments, Learning Media Assessments, Transitional Living Assessments, Daily Living Assessments,

Vocational Assessments, Assistive Technology Assessments, Motor Assessments, Psychological Evaluations, Physical Therapy Evaluations, Occupational Therapy Evaluations, Speech-Language Assessments

The Center provides academic programming, continuation of local school district academics, intense training in specific skills, assessments and evaluations, collaboration with educators and parents for the student's return to local education agency, transition programming for adult life, partnerships with local public schools to provide educational opportunities, and specialized services for students with blindness, visual impairments and multiple disabilities.

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, provides ongoing support and information for students, parents, and educators, works cooperatively with parents, local school district personnel and others to implement appropriate educational programs and services, participates in multi-disciplinary team, individual education planning, individual family service planning, individual program planning meetings, and assists with statewide initiatives.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** \$67,000.00

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal, IDEA Part B (611) Funding
- New or Renewal: New
- If renewal, date of first approval:

**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:**

- Describe the grantee selection process: As the Office of Special Education must make federal application(s) each year under Part B (611 and 619) and Part C, the use of IDEA Federal Funding must align to meeting the IDEA federal regulations as they are set forth within the respective applications.

The NDE, Office of Special Education, annually, conducts opportunities to apply for discretionary grant funds to conduct activities for the improvement of services to infants, toddlers, students with disabilities and their families. Annual alignment in priorities established by the federal Office of Special Education Programs (OSEP), as well as a alignment of priorities within our NDE, Office of Special Education, allows for the selection of project to receive sub-recipient grants, contracts, and/or memorandums of understanding (MOU) for each funding period. Notice of funding opportunities are annually published and proposals are evaluated to ensure funds are awarded to projects that are able to meet the federal and state priorities.

The Office of Special Education, Part B Discretionary Grant funds requested within this proposal meet the Federal subgranting requirements contained within 2 CFR §200.331 to use the funds to carry out a portion of the public award and for a public purpose specified in the authorizing statute of IDEA Part B:

- To support and direct services, including technical assistance, personnel preparation, and professional development and training (20 U.S.C. 1411 (e)(2)(C)(i))
- To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities (20 U.S.C. 1411 (e)(2)(C)(vii))
- To assist local educational agencies in meeting personnel shortages (20 U.S.C. 1411 (e)(2)(C)(vii))



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

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

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to continue to subaward to Educational Service Unit (ESU) #4 to operate the Nebraska Center for the Education of Children who are Blind/Visually Impaired (NCECBVI) Project designed to provide outreach services.

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

### **RATIONALE/BACKGROUND INFORMATION:**

The Nebraska Department of Education approved the original state plan for Statewide Vision Services in 2004 with subsequent reviews and amendments being made in 2014. This plan is a 10 year, state plan that was developed by Nebraska Stakeholders to offer the following supports and services: instructional materials and technology support, assessments and evaluation services, consultation services, professional development, center-based program and residential services, and student and family support services. Historically, this Project has helped fund parts of these programs outlined in the state plan. This project will fund the outreach services such as teacher mentoring, family and student supports/trainings including summer camp, management, and oversight of the instructional materials for all students who are blind/visually impaired statewide, and statewide professional development for teachers, administrators, orientation and mobility specialists, and families.

The Nebraska Instructional Resource Center, housed at the Nebraska Center for the Education of Children Who Are Blind or Visually Impaired, supports local education agencies in providing students statewide with instructional materials and technology support needed for their education. The Center:

- Acts as a liaison to the American Printing House for the Blind, Inc. Federal Quota System
- Serves as a resource for materials in braille, large print, recorded item, and tactile representations
- Maintains a statewide inventory of large print and braille materials available for loan from local school districts and educational service units
- Collaborates with the Nebraska Assistive Technology Partnership (ATP) Project regarding technology loan programs and technology support

The Nebraska Center for the Education of Children Who Are Blind or Visually Impaired provides 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 Nebraska Center for the Education of Children Who Are Blind or Visually Impaired, offers an endorsement program for teaching the blind and visually impaired.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** \$275,000.00

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal IDEA, Part B (611) Funding
- New or Renewal: Renewal
- If renewal, date of first approval: 2014

**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:**

- Describe the grantee selection process: As the Office of Special Education must make federal application(s) each year under Part B (611 and 619) and Part C, the use of IDEA Federal Funding must align to meeting the IDEA federal regulations as they are set forth within the respective applications.

The NDE, Office of Special Education, annually, conducts opportunities to apply for discretionary grant funds to conduct activities for the improvement of services to infants, toddlers, students with disabilities and their families. Annual alignment in priorities established by the federal Office of Special Education Programs (OSEP), as well as a alignment of priorities within our NDE, Office of Special Education, allows for the selection of project to receive sub-recipient grants, contracts, and/or memorandums of understanding (MOU) for each funding period. Notice of funding opportunities are annually published and proposals are evaluated to ensure funds are awarded to projects that are able to meet the federal and state priorities.

The Office of Special Education, Part B Discretionary Grant funds requested within this proposal meet the Federal subgranting requirements contained within 2 CFR §200.331 to use the funds to carry out a portion of the public award and for a public purpose specified in the authorizing statute of IDEA Part B:

- To support and direct services, including technical assistance, personnel preparation, and professional development and training (20 U.S.C. 1411 (e)(2)(C)(i))

- To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities (20 U.S.C. 1411 (e)(2)(C)(vii))
- To provide technical assistance to schools and LEAs, and direct services, including direct student services described in section 1003A(c)(3) of the ESEA to children with disabilities, to schools or LEAs implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the ESEA on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement based on the challenging academic standards described in section 1111(b)(1) of the ESEA (20 U.S.C. 1411 (e)(2)(C)(xi))

Through this sub-award, NDE ensures appropriate and quality learning opportunities should exist for all children. The Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI) Outreach Project, as part of the OSE subaward process, has undergone an evaluation of sub-award/grant obligations, annually, to ensure that the grantee selected is carrying out the responsibilities set forth within the state plan and sub-award/grant. The NCECBVI project has successfully carried out similar duties on previous sub-awards/grants.



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

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

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to subaward funding with the six entities listed below for services and support to The NDE, Office of Special Education (OSE) for providing enhanced educational interpreter training and mentoring programs through the Coronavirus State Fiscal Recovery Funds (CSFRF).

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

**RATIONALE/BACKGROUND INFORMATION:** Pursuant to LB 1044, Section 13, signed into law on April 2021, The Office of Special Education received funds through the Coronavirus State Fiscal Recovery Funds (CSFRF). There is included in the appropriation to this program of \$1,000,000 Federal Funds for state aid. The State Department of Education shall spend the funds appropriated in this section exclusively for programs and interpreters that provide services to students who are deaf or hard of hearing in the following manner: (1) \$300,000 for equipment; (2) \$300,000 for service; and (3) \$400,000 for an enhanced educational interpreter training and mentoring program.

Interpreter mentorship programs will be created to address the increased demand for high quality interpretation services and the need for ongoing support for new and experienced interpreters. ASL/English interpretation is a complex social-linguistic task.

Increased demand for qualified ASL/English interpretation led to growth of professional training opportunities for aspiring as well as working interpreters. However, the interpreting community's efforts to increase the numbers and availability of qualified ASL/English interpreters met with several challenges:

- Time lag between new interpreters' graduation from an interpreter preparation program and their attaining national certification
- A skills gap, including the level of ASL proficiency, among new and working interpreters
- Need for more professional development opportunities and networking support for interpreters

- Alternative entry pathways into professional interpreting, often by members of diverse racial/ethnic groups
- Lack of awareness of the role and acceptance of Deaf interpreters
- Lack of persistence in or dropping out of the interpreting profession

For students who are deaf who are attending school in general education settings, the provision of an educational interpreter is an important accommodation. The demand for educational interpreters has soared in recent years and has paralleled the increase in the number so students who are deaf who are attending local schools. Rapid growth in the field of educational interpreting has resulted in a shortage of well-prepared interpreters, a situation that is even worse in rural settings. Many individuals employed as interpreters have not completed formal preparation through interpreter preparation programs, and even fewer still have had appropriate training for employment in educational settings. The paucity of interpreters, couples with the concern about the quality of interpretation puts a high emphasis on the need to “grow your own” in rural and high shortage areas.

One way of addressing these challenges is through the design and implementation of interpreter mentoring programs to support new interpreters, interpreters from diverse populations, Deaf interpreters, and working interpreters seeking professional growth.

Below are the entities that were selected through a RFP process to enhance education interpreter training and mentoring programs in Nebraska that are aligned to the following priority goals.

Priority Goals:

- I.** Provide for development of and/or access to training modules for educational sign language interpreters
  - II.** Enhance the signing skills of school-based sign language interpreters in Nebraska through onsite and virtual mentoring.
  - III.** Provide opportunities for providers to network on Low Incidence issues.
- 1) Central/Western Nebraska Deaf or Hard of Hearing Regional Program - ASL Immersion Program - ASL immersion program (4-day voice-off) for school district staff interested in becoming educational sign language interpreters or teachers of the deaf and hard of hearing. Staff for the proposal would be fluent in ASL and have knowledge of EIP A testing for requirements for educational sign language interpreters. Areas of focus would include ASL linguistic features, text analysis, classroom discourse, and managing the interpreting process. Our proposal would be to offer this opportunity in the summer of 2024 and again in 2025.
  - 2) Central Western Nebraska Deaf or Hard of Hearing Regional Program – Dual Credit Sign Language I and II classes – CWNP regional schools will be offered beginning (Sign Language I) and more advanced (Sign Language II) classes. The classes will be taught by an experienced, fluent ASL teacher. The dual credit will be offered via a Nebraska-accredited community college. Students in the program will be provided classes through an online platform that uses a combination of live classes (1 time weekly) and asynchronous modules. The curriculum would be a commonly used book and video series that is evidence-based to learn ASL.
  - 3) Utah State d/b/a TAESE – Facilitation and Mentoring - Provide facilitation and mentoring services for Nebraska participants taking the TAESE Deaf Interpreter online training course. This 16-week training course has been designed to bring participants together to explore the foundational skills

required to work as a Deaf Interpreter (DI). Instructional and learning methods for the training include online assignments, small group mentor meetings, one-on-one mentor meetings, various interpreting assignments, and performing self-assessment and critical reflections.

- 4) Utah State d/b/a TAESE – Mentoring in Practice Courses - Provide training for current and potential mentors by using the TAESE Mentoring in Practice online training course. This online training explores the role of the mentor and mentee relationship as part of the growth trajectory for interpreters. The orientation of the mentoring process in this training is rooted in a growth mentality mindset and recognizes the need for interpreters to develop resiliency and embrace learning how to grow from their mistakes. The coursework will cover topics such as adult learning theory, effective mentoring strategies, pattern identification, performing assessments, giving constructive feedback, and developing rapport.
- 5) Lincoln Public Schools – Interpreter Training Supports - Lincoln Public Schools has been unable to hire enough interpreters for the last four years. The staffing shortage makes it difficult to provide students with equitable access due to having to work around the shortage. The shortage also strains current working interpreters as they are being pulled in multiple directions and often working with several students at one time. We have contracted services but they are not the same as having someone in person. This project will support a “grow your own” project in training and mentoring for personnel in Lincoln Public Schools.
- 6) University of Nebraska – Omaha ASL-English Interpreting Training and Support - This project aims to improve students’ readiness for the EIPA or NIC interpreting assessments by providing monthly mentoring sessions to undergraduate students within UNO’s Interpreter Preparation Program. UNO students will complete a readiness survey and the American Sign Language Proficiency Interview (ASLPI) to establish a baseline of existing ASL skills. Each month, UNO students will be required to participate in one hour of mentoring with an approved interpreter mentor. At the end of the mentoring cycle, UNO students will complete the survey and the ASLPI again as a post-test to evaluate readiness for taking the Educational Interpreting Proficiency Assessment (EIPA) or the National Interpreting Certification (NIC).

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:**

CWNP - ASL Immersion	8/7/23 - 8/6/2025	\$93,280
CWNP - Dual Credit ASL	8/7/23 - 8/6/2025	\$132,500
UNO Interpreter Mentoring -	8/7/23 - 8/6/2025	\$66,014
LPS - Interpreter Tuition Reimbursement	8/7/23 - 8/6/2025	\$10,000
TAESE - Deaf Interpreter	8/7/23 - 8/6/2025	\$56,210
TAESE - ASL Mentoring	8/7/23 - 8/6/2025	\$37,852

**FOR CONTRACTS AND GRANTS:**

- Indicate the Funding Source: Federal Funds allocated to the NDE through The Federal Coronavirus State Fiscal Recovery Fund.
- 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: Competitive Negotiation – NDE reviewed proposals from potential vendors via a publicly posted RFP. Vendor responses were evaluated by the evaluation committee members & were chosen based on qualifications and quality of proposal by the vendor for awarding the Subgrant(s). All proposals submitted were evaluated and all met the requirement for selection. Each vendor scored in the appropriate category for selection and thus, everyone was selected for subawards.
- All grants utilizing Federal Funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund shall meet the eligible uses under the federal American Rescue Plan Act of 2021 and any relevant guidance on the use of such funds by the United States Department of the Treasury.” (Page 2, section 10, 1<sup>st</sup> paragraph)



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** August 1, 2023

**TO:** Brian L. Maher, Ed.D.  
Commissioner of Education

**FROM:** Joel M. Scherling   
HR Administrator

**PROPOSED AGENDA ITEM:** Authorize the Commissioner to contract for the remodel of leased office space (north side of first floor) at 500 S. 84th St., Lincoln, NE,

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

**RATIONALE/BACKGROUND INFORMATION:** A request for bids was released for the remodeling of the north side of the first floor of the office at 500 S. 84<sup>th</sup> St., Lincoln, NE. This space will be occupied by Disability Determination Services staff who currently lease space in south Lincoln. BIC Construction, LLC was selected as the general contractor for the remodeling of the space with a bid of \$1,041,900. Costs in addition to the remodeling include: furniture and installation, office equipment, security equipment and installation, move of existing furniture and equipment to new location, update of data wiring, signage, and other miscellaneous expenses totaling \$1,540,750. Total estimated expenditures total \$2,582,650.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 4, 2023

**ESTIMATED COST:** \$2,582,650

### FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal funds
- New or Renewal: New
- If renewal, date of first approval: Not applicable

**FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:**

- Indicate the method of procurement: Request for bids
- Rationale for method of procurement: Following State Building Division and state purchasing protocol
- Rationale for contractor selection: Lowest responsible bidder; state contract pricing

**FOR GRANT SUBAWARDS:**

- Describe the grantee selection process: Not applicable

*\*Updated 07.06.2023*



## STATE BOARD OF EDUCATION PLANNING AND EVALUATION COMMITTEE REPORT

Date: August 3, 2023

The Planning and Evaluation Committee reports on the two committee meetings since the June 2, 2023, board meeting. The first committee meeting occurred on June 21, 2023. The members present were chair, Deborah Neary, Lisa Fricke, and Sherry Jones.

The committee received an update from Adams Central Public Schools staff regarding their experience with the NSCAS Growth through-year model. The guests answered questions of board members and expressed gratitude to share their experience.

The second committee meeting occurred on Thursday, August 3, 2023. Members present were chair, Deborah Neary, vice-chair Lisa Fricke, Sherry Jones, and Patti Gubbels.

The committee reviewed:

- The approval of early childhood education programs operated by public school districts and educational services units. NDE staff member answered questions related to approval processes and shared the Early Childhood Education State Report for Nebraska's Public School District, ESU, and Head Start Programs.
- The approval of College View Academy to operate for the 2023-2024 school year under Rule 14. NDE staff member answered questions related to school systems approval processes and monitoring regulatory compliance.
- The approval of cut scores for English Language Arts and Mathematics, and the Science Validation results. NDE staff member provided an overview of the standard setting process, provided cut score recommendations for NSCAS-ELA, NSCAS-Math, NSCAS Alternate-ELA, and Science Validation. NDE staff member answered questions regarding educator participation and future standard setting processes.

The committee recommends the approval of these three items.

The committee also reviewed the consent agenda item regarding the submissions of affidavit for instructional hour exception for 2022-2023 filed under the waiver provisions contained in Nebraska Revised Statute 79-213.

The committee discussed the Alternate ELPA (English Language Proficiency Assessment) cut scores process. NDE staff member answered questions related to number of students impacted, and prior and current administration of ELPA for students with disabilities who are also English learners. The committee discussed the Rule 11 teacher waiver request for Scottsbluff Public Schools. The committee also discussed the draft Priority School Progress Plan for Isanti Elementary and High School. NDE staff member received feedback on the plan and answered questions regarding instructional materials implementation. NDE staff will return next month to seek approval for these items.

The committee received updates on the approval of Rule 11 teacher waiver request from Auburn Public Schools, as well as an amendment to the existing ACT contract. NDE staff will return next meeting for discussion and to seek approval.

This concludes the Planning and Evaluation report.

Deborah Neary, Chair

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



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 20, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Melody Hobson

**PROPOSED AGENDA ITEM:** Approve early childhood education programs operated by public school districts and educational service units

**AGENDA ITEM TYPE:** Consent

### **RATIONALE/BACKGROUND INFORMATION:**

- Public school districts and educational service units that have established early childhood education programs must have those programs approved by the Nebraska State Board of Education in accordance with the provisions of Rule 11: (92 NAC11), Regulations for the approval of Prekindergarten Programs Established by School Boards or Educational Service Units and for the Issuance of Early Childhood Education Grants.
- Approval is granted annually based on the program compliance in the previous school year.
- The public-school districts and Educational Service Units (ESUs) included for approval submitted the required reports and Statement of Assurance indicating compliance with Rule 11 for the school year 2022-2023.
- The Nebraska Department of Education Office of Early Childhood Education staff verified compliance based on a review of information and follow-up with programs, as needed.
- List of school districts to be approved is included on separate attachment.
- Most current program report (2021-2022) providing information about school district early childhood programs is also attached.

**PROPOSED BOARD MEETING:** August 2023

**ESTIMATED COST:** N/A

**FOR CONTRACTS AND GRANTS:** NA

**FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:**  
NA

**FOR GRANT SUBAWARDS: N/A**

*\*Updated 07.06.2023*

# Rule 11 Program Approval

ESU Operated

ESU Operated

Adams Central Public Schools  
Ainsworth Community Schools  
Allen Consolidated Schools  
Alliance Public Schools  
Alma Public Schools  
Amherst Public Schools  
Anselmo-Merna Public Schools  
Ansley Public Schools  
Arapahoe Public Schools  
Arcadia Public Schools  
Arlington Public Schools  
Arnold Public Schools  
Ashland-Greenwood Public Schools  
Auburn Public Schools  
Aurora Public Schools  
Axtell Community Schools  
Bancroft-Rosalie Community Schools  
Banner County Public Schools  
Battle Creek Public Schools  
Bayard Public Schools  
Beatrice Public Schools  
Bellevue Public School  
Bennington Public Schools  
Bertrand Public Schools  
Blair Community Schools  
Bloomfield Community Schools  
Blue Hill Public Schools  
Boone Central Schools  
Boyd County School District #51  
Broken Bow Public Schools  
Bruning-Davenport Unified System  
Burwell Public Schools  
Callaway Public Schools  
Cambridge Public Schools  
Cedar Bluffs Public Schools  
Centennial Public Schools  
Central City Public Schools  
Central Valley Public Schools  
Centura Public Schools  
Chadron Public Schools  
Clarkson Public Schools  
Cody-Kilgore Public Schools  
Columbus Public Schools  
Conestoga Public Schools  
Cozad Community Schools  
Crawford Public Schools

Creek Valley Schools  
Creighton Public Schools  
Crete Public Schools  
Cross County Community Schools  
David City Public Schools  
Deshler Public Schools  
Diller-Odell Public Schools  
Doniphan-Trumbull Public Schools  
Dorchester Public Schools  
Douglas County West Community Schools  
Dundy County Public Schools  
East Butler Public Schools  
Educational Service Unit 03  
Educational Service Unit 13  
Elba Public Schools  
Elgin Public Schools  
Elkhorn Public Schools  
Elkhorn Valley Schools  
Elm Creek Public Schools  
Elmwood-Murdock Public Schools  
Elwood Public Schools  
Emerson-Hubbard Public Schools  
Eustis-Farnam Public Schools  
Exeter-Milligan Public Schools 6  
Fairbury Public Schools  
Falls City Public Schools  
Fillmore Central Public Schools 6  
Fort Calhoun Community Schools  
Franklin Public Schools  
Freeman Public Schools  
Fremont Public Schools  
Friend Public Schools  
Garden County Schools  
Gering Public Schools  
Gibbon Public Schools  
Giltner Public Schools  
Gordon-Rushville Public Schools  
Gothenburg Public Schools  
Grand Island Public Schools  
Gretna Public Schools  
Hampton Public Schools  
Hartington-Newcastle Public Schools  
Harvard Public Schools  
Hastings Public Schools  
Hay Springs Public Schools

# Rule 11 Program Approval

ESU Operated

ESU Operated

Hayes Center Public Schools  
Heartland Community Schools  
Hemingford Public Schools  
Hershey Public Schools  
High Plains Community Schools  
Hitchcock Co School System  
Holdrege Public Schools  
Homer Community Schools  
Howells-Dodge Consolidated Schools  
Humboldt Table Rock Steinauer  
Schools  
Humphrey Public Schools  
Isanti (Santee) Community Schools  
Johnson County Central Public Schools  
Johnson-Brock Public Schools  
Kearney Public Schools  
Kenesaw Public Schools  
Kimball Public Schools  
Lakeview Community Schools  
Laurel-Concord-Coleridge Public  
Schools  
Leigh Community Schools  
Lewiston Consolidated Schools  
Lexington Public Schools  
Lincoln Public Schools  
Litchfield Public Schools  
Logan View Public Schools  
Loomis Public Schools  
Louisville Public Schools  
Loup City Public Schools  
Loup County Public Schools  
Lyons-Decatur Northeast Schools  
Madison Public Schools  
Malcolm Public Schools  
Maywood Public Schools  
Mc Cook Public Schools  
Mc Cool Junction Public Schools  
Mead Public Schools  
Medicine Valley Public Schools  
Meridian Public Schools  
Milford Public Schools  
Millard Public Schools  
Minatare Public Schools  
Minden Public Schools  
Mitchell Public Schools  
Morrill Public Schools

Nebraska City Public Schools  
Neligh-Oakdale Schools  
Newman Grove Public Schools  
Niobrara Public Schools  
Norfolk Public Schools  
Norris School District 160  
North Bend Central Public Schools  
North Platte Public Schools  
Northwest Public Schools  
Oakland Craig Public Schools  
Ogallala Public Schools  
Omaha Public Schools  
O'Neill Public Schools  
Ord Public Schools  
Osceola Public Schools  
Overton Public Schools  
Palmer Public Schools  
Palmyra District O R 1  
Papillion-La Vista Public Schools  
Pawnee City Public Schools  
Paxton Consolidated Schools  
Pender Public Schools  
Perkins County Schools  
Pierce Public Schools  
Plainview Public Schools  
Plattsmouth Community Schools  
Pleasanton Public Schools  
Ponca Public Schools  
Ralston Public Schools  
Ravenna Public Schools  
Raymond Central Public Schools  
Red Cloud Community Schools  
Riverside Public Schools  
Rock County Public Schools  
Sargent Public Schools  
Schuyler Community Schools  
Scottsbluff Public Schools  
Scribner-Snyder Community Schools  
Seward Public Schools  
Shelby - Rising City Public Schools  
Shelton Public Schools  
Shickley Public Schools  
Sidney Public Schools  
Silver Lake Public Schools  
Sioux County Public Schools  
South Central NE Unified System 5

# Rule 11 Program Approval

ESU Operated

South Sioux City Community Schools  
Southern School Dist 1  
Southern Valley Schools  
Southwest Public Schools  
Springfield Platteview Community Schools  
St Edward Public Schools  
St Paul Public Schools  
Stanton Community Schools  
Stapleton Public Schools  
Sterling Public Schools  
Stuart Public Schools  
Summerland Public Schools  
Sumner-Eddyville-Miller Schools  
Superior Public Schools  
Sutherland Public Schools  
Sutton Public Schools  
Syracuse-Dunbar-Avoca Schools  
Tekamah-Herman Community Schools  
Thayer Central Community Schools  
Thedford Public Schools  
Tri County Public Schools  
Twin River Public Schools  
Umo ho Nation Public Schools  
Valentine Community Schools  
Verdigre Public Schools  
Wahoo Public Schools  
Wakefield Community Schools  
Wallace Public School Dist 65 R  
Walthill Public Schools  
Wauneta-Palisade Public Schools  
Wausa Public Schools  
Waverly School District 145  
Wayne Community Schools  
Weeping Water Public Schools  
West Holt Public Schools  
West Point Public Schools  
Westside Community Schools  
Wheeler Central Schools  
Wilber-Clatonia Public Schools  
Wilcox-Hildreth Public Schools  
Winnebago Public Schools  
Winside Public Schools  
Wisner-Pilger Public Schools  
Wood River Rural Schools  
Wynot Public Schools

ESU Operated

York Public Schools  
Yutan Public Schools



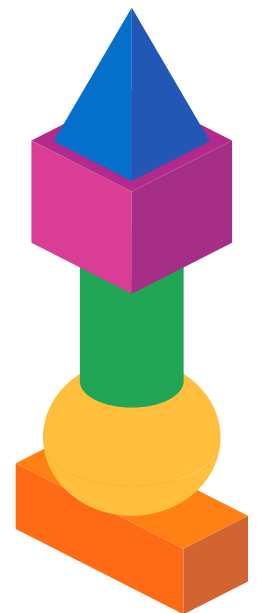
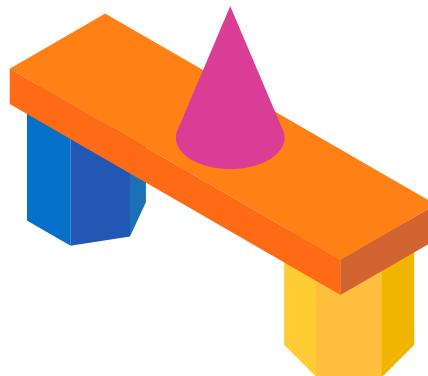
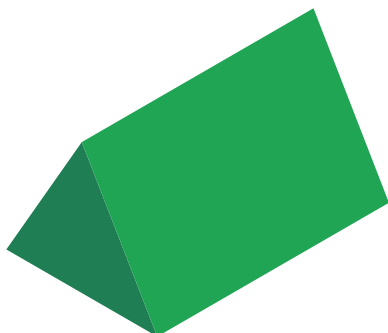
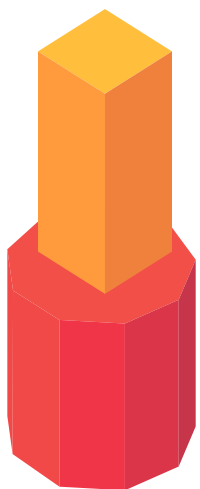
# 2021-22

## EARLY CHILDHOOD EDUCATION STATE REPORT

for Nebraska's Public School District,  
Educational Service Unit & Head Start Programs

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# SUPPORTING CHILDREN'S SUCCESS

The Early Childhood Education Program-Birth through Age 5 (B-5) included all children who were part of Nebraska public education programs that were supported through the blending of multiple funding sources. Comprehensive early childhood education programs operated by Nebraska public school districts (hereafter referred to as districts) or Educational Service Units (ESUs) supported the learning and development of children B-5 across home- and center-based settings including Sixpence programs. Many of these full- or part- day programs received support through partnerships with community agencies.

Districts and ESUs served children who represented a full range of abilities, languages, and economic diversity of families within the community. The purpose of the Early Childhood Program was to provide high quality early childhood education experiences that empower children to reach their full potential and increase the likelihood of their later success in school.

## PROGRAM FEATURES THAT CONTRIBUTE TO QUALITY

The Nebraska Department of Education (NDE) requirements for Early Childhood programs include:

- Use of developmentally appropriate curriculum and authentic assessment
- Inclusive programs and services
- Attention to research-based elements of effective programs
- Teachers in classrooms hold a Nebraska teaching certificate with an approved early childhood endorsement
- Paraprofessionals in classrooms have 12 credit hours in early childhood education or its equivalent
- Teachers in home-based Early Intervention and Early Childhood Special Education Programs hold a Nebraska teaching certificate with an approved endorsement
- Staff in home visiting programs hold a degree in early childhood education, early childhood special education, social work, nursing or related field
- Home-school-community partnerships that promote a strong family development and support component to recognize the central role of families in their children's development

The latest revision of [Rule 11: Regulations for the Approval of Prekindergarten Programs established by School Districts or Educational Service Units](#), introduced the waiver procedure for any staff member that does not meet the requirements for an early childhood teacher. Rule 11 5.05A requires a teacher to have a Nebraska teaching certificate with an approved early childhood endorsement. Eight hundred and forty-six teachers met the requirement for Rule 11. Twenty-six teachers were working toward the proper endorsement as required by Rule 11. Sixteen teachers did not meet the requirements for Rule 11 and submitted a waiver for approval by the State Board of Education.

## INTEGRATED FUNDS EXPANDED EARLY CHILDHOOD SERVICES

Nebraska's district and ESU operated early childhood programs were funded with multiple sources. In 2021-22, over 165 million dollars supported these ECE programs. Federal dollars accounted for the majority of Early Childhood Education funds and were provided through the Individuals with Disabilities Education Act (IDEA), Head Start, Title 1 Part A, and Title 1 Migrant. State sources of funding were provided through Early Childhood Grants for ages three through five, State Aid, Special Education, and general funds.

Local district funds, including matching fund requirements for Special Education and the Early Childhood grants, as well as parent fees were included in local funding sources. Some districts also received funding from the Sixpence Early Childhood Education Endowment to support birth to three programs.

Based on district expenditures reported to the NDE, local programs have been spending increasing amounts to support Early Childhood Education programs. The total funds reported below represent a 22% increase in funding from the 2020-2021 school year. While the total funds spent on district prekindergarten programs has increased greatly, according to the 2021 State of Preschool Report, Nebraska ranks 42nd for amount of state funding spent on these programs (Friedman-Krauss, et al. 2021).



## EARLY CHILDHOOD EDUCATION PROGRAMS AT A GLANCE

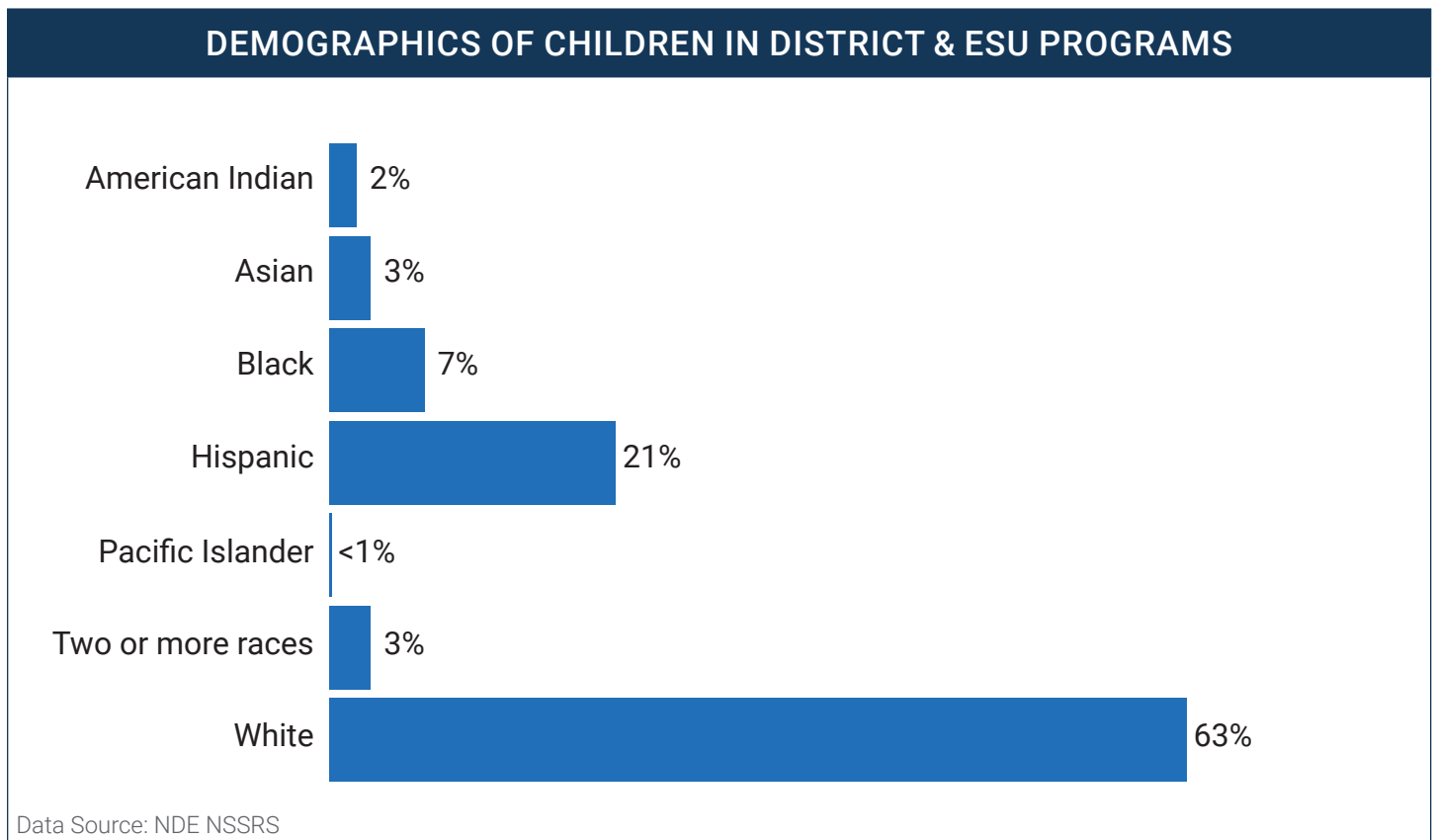
The Nebraska Department of Education began approving district-operated early childhood programs based on compliance with Rule 11 in 2004. At that time, there were only 23 approved programs. For the 2021-2022 school year that number grew to 225 approved district-operated early childhood programs. Of these 225 approved early childhood programs, 220 were district run programs, two programs were ESU operated and one ESU operated programs for three districts. Of the over 1,000 early childhood classrooms across the state of Nebraska, 652 were part day classrooms and 408 were full day.

These approved Nebraska school districts and ESUs provided early childhood programs and services to 21,043 children, age birth to five. Included in this total child count are 101 children whose programs and/or services were not identified by the district serving them.

PROGRAM TYPE	CHILD COUNT	PERCENT
The NDE Grant Funded Early Childhood Education Programs serving children ages three to five	1,744	8%
The NDE non-Grant Funded Early Childhood Education Programs serving children ages three to five	11,616	55%
Early Childhood Birth to Age Three Endowment Grant Programs (Sixpence)	1,934	9%
Home-based Early Childhood Education Program serving non-special education children ages birth to five	264	1%
Special Education and Early Development Network services provided to children ages birth to five in homes and community settings	5,384	26%
Unidentified	101	<1%
<b>TOTAL</b>	<b>21,043</b>	<b>100%</b>

## DEMOGRAPHICS OF CHILDREN IN DISTRICT & ESU PROGRAMS

According to district data submitted to the Nebraska Department of Education, the demographics represented a similar picture to the [demographic of children served in K-12 settings across the state](#).



Of the total number of children served, the following categories show the number of children considered at-risk for possible poor outcomes in future academic settings:

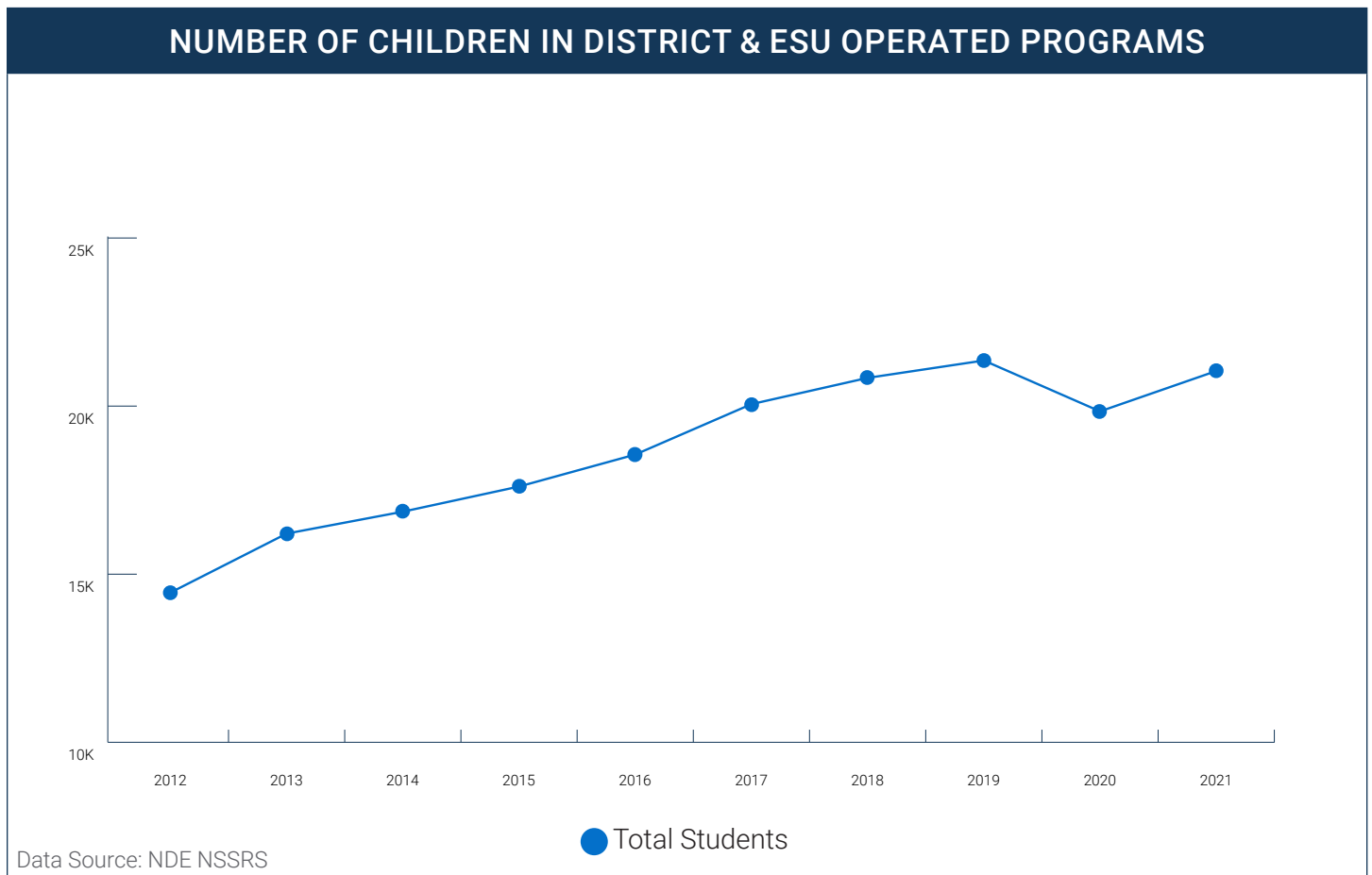
- 9,471 (45%) had an IEP or IFSP (center-based or home-based)
- 8,413 (40%) qualified for Free or Reduced Lunch
- 2,550 (12%) had a home language other than English
- 268 (1%) were reported as English Learners

The above percentages were all within 1% of the previous year's percentages except for children with a home language other than English. This percentage increased from 10% to 12%.

## TEN-YEAR TREND DATA

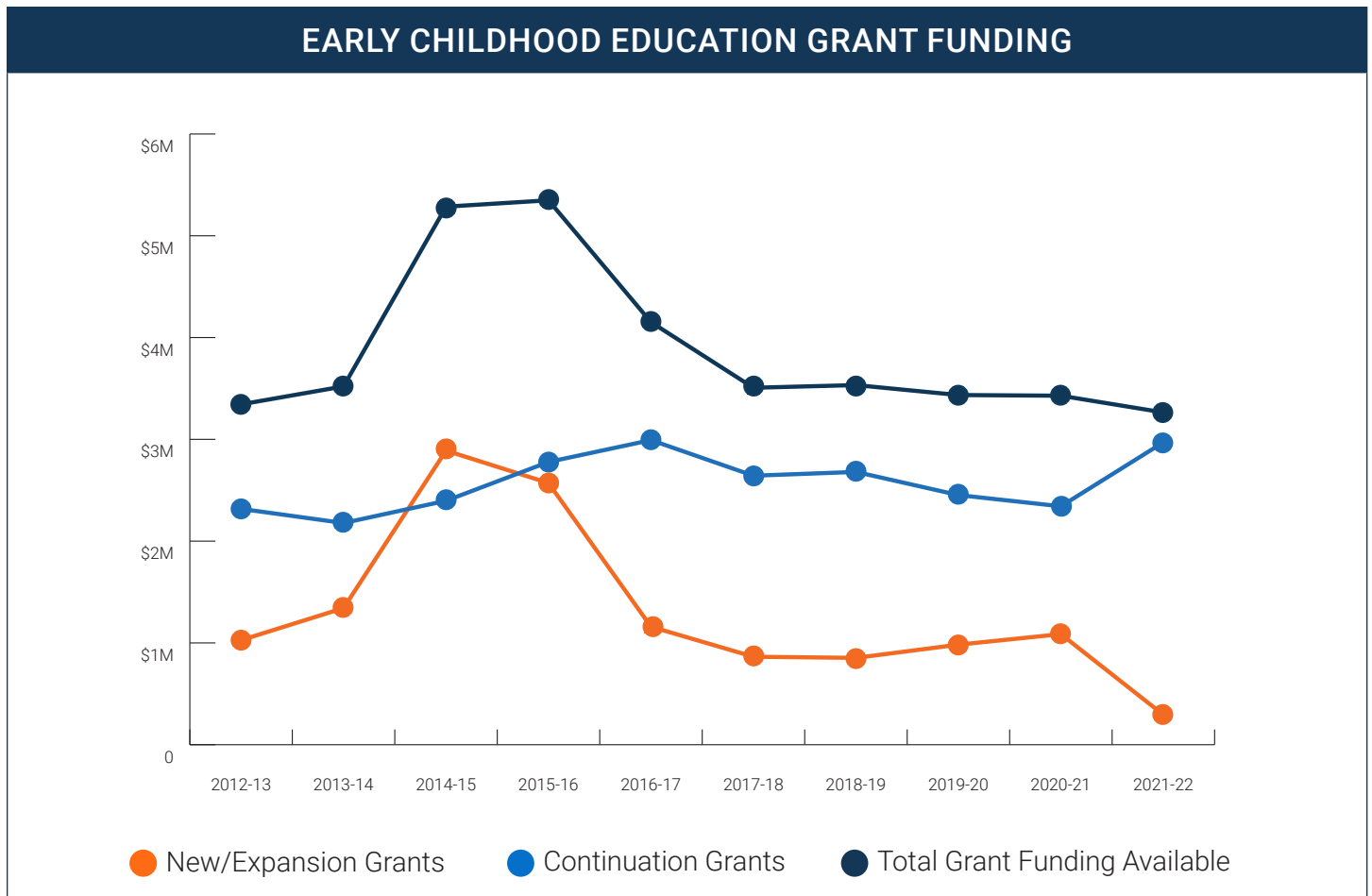
Longitudinal data was reviewed to track the pattern of children served by district and ESU operated programs across ages. The graph below represents children served in programs that were home-based, center-based and received services provided to children ages birth to five in homes and community settings.

During the 2020-2021 school year, the number of children enrolled in district and ESU operated early childhood programs declined. This same decline was observed across the country and was attributed to the COVID-19 pandemic (Weisenfeld, 2021). The number of enrolled children in the 2021-2022 school year rebounded to nearly the same number of children in 2019-2020. The numbers of 2019-2020 reflect pre-pandemic enrollment from the fall of 2019.

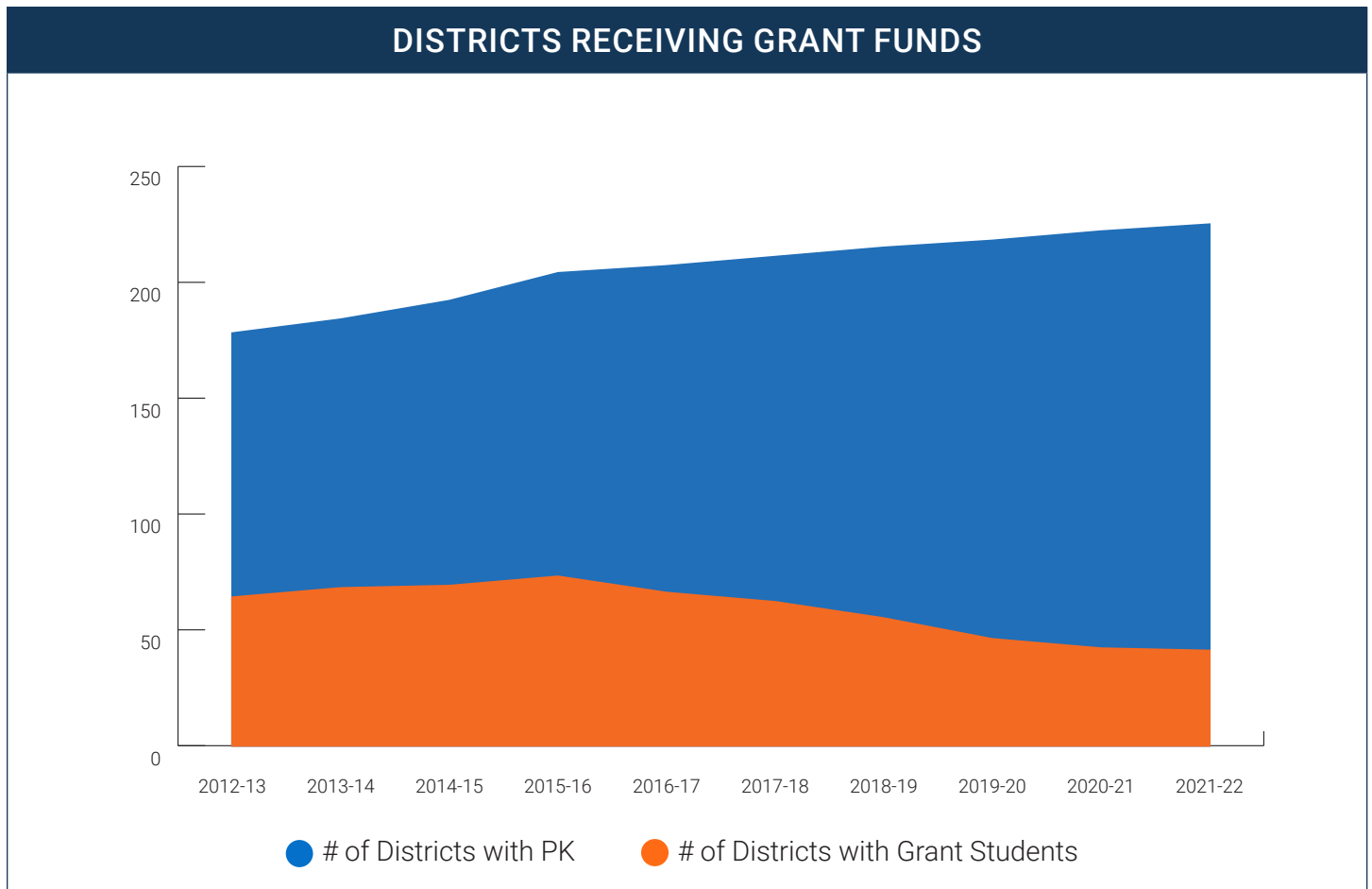


There has been an increase in districts operating prekindergarten programs in order to serve the increased number of children. Early Childhood Grant funds have been utilized by more than half of the school districts across the state as the district began or expanded the prekindergarten program. As the number of districts providing prekindergarten programs has increased, the amount available for the Nebraska Department of Education to allocate for Early Childhood Grants has not.

In 2012-2013, \$3,343,880 were allocated to districts for early childhood grants programs. The amount allocated to districts increased greatly in 2014-2017 due to legislation providing several years of additional funding that began with the 2014-2015 school year. Since then, the amount of grant funds available for the NDE to allocate to districts have been similar to the amounts funded ten years ago, even though there has been a 26% increase in districts offering prekindergarten programs and a 46% increase in children being served in district operated programs since 2012. In 2021-2022, \$3,264,517 were allocated to district operated programs.



During the 2021-2022 school year, 41 districts received state grant funds while 184 districts did not receive any state grant funds. Some districts had a mixture of state grant funded classrooms and non-state grant funded classrooms.



# RESULTS MATTER IN NEBRASKA: A COMPREHENSIVE ACCOUNTABILITY

Results Matter in Nebraska is a child, family, and program outcomes measurement system designed and implemented to improve programs and supports for all young children birth to age five served through districts, ESUs, the Early Development Network (EDN), Early Head Start, Head Start, Tribal and Migrant seasonal Head Start programs, and community partners. Child, family, and program outcome data is used to inform early childhood program practices and policy.

## PROGRAM OUTCOMES

Quality early childhood education programs have been linked to immediate, positive developmental outcomes, as well as long-term positive academic outcomes (Morgan, 2019) The NDE promotes quality programs through ongoing training and technical assistance.

Program quality is measured through onsite observations. Assessment tools measure how the classroom environment supports children's physical, cognitive, language and literacy, mathematical, and social-emotional development.

## QUALITY MEASURES FOR THREE- TO FIVE-YEAR-OLD PROGRAMS

The Early Childhood Environment Rating Scale® (ECERS-3) and the Classroom Assessment Scoring System® (CLASS) were used to evaluate the overall quality of prekindergarten programs.

ECERS-3 is an observational assessment of 35 items across six subscales, designed to assess center-based programs for children 3-5 years of age. The program standard of quality is a rating of five across all six subscales and is based on a 7-point scale with 7 being excellent. ECERS-3 rates six areas: Space and Furnishing, Personal Care Routines, Language and Literacy, Learning Activities, Interactions, and Program Structure.

CLASS is an observational tool designed to measure the interactions between teachers and children as well as how those interactions affect children's learning. CLASS encompasses 10 dimensions that are divided into three broad domains: Emotional Support, Classroom Organization, and Instructional Support. Each domain is scored on a 7-point scale with 7 being excellent.

The NDE selected the district classrooms in which observations were conducted. Observations of district programs receiving Early Childhood State Grant funds are completed using the ECERS-3. Districts not receiving early childhood grant funds may choose which tool, ECERS-3 or CLASS, is used for their observation. For the 2021-2022 school year, 81 observations were completed including 70 ECERS-3 and 11 CLASS observations.

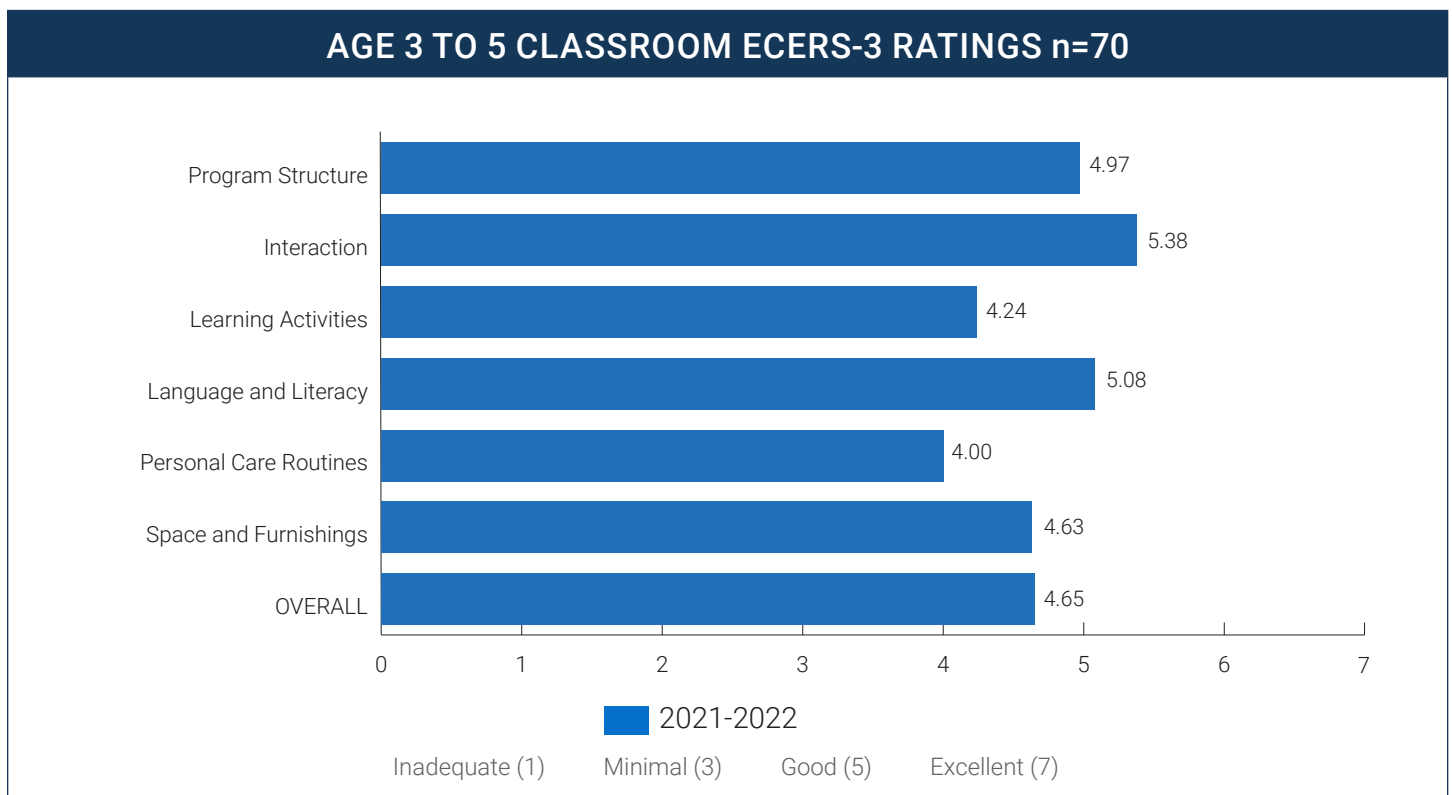


## PROGRAM ASSESSMENT DATA

### ECERS-3

ECERS-3 observations were completed in 70 classrooms. The results showed that classroom quality was strongest in the subscales of Interaction, Language and Literacy, and Program Structure. The Interaction subscale focuses on how adults interact with children through supervision of gross motor activities, individualized teaching and learning, staff-child interaction, peer interaction, and discipline. The Language and Literacy subscale includes vocabulary, children's use of books, and becoming familiar with print. Program structure evaluates how the program is set up for whole group activities, play, and transitions.

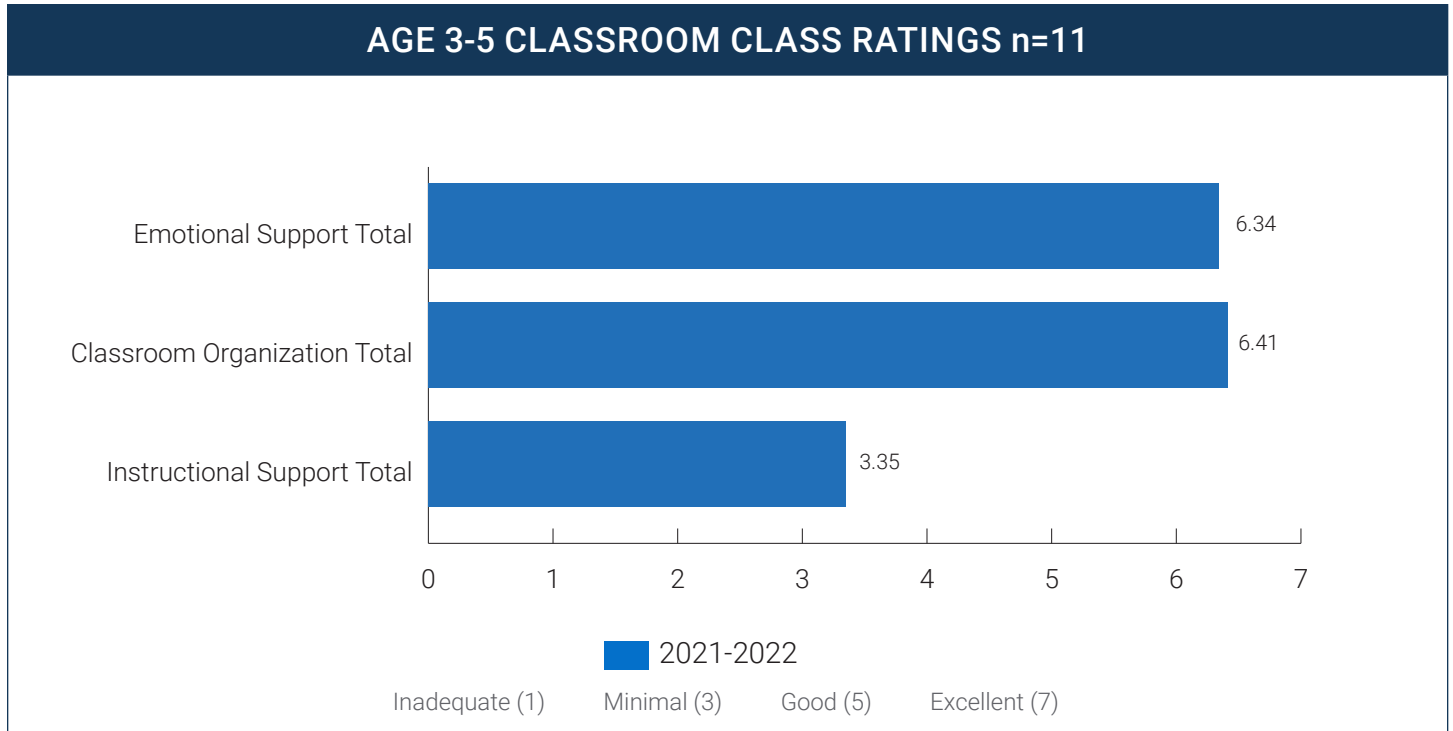
The lowest ratings were in Learning Activities and Personal Care Routines. The Learning Activities subscale identifies how the classroom and staff support learning throughout the day including fine motor skills, dramatic play, nature/science, math, and technology. The Personal Care Routines subscale focuses on meals/snacks, toileting/diapering, health practices, and safety.



## CLASS

Eleven CLASS observations were completed. CLASS has three domains: Instructional Support, Classroom Organization, and Emotional Support. The results showed the strongest ratings in Emotional Support and Classroom Organization.

The Emotional Support domain determines the positive or negative climate in the classroom as well as measuring teacher sensitivity and how teacher interactions show an understanding of the child's point of view. The Classroom Organization domain focuses on how smoothly the classroom operates along with ensuring that children are engaged in productive learning activities. The Instructional Support domain, which received the lowest state-wide scores, emphasizes how teachers promote higher order thinking skills, provide effective feedback, and encourage the development of children's language skills.



# CHILD OUTCOMES: CHILD ASSESSMENT PROCESS

Early Childhood programs are informed by ongoing systematic, formal, and informal assessment approaches that provide teachers and families with information about children’s learning and development. MyTeachingStrategies GOLD™ is a research-based, authentic assessment system used by district and ESU programs as well as in many federally funded Early Head Start and Head Start programs. This report includes data from district and ESU programs and Early Head Start/Head Start programs participating through an NDE umbrella purchase option.

GOLD™ data is collected through observation of six areas of development and learning on an ongoing basis for all children B-5 served by districts, ESUs, and Early Head Start/Head Start. The data is used by teachers and other program staff to inform and improve instruction to meet the needs of individual children and groups of children. The NDE uses GOLD™ data for state and federal reporting purposes. Fall and Spring checkpoint data is analyzed and used to monitor district progress toward achieving widely held expectations across the six areas.



## THE AREAS OF DEVELOPMENT & LEARNING ARE:



### **Social-Emotional**

Regulate emotions and build relationships with others.



### **Physical**

Demonstrates large motor skills, such as traveling, balancing, and coordinated physical manipulation skills.



### **Language**

Learn to understand and use words/gestures to effectively communicate.



### **Cognitive**

Demonstrate positive approaches to learning, classification skills, and use representational skills.



### **Literacy**

Engage in emergent reading and writing behaviors.



### **Mathematics**

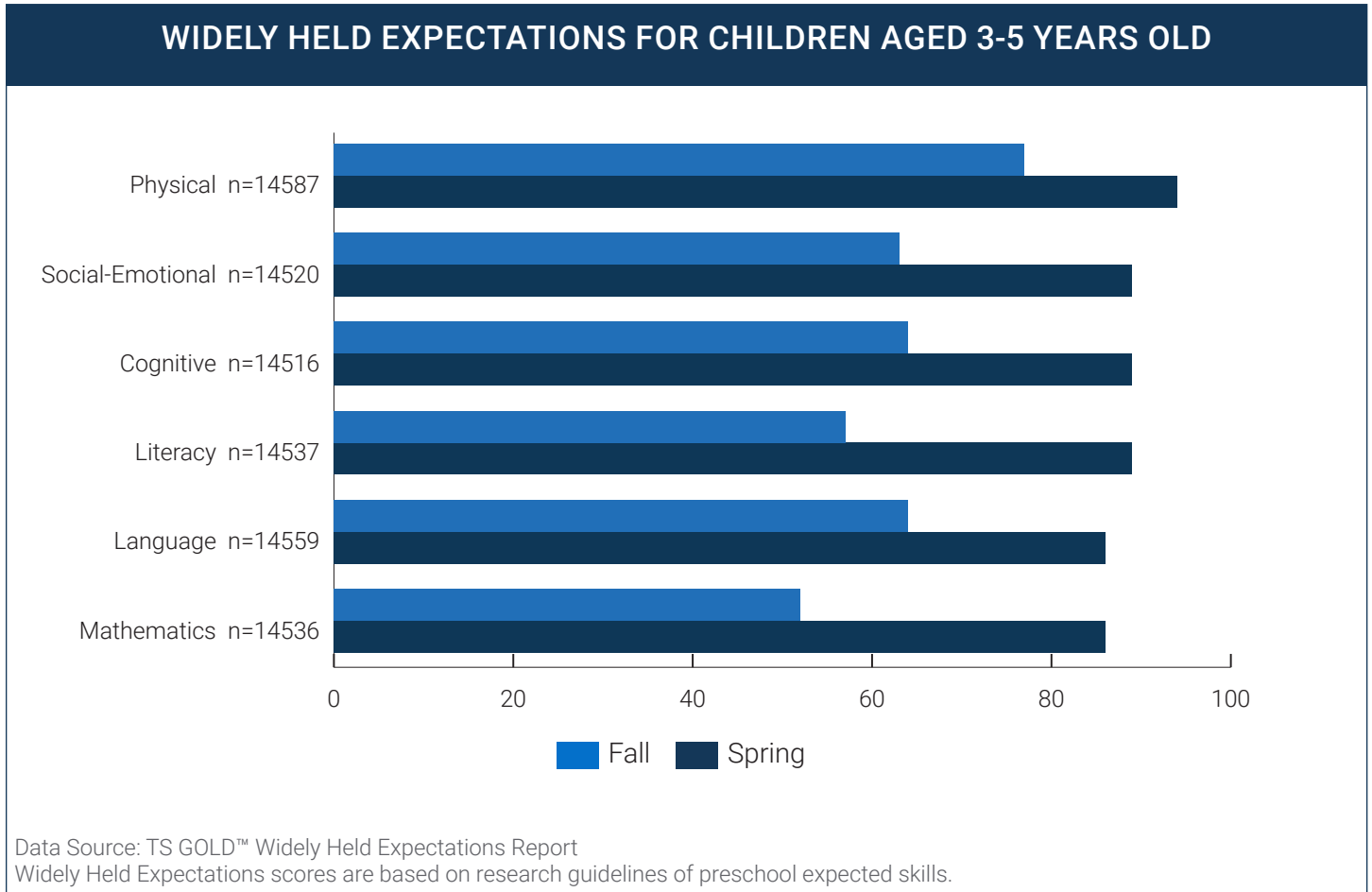
Explore spatial relationships and demonstrate knowledge of patterns and number concepts.

## CHILD ASSESSMENT DATA

Over the course of the 2021-2022 school year, 20,061 children birth to age five were assessed utilizing GOLD™ across various settings. For this report, fall and spring checkpoint data were analyzed to monitor children’s progress towards achieving widely held expectations for children ages three to five. Additional child data for children birth to age two can be found within the Sixpence, Special Education and/or Head Start reports, linked later in this report.

## OUTCOMES FOR CHILDREN AGED THREE TO FIVE YEARS OLD

The preschool data included children within early childhood settings that were either one or two years from entering kindergarten. Of the 17,621 children ages three to five with assessment data in the 2021-2022 school year, an average of 14,543 children had finalized assessment data by both the fall and spring checkpoint date in at least one of the six areas of development. The varying numbers in the graph for each of the developmental areas indicate the number of children with finalized checkpoint data in both the fall and spring. Checkpoint data may not be available for children across all areas based on a variety of factors limiting teachers' ability to gather data including extended child absences, discontinuation of services, and family mobility. By the spring of 2022, the majority of children aged three to five years old met widely held expectations in every area assessed, with the highest number of children meeting widely held expectations in the areas of literacy, social-emotional, physical, and cognitive development. The strongest gains were made in the areas of math and literacy.



# KINDERGARTEN READY

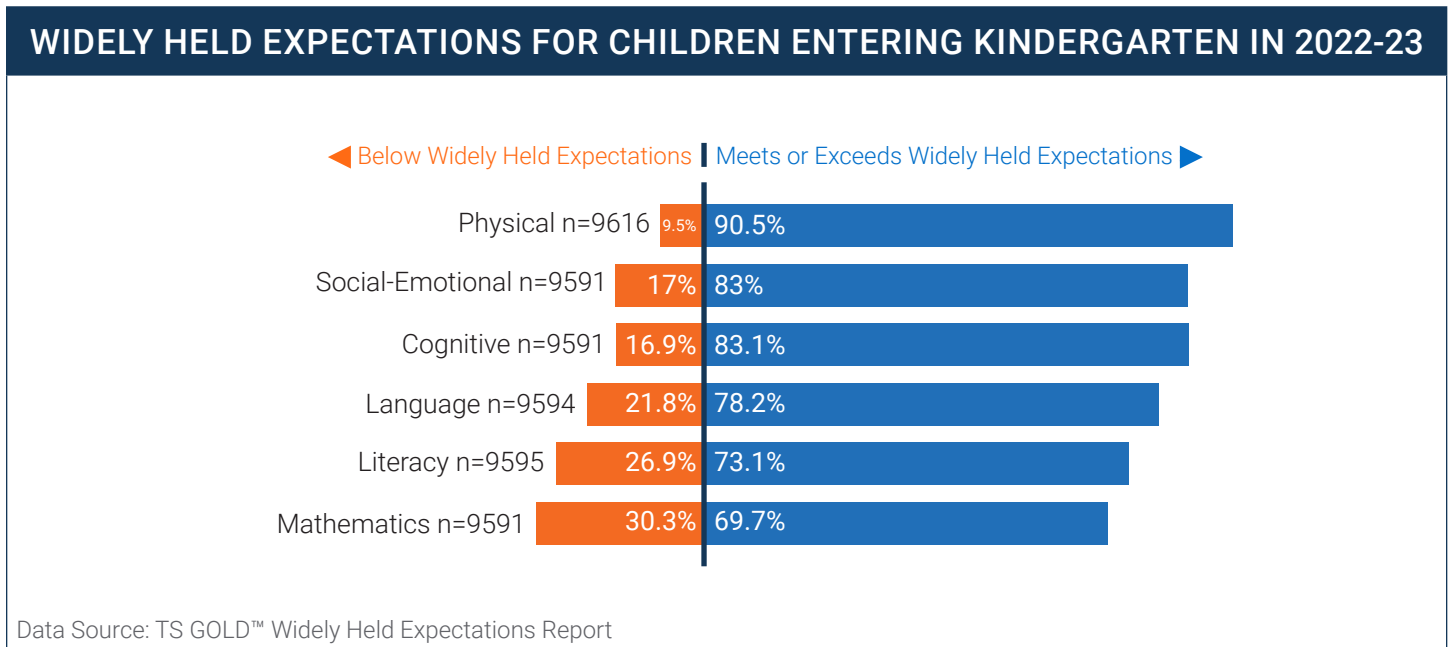
Children are born with the innate ability to learn. The goal of school readiness efforts is to support all children entering kindergarten with the skills, knowledge, health, and attitude to be successful life-long learners. Nebraska law entitles children to receive a free public education the year that they turn five on or before July 31.

## TRANSITION AGREEMENTS

The majority of students entering kindergarten within public school districts do not attend district-operated programs; therefore, districts must work with local partners to ensure the school is ready for incoming kindergarten students. With an increased focus on transition agreements required by Title 1, 165 districts reported utilizing a kindergarten transition agreement with Head Start programs within the community and 149 districts reported utilizing a kindergarten transition agreement with child care programs.

## OUTCOMES FOR CHILDREN ENTERING KINDERGARTEN IN 2022-2023

To evaluate the growth and learning of children eligible to enter kindergarten in 2022-2023, data was gathered during the spring of 2022 for children who participated in district, ESU, and or Head Start programs and would be eligible for kindergarten in the fall of 2022. The data for more than 9500 children was analyzed in six areas of development and learning and showed the percentage of children meeting the kindergarten readiness standards. The varying numbers of children for each of the areas indicates the number of children with finalized checkpoint data. Checkpoint data may not be available for children across all areas based on a variety of factors limiting teachers' ability to gather data including extended child absences, discontinuation of services, and family mobility. Strengths for children entering kindergarten were the physical, social-emotional, and cognitive skills.



## PARTNERSHIPS

District prekindergarten programs are working in partnerships. All school districts are required to provide special education services for children with disabilities, including those below kindergarten entrance age. Other partnerships are also utilized to better meet the needs of children and their families. These partnerships often have their own reporting requirements. Information regarding some of those partnerships is included along with links for additional information.

## REPORTING CHILD OUTCOMES FOR CHILDREN WITH AN IFSP OR IEP

In addition to the NDE annual Early Childhood Education State report, the Office of Special Education Programs (OSEP) requires the NDE to annually report child outcomes for infants and toddlers with disabilities (IDEA Part C, ages Birth to 3) and preschoolers with disabilities (IDEA Part B, ages 3-5). To meet annual reporting requirements of the Office of Special Education Programs (OSEP), child program entry and exit checkpoint data is analyzed to determine if the NDE's annual targets are being met for the three outcomes.

The NDE Annual Reports to OSEP include the number and percentage of children who:

- Show greater than expected growth
- Function within age expectations

Annual Reporting is based on functional outcome areas across areas of development and learning that reflect the integration and progression of child development and learning. Child outcomes reflect the child's ability to be successful in the context of everyday living. Each year the results are compared to the state targets.

Detailed information regarding the functional outcomes, targets, and comparison of children's Part C or Part B outcome data to the state targets can be found in the IDEA Part C Planning Region Team (PRT) Annual Performance Report and IDEA Part B State Performance Plan/Annual Performance Report, which are located on the Public Reporting webpage of the Nebraska Department of Education Special Education website: [www.education.ne.gov/sped/public-reporting](http://www.education.ne.gov/sped/public-reporting).

## QUALITY MEASURES FOR IDEA PART C: EARLY DEVELOPMENT NETWORK (EDN)

OSEP requires monitoring of family outcomes for infants and toddlers with disabilities. Three outcomes are identified for families who have a child with an IFSP. They include the percent of families participating in Part C who report that early intervention services helped the family:

- Know their rights;
- Effectively communicate their children's needs; and
- Help their children develop and learn.

Each year families are asked to complete a family survey to gather this information. Data is then analyzed and compared against state determined targets. The results are included in the IDEA Part C PRT Annual Performance Report located on the Public Reporting webpage of the Nebraska Department of Education Special Education website: [www.education.ne.gov/sped/public-reporting](http://www.education.ne.gov/sped/public-reporting).

## SIXPENCE INFANT AND TODDLER PROGRAMS

The Sixpence Early Learning Fund is a public-private partnership that supports collaboration at the state and local levels. Funds are awarded to school districts with community-based partnerships to serve families and children birth to age 3. Sixpence serves children and families through center-based and home-based programs. Forty six districts across the state have either a Sixpence center-based, home-based program, and/or child care partnership grant. To assess program outcomes and family outcomes, Sixpence programs use assessment tools including: the Classroom Assessment Scoring System® (CLASS), the Infant/Toddler Environment Rating Scales®-Third Edition (ITERS-3), the FRIENDS Protective Factors Survey (PFS), and family interviews. The CLASS is an observational tool designed to measure the interactions between teachers and children as well as how those interactions affect children’s learning. The ITERS-3 assesses quality with a focus on classroom structure, activities, and play materials. The PFS measures the perceived presence of protective factors in the caregivers of children.

The Sixpence Report and analysis can be accessed at:  
[www.singasongofsixpence.org/resources/resource-library.html](http://www.singasongofsixpence.org/resources/resource-library.html)

## HEAD START PROGRAMS

There are 19 Early Head Start/Head Start grant recipients across the state of Nebraska: 15 regional recipients, 3 Native American Tribal recipients, and 1 Migrant/Seasonal grant recipient. These Head Start programs provide a variety of programming options, including center-based options for infants, toddlers, and preschool-age children, home visiting programs, and childcare partnerships, to over 5,300 children ages Birth to 5. Of the 15 regional recipients, four are direct awards to either a school district or ESU. During the 2021-2022 school year, seventy-one districts reported having some sort of partnership with at least one program of the 19 Head Start grant recipients. These partnerships range from providing referrals to providing comprehensive services to children and their families.

Additional information regarding access to Head Start and Early head Start as well as services provided can be found at the National Head Start Association Fact Sheet and individual state fact sheets:  
[nhsa.org/wp-content/uploads/2022/01/NE.pdf](http://nhsa.org/wp-content/uploads/2022/01/NE.pdf)



# SUPPORTS

As the NDE Office of Early Childhood strives to ensure quality early childhood programs across the state of Nebraska, several programs have focused on the importance of supporting family engagement and early childhood leadership.

## FAMILY ENGAGEMENT

### Supporting Family Engagement PK-3

Following the pandemic, school districts reported an increased professional development need for staff to better connect and collaborate with families and caregivers to support the learning and growth of the children in their classrooms. The NDE Office of Early Childhood partnered with the University of Nebraska at Lincoln, College of Youth and Family Studies to develop and share a family engagement webinar at no cost to participants. The course, Supporting Family Engagement PK-3, was launched in March of 2021 and has been accessed by more than 150 participants and completed by more than 60 participants.

### ReadyRosie

ReadyRosie is a family engagement program that was implemented during the 2021-2022 school year throughout the state of Nebraska. The Office of Early Childhood invited early childhood programs across the state to try out ReadyRosie in their programs with the Office of Early Childhood paying all the associated costs. ReadyRosie supports young children's caregivers and families with developmentally appropriate activities and videos that show caregivers and families ways to interact with young children while supporting learning outcomes. Learning outcomes included:

- Language and Literacy
- Math
- Social Emotional
- Health and Well Being

ReadyRosie also focused on building and supporting family relationships through family outcomes. These outcomes included:

- Families Well Being
- Positive Parent-Child Relationships
- Families as Lifelong Educators
- Families as Learners
- Family Engagement in Transition
- Family Connections to Peers and Community
- Families as Advocates and Leaders

During the 2021-2022 school year, 51 programs across the state implemented ReadyRosie. Three hundred and eighty-five teachers created 444 virtual classrooms for approximately 4,560 family members and caregivers.

## EARLY CHILDHOOD LEADERSHIP

### Nebraska's NAESP PreK-3 Leadership Academy

As part of Nebraska's Preschool Development Grant, a federal grant awarded to Nebraska's Department of Health and Human Services to support strategic planning on the importance of early childhood education, the Nebraska Department of Education was awarded funds to support school district and Head Start leadership in having a better understanding of the PreK-3rd grade alignment through participation in three cohorts of Nebraska's NAESP PreK-3 Leadership Academy. This cohort model provides Principals, Special Education and Curriculum Directors, and Head Start directors, and other early childhood and school district leaders an opportunity to participate in a year-long professional learning community, designed to support the PreK-3rd grade leader using the National Association of Elementary School Principals (NAESP) curriculum.

Through two cohorts (2019-2022), more than 30 leaders from across the state graduated from the academy with a certificate in leadership from NAESP. As part of the leadership academy, graduates demonstrated their learning from the course through the presentation of a capstone project focusing on one of the six competencies that were presented through the NAESP coursework. Those competencies include:

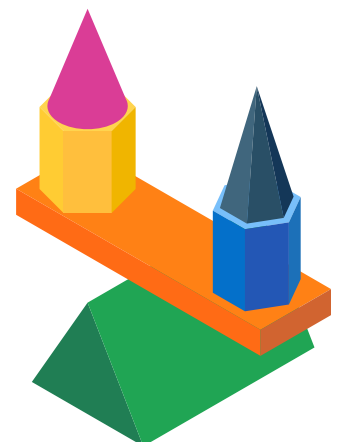
- Understand child development and its implication for high-quality instruction and interactions, PreK-3rd grade,
- Develop and foster partnerships with families and communities,
- Embrace and enact a preK-3rd grade vision,
- Ensure equitable opportunities,
- Share leadership and build professional capacity, and
- Promote a culture of continuous improvement.

A third cohort began in May of 2022, with plans underway for two additional cohorts utilizing ESSER funds in the upcoming years.



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Nebraska Department of Education  
Office of Early Childhood  
[education.ne.gov/oec](http://education.ne.gov/oec)



December 2022



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 24, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Brad Dirksen, Administrator

**PROPOSED AGENDA ITEM:** Approve College View Academy to operate for the 2023-2024 school year under Rule 14

**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. 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.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:** \$0.00

**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 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Trudy K Clark, Director of Statewide Assessment

**PROPOSED AGENDA ITEM:** Approval of Cut Scores for English Language Arts and Mathematics, and Science Validation for NSCAS Growth and English Language Arts and Science Validation for NSCAS ALT

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

### RATIONALE/BACKGROUND INFORMATION:

- Standard setting is the process by which achievement levels are established. Nebraska educators work with a qualified outside agency to set cut scores. The Technical Advisory Committee (TAC) supported the process as described by the agency at the March TAC meeting.
- Standard setting establishes the cut scores that separate students into achievement levels (i.e., developing, proficient, advanced).
- Students and Nebraska educators are served by this process.
- After training, Nebraska educators will work together to establish cut scores. After taking the test, the educators identify how a barely proficient student and a barely advanced student would perform on each item. Following two rounds of conversation among the educators to arrive at consensus regarding performance, the agency shares the impact these cut scores will have on student scores. Following discussion regarding the impact data, final determinations will be shared with a policy review committee composed of members of the Assessment and Accountability Advisory Committee and Nebraska Association for Curriculum, Instruction, and Assessment. One or more members of the Technical Advisory Committee will also be present either during the process or participating in the policy review; however, they are only observers and will not remark on the results.
- Standard setting will take place during the summer. The cut scores will be presented to the board at the August 4 meeting for approval.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 4, 2023

**ESTIMATED COST:** N/A



**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:

*\*Updated 07.06.2023*

# Standard Setting

State Board of Education  
August 4, 2023



# Standard Setting

Process of describing levels of performance and identifying ranges of test scores associated with those levels. The State Board of Education established three performance levels in 2017. Presently we have:

- Developing
  - On Track
  - Advanced
- Proficient



# ELA and Mathematics Performance Level Descriptions

- **Developing:** Developing learners do not yet demonstrate proficiency in the knowledge and skills necessary at this grade level, as specified in the assessed Nebraska College and Career Ready Standards. These results provide evidence that the student may need additional support for academic success at the next grade level.
- **On Track:** On Track learners **demonstrate proficiency** in the knowledge and skills necessary at this grade level, as specified in the assessed Nebraska College and Career Ready Standards. These results provide evidence that the student will likely be ready for academic success at the next grade level.
- **Advanced:** Advanced learners **demonstrate high levels proficiency** in the knowledge and skills necessary at this grade level, as specified in the assessed Nebraska College and Career Ready Standards. These results provide evidence that the student will likely be ready for academic success at the next grade level.



# Standard Setting

When?

- The first year of a new assessment
- A test changes significantly
- Policy makers want to adjust expectations



# Standard Setting

## Precipitating Event

### English Language Arts

- Adoption of revised College and Career Ready State Standards (2021)
- New test (i.e., NSCAS Growth - Computer-Adaptive Test) (2023)

### Mathematics

- As a result of educator concerns, a review of the edMetrics Technical Report of the 2018 standard setting process by the Technical Advisory Committee indicated there was sufficient evidence to suggest a new standard setting could take place.



# English Language Arts & Mathematics Standard Setting Process

ACS Ventures facilitated the work of approximately 60 content area specialists over 4 days (July 24-27).

- Panelists engaged with Achievement/Performance Level Descriptors and test content to recommend cut scores
- Panelists engaged in multiple rounds and discussions
- Panelists saw the impact data
- Panelists looked at consistency across grades (vertical alignment)



# English Language Arts & Mathematics Cut Score Recommendations

As a final step prior to presenting the cut scores to the board for adoption, Chad Buckendahl, a national assessment expert, facilitated a policy review with a sub-committee of the Assessment & Accountability Committee and the Nebraska Association of Curriculum, Instruction & Assessment to determine if the cut scores were reasonable.



# Science Validation

ACS Ventures provided results of impact data using present cut scores on student performance on the Spring 2023 NSCAS General Science. Educators determined if the cut scores are reasonable. The policy review panel reviewed as well.



# NSCAS English Language Arts Cut Score Recommendations

Performance Level	3 <sup>rd</sup> Grade	4 <sup>th</sup> Grade	5 <sup>th</sup> Grade	6 <sup>th</sup> Grade	7 <sup>th</sup> Grade	8 <sup>th</sup> Grade	NSCAS Scale Score Grade 3: 2220-2840 Grade 4: 2250-2850 Grade 5: 2280-2860 Grade 6: 2290-2870 Grade 7: 2300-2880 Grade 8: 2310-2890
Advanced							
On Track	2536	2567	2583	2594	2609	2624	
Developing	2443	2493	2504	2518	2527	2524	



# NSCAS Mathematics Cut Score Recommendations

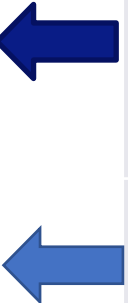
Performance Level	3 <sup>rd</sup> Grade	4 <sup>th</sup> Grade	5 <sup>th</sup> Grade	6 <sup>th</sup> Grade	7 <sup>th</sup> Grade	8 <sup>th</sup> Grade
Advanced						
On Track	1297	1331	1329	1321	1314	1319
Developing	1176	1208	1207	1228	1212	1231

NSCAS Scale Score  
 Grade 3: 1000-1470  
 Grade 4: 1010-1500  
 Grade 5: 1020-1510  
 Grade 6: 1030-1530  
 Grade 7: 1040-1540  
 Grade 8: 1050-1550



# NSCAS Science Validation Cut Score Recommendations

Performance Level	5 <sup>th</sup> Grade	8 <sup>th</sup> Grade
Advanced	3150	3150
On Track	3100	3100
Developing		



NSCAS Science Scales  
Grade 5: 3000-3250  
Grade 8: 3000-3250



# NSCAS Alternate English Language Arts Cut Score Recommendations

Performance Level
Advanced
On Track
Developing

	3 <sup>rd</sup> Grade	4 <sup>th</sup> Grade	5 <sup>th</sup> Grade	6 <sup>th</sup> Grade	7 <sup>th</sup> Grade	8 <sup>th</sup> Grade
On Track	250	250	250	250	250	250
Developing	200	200	200	200	200	200

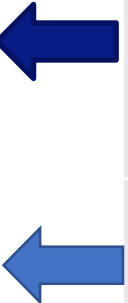
Reflect the extended indicators

NSCAS Scale Score  
 Grade 3: 100-300  
 Grade 4: 100-300  
 Grade 5: 100-300  
 Grade 6: 100-300  
 Grade 7: 100-300  
 Grade 8: 100-300



# NSCAS Alternate Science Validation Cut Score Recommendations

Performance Level	5 <sup>th</sup> Grade	8 <sup>th</sup> Grade	11 <sup>th</sup> Grade
Advanced	250	250	250
On Track	200	200	200
Developing			



## NSCAS Science Scales

Grade 5: 100-300

Grade 8: 100-300

Grade 11: 100-300





Questions?



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 20, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Allyson DenBeste, Academic Officer  
Dr. Trudy Clark, Director of Statewide Assessment

**PROPOSED AGENDA ITEM:** Notice of intent to bring Alt ELPA cut scores to the September State Board meeting for Board approval (discussion).

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

### RATIONALE/BACKGROUND INFORMATION:

- The Alt ELPA is the Nebraska English Language Proficiency assessment for English Learners with the most significant cognitive disabilities (ELSCDs).
- Title III Language Instruction for English Learners and Immigrant Students requires that every K-12 English Learner participate annually in the state's English Language Proficiency (ELP) assessment. Prior to 2023, the ELPA21 was the only ELP assessment available to Nebraska's English learners; accommodations were used to try to meet the needs of ELSCDs. State Board approval of the cut scores will be required for U.S. ED. peer review.
- Seventy-two Nebraska ELSCDs participated in the Alt ELPA field test in spring 2023; it is anticipated that in future years, the numbers will increase and should ultimately represent approximately 1% of Nebraska's English Learners, or 260 students.
- The Alt ELPA is administered by the vendor for the ELPA21 consortium, Cambium Assessment, Inc. The scores have been reviewed by the Alt ELPA Technical Advisory Committee and the ELPA21 Governing Board with standard setting led by Dr. Daniel Lewis of Creative Measurement Solutions.
- The Alt ELPA was funded in the 2019 Competitive Grants for State Assessments (CGSA) Program by the US Department of Education awarded to Iowa, which partnered with the ELPA21 consortium for the assessment development. As a member of the ELPA21 consortium, the NDE has participated in all stages of the assessment development and has an MOU and data sharing agreement in place with ELPA21.

### PROPOSED BOARD MEETING (MONTH/YEAR):

August/2023 (Notice of intent), September/2023 (Request for State Board approval)

**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 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 18, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Melody Hobson

**PROPOSED AGENDA ITEM:** Discuss approval of the Rule 11 teacher waiver request from Scottsbluff Public Schools.

**AGENDA ITEM TYPE:** Discussion

### RATIONALE/BACKGROUND INFORMATION:

- Operation of school district and educational service unit (ESU) early childhood programs are governed by the Nebraska Department of Education Rule 11: Regulations for the Approval of Prekindergarten Programs Established by School Boards and Educational Service Units and for the Issuance of Early Childhood Education Grants (Title 92, Nebraska Administrative Code, Chapter 11)
- The Nebraska State Board of Education is charged with approving prekindergarten (Early childhood education and care programs for children birth to kindergarten entrance age) programs operated by school districts and educational service units annually.
- Teachers in early school district and ESU prekindergarten classrooms are required to hold a valid Nebraska teaching certificate with an early childhood endorsement.
- School districts that hire individuals with a valid teaching certificate, but no early childhood endorsement must ensure that the teacher must work toward earning an early childhood endorsement.
- School districts that cannot hire one or more teacher(s) who hold a valid teaching certificate of any kind must apply for a Rule 11 waiver for the teacher(s).
- Nebraska State Board has the authority/responsibility to either approve or deny the Rule 11 waiver.

The school district has submitted the appropriate documentation for the waiver.

**PROPOSED BOARD MEETING:** Discussion- August 2023, Action item – September 2023

**ESTIMATED COST:** N/A

**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 07.06.2023*



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 24, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Shirley Vargas, Ed.L.D.  
School Transformation Officer

**PROPOSED AGENDA ITEM:** Review draft Priority School Progress Plan for Isanti Elementary and High School with anticipated approval in September 2023.

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

**RATIONALE/BACKGROUND INFORMATION:** Isanti Elementary School and Isanti High School have been identified as Priority Schools for three consecutive years. They were initially identified in June 2019. Per N.R.S. 79-760.07, If a school has been designated as a Priority School for three consecutive years, the State Board shall reevaluate the progress plan to determine if:

- A significant revision of the progress plan is necessary,
- An entirely new progress plan shall is developed, or
- An alternative administrative structure is warranted.

Each Priority School is required to submit a Progress Plan for approval by the State Board of Education. The purpose of the Progress Plan is to identify: goals and areas for growth and improvement; measurable indicators of progress; strategies and actions to achieve improvement; associated timelines and resources; and evidence to monitor progress. The Progress Plan serves as the primary improvement plan for the Priority School and is also part of the continuous improvement plan for the district in which the Priority School is located (92 NAC 10, Section 009.01B2).

Drafts of the Priority School Progress Plans are provided for information. During the September board meeting, the schools will seek approval of their significantly revised plans.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 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:
- Rationale for method of procurement:
- Rationale for contractor selection:

**FOR GRANT SUBAWARDS:**

- Describe the grantee selection process: NA

*\*Updated 07.06.2023*

AQuESTT

**2023-2024**

Priority School Progress Plans

Isanti Community Schools

**Isanti Elementary**

Isanti Middle School

**Isanti High School**



# AQuESTT

## 2023-2024 Priority School Progress Plans for Isanti Community Schools

<b>School Name:</b> Isanti Elementary School, Isanti Middle School, Isanti High School	<b>School District:</b> Isanti Community Schools	
<b>School Address:</b> 206 East Frazier Avenue Niobrara, Nebraska 68760		
<b>School District Superintendent:</b> Mr. Dave Mroczek	<b>Superintendent Signature:</b>	<b>Date:</b>
<b>Elementary Principal:</b> Mrs. Cindy Nagel	<b>Principal Signature:</b>	<b>Date:</b>
<b>Secondary Principal:</b> Mr. Shawn McDiffett	<b>Principal Signature:</b>	<b>Date:</b>
<b>Board of Education President:</b> Ms. Stacy Johnson	<b>Board President Signature:</b>	<b>Date:</b>
<b>Commissioner of Education:</b> Dr. Brian Maher	<b>Commissioner Signature:</b>	<b>Date:</b>
<b>State Board of Education President:</b> Dr. Patti Gubbles	<b>State Board President Signature:</b>	<b>Date:</b>

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DRAFT

**UNDER DEVELOPMENT**

**Overview**

As they enter the 2023-2024 school year, the Isanti Community Schools Leadership Team is working to build a *school that the community trusts*. The role of educators at Isanti Community Schools is to ensure all students have access to high quality instruction every day, that their Dakota Language and Culture is reflected in the practices and curriculum they engage with, and to sustain systems of continuous improvement. At the core of the goals and strategies listed for each school are these fundamental priorities:

- Strengthen relationships and trust among staff, students, leadership, and the community
- Intentionally seek resources to indigenize the students' experience of school, through practices, curriculum, and community engagement
- Invest time and resources in developing staff to deliver strong Tier I instruction using High Quality Instructional Materials

The Principals of each school will work collaboratively with one another, the Superintendent, Instructional Coach, Dean of Students, Operations Coordinator, Director of Language and Culture, and other key leaders of the school to create systemic conditions for strong instruction, improved attendance, community engagement, and a positive school climate.

**Elementary School Plan**

**Goals**

The Isanti Elementary School Goals are based in Academics, Attendance, Staff Development and Satisfaction, and School Climate and Culture.

Category	Measure	Target
<p><b>Academics</b></p> <p><i>AQuESTT Category:</i></p> <p><input type="checkbox"/> Educational Opportunities &amp; Access</p> <p><input type="checkbox"/> Student Achievement &amp; Growth</p>	K-2: Percent of students meeting grade level expectations on MAP (ELA)	15%
	K-2: Percent of students meeting grade level expectations on MAP (Math)	15%
	K-5: Percent of students meeting Benchmark on DIBELS by End of Year (ELA)	40%
	3-5: Percent of students meeting “On Track” or “Advanced” on NSCAS (ELA) by End of Year	15%
	3-5: Percent of students meeting “On Track” or “Advanced” on NSCAS (Math) by End of Year	15%
<p><b>Attendance</b></p> <p><i>AQuESTT Category:</i></p> <p><input type="checkbox"/> Educational Opportunities &amp; Access</p> <p><input type="checkbox"/> Transitions</p> <p><input type="checkbox"/> Positive Partnerships, Relationships, and Success</p>	K-5: Percent of students meeting Attendance Expectations (present at least 90% of days)	60%
<p><b>Staff Development</b></p> <p><i>AQuESTT Category:</i></p>	Isanti Elementary School will provide monthly staff development aligned to implementation of High Quality Instructional Materials, Instructional Coherence, Strong Instruction, Grade Appropriate Assignments, High Expectations, and/or Student Engagement, including structures to indigenize practices and content for students.	Qualitative Report

# AQuESTT

## 2023-2024 Priority School Progress Plans for Isanti Community Schools

<input type="checkbox"/> Educational Opportunities & Access <input type="checkbox"/> Educator Effectiveness <input type="checkbox"/> Leadership	Isanti Elementary School will adopt and implement High Quality Instructional Materials in ELA and Math as well as aligned interventions.	Qualitative Report + Monthly Observation
<p style="text-align: center;"><b>School Culture &amp; Climate</b></p> <p style="text-align: center;"><i>AQuESTT Category:</i></p> <input type="checkbox"/> Positive Partnerships, Relationships, and Success <input type="checkbox"/> Leadership	Isanti Elementary School will administer a quarterly survey to staff, students, and families to understand their experiences related to the vision of the school.	Qualitative Report + Survey Results
	Isanti Elementary School will host monthly family nights to build relationships with caregivers and stakeholders.	Qualitative Results

DRAFT

# AQuESTT

## 2023-2024 Priority School Progress Plans for Isanti Community Schools

### Reporting Plan

Category	Measure	Target	22-23 Result	BOY Baseline (Sept 30)	MOY Baseline (Jan 30)	EOY Result (May 30)
Academics	K-2: Percent of students meeting grade level expectations on MAP (ELA)	15%	13%			
	K-2: Percent of students meeting grade level expectations on MAP (Math)	15%	16%			
	K-5: Percent of students meeting Benchmark on DIBELS by End of Year (ELA)	35%	32%			
	3-5: Percent of students meeting "On Track" or "Advanced" on NSCAS (ELA) by End of Year	15%	14% (pending cut scores)			
	3-5: Percent of students meeting "On Track" or "Advanced" on NSCAS (Math) by End of Year	10%	8% (pending cut scores)			
Attendance	K-5: Percent of students meeting Attendance Expectations (present at least 90% of days)	60%	52% (pending AQuESTT data)			
Staff Development	Isanti Elementary School will provide monthly staff development aligned to implementation of High Quality Instructional Materials, Instructional Coherence, Strong Instruction, Grade Appropriate Assignments, High Expectations, and/or Student Engagement, including structures to indigenize practices and content for students	<a href="#">Qualitative Report</a>				
	Isanti Elementary School will adopt and implement High Quality Instructional Materials in ELA and Math as well as aligned interventions.	Qualitative Report + Monthly Observation				

# AQuESTT

## 2023-2024 Priority School Progress Plans for Isanti Community Schools

School Culture & Climate	Isanti Elementary School will administer a quarterly survey to staff, students, and families to understand their experiences related to the vision of the school.	Qualitative Report				
	Isanti Elementary School will host monthly family nights to build relationships with caregivers and stakeholders.	Qualitative Report				

### Strategies & Structures

<i>Academic School Improvement &amp; Staff Development Strategies</i>				
<b>Strategy</b>	<b>Data Source</b>	<b>BOY Status</b>	<b>MOY Update</b>	<b>EOY Update</b>
Implement CKLA & Open Up Resources for Tier I Instruction with coaching and feedback structures for continuous improvement. These may include curriculum-based professional learning structures for teachers such as unit and lesson internalization, data analysis, and practice.	TNTP Monthly Observations			
Adopt Zearn, Boost and Burst as aligned interventions for instructional coherence, using a daily scheduled intervention time for all students.	Zearn Student Data Boost Student Data			
Create a data cycle for student outcomes using curriculum-based assessments as well as MAP, NSCAS, and DIBELS.	Quarterly Data Reports Curriculum Data Structures			

# AQuESTT

## 2023-2024 Priority School Progress Plans for Isanti Community Schools

<i>School Culture &amp; Climate Strategies, Including Attendance</i>				
<b>Strategy</b>	<b>Data Source</b>	<b>BOY Status</b>	<b>MOY Update</b>	<b>EOY Update</b>
Develop attendance monitoring and intervention team that includes key stakeholders and identifies mechanisms for engagement, support, and building community investment in student attendance.	Monthly chronic absenteeism prediction			
Create a leadership reflection structure that analyzes staff feedback on leadership, systems, their development in order to improve school climate.	Quarterly Survey			
Work with educators to Indigenize practices and content such that student identity is reflected in their experience.	Weekly events Monthly			
Develop leadership team systems to engage with the community, reflect on feedback, and improve community perceptions of the school's climate and effectiveness.	Monthly events & Quarterly Survey			

**Middle School Plan**

The Isanti Middle School Goals are based in Academics, Attendance, Staff Development and Satisfaction, and School Climate and Culture. Isanti Middle School Plan approved on October 4, 2019. The following goals are updated from the original approved plan.

Category	Measure	Target
<p><b>Academics</b></p> <p><i>AQuESTT Category:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Educational Opportunities &amp; Access</li> <li><input type="checkbox"/> Student Achievement &amp; Growth</li> </ul>	<p>6-8: Percent of students meeting “On Track” or “Advanced” on NSCAS (ELA) by End of Year</p> <hr/> <p>6-8: Percent of students meeting “On Track” or “Advanced” on NSCAS (Math) by End of Year</p>	<p>10%</p> <hr/> <p>10%</p>
<p><b>Attendance</b></p> <p><i>AQuESTT Category:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Educational Opportunities &amp; Access</li> <li><input type="checkbox"/> Transitions</li> <li><input type="checkbox"/> Positive Partnerships, Relationships, and Success</li> </ul>	<p>6-8: Percent of students meeting Attendance Expectations (present at least 90% of days)</p>	<p>60%</p>
<p><b>Staff Development</b></p> <p><i>AQuESTT Category:</i></p>	<p>Isanti Middle School will provide monthly staff development aligned to implementation of High Quality Instructional Materials, Instructional Coherence, Strong Instruction, Grade Appropriate Assignments, High Expectations, and/or Student Engagement, including structures to indigenize practices and content for students.</p>	<p>Qualitative Report</p>

# AQuESTT

## 2023-2024 Priority School Progress Plans for Isanti Community Schools

<input type="checkbox"/> Educational Opportunities & Access <input type="checkbox"/> Educator Effectiveness <input type="checkbox"/> Leadership	Isanti Middle School will adopt and implement High Quality Instructional Materials in ELA and Math as well as aligned interventions.	Qualitative Report + Monthly Observation
<p style="text-align: center;"><b>School Culture &amp; Climate</b></p> <p style="text-align: center;"><i>AQuESTT Category:</i></p> <input type="checkbox"/> Positive Partnerships, Relationships, and Success <input type="checkbox"/> Leadership	Isanti Middle School will administer a quarterly survey to staff, students, and families to understand their experiences related to the vision of the school.	Qualitative Report + Survey Results
	Isanti Middle School will host monthly family nights to build relationships with caregivers and stakeholders.	Qualitative Results

### Reporting Plan

Category	Measure	Target	22-23 Result	BOY Baseline (Sept 30)	MOY Baseline (Jan 30)	EOY Result (May 30)
Academics	6-8: Percent of students meeting “On Track” or “Advanced” on NSCAS (ELA) by End of Year	15%				
	6-8: Percent of students meeting “On Track” or “Advanced” on NSCAS (Math) by End of Year	10%				
Attendance	6-8: Percent of students meeting Attendance Expectations (present at least 90% of days)	60%				
Staff Development	Isanti Middle School will provide monthly staff development aligned to implementation of High Quality Instructional Materials, Instructional Coherence, Strong Instruction, Grade Appropriate Assignments, High Expectations, and/or Student Engagement, including structures to indigenize practices and content for students.	Qualitative Report				

# AQuESTT

## 2023-2024 Priority School Progress Plans for Isanti Community Schools

	Isanti Middle School will adopt and implement High Quality Instructional Materials in ELA and Math as well as aligned interventions.	Qualitative Report + Monthly Observation				
School Culture & Climate	Isanti Middle School will administer a quarterly survey to staff, students, and families to understand their experiences related to the vision of the school.	Qualitative Report				
	Isanti Middle School will host monthly family nights to build relationships with caregivers and stakeholders.	Qualitative Report				

### Strategies & Structures

<i>Academic School Improvement &amp; Staff Development Strategies</i>					
<b>Strategy</b>	<b>Data Source</b>	<b>BOY Status</b>	<b>MOY Update</b>	<b>EOY Update</b>	
Implement CKLA & Open Up Resources for Tier I Instruction with coaching and feedback structures for continuous improvement. These may include curriculum-based professional learning structures for teachers such as unit and lesson internalization, data analysis, and practice.	TNTP Monthly Observations				
Adopt Zearn, Boost and Burst as aligned interventions for instructional coherence, using a daily scheduled intervention time for all students.	Zearn Student Data Boost Student Data Burst Student Data				
Create a data cycle for student outcomes using curriculum-based assessments as well as MAP, NSCAS, and DIBELS.	Quarterly Data Reports Curriculum Data Structures				

# AQuESTT

## 2023-2024 Priority School Progress Plans for Isanti Community Schools

<i>School Culture &amp; Climate Strategies, Including Attendance</i>				
<b>Strategy</b>	<b>Data Source</b>	<b>BOY Status</b>	<b>MOY Update</b>	<b>EOY Update</b>
Develop attendance monitoring and intervention team that includes key stakeholders and identifies mechanisms for engagement, support, and building community investment in student attendance.	Monthly chronic absenteeism prediction			
Create a leadership reflection structure that analyzes staff feedback on leadership, systems, their development in order to improve school climate.	Quarterly Survey			
Work with educators to Indigenize practices and content such that student identity is reflected in their experience.	Weekly events Monthly			
Develop leadership team systems to engage with the community, reflect on feedback, and improve community perceptions of the school's climate and effectiveness.	Monthly events & Quarterly Survey			

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### High School Plan

#### Goals

The Isanti High School Goals are based in Academics, Attendance, Staff Development and Satisfaction, and School Climate and Culture.

Category	2023-2024 Aligned Priority Plan Measure	Target	CSI Plan Measure (2026 Exit Criteria)
<p>Academics</p> <p><i>AQuESTT Category:</i></p> <p><input type="checkbox"/> Educational Opportunities &amp; Access</p> <p><input type="checkbox"/> Student Achievement &amp; Growth</p>	<p>Isanti High School will implement High Quality Instructional Materials in ELA &amp; Math by the end of 2023-2024 School Year.</p> <p>Isanti High School will develop and implement an ACT Preparation, Participation, and investment program to support students in skill development by the end of 2023-2024 school year.</p> <p>Isanti High School will develop a standards-aligned assessment and reflection protocol that communicates progress toward College and Career Readiness.</p>	<p>Qualitative monthly report</p> <p>Qualitative monthly report</p> <p>Qualitative monthly report</p>	<p><b>ACT:</b> Isanti High School juniors will demonstrate proficiency on at least 11% of ACT (ELA and Math) assessments by the end of the 2024-2025 school year.</p>
<p>Attendance</p> <p><i>AQuESTT Category:</i></p> <p><input type="checkbox"/> Educational Opportunities &amp; Access</p> <p><input type="checkbox"/> Transitions</p> <p><input type="checkbox"/> Positive Partnerships, Relationships, and Success</p>	<p><b>9-12:</b> Percent of students meeting attendance expectations</p>	<p><b>10%</b></p>	<p><b>9-12:</b> At least 20% of Isanti High School Students will meet attendance expectations.</p>
<p>Graduation Rate</p> <p><i>AQuESTT Category:</i></p>	<p>Isanti High School will reach at least 90% graduation rate for 2023-2024.</p>	<p>90%</p>	<p>The Combined 7 Year Graduation Rate at Isanti will be at least 79% by the end of the 2024-2025</p>

# AQuESTT

## 2023-2024 Priority School Progress Plans for Isanti Community Schools

<input type="checkbox"/> Transitions <input type="checkbox"/> Postsecondary, Career, and Civic Readiness <input type="checkbox"/> Positive Partnerships, Relationships, and Success			School Year.							
Staff Development <i>AQuESTT Category:</i>  <input type="checkbox"/> Educational Opportunities & Access <input type="checkbox"/> Educator Effectiveness <input type="checkbox"/> Leadership	Isanti High School will provide monthly staff development aligned to implementation of High Quality Instructional Materials, Instructional Coherence, Strong Instruction, Grade Appropriate Assignments, High Expectations, and/or Student Engagement, including structures to indigenize practices and content for students.	Qualitative monthly report	N/A							
School Culture & Climate  <i>AQuESTT Category:</i> <input type="checkbox"/> Positive Partnerships, Relationships, and Success <input type="checkbox"/> Leadership	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td data-bbox="626 854 1521 992">           Isanti High School will administer a quarterly survey to staff, students, and families to understand their experiences related to the vision of the school.         </td> <td data-bbox="1521 854 1817 992">           Qualitative monthly report         </td> <td data-bbox="1817 854 2419 992" rowspan="2">           N/A         </td> </tr> <tr> <td data-bbox="626 992 1521 1101">           Isanti High School will host monthly family nights to build relationships with caregivers and stakeholders.         </td> <td data-bbox="1521 992 1817 1101">           Qualitative monthly report         </td> </tr> </table>	Isanti High School will administer a quarterly survey to staff, students, and families to understand their experiences related to the vision of the school.	Qualitative monthly report	N/A	Isanti High School will host monthly family nights to build relationships with caregivers and stakeholders.	Qualitative monthly report	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td data-bbox="1521 854 1817 992">           Qualitative monthly report         </td> <td data-bbox="1817 854 2419 992" rowspan="2">           N/A         </td> </tr> <tr> <td data-bbox="1521 992 1817 1101">           Qualitative monthly report         </td> </tr> </table>	Qualitative monthly report	N/A	Qualitative monthly report
Isanti High School will administer a quarterly survey to staff, students, and families to understand their experiences related to the vision of the school.	Qualitative monthly report	N/A								
Isanti High School will host monthly family nights to build relationships with caregivers and stakeholders.	Qualitative monthly report									
Qualitative monthly report	N/A									
Qualitative monthly report										

The Isanti High School Goals are based on building toward the 2026 CSI Exit Criteria articulated by NDE.

2023-2024 Priority School Progress Plans for Isanti Community Schools

**Strategies & Structures**

<i>Academic School Improvement &amp; Staff Development Strategies</i>				
<b>Strategy</b>	<b>Data Source</b>	<b>BOY Status</b>	<b>MOY Update</b>	<b>EOY Update</b>
Implement Odell & Open Up Resources for Tier I Instruction with coaching and feedback structures for continuous improvement. These may include curriculum-based professional learning structures for teachers such as unit and lesson internalization, data analysis, and practice.	TNTP Monthly Observations			
Isanti High School will develop and implement an ACT Preparation, Participation, and investment program to support students in skill development by the end of 2023-2024 school year.	Qualitative Report			
Isanti High School will develop a standards-aligned assessment and reflection protocol that communicates progress toward College and Career Readiness.	Curriculum-Based Unit Assessments Grading Structures			

<i>School Culture &amp; Climate Strategies, Including Attendance</i>				
<b>Strategy</b>	<b>Data Source</b>	<b>BOY Status</b>	<b>MOY Update</b>	<b>EOY Update</b>
Develop attendance monitoring and intervention team that includes key stakeholders and identifies mechanisms for engagement, support, and building community investment in student attendance.	Monthly chronic absenteeism prediction			
Create a leadership reflection structure that analyzes staff feedback on leadership, systems, their development in order to improve school climate.	Quarterly Survey			

# AQuESTT

## 2023-2024 Priority School Progress Plans for Isanti Community Schools

Work with educators to Indigenize practices and content such that student identity is reflected in their experience.	Weekly events Monthly			
Create positive student experiences and routines such as culture-based gatherings, opportunities to connect with Elders in the community, and connecting learning to post-secondary goals.	Qualitative Report			
Develop leadership team systems to engage with the community, reflect on feedback, and improve community perceptions of the school's climate and effectiveness.	Monthly events & Quarterly Survey			

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School District Role

**UNDER DEVELOPMENT**

The School district commits to the following to create consistency and stability...

Category	Measure
Academics	Consistent instructional hours
Attendance	District staff do X to support consistent attendance policies
Staff Development	
School Culture & Climate	Policies & Procedures



STATE BOARD OF EDUCATION  
RULES AND REGULATIONS COMMITTEE REPORT

Date: July 18, 2023, and August 3, 2023

The Rules and Regulations Committee reports on two meetings of the committee.

The committee met on July 18, 2023, to hear a staff presentation on Rule 59, Regulations for School Health and Safety, regarding potential revisions.

The regular committee meeting was held yesterday, on August 3, 2023.

Members present were chair Elizabeth Tegtmeier, Jacquelyn Morrison, Patsy Koch Johns, and Kirk Penner.

President Gubbels requested that committee members review proposed changes to Board Operating Policy (BOP1.11) Rule Development and provide input to the Executive Committee for potential revisions.

NDE Staff provided a summary of the Rules Report and proposed a new structure with more information. Staff provided recommendations for prioritizing rule revisions.

NDE Staff provided a summary of the presentation on Rule 59, Regulations for School Health and Safety revisions and answered questions. The committee reviewed the proposed public input draft and requested some technical edits and recommended NDE staff proceed with the public input draft and consider providing a guidance document for schools on additional medications.

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.



To: Dr. Brian L. Maher  
Commissioner of Education

From: Tammy Barry  
Legal Counsel III

Date: August 1, 2023

Subject: Report on Rules

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**Rule Revisions Awaiting Approval by the Attorney General**

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Title 92, Nebraska Administrative Code, Chapter 10, *Regulations and Procedures for the Accreditation of Schools*

Hearing Held: January 31, 2023  
Approved by Board: March 3, 2023

Title 92, Nebraska Administrative Code, Chapter 14, *Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools*

Hearing Held: January 31, 2023  
Approved by Board: March 3, 2023

Title 92, Nebraska Administrative Code, Chapter 20, *Regulations for the Approval of Educator Preparation Programs (formerly Regulations for Approval of Teacher Education Programs)*

Hearing Held: May 30, 2023  
Approved by Board: June 2, 2023

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*

Hearing Held: May 30, 2023  
Approved by Board: June 2, 2023

Title 92, Nebraska Administrative Code, Chapter 24, *Regulations for Certificate Endorsements*

Hearing Held: May 30, 2023  
Approved by Board: June 2, 2023

Title 93, Nebraska Administrative Code, Chapters 1-16, *Personnel Rules*

Hearing Held: May 30, 2023  
Approved by Board: June 2, 2023

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**Review of Draft for Public Input by the Rules and Regulations Committee – 8/3/23**  
**Discussion of Draft for Public Input by the State Board – 8/4/23**

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- \* Title 92, Nebraska Administrative Code, Chapter 59, *Regulations for School Health and Safety*
  - Response to legislation and stakeholder concerns

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**New Rules - Initial Consultation with Legal Counsel has been Requested or Conducted**

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- \* Safety (including Security-Related Infrastructure Grants)
  - Response to legislation with funding for 2023-24

Mental Health Training Grants

- Response to legislation

- \* Teach In Nebraska Today Program
  - Response to legislation with funding for 2023-24

- \* Nebraska Teacher Recruitment and Retention Act
  - Response to legislation with 2023-24 implementation

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**Existing Rules - Initial Consultation with Legal Counsel has been Requested or Conducted**

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Title 92, Nebraska Administrative Code, Chapter 3, *Regulations Governing High Ability Learners*

- Update provisions

- \* 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*
  - Response to legislation and Rules and Regulations Committee input

Title 92, Nebraska Administrative Code, Chapter 24, *Regulations for Certificate Endorsements*

- Response to Rules and Regulations Committee input

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**New Rules - Development by Staff is Anticipated**

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College Pathway Program Act

- Response to legislation

- \*Extraordinary Increase in Special Education Expenditures Act
  - Response to legislation with funding for 2023-24

*\* Indicates 9 Highest Priorities Based on Timing in Legislation and Previously Expressed Priorities of the Rules and Regulations Committee of the State Board of Education*

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**Existing Rules – Revision or Repeal Is Anticipated**

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Title 92, Nebraska Administrative Code, Chapter 2, *Uniform System of Accounting for Nebraska Public School Districts*

- Response to legislation

Title 92, Nebraska Administrative Code, Chapter 4, *Regulations for Textbook Loans to Children Enrolled in Private Schools in Nebraska*

- Response to legislation

Title 92, Nebraska Administrative Code, Chapter 6, *Regulations and Standards for Uniform Sharing of Student Data, Records and Information*

- Response to legislation and requested review

\* Title 92, Nebraska Administrative Code, Chapter 8, *Regulations for School Finance and Budgeting/State Funding of Educational Service Units and Learning Communities*

- Response to legislation being implemented for 2023-24

\* Title 92, Nebraska Administrative Code, Chapter 10, *Regulations and Procedures for the Accreditation of Schools*

- Required in response to legislation

Title 92, Nebraska Administrative Code, Chapter 13, *Regulations And Procedures For Exempting Schools For Which Parents Elect Not To Meet Legal Requirements For School Approval And Accreditation*

- Update provisions

\* Title 92, Nebraska Administrative Code, Chapter 19, *Regulations Regarding School Enrollment*

- Response to legislation being implemented for 2023-24

Title 92, Nebraska Administrative Code, Chapter 22, *Regulations Governing the Master Teacher Program*

- Repeal in response to legislation repealing authorizing statutes

Title 92, Nebraska Administrative Code, Chapter 25, *Regulations Governing the Excellence in Teaching Act*

- Repeal in response to legislation

Title 92, Nebraska Administrative Code, Chapter 27, *Regulations and Standards for Professional Practices Criteria*

- Coordinate with revisions to Title 95 by the PPC and update provisions

Title 92, Nebraska Administrative Code, Chapter 28, *Regulations and Standards for Investigations and Nonpublic Professional Practices Hearings*

\* Indicates 9 Highest Priorities Based on Timing in Legislation and Previously Expressed Priorities of the Rules and Regulations Committee of the State Board of Education

- Coordinate with revisions to Title 95 by the PPC and update provisions

Title 92, Nebraska Administrative Code, Chapter 29, *Regulations and Standards for Professional Practices Case Determinations by the State Board*

- Coordinate with revisions to Title 95 by the PPC and update provisions

Title 92, Nebraska Administrative Code, Chapter 47, *Regulations For Career Academy Programs Established By School Districts*

- Review requested

Title 92, Nebraska Administrative Code, Chapter 51, *Regulations and Standards for Special Education Programs*

- Response to legislation and recommendations by the Special Education Advisory Council to the State Board of Education

Title 92, Nebraska Administrative Code, Chapter 52, *Regulations and Standards for the Provision of Early Intervention Services*

- Update provisions

Title 92, Nebraska Administrative Code, Chapter 55, *Rules of Practice & Procedure for Due Process Hearings in Special Education Contested Cases*

- Update provisions

Title 92, Nebraska Administrative Code, Chapter 71, *Procedures for Formal Review of Vocational Rehabilitation Determinations*

- Update provisions in response to federal monitoring visit

Title 92, Nebraska Administrative Code, Chapter 72, *Cost Sharing and Cost Containment Rules for Vocational Rehabilitation Services*

- Update provisions in response to federal monitoring visit

Title 92, Nebraska Administrative Code, Chapter 81, *Rules and Regulations for the High School Equivalency Program*

- Update provisions

Title 92, Nebraska Administrative Code, Chapter 82, *Regulations Governing the Diploma of High School Equivalency Assistance Act*

- Update provisions



## PROPOSED AGENDA ITEM RATIONALE

**DATE:** July 19, 2023

**TO:** Brian L. Maher.  
Commissioner of Education

**FROM:** Zainab Rida, Equity officer and Administrator for Coordinated Student Support Services

**PROPOSED AGENDA ITEM:** Approve proposed revisions to Rule 59 for School Health and Safety

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

**RATIONALE/BACKGROUND INFORMATION:** Rule 59 includes the regulations for school health and safety.

The current version of Rule 59 was last updated in 2006. The purpose of the proposed revision to Rule 59 is to incorporate Nebraska Revised State Statutes 79-3207 into rules and address concerns regarding the Emergency Response to Life Threatening Asthma or systemic Allergic Reactions (Anaphylaxis) Protocols. Additional edits were made to reduce redundancy with Nebraska Revised State Statutes, define “School is in Session”, and other minor edits (E.g. replace “shall” with “will or must”).

An update regarding the plan for proposed revisions will be discussed with the Rules and Regulations Committee on August 3, 2023. An update to the Rules and Regulations Committee regarding the Rule 59 revisions was made July 18, 2023. Public Input will be scheduled in August 2023. The Rules and Regulations Committee will review the Hearing Draft in September 2023. A public hearing will be scheduled in October 2023. The Rules and Regulations Committee will discuss and the full Board will consider the proposed revisions during the December 2023 committee meeting.

**PROPOSED BOARD MEETING (MONTH/YEAR):** August 2023

**ESTIMATED COST:**

**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 07.06.2023*

NUMERICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
General Provisions	<u><a href="#">§79-305, §79-318,</a></u> §71-6739	001
Definitions	<u><a href="#">§71-2473,</a></u> §71-6721, <del>§71-6725</del> <u><a href="#">§79-3202</a></u>	002
Medication Aide Act - Provision of Medication	§71-6722, §71-6723	003
Medication Aide Act - Competency Assessment	§71-6725, §71-6739	004
Medication Aide Act - Documentation	§71-6724	005
Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis)	<u><a href="#">§25-21,280, 71-2475,</a></u> §79-305, §79-318	006
<u><a href="#">Seizure Safe Schools Act - General Requirements</a></u>	<u><a href="#">§§79-3201 to 79-3207</a></u>	<u><a href="#">007</a></u>
<u><a href="#">Seizure Safe Schools Act - Seizure Action Plans</a></u>	<u><a href="#">§79-3202, §79-3203, §79-3207</a></u>	<u><a href="#">008</a></u>
<u><a href="#">Seizure Safe Schools Act - Training Requirements</a></u>	<u><a href="#">§79-3203, §79-3204, §79-3207</a></u>	<u><a href="#">009</a></u>
Enforcement	§71-6735	<u><a href="#">009.007</a></u>

APPENDICES

Appendix A: Emergency Response to Life-Threatening Asthma or Systemic  
 Allergic Reactions (Anaphylaxis) Protocol

ALPHABETICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Definitions	<u><del>§71-2473</del>, §71-6721, <del>§71-6725</del></u>	002
Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis)	<u>§25-21,280, 71-2475, §79-305, §79-318</u>	006
Enforcement	§71-6735	<u>009</u> <del>007</del>
General Provisions	<u>§79-305, §79-318, §71-6739</u>	001
Medication Aide Act - Competency Assessment	§71-6725, §71-6739	004
Medication Aide Act - Documentation	§71-6724	005
Medication Aide Act - Provision of Medication	§71-6722, §71-6723	004
<u>Seizure Safe Schools Act - General Requirements</u>	<u>§§79-3201 to 79-3207</u>	<u>007</u>
<u>Seizure Safe Schools Act - Seizure Action Plans</u>	<u>§79-3202, §79-3203, §79-3207</u>	<u>008</u>
<u>Seizure Safe Schools Act - Training Requirements</u>	<u>§79-3203, §79-3204, §79-3207</u>	<u>009</u>

APPENDICES

Appendix A: Emergency Response to Life-Threatening Asthma or Systemic  
 Allergic Reactions (Anaphylaxis) Protocol

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION  
CHAPTER 59 - REGULATIONS FOR SCHOOL HEALTH AND SAFETY

001 General Provisions.

001.01 Statutory Authority. This Chapter is adopted pursuant to Neb. Rev. Stat. §§ 25-21,280, Sections 79-305, 79-318, and ; Sections 79-1102 to 79-1104, and the Medication Aide Act in Neb. Rev. Stat. §§ Sections 71-6718 through 71-6742, and the Seizure Safe Schools Act in Neb. Rev. Stat. §§ 79-3201 to 79-3207 of the Revised Statutes of Nebraska (R.R.S.).

001.02 Medication Aide Act Requirements. Sections 003, 004 and 005 of this Chapter set forth the methods for competency assessment for school staff who provide medications and/or participate in observing and reporting for monitoring medications. In order for ~~a school to assess the competency of~~ staff members to provide medication as mentioned above, the staff members must be able to successfully pass a competency assessment no less than every three (3) years as provided in such sections. ~~Such competency assessments shall consist of a demonstration by the school staff member of each of the competencies listed in Sections 004.01A through 004.01N to the satisfaction of the health care professional designated by the school to conduct the assessment.~~

001.02A Nothing in this Chapter ~~may shall~~ be construed to require any school to employ or use a school nurse or medication aide ~~in order~~ to be in compliance with the Medication Aide Act.

001.03 Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis). Section 006 of this Chapter sets forth the requirements for Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis) Protocols.

001.04 Seizure Safe Schools Act Requirements. Sections 007, 008, and 009 of this Chapter sets forth the requirements for training related to seizure medications, procedures for developing seizure action plans, and the content for seizure action plans. Each school must have at least one school employee who has met the training requirements to administer seizure rescue medication or medication prescribed to treat seizure disorder symptoms according to seizure action plans authorized by parents and guardians of students who have seizure disorders and who have been prescribed such medications.

001.05 ~~001.03~~ Related Regulations. In addition to this Chapter, accredited schools must comply with 92 NAC 10; approved schools must comply with 92 NAC 14; and, approved early childhood education programs must comply with 92 NAC 11. The requirements of Sections 003, 004, and 005 of this Chapter are directly related to the provisions set forth in Title 172, Nebraska Administrative Code, Chapter 95 which is promulgated by the Department of Health and Human Services Regulation and Licensure and is entitled, Administration Regulations Governing the Provision of

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*Medications by Medication Aides and ~~Medication Staff Other Unlicensed Persons.~~*

002 Definitions.

002.01 ~~Accredited school Schools means shall mean~~ a public school district or a nonpublic school or group of nonpublic schools under a governing body organized to provide education in elementary, middle, secondary, and/or high school grades accredited pursuant to Title 92, NAC, Chapter 10.

002.02 ~~Administration of medication has the same meaning as in Neb. Rev. Stat. § 71-6721 shall include, but is not limited to:~~

~~002.02A Providing medication for another person according to the five rights as defined in Section 002.07;~~

~~002.02B Recording medication provision; and,~~

~~002.02C Observing, monitoring, reporting, and otherwise taking appropriate actions regarding desired effects, side effects, interactions, and contraindications associated with the medication.~~

~~002.03 Approved early childhood education program means any prekindergarten part-day or full-day program established by a school board or an educational service unit and approved pursuant to Title 92, NAC, Chapter 11.~~

~~002.04 002.03 Approved school means schools shall mean~~ a nonpublic school or group of schools under a governing body organized to provide education in elementary and/or secondary grades approved pursuant to Title 92, NAC, Chapter 14.

~~002.05 002.04 Caretaker has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean a parent, foster parent, family member, friend, or legal guardian who provides care for an individual.~~

~~002.06 002.05 Direction and monitoring has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean the acceptance of responsibility for observing and taking appropriate action regarding any desired effects, side effects, interactions, and contraindications associated with the medication by:~~

~~002.05A A recipient with capability and capacity to make an informed decision about medications;~~

~~002.05B Caretaker; or,~~

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~~002.05C Licensed health care professional.~~

~~002.06 Approved Early Childhood Education Program shall mean any prekindergarten part-day or full-day program with a stated purpose of promoting social, emotional, intellectual, language, physical, and aesthetic development and learning for children from birth to kindergarten entrance age and family development and support established by a school board or an educational service unit and approved pursuant to Title 92, NAC, Chapter 11.~~

~~002.07 Five rights has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean getting the right drug to the right recipient in the right dosage by the right route at the right time.~~

~~002.08 Health care professional has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean an individual for whom administration of medication is included in his/her scope of practice, and is licensed by the Department of Health and Human Services.~~

~~002.09 Informed decision has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean a decision made knowingly, based upon capacity to process information about choices and consequences, and made voluntarily.~~

~~002.10 Medication has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean any prescription or nonprescription drug intended for treatment or prevention of disease or to affect body function in humans.~~

~~002.11 Medication Aide has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean an individual who is listed on the medication aide registry operated by the Department of Health and Human Services Regulation and Licensure.~~

~~002.12 Minimum Competencies shall include:~~

~~002.12A Maintaining confidentiality;~~

~~002.12B Complying with a recipient's right to refuse to take medication;~~

~~002.12C Maintaining hygiene and current accepted standards for infection control;~~

~~002.12D Documenting accurately and completely;~~

~~002.12E Providing medications according to the five rights;~~

~~002.12F Having the ability to understand and follow instructions;~~

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~~002.12G Practicing safety in application of medication procedures;~~

~~002.12H Complying with limitations and conditions under which a medication aide (and other unlicensed persons) may provide medications according to provisions contained in Title 172, Nebraska Administrative Code, Chapter 95; and,~~

~~002.12I Having an awareness of abuse and neglect reporting requirements and any other areas as shall be determined by Title 172, Nebraska Administrative Code, Chapter 95.~~

002.12 Prescribing health care practitioner means a practitioner as defined in Neb. Rev. Stat. § 71-2473 who signs a protocol and corresponding order pursuant to subsection 006.02 of this Chapter.

~~002.13 PRN has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean an administration scheme in which a medication is not routine, is taken as needed and requires assessment for need and effectiveness.~~

~~002.14 Provision of medication has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean the component of the administration of medication that includes giving or applying a dose of a medication to an individual and includes helping an individual in giving or applying such medication to himself or herself.~~

002.15 Recipient with capability and capacity to make an informed decision about medications means shall mean an individual who is an adult (at least 19 years of age) and has knowledge related to the medication(s) such as purposes and desired effects, potential side effects, and the consequences if the medication is not provided and received as prescribed or recommended.

~~002.16 Routine, with reference to medication, has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean the frequency of administration, amount, strength, and method are specifically fixed.~~

~~002.17 School means shall mean~~ an entity or person meeting the requirements for a school set by Chapter 79, including an accredited ~~school schools~~ pursuant to 92 NAC 10 or an and approved ~~school schools~~ pursuant to 92 NAC 14.

002.18 School is in session means any period of time during which students are under the direction of school staff during the regular school day as defined by the school or school district and does not include any period of time during which an extracurricular activity is occurring outside of the regular school day.

~~002.19 002.18~~ School staff means shall mean individuals who are employed by a school, some of whom may be required to undergo a competency assessment pursuant to this

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Chapter. School staff ~~includes shall include~~ substitute teachers and all other temporary employees. ~~Health Licensed health~~ care professionals who are employed by a school are exempt from the competency assessments ~~otherwise required under contained in~~ this Chapter.

002.20 Seizure action plan has the same meaning as in Neb. Rev. Stat. § 79-3202.

003 Medication Aide Act - Provision of Medication.

003.01 A staff member of a school may participate in medication administration, when directed and monitored by a recipient with capability and capacity to make an informed decision about medications, caretaker, or health care professional, by providing medications in compliance with the Medication Aide Act and rules and regulations adopted and promulgated under the Act, including this Chapter and Title 172, Nebraska Administrative Code, Chapter 95. In each case, the individual responsible for providing direction and monitoring ~~must shall~~ be identified in writing and indication that such individual has accepted such responsibility ~~must shall~~ also be identified in writing.

003.02 A staff member of a school ~~determined to be competent by a recipient with capability and capacity to make an informed decision about medications, or by a caretaker, or by the method set forth in Section 004.01~~ may provide routine medications by the following routes:

003.02A Oral, which includes any medication given by mouth, including sublingual (placing under the tongue) and buccal (placing between the cheek and gum) routes and oral sprays;

003.02B Inhalation, which includes inhalers, and nebulizers. Oxygen may be given by inhalation;

003.02C Topical application of sprays, creams, ointments, and lotions and transdermal patches; and;

003.02D Instillation by drops, ointments, and sprays into the eyes, ears, and nose.

003.03 A staff member of a school determined to be competent by a recipient with capability and capacity to make an informed decision about medications, ~~or by~~ a caretaker, or a health care professional by the method set forth in Section 004.01 may provide medications through additional activities listed in subsections Sections 003.03A through 003.03C, if it has been determined by a ~~icensed~~-health care professional and placed in writing that these activities can be done safely for a specified recipient.

003.03A Provision of PRN medications;

003.03B Provision of medications by routes in addition to those identified in

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~~subsections Sections~~ 003.02A through 003.02D, including, but not limited to, gastrostomy tube, rectal, and vaginal, but not including the provision of medications or fluids intravenously; and/or

003.03C Participation in observing and reporting for monitoring medications.

003.04 Direction for staff members of a school to provide medication by routes not listed in ~~subsection Section~~ 003.02 of this Chapter must be for recipient specific procedures and must be in writing. Direction for PRN medication must be in writing and include the parameters for provision of the PRN medication. Direction for observing and reporting for monitoring medication must be in writing and include the parameters for the observation and reporting. Staff members of a school must shall comply with written directions.

004 Medication Aide Act - Competency Assessment.

004.01 Competencies. In order for a school to assess the competency of staff members to provide medication, the staff members of the school must be able to successfully pass a competency assessment no less than every three (3) years. Such competency assessments will shall consist of a demonstration by the school staff member of each of the minimum competency standards following competencies (as set forth in Title 172, Nebraska Administrative Code, Chapter 95, Section 004.) to the satisfaction of the health care professional designated by the school to conduct the assessment.:

~~004.01A Recognize the recipient's right to personal privacy regarding health status, any diagnosis of illness, medication therapy and items of similar nature. Information of this nature should only be shared with appropriate interdisciplinary team members.~~

~~004.01B Recognize and honor the right of those recipients with capability and capacity to make informed decision about medications, to refuse medications and at no time force a recipient to take medications. In the case of a recipient who does not have the capability and capacity to make informed decisions about medication, recognize the requirement to seek advice and consultation from the caretaker or the licensed health care professional providing direction and monitoring regarding the procedures and persuasive methods to be used to encourage compliance with medication provision. Recognize that persuasive methods should not include anything that causes injury to the recipient.~~

~~004.01C Follow currently acceptable standards in hygiene and infection control including hand washing.~~

~~004.01D Follow facility policies and procedures regarding storage and handling of medication, medication expiration date, disposal of medication and similar~~

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~~policies and procedures implemented in the facility to safeguard medication provision to recipients.~~

~~004.01E Recognize general unsafe conditions indicating that the medication should not be provided including change in consistency or color of the medication, unlabeled medication or illegible medication label, and those medications that have expired. Recognize that the unsafe condition(s) should be reported to the caretaker or licensed health care professional responsible for providing direction and monitoring.~~

~~004.01F Accurately document medication name, dose, route, and time administered, or refusal.~~

~~004.01G Provide the right medication, to the right person, at the right time, in the right dose, and by the right route.~~

~~004.01G1 As part of the assessment related to this “competency,” staff members must demonstrate an understanding of what specific identification measures are appropriate, including visual identification for situations when the school staff member is not familiar with the child’s identity. Schools are responsible for developing safeguards to ensure that students are not misidentified when receiving medication.~~

~~004.01H Provide medications according to the specialty needs of recipients based upon such things as age, swallowing ability, and ability to cooperate.~~

~~004.01I Recognize general conditions which may indicate an adverse reaction to medication such as rashes/hives, and recognize general changes in recipient condition which may indicate inability to receive medications. Examples include altered state of consciousness, inability to swallow medications, vomiting, inability to cooperate with receiving medications and other similar conditions. Recognize that all such conditions must shall be reported to the caretaker or licensed health care professional responsible for providing direction and monitoring.~~

~~004.01J Safely provide medications for all ages of recipients according to the following routes: oral, topical, inhalation and instillation as referenced in Title 172, Nebraska Administrative Code, Chapter 95--Section 005.~~

~~004.01K Recognize the limits and conditions by which a medication aide or other unlicensed person may provide medications.~~

~~004.01L Recognize the responsibility to report and the mechanisms for communicating such to the appropriate authorities if reasonable cause exists to believe that a vulnerable adult has been subjected to abuse or conditions or~~

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~~circumstances which would result in abuse in accordance with Neb. Rev. Stat. §28-372.~~

~~004.01M Recognize the responsibility to report and the mechanisms for communicating such to the appropriate authorities if reasonable cause exists to believe that a child has been subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which reasonably would result in abuse or neglect in accordance with Neb. Rev. Stat. §28-711.~~

~~004.01N Recognize the recipient's property rights and physical boundaries.~~

004.02 School staff members ~~will~~ **shall** not be required to take a course, or be listed on the Medication Aide Registry in order to meet the requirements of this Chapter.

005 Medication Aide Act - Documentation.

005.01 Health care professionals designated by the school to conduct competency assessments, as described in Section 004 ~~of this Chapter,~~ **must shall** provide the school staff member and the school with written documentation of successful completion of competency assessment. Documentation may be by letter, certificate, or other official record designated by the school and **must shall** include:

005.01A The name of the school staff member who successfully completed the competency assessment;

005.01B The date the competency assessment was conducted; and,

005.01C The name, profession, and license number of the health care professional who conducted the competency assessment.

005.02 Schools **must shall** maintain written documentation of successful completion of competency assessments, identification of the individual providing direction and monitoring, and acceptance of the responsibility for direction and monitoring for a minimum of two (2) years.

005.03 Schools **must shall** keep and maintain accurate records of administration of medication by school staff. The record of administration of medication **must shall** include but not be limited to:

005.03A Identification of the recipient;

005.03B Name of the medication given;

005.03C The date, time, dosage and route for each medication provided;

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005.03D Identification of the person who provided the medication; and,

005.03E Any refusal by the recipient to take ~~and~~/or receive a medication.

005.04 Records maintained pursuant to ~~subsections~~ ~~Sections~~ 005.01, 005.02, and 005.03 of this Chapter must ~~shall~~ be available to the Department of Education and the Department of Health and Human Services Regulation and Licensure for inspection and copying according to the Family Education Rights and Privacy Act (FERPA) requirements.

006 Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis).

006.01 Emergency Protocol. All accredited schools, approved schools, and approved early childhood education programs must ~~Accredited Schools, Approved Schools, and Approved Early Childhood Education Programs shall~~ adopt and implement the Emergency Response to Life-Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis) Protocol contained in Appendix A of this Chapter. In addition to adopting the protocol, accredited schools, approved schools, and approved early childhood education programs must ~~Accredited Schools, Approved Schools and Early Childhood Education Programs shall~~ procure and maintain the equipment and medication necessary to implement the protocol in each school building while school is in session in the case of any student and/or school staff emergency.

006.02 Prescribing Health Care Practitioner ~~Physician Authorization.~~ Accredited schools, approved schools, and approved early childhood education programs must ~~schools, Approved schools, and Approved Early Childhood Education Programs shall~~ obtain a minimum of one signature of a prescribing health care practitioner ~~physician licensed to practice medicine in Nebraska~~ on the bottom of the protocol and orders in Appendix A of this Chapter. The orders shall serve as a prescription for emergency use as described in Neb. Rev. Stat. § 71-2475.

006.03 Effective Date. ~~Accredited Schools, Approved Schools, and Approved Early Childhood Education Programs shall comply with the requirement to adopt the protocol and be prepared to begin implementing the protocol in emergency situations no later than the end of the 2003-2004 academic school year.~~

006.03 006.04 Parental and/or Guardian Objections to Protocol. The requirements of this Chapter do not preclude accredited schools, approved schools, and approved early childhood education programs ~~Accredited Schools, Approved Schools, and Approved Early Childhood Education Programs~~ from complying with a request from a parent or guardian that a minor student not receive emergency treatment under the protocol. A school district's decision to withhold emergency treatment in such circumstances is not governed by this Chapter.

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007 Seizure Safe Schools Act – General Requirements

007.01 Prior to the administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms by a school employee, a student's parent or guardian must:

007.01A Provide the school with a written authorization to administer the medication at school;

007.01B Provide a written statement from the student's health care practitioner containing the following information:

007.01B1 The student's name;

007.01B2 The name and purpose of the medication;

007.01B3 The prescribed dosage;

007.01B4 The route of administration;

007.01B5 The frequency that the medication may be administered; and

007.01B6 The circumstances under which the medication may be administered;

007.01C Provide the medication to the school in its unopened, sealed package with the intact label affixed by the dispensing pharmacy; and

007.01D Collaborate with school employees to create a seizure action plan pursuant to Section 008 of this Chapter.

007.02 The authorization, statement, and seizure action plan must be kept on file in the office of the school nurse or school administrator.

007.03 Any authorization provided by a parent or guardian under this section will be effective for the school year in which it is provided and must be renewed each following school year upon fulfilling the requirements of subsection 007.03 of this Chapter.

007.04 If specified in a student's seizure action plan, the student must be permitted to possess the supplies, equipment, and medication necessary to treat a seizure disorder in accordance with such seizure action plan.

007.05 A school or school employee who acts in compliance with the Seizure Safe Schools Act will not be liable for damages related to the care of a student's seizure disorder unless such damages resulted from an act of willful or wanton misconduct by the school

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or school employee.

007.06 A school employee will not be subject to any disciplinary proceeding related to an act taken in compliance with the Seizure Safe Schools Act unless such action constitutes willful or wanton misconduct.

008 Seizure Safe Schools Act – Seizure Action Plans

008.01 Any certificated school employee employed by an accredited school or an approved school who is informed by a parent or guardian of a student that such student has a seizure disorder and has a seizure rescue medication or medication prescribed to treat seizure disorder symptoms must inform the parent or guardian of their right to request the development of a seizure action plan.

008.02 Upon request by a parent or guardian of a student that has a seizure disorder and has a seizure rescue medication or medication prescribed to treat seizure disorder symptoms, an accredited school or an approved school must arrange a collaborative meeting within five school days between the parent or guardian, the school nurse if the school employs a school nurse, a school administrator, and any school personnel or volunteers responsible for the supervision or care of the student who are able to attend. The parent or guardian may request the inclusion in such meeting of any other person, including the student, who has knowledge that may be beneficial in the development of the seizure action plan.

008.03 Each seizure action plan must include:

008.03A The student's name and birth date;

008.03B The name and phone number of each parent or guardian and any additional emergency contacts;

008.03C The name and phone number for the medical provider prescribing seizure rescue medication or medication to treat seizure disorder symptoms;

008.03D Information about the seizure type, length, and frequency of seizures the student has experienced and a description of what happens;

008.03E Information about seizure triggers, important medical history, allergies, and any other relevant health information;

008.03F Instructions for first aid for any seizure;

008.03G Instructions for when to call 911 and when to call the identified medical provider;

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008.03H Instructions for when seizure rescue medication or medication to treat seizure disorder symptoms may be needed and how to administer the medication;

008.03I Instructions for care after a seizure;

008.03J Any special instructions for first responders or emergency departments; and

008.03K The signature of a parent or guardian and the date when the seizure action plan was signed.

008.04 Each seizure action plan must be distributed to any school personnel or volunteers responsible for the supervision or care of the student for whom such seizure action plan was created.

009 Seizure Safe Schools Act – Training Requirements

009.01 In addition to any other professional development and collegial planning activities for certificated school employees, each certificated school employee employed by an accredited school or an approved school must participate in a minimum of one hour of self-study review of seizure disorder materials at least once in every two school years.

009.02 If an accredited school or approved school has a student enrolled who has a seizure disorder and has a seizure rescue medication or medication prescribed to treat seizure disorder symptoms, the school must have at least one school employee who has met the training requirements necessary to administer or assist with the self-administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms.

009.03 Any school employee assigned the duties under subsection 007.02 of this Chapter must complete a training program that:

007.03A Includes instruction in administering seizure medications, recognizing the signs and symptoms of seizures, and responding to such signs and symptoms with the appropriate steps; and

007.03B Is consistent with training programs and guidelines developed by a nationally recognized organization focused on epilepsy.

010 ~~007~~ Enforcement.

007.01 A school ~~will~~ shall be subject to discipline under Title 92, Nebraska Administrative Code, Chapter 10 or Chapter 14 for violation of the Medication Aide Act or Sections 002 through 005 in this Chapter, or provisions in Title 172, Nebraska Administrative Code, Chapter 95.



TO: Brian L. Maher, Commissioner of Education

FROM: Bryce Wilson, Denise Thege

DATE: August 4, 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): Leah Merkwon  
Contract Amount: \$20,000  
Funding Source: Federal/General  
Scope of Services: Coaching and training services.  
Date of Contract: 7/1/23-6/30/24  
Contact Person: Melody Hobson
2. Contractor(s): Search Institute  
Contract Amount: \$25,000  
Funding Source: Federal  
Scope of Services: Host training.  
Date of Contract: 5/1/23-5/1/24  
Contact Person: Zainab Rida
3. Contractor(s): Kristi Albrecht  
Contract Amount: \$16,000  
Funding Source: Federal/General  
Scope of Services: Coaching and training services.  
Date of Contract: 6/15/23-6/14/24  
Contact Person: Melody Hobson
4. Contractor(s): Teaching Strategies  
Contract Amount: \$40,000  
Funding Source: Federal  
Scope of Services: Provide access and technical assistance for Teaching Strategies GOLD online platform.  
Date of Contract: 8/1/23-7/31/25  
Contact Person: Amy Rhone
5. Contractor(s): George Toman  
Contract Amount: \$45,000  
Funding Source: Federal  
Scope of Services: Provide consultation.  
Date of Contract: 7/8/23-7/7/24  
Contact Person: Amy Rhone
6. Contractor(s): Cynthia Jennett  
Contract Amount: \$29,200  
Funding Source: Federal/General  
Scope of Services: Complete program quality observations.  
Date of Contract: 7/1/23-6/30/24  
Contact Person: Melody Hobson

7. Contractor(s): Meta Associates  
Contract Amount: \$34,800  
Funding Source: Federal  
Scope of Services: State Comprehensive Needs Assessment Evaluation.  
Date of Contract: 7/1/23-6/30/24  
Contact Person: Beth Wooster
8. Contractor(s): Nebraska Council of School Administrators  
Contract Amount: \$24,000  
Funding Source: General  
Scope of Services: Arrange Administrator Days.  
Date of Contract: 7/1/23-8/31/23  
Contact Person: Ryan Foor
9. Contractor(s): Saffron Buettner  
Contract Amount: \$23,500  
Funding Source: Federal/General  
Scope of Services: Coaching and training services.  
Date of Contract: 7/1/23-6/30/24  
Contact Person: Melody Hobson
10. Contractor(s): Smoky Hill Education Service Center  
Contract Amount: \$10,000  
Funding Source: Federal  
Scope of Services: Host conference.  
Date of Contract: 7/10/23-7/14/23  
Contact Person: Katie Graham
11. Contractor(s): Rebecca Dunlap-Morton  
Contract Amount: \$14,000  
Funding Source: Federal/General  
Scope of Services: Complete program quality observations.  
Date of Contract: 7/1/23-6/30/24  
Contact Person: Melody Hobson
12. Contractor(s): Gina DeFreece  
Contract Amount: \$14,400  
Funding Source: Federal/General  
Scope of Services: Complete program quality observations.  
Date of Contract: 7/1/23-6/30/24  
Contact Person: Melody Hobson
13. Contractor(s): Amanda Hoffmann  
Contract Amount: \$48,750  
Funding Source: Federal/General  
Scope of Services: Serve as FFA Events Coordinator.  
Date of Contract: 7/1/23-6/30/24  
Contact Person: Katie Graham
14. Contractor(s): Rachel Buss  
Contract Amount: \$40,520  
Funding Source: Federal  
Scope of Services: Support HOSA.  
Date of Contract: 7/5/23-7/2/24  
Contact Person: Katie Graham

15. Contractor(s): Center for Safe & Resilient Schools & Workplaces  
Contract Amount: \$17,000  
Funding Source: Federal  
Scope of Services: Provide virtual trainings.  
Date of Contract: 6/1/23-5/20/24  
Contact Person: Zainab Rida
16. Contractor(s): Rita Porter  
Contract Amount: \$26,000  
Funding Source: General  
Scope of Services: Serve as Microsoft IT Initiative Project Mgr.  
Date of Contract: 7/1/23-6/30/24  
Contact Person: Katie Graham
17. Contractor(s): Donelle Wolters  
Contract Amount: \$48,750  
Funding Source: Federal  
Scope of Services: Serve as Leadership Program Mgr.  
Date of Contract: 7/1/23-6/30/24  
Contact Person: Katie Graham
18. Contractor(s): Anderson & Creager & Wittstruck  
Contract Amount: \$40,000  
Funding Source: Federal  
Scope of Services: Serve as hearing officer.  
Date of Contract: 7/1/23-6/30/24  
Contact Person: Amy Rhone/Zainab Rida
19. Contractor(s): Sandra Miller  
Contract Amount: \$20,000  
Funding Source: Federal/General  
Scope of Services: Coaching, observing and training services.  
Date of Contract: 7/15/23-7/14/24  
Contact Person: Melody Hobson
20. Contractor(s): Kathleen Miller  
Contract Amount: \$15,000  
Funding Source: Federal  
Scope of Services: Develop and provide training.  
Date of Contract: 7/1/23-6/30/24  
Contact Person: Melody Hobson
21. Contractor(s): In Mind Services  
Contract Amount: \$12,000  
Funding Source: Federal  
Scope of Services: Host webinars.  
Date of Contract: 8/1/23-5/30/24  
Contact Person: Zainab Rida
22. Contractor(s): NE Children & Families Foundation  
Contract Amount: \$42,000  
Funding Source: Federal  
Scope of Services: Bolster parent & family engagement.  
Date of Contract: 7/17/23-7/16/24  
Contact Person: Lane Carr

23. Contractor(s): National Center for Grow Your Own  
Contract Amount: \$49,000  
Funding Source: Federal  
Scope of Services: Support, develop, implement Educator Apprenticeship program.  
Date of Contract: 7/7/23-9/15/23  
Contact Person: Lane Carr
24. Contractor(s): Storyblocks  
Contract Amount: \$10,000  
Funding Source: Federal  
Scope of Services: Provide user logins limited to Nebraska VR Marketing Team.  
Date of Contract: 8/25/23-8/24/24  
Contact Person: Lindy Foley
25. Contractor(s): Megan Davison  
Contract Amount: \$20,000  
Funding Source: Federa/General  
Scope of Services: Support Whole Child programs.  
Date of Contract: 7/24/23-7/23/24  
Contact Person: Zainab Rida
26. Contractor(s): One World Community Health Center  
Contract Amount: \$17,000  
Funding Source: General  
Scope of Services: Provide guidance to Spanish speaking childcare providers.  
Date of Contract: 8/4/23-8/3/24  
Contact Person: Melody Hobson
27. Contractor(s): American Program Bureau  
Contract Amount: \$21,000  
Funding Source: Federal  
Scope of Services: Provide staff to offer keynote presentation.  
Date of Contract: 5/1/24-6/30/24  
Contact Person: Amy Rhone

