

NEBRASKA STATE BOARD OF EDUCATION MEETING NOTIFICATION AND AGENDA

- Meeting Date:** Friday, December 1, 2023 9:30 AM
- Meeting Title:** State Board of Education Meeting Notification and Agenda
- Location:** The Lincoln Marriott Cornhusker Hotel
Lancaster 4, 5, 6
333 South 13th Street
Lincoln, NE 68508
- Agenda:** Except for emergency items added at the time of the meeting, the agenda will not be changed less than 24 hours prior to the start of the meeting and any changes will be immediately posted on the website. The Board will attempt to adhere to the sequence of the published agenda, but reserves the right to adjust the order of items if necessary and may elect to take action on any of the items listed.
- Interpreter:** If you need interpreter services or other reasonable accommodations, please contact the Nebraska Department of Education at (402) 471-5059 five (5) days prior to the meeting to coordinate arrangements.
- Website:** An electronic version of the agenda and support materials are available on the State Board of Education's Agenda page: www.education.ne.gov/stateboard/state-board-agendas/
- Lunch:** On Friday, December 1, 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. Nebraska Schools eSports Association
Matt Hinkel, Digital Media Teacher, Grand Island Northwest, NSESA President;
Kimberly Ingraham-Beck, Computer Science Teacher, Gretna Public Schools, NSESA Vice President; and Nate Simons, Director of Technology, Louisville Public Schools,

NSESA Board Sec

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

3.2. Renee Jones, 2023 Nebraska Teacher of the Year, High School English, Lincoln High School, Final Report
Renee Jones, 2023 Nebraska Teacher of the Year, High School English, Lincoln High School

3.3. Report from Superintendent of Institutional Schools
Scott English

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. Approve the appointment of Christopher Prososki to the State Committee for the Reorganization of School Districts
Bryce Wilson

5.3. Contract Approvals

5.3.A. Authorize the Commissioner to amend the contract with TNTP for services and support to Nebraska's Priority Schools
Amy Rhone and Shirley Vargas

5.3.B. Authorize the Commissioner to enter into renewal contracts with the Office of the Chief Information Officer (OCIO), contractors and other vendor partners in support of the Early Childhood Integrated Data System (ECIDS) and other data and system modernization efforts
Kristin Yates

5.3.C. Authorize the Commissioner to amend the contract agreement with LINQ for its maintenance and upgrades to the CNP system used for the USDA Child

Nutrition Programs
Zainab Rida

- 5.3.D. Authorize the Commissioner to approve a contract amendment for Teachstone Inc.
Melody Hobson

5.4. Grant Approvals

- 5.4.A. Authorize the Commissioner to approve a continuation grant to the Board of Regents of the University of Nebraska to assist the School Safety and Security Program to build the capacity of Nebraska schools in the area of emergency management, violence prevention education and threat assessment
Zainab Rida

- 5.4.B. Approve continuation grant to the entity listed below in the provision of federally required IDEA Part C duties
Amy Rhone

- 5.4.C. Authorize the Commissioner to reallocate funds to federally funded expanded learning collaborative sites for summer school programming
Lane Carr

5.5. Lease Approvals

5.6. Minutes of the Previous State Board of Education Meeting

5.7. Miscellaneous Approvals

- 5.7.A. 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.B. Appoint a Hearing Officer in NDE Case No. 23-30, *Kreifels v. Commissioner*
Leslie Donley

- 5.7.C. Appoint a Hearing Officer in NDE Case No. 23-32, *Commissioner v. NE Professional Practices Commission*
Leslie Donley

- 5.7.D. Authorize the Commissioner to approve the 2023-24 Trust Fund Budget for The Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI)
Amy Rhone

- 5.7.E. Approve the renewal of the Rule 11 teacher waiver for Wheeler Central Public Schools

Melody Hobson

- 5.7.F. Approve the renewal of the Rule 11 teacher waiver for Walthill Public School
Melody Hobson

6. STANDING COMMITTEE REPORTS

President Gubbels

6.1. Executive Committee

President Gubbels

- 6.1.A. Discussion Item: Review proposed changes to the Board Bylaws and Policies
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 for ADVISER continued development
Kristin Yates and Jill Aurand
- 6.2.C. Action Item: Authorize the Commissioner to approve the interagency agreement with the Nebraska Department of Health and Human Services (DHHS), Division of Medicaid and Long-Term Care, Home and Community Based Services
Tobias Orr and Lindy Foley
- 6.2.D. Action Item: Renew a contract with Teachstone Inc. to provide materials and training necessary to implement the Classroom Assessment Scoring System® in early childhood education and care programs across Nebraska
Melody Hobson

6.3. Planning and Evaluation Committee

Deborah Neary

- 6.3.A. Action Item: Adopt the annual plan for the Nebraska statewide assessment and reporting system for 2023-2024
Trudy Clark
- 6.3.B. Action Item: Approve the accreditation of Lawrence-Nelson Public Schools and Sandy Creek Public Schools for the 2024-2025 school year under Rule 10
Brad Dirksen and Decua Jean-Baptiste
- 6.3.C. Discussion Item: Discussion of the Workforce Innovation and Opportunity Act (WIOA) Combined State Plan Development — Nebraska VR Portion

Lindy Foley

- 6.3.D. Discussion Item: Provide information on the Fall 2023 state and federal accountability processes (staff presentation)
Shirley Vargas and Derek Ippensen

6.4. Rules and Regulations Committee
Elizabeth Tegtmeier

6.4.A. Report On Rules

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 (None)

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, January 5, 2024, at 9:00 a.m. in Lincoln, Nebraska. As needed, a work session will be held on Thursday, January 4, 2024 in Lincoln, Nebraska.

The agenda contains a list of subjects known at the time of its distribution on November 22, 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/. *Except for items of an emergency nature, the agenda will not be changed later than 24 hours before the scheduled commencement of the meeting.*

Esports

Matt Hinkel

Grand Island Northwest
NSeSA Board President

Nate Simons

Louisville

NSeSA Board Secretary

Kimberly Ingraham-Beck

Gretna East

NSeSA Board VP

What is Esports?

- Competitive video games
- Team games requiring communication
- Games requiring skill
- Team members play a role or position on the team
- Games played on the college and professional level



Why is Esports Important?

- In 2009, 60% of 8-18 year olds playing video games daily ¹
- 75% of students of high school students play video games regularly (2018).²
- 80% of students who play in high school esports have never participated in extracurricular activities ²



Sources:

Young et all (2012) - <https://doi.org/10.3102/0034654312436980>

<https://www.highschoolsportsleague.com/high-school-partnership/#why-esports>

Esports Participation Builds:

- Teamwork - Can't win by yourself
- Communication Skills - Every member plays a role
- Leadership
- Strategy - Real-time strategy
- Resilience - Everyone loses in games, learn from the losses
- Problem-solving
- Critical Thinking
- Technology troubleshooting

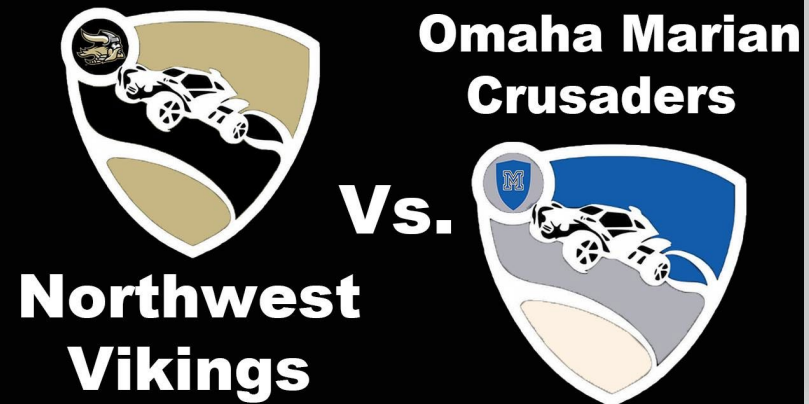


Additional Job Skill Building:

- Video Editing - Compiling a list of best plays for recruiters
- Commentating/Shoutcasting - Highly In-Demand Job
- Digital Citizenship - Good sportsmanship
- Content Creation - Getting paid to stream
- Coaching Opportunities



Creating Content



What is NSeSA?



- Nebraska Schools eSports Association
 - 100 schools from around the state
- Nonprofit league organization
- Set up seasons and state championships
- Host local tournaments
- Partnering with colleges and businesses

2023-24 Nebraska Schools Esports Association Sponsors

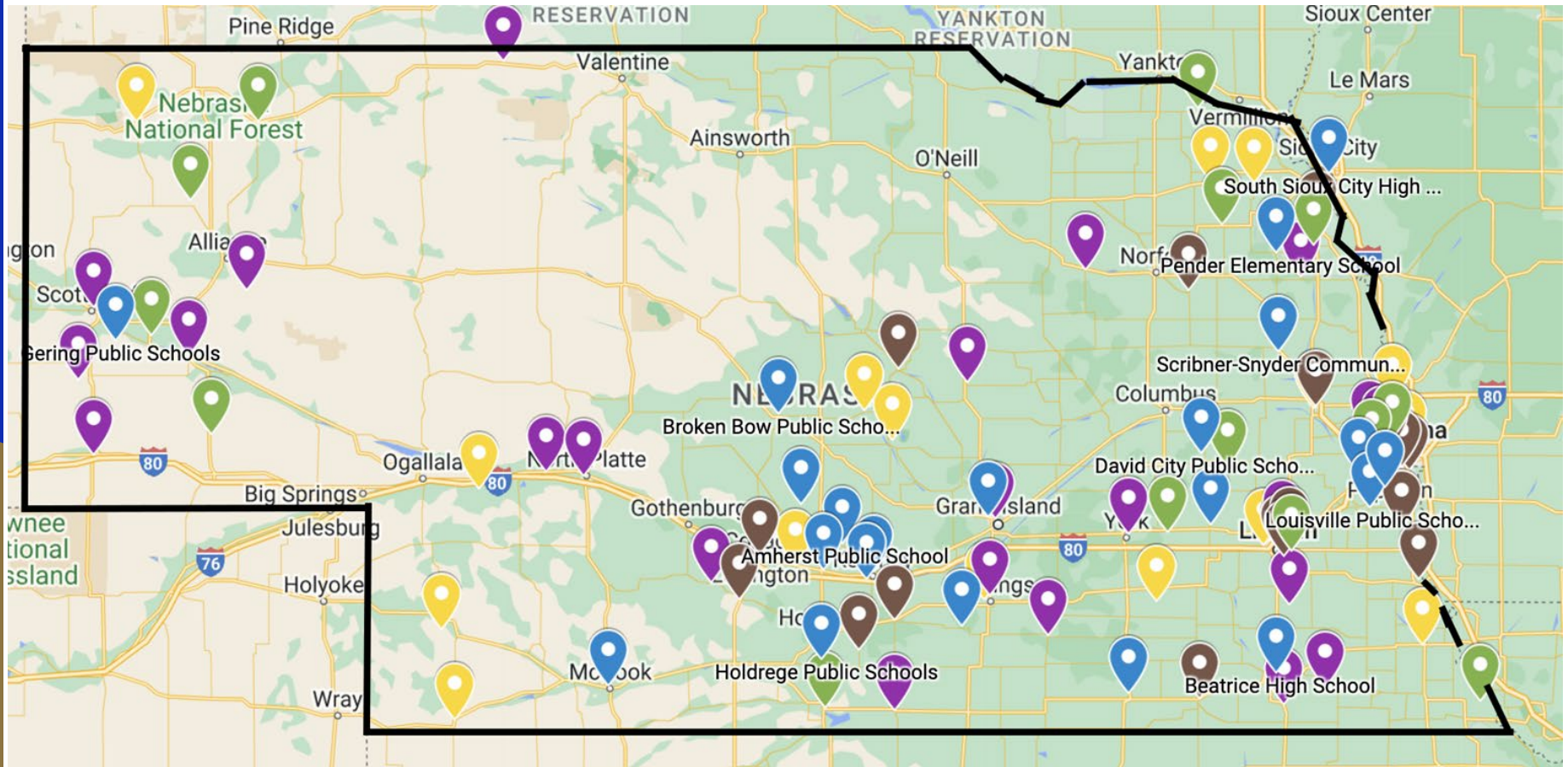




NSeSA's Yearly Growth

- Fall 2019 - 13 Schools
 - First year as a Non-Profit Organization
- Fall 2020 - 27 Schools
- Fall 2021 - 45 Schools
- Fall 2022 - 70 Schools
- Spring 2023 - 80 Schools
- Fall 2023 - 89 Schools
- Winter 2023 -96 Schools





Competitions

- 4 Divisions (Schools divided by population)
- NSeSA sets weekly opponents
- Coaches schedule matches each week, setting time that works best for both teams.
- Full Season is 5-7 weeks, Playoffs are 2-3 weeks, followed by a state tournament
- Other regional tournaments set up by individual schools



Games Played

- Game Selection Criteria - Game Rating, Collegiate Opportunities, Professional Scene, Game Genres, Rights to Play
 - Fall - Valorant, Smash Bros 2v2, Clash Royale
 - Winter - Overwatch 2, Mario Kart
 - Spring - League of Legends, Rocket League, Fortnite 2v2



Louisville Esports









Northwest Esports





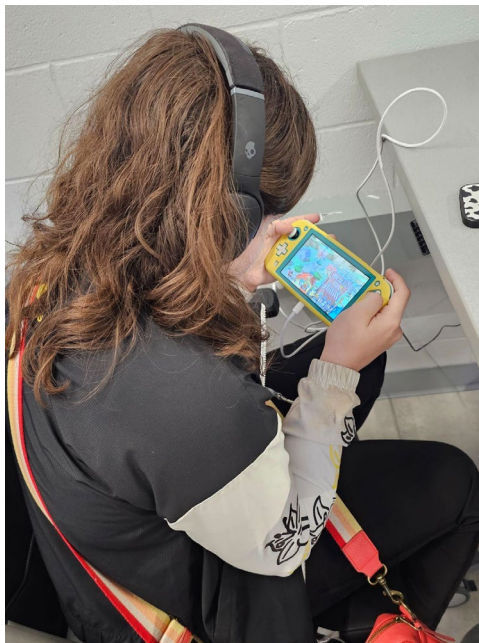








Gretna East Esports







College Athlete? For Sure!

- Fort Scott - Full Ride (GINW & Thayer Central)
- Hastings College - \$6,000 per year (Silver Lake)
- Wayne State - Club Team (GINW)
- Western Illinois - Full Ride (Westside)
- Concordia (David City & GINW)
- Concordia for Content Creation (Kearney Catholic)
- Morningside - \$5,000 (Gretna)
- Buena Vista - \$2,500 (Gretna)
- Midland - \$20,000 - (Amherst)
- Western Nebraska Comm College - (Scottsbluff)
- Dakota State University - (Gretna)





THANK YOU!

Matt Hinkel
Grand Island Northwest
Esports Coach
NSeSA Board President
mhinkel@ginorthwest.org

Nate Simons
Louisville Public Schools
Esports Coach
NSeSA Board Secretary
nsimons@lpslions.org

Kimberly Ingraham-Beck
Gretna Public Schools
Esports Coach
NSeSA Board Vice President
kingraham-beck@gpsne.org

www.nebraskahsesports.co



Teacher of the Year

Quarterly Update



Renee Jones- 2023 Nebraska Teacher of the Year



Professional Development:

- *Next Steps*, hosted by ETS and CCSSO
 - Princeton, New Jersey
- Nebraska Educator Shortage Summit 2.0
 - Kearney, Nebraska

Take-a-ways:

- Teachers love learning from other teachers.
- There are enough certificated educators in Nebraska– *how do we focus on retention? Stay surveys. Build creative ways to cultivate teacher leadership.*
- Put more teachers in the rooms where shortage conversations are happening.





Future Educators:

- R.E.A.C.H with Peru State College
- Pre-service Educator Workshops:
 - Peru State College
 - Concordia University
 - University of Nebraska- Kearney



Take-a-ways:

- There is a lot of positive momentum in our Nebraska teacher prep programs.
- *How can we get more exposure to these great events?*
- Systematically, how all teachers (new and veteran) become more informed educators.



Other + Upcoming:

- Back to School: White House Social Media
- Nebraska football homecoming game
- Aspiring Educators
 - Hastings College, December 6
- National Championship Football Game, Jan. 2024

Take-a-ways:

- The educational narrative is alarmingly negative; *how do we work to genuinely move the needle more positively?*



YRTC

- Cultivating Change
- Fostering Knowledge
- Transforming Futures
- Believe in Your Strength



2023-2024 YRTC/Interim Program School Focus

Communicate

Collaborate

Success

Assessing Student Growth

Map growth assessment

- Entrance then every 90 days
- Extended stay: Fall, Winter, Spring

Lexile/Quantile Data
Performance
(Read 180/Math 180)


Renaissance: Star 360

- Goal is four assessment points (trend line)
- BOY, Q1, Q2, Q3, EOY
- Reading, Math, and Science teachers can create STAR custom assessments to align with instruction

Our Beliefs about Data

(Statements from a staff wide survey—Data Framework Team)

We Believe...

- Data informs instruction and guides planning
 - Data informs levels of student mastery
 - Data assists teachers identifying individual learning goals
 - Data benefits students when used by teachers
 - Data improves teachers' instructional delivery when used consistently
 - Examining data is critical to the Continuous Improvement Cycle in improving our school system, teacher practices, and students' short- and long-term successes
- 

Data Framework

- Strategies to support data use
- Practices to support and deepen the use of data
- How will we collect, assess, and progress monitor
- Use data to make instructional and organizational decisions
- Systematically make data purposeful, reportable, and meaningful



Nebraska Youth Rehabilitation Treatment Facilities Data Use Framework

The purpose of the Data Use Framework is to provide a consist and comprehensive approach to utilizing data to support organizational, teaching, learning, and individual student decision making in an effort to increase continuous growth and improvement.



| Section 1: Nebraska or DHHS Policies Governing Juvenile Treatment Facilities | |
|--|---|
| Rule 10 Facilities /Schools | West Kearney (Male) , West Hastings (Female), YRTC Lincoln (Coed) |
| Rule 18 Facilities/Schools | Morton School (Male), Nebraska Youth Academy (Male) |
| Other Information | |

| Section 2: Key Data and Assessment Terms and Definitions |
|---|
| <p>ACT - American College Testing assessment has been adopted as the Nebraska Statewide Assessment for students who are one year away from their expected graduation year. Three levels of proficiency are determined based on test performance: Developing, On-Track, and ACT Benchmark. The ACT assesses four subject areas: English, Math, Reading, and Science.</p> <p>ACT Writing Assessment - The ACT Writing Assessment describes an issue and provides three different perspectives on the issue. Students are asked to (1) analyze and evaluate the perspectives given, (2) state and develop their own perspective on the issue, and (3) explain the relationship between their perspective and those given.</p> <p>Benchmark -A benchmark assessment score is based on standards within a content area continuum that a student must possess to demonstrate a level of progress toward mastery of a standard.</p> <p>Criterion-Referenced Test (CRT's) - Evaluations/Tests that judge how well a student does on explicit objectives relative to a predetermined performance level. There is NO comparison to any other student's or group performance on a CRT.</p> <p>Diagnostic Assessment - Diagnostic assessments are a form of pre-assessment intended to identify student strengths, weaknesses, knowledge and skill prior to a teacher's instruction in a given subject, content, or course. The primary purpose is to determine what students already know on the subject. They are often used pre- and post-instruction, allowing the teacher to chart the learner's progress by comparing data results.</p> <p>ELPA 21-English Language Proficiency Assessment for the 21st Century – This assessment measures the progress made by English Learner students toward learning English.</p> <p>Formative Assessment -The purpose of formative assessment is to measure student understanding of standards-based academic content and skills on a frequent basis. (Ex. Renaissance 360,, Journal Entries, Quick write summary, Exit Ticket out the Door, Teacher Made Test/Quiz)</p> <p>Interim Assessment- Interim assessments are spaced throughout the school year and provide teachers with information regarding student growth as well as what students are ready to learn next. (Ex. Map, NWEA, Benchmark Assessments, Quarterly Exams)</p> <p>Item Analysis - Identifying how a student within a population selected each answer to a specific question on an assessment. Item</p> |

10 sections

- Section 1 - Governance**
- Section 2 - Key Data Assessment Terms**
- Section 3 - Data Intake and Exit Measures**
- Section 4 - Individual Student Monitoring**
- Section 5 - Achievement and Assessment Data**
- Section 6 - Implementation Guide, Timeline, PLC Process**
- Section 7- Student Expectations**
- Section 8 - Teacher Responsibilities**
- Section 9 - Professional Development Calendar**
- Section 10 - YRTC Beliefs on Use of Data for Continuous Improvement**

Student Accountability, Screening, and Progress Monitoring

1

Individual Student Data Portfolio

Digital or paper version (Completed by counselor or other designee)



Individual Student Self-Monitoring Plan
(Student goal setting in Reading, Math, and one other area of choice)

Professional Learning Communities

PLCs currently meeting

- English, Math, Science, Social Studies, Special Education, elearning, and Auxiliary

Data being used to make instructional decisions

- ELA: Classroom formative/summative assessments, MAP Growth, Star 360, Read 180
- Math: Classroom formative/summative assessments, MAP Growth, and Math 180
- Science: Classroom formative/summative assessments, assessment pre and post vocabulary score placing an emphasis on enhancing vocabulary as an academic goal.

The PLC four guiding questions drives the work

- What do we want students to learn?
- How will we know if they have learned it?
- What will we do if they have difficulty learning it?
- What will we do if they already know it?

YRTC/Interim Program School Data

YRTC Kearney/Lincoln Male Student Population 2022-2023

- Average number of credits at intake = 100.81
- Range of credits at intake
 - West Kearney: 0 – 235
 - YRTC-Lincoln: 10 - 210
- Average Length of Stay
 - West Kearney: 296 days
 - YRTC-Lincoln: 120 days





YRTC Hastings/Lincoln Female Student Population 2022-2023

- Average number of credits at intake = 101.72
- Range of credits at intake
 - West Hastings: 0 – 257.5
 - YRTC-Lincoln: 25 - 185
- Average Length of Stay
 - West Hastings: 217 days
 - YRTC-Lincoln: 120 days

Rule 18: Morton School and Nebraska Youth Academy (Whitehall Campus)
Male Student Population 22-23 School Year

- **Morton School**
 - Average number of credits at intake: 71.13
 - Range of credits at intake: 10 - 202
 - Average Length of Stay
 - 282 days
- **Nebraska Youth Academy**
 - Average number of credits at intake: 88.94
 - Range of credits at intake: 5 - 235
 - Average Length of Stay
 - 116 days

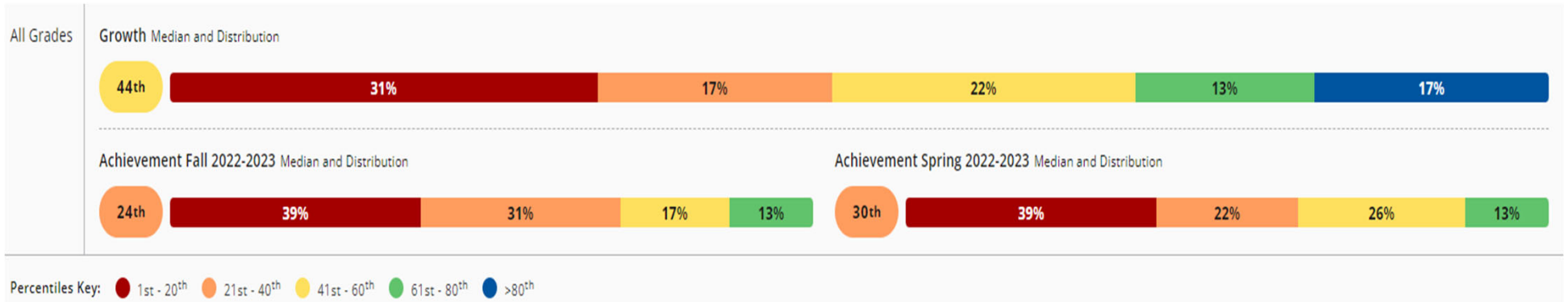


Academic Performance MAP data Fall 2023 - 76 students

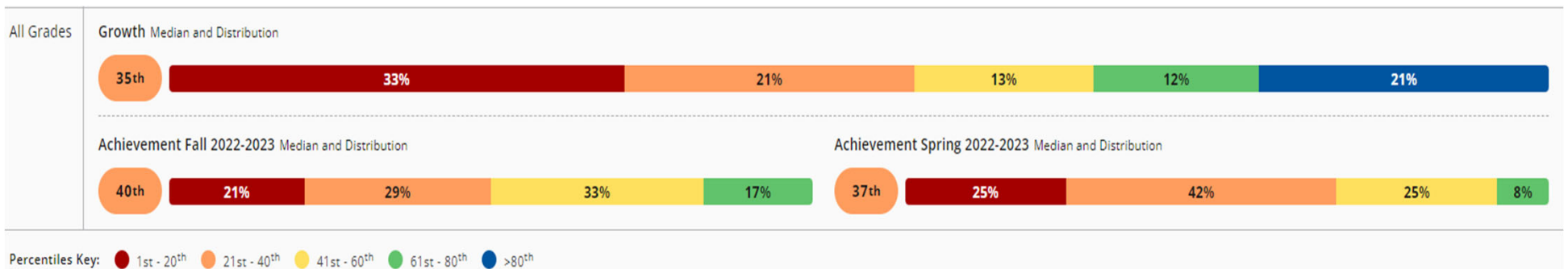
- Math
 - 46% 1-20th
 - 30% 21-40th
 - 17% 41-60th
 - 7% 61 – 80th
 - 0% above 80th

- Reading
 - 45% 1-20th
 - 20% 21-40th
 - 22% 41-60th
 - 13% 61 – 80th
 - 0% above 80th

Math Growth



Reading Growth



Out-State Travel Authorization Reports - December

| <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 - December

| <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: November 21, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

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

PROPOSED AGENDA ITEM: Approve the appointment of Christopher Prosocki to the State Committee for the Reorganization of School Districts.

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

RATIONALE/BACKGROUND INFORMATION:

Per State Statute §79-435, "...The State committee shall be composed of six members ...Three members of the state committee shall at all times be laypersons, and two members shall at all times be persons holding teachers' certificates issued by the authority of the State of Nebraska..." This appointment will be for an Educator or person holding a teachers' certificate. This appointment will be to complete a vacated position which expires December 31, 2026.

There were three candidates that submitted applications for this position. NDE is recommending Chris Prosocki for the vacated position due to his experience working in multiple consolidated districts in addition to his leadership experience. Additionally, NDE has attempted to have representation on the Committee from all over Nebraska and Chris's current position as Superintendent of Southern School District 1 allows him to represent southeast Nebraska.

The other current membership and terms of office of the State Committee for the Reorganization of School Districts are as follows:

Dave Welsch, Milford
Lay person
Term Expires: December 31, 2024

Dale Fornander, Chappell
Lay person, Chairperson
Term Expires: December 31, 2025

Ted DeTurk, Papillion
Educator

Term Expires: December 31, 2027

Shad Stamm, Benkelman

Lay person

Term Expires: December 31, 2028

PROPOSED BOARD MEETING (MONTH/YEAR): December 2023

ESTIMATED COST:

FOR CONTRACTS AND GRANTS: N/A

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

FOR GRANT SUBAWARDS: N/A

**Updated 08.15.2023*



PROPOSED AGENDA ITEM RATIONALE

DATE: November 14, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Amy Rhone, Administrator – The Office of Special Education
Shirley Vargas, ED.L.D. – School Transformation Officer

PROPOSED AGENDA ITEM: Inform/Update the Planning and Evaluation Committee on the planned amendment to the contract with TNTP for services and support to Nebraska's Priority Schools.

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

RATIONALE/BACKGROUND INFORMATION: Per 79-760.07 R.R.S., the State Board is required to designate no less than three Priority Schools. As part of the supports provided by the NDE, external consultants have been contracted to provide intensive supports for Priority Schools based on school needs, including diagnostic reviews, on-site observation and coaching with administrators, school improvement planning and implementation of Progress Plans, partnership, and skill-building with NDE staff, and off-site support and follow-up.

TNTP was selected in June 2022 through a competitive negotiation process – Request for Proposals RFP.NDERFP.220320. This vendor has been working with the current Priority Schools and with through board approval of the original contract date and additional year approval in May of 2023.

The original request for proposals contained a request for support for a culture shift (AQuESTT: Educator Effectiveness, Leadership, Postsecondary, Career, & Civic Readiness, Student Achievement and Growth) with four priority areas: well-rounded student services, culturally responsive and trauma-informed practices, family-community engagement in learning, and inclusive learning environments. Initially, Isanti Community Schools planned on obtaining the support to achieve this transformation outside of the TNTP contract supports. After a several changes in staff and processes, it has become evident for the need to provide this support originally planned in the TNTP contract.

The NDE, Office of Special Education plans to amend the current contract with TNTP to be able to provide support systems in identifying the key levers to increase instructional access for students with disabilities as originally requested.

A core challenge for Isanti Community Schools is aligning the program for special education students to their needs and the larger instructional model, staffing the program and developing educators to deliver high quality instruction for all students. This challenge coincides with a new model for special education

leadership (with Principals serving as the accountable administrators alongside a Special Education Coordinator) and a continued flag for a high percentage of students identified for special education services.

PROPOSED BOARD MEETING (MONTH/YEAR): November/December

ESTIMATED COST: \$150,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal, IDEA – Part B-611 Funding
The Office of Special Education, annually budgets for school improvement activities within the IDEA – Part B federal application for use of funds.
- New or Renewal: Renewal
- If renewal, date of first approval: June 2022

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Competitive Negotiation (Request for Proposal)
- Rationale for method of procurement: Ensure multiple potential contractors with various experiences and expertise could demonstrate their approach to supporting underperforming schools through a proposal – that addresses the various needs of the identified schools or potential new schools.
- Rationale for contractor selection: This vendor was the top scoring from a panel of five NDE employees. The vendor demonstrated the skills, abilities, and proved track record of support underperforming schools.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:



PROPOSED AGENDA ITEM RATIONALE

DATE: November 15, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Kristin Yates, Information Systems Officer

PROPOSED AGENDA ITEM: Grant the Commissioner the authority to enter into renewal contracts with the Office of the Chief Information Officer (OCIO), contractors and other vendor partners in support of the Early Childhood Integrated Data System (ECIDS) and other data and system modernization efforts.

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

RATIONALE/BACKGROUND INFORMATION:

NDE has focused for the past several years on providing expanded responsiveness to address a number of supports for information, data, and technology (including SLDS and ECIDS systems) as well as to modernize internal processes and services to provide better and more technology-informed customer service to both internal and external constituents. Much of this work has been accomplished by leveraging temporary staffing, augmentation and contract support to complete project goals.

The State of Nebraska operates an Information Technology (IT) Time and Materials Procurement system entitled "Covendis" that provides access to pre-approved quality IT services suppliers. The process of requisition, interview, and contracting occurs through the system. The rates for different individuals hired for tasks and services through the system are based on market rates and provide a more efficient engagement of IT services. In addition, NDE has contracted directly with the state Office of the Chief Information Officer (OCIO), term employees and independent contractors for similar IT service augmentation and support. These services provide temporary IT staff augmentation for the continued support for deliverables that support the State Board Vision and Direction Plan.

This agenda item seeks the authority to enter into renewal contracts with the Office of the Chief Information Officer (OCIO), term employees and independent contractors for temporary staff support for positions including but not limited to project management, business analysis, application development, ETL management, data management and visualization and other expertise required to meet the demands and plans of the projects.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2023

ESTIMATED COST: Up to \$3,500,000.

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal SLDS Grant, Federal ESSER Resources, PDG Funds and/or General funds
- New or Renewal: Renewal
- If renewal, date of first approval: August 2020, May 2021, June 2021, September 2021

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Not Applicable
- Rationale for method of procurement: Not Applicable
- Rationale for contractor selection: Not Applicable

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: Not Applicable

**Updated 08.15.2023*



PROPOSED AGENDA ITEM RATIONALE

DATE: November 16, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Zainab Rida, Administrator, Office of Coordinated Student Support Services
Kayte Partch, Assistant Administrator, Office of Coordinated Student Support Services

PROPOSED AGENDA ITEM: Grant the Commissioner authority to amend the contract agreement with LINQ for its maintenance and upgrades to the CNP system used for the USDA Child Nutrition Programs.

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

RATIONALE/BACKGROUND INFORMATION:

(--Delete the italicized text before submission; use the outline below to structure the rationale/ background—Include here the following information, as applicable, depending on the agenda item type:

- This amendment will include the cost of implementing the Summer Food Service Program (SFSP) Meal Counter into the CNP system, which is used to track, monitor, and provide reimbursement to schools and organizations participating in the USDA's Child Nutrition Programs.
- This feature will decrease the administrative burden for participating schools and organizations and will support improved accuracy of monthly claims for reimbursement, therefore, improving program integrity. The cost to set up and install this functionality is \$40,000 and the fee to maintain it until August 31, 2024 is \$39,500. This totals an additional \$79,500 for FY2024..
- The contract with LINQ to manage and maintain the CNP system supports the NDE's obligation to monitor and oversee USDA Child Nutrition Program funds.
- LINQ remains the vendor for the USDA Child Nutrition Programs application, monitoring, and claims system after initially being competitively procured and with significant time and money investment since then.
- The current contract is in place beginning October 1, 2023 and until September 30, 2024.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2023

ESTIMATED COST: \$229,753.00 (increase of \$79,000 above original contract value)

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal funds using the FY2021 Technology Innovation Grant Funds allocated to each State agency by the USDA
- New or Renewal: Renewal
- If renewal, date of first approval: September 2023 for start date of October 1, 2023

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 08.15.2023*



PROPOSED AGENDA ITEM RATIONALE

DATE: November 14, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Grant the Commissioner the authority to approve a contract amendment for Teachstone Inc.

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

RATIONALE/BACKGROUND INFORMATION:

- The Office of Early Childhood Education currently has a contract with Teachstone Inc. to provide training on the use of the Classroom Assessment and Scoring System (CLASS) program quality assessments.
- The CLASS tools are used for program improvement in public school and Head Start programs as a part of the Results Matter program, child, and family outcomes measurement system.
- CLASS assessments are also used as part of Nebraska's Step Up to Quality: Early childhood quality rating and improvement system.
- The NDE's current contract was written in an amount of \$49,600. The amendment will bring the total contract amount to \$54,560.
- The amendment is needed to purchase additional materials due to a large increase in need for CLASS trainings. The number of training participants have increased because of high interest in participation in Step Up to Quality and because of a joint initiative with the Nebraska Department of Health and Human Services that allows NDE to provide free training for CLASS.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2023

ESTIMATED COST: \$54,560

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Sources: Federal Child Care and Development Funds (CCDF), American Rescue Plan ACT (ARPA), State general funds for Step Up to Quality, State general funds for school district technical assistance. The CCDF funding is available through an annual agreement between the NDE and the DHHS (the lead agency for CCDF). The ARPA funds are also available through

an agreement with Nebraska DHHS. The state funds are available through general funds for Step Up to Quality and through a 5% technical assistance and evaluation set aside for the Early Childhood Grant Program for preschool.

- New or Renewal: Renewal
- If renewal, date of first approval: 2014

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Sole source.
- Rationale for method of procurement: Teachstone Inc. is the publisher of the CLASS® assessments and is the sole entity with the legal right to contract for their use.
- Rationale for contractor selection: See above.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: NA

**Updated 08.15.2023*



PROPOSED AGENDA ITEM RATIONALE

DATE: November 8, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Zainab Rida, Equity Officer and Administrator for the Office of Coordinated Students Support Services

Jay Martin, Director of School Safety & Security, Nebraska Department of Education

PROPOSED AGENDA ITEM: Authorize the Commissioner the authority to approve a continuation grant to the Board of Regents of the University of Nebraska to assist the School Safety and Security Program to build the capacity of Nebraska schools in the area of emergency management, violence prevention education and threat assessment.

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

RATIONALE/BACKGROUND INFORMATION:

The School Safety and Security Program plans to expand the capacity of Nebraska Department of Education (NDE) to provide training and technical assistance to local educational agencies so they may produce and maintain high-quality Emergency Operations Plans (EOPs), violence prevention education, and threat assessment processes.

Once NDE's capacity is improved, the two areas of local capacity we wish to impact: 1) increase the number of high quality EOPs in LEA, and 2) increase the capacity for schools to participate in collaborative planning with community partners.

The University of Nebraska Public Policy Center (UNL PPC) is the best source for staff to help carry forth the vision for school safety in Nebraska. They have been partners in visioning and writing both the School Emergency Management and the Nebraska STOP Violence grants, have assisted in Threat Assessment training, and are experts in collecting and analyzing data.

The UNL PPC will be writing and creating videos regarding principles of emergency operations plans to add to the website, conducting table-top exercises with schools so they can test their emergency operations plans, providing assistance in the analyzation of schools' emergency operations plans, and assisting with evaluation components for the emergency operations plans' trainings, table-top exercises and the program mid- and final

reports. This grant from the US Department of Education will help us close the gap we have with emergency operations plan in Nebraska schools.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2023

ESTIMATED COST: \$ 100,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: The funding source is a US Department of Education grant.
- New or Renewal: Renewal of a five-year grant with the US Department of Education
- If renewal, date of first approval: October 2018

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 08.15.2023*



PROPOSED AGENDA ITEM RATIONALE

DATE: November 14, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

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

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

AGENDA ITEM TYPE (contract/grant/rule/program/other): 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 to be in compliance with federal programmatic and fiscal requirements under IDEA Part C. The following project will be using these funds.

PROPOSED BOARD MEETING (MONTH/YEAR): Nov./Dec. 2023

Project: Nebraska Children and Families Foundation

Purpose: To meet comprehensive Child Find and Referral requirements to ensure referral of specific at-risk and underserved infants and toddlers to the state's IDEA Part C/early intervention program focusing on child care centers serving low income and/or Spanish speaking families. To support and bolster the four steps of early identification of developmental delays and disabilities for infants and toddlers; to support infant/toddler's development.

ESTIMATED COST: \$204,233.40

FOR CONTRACTS AND GRANTS:

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

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.

•



DATE: November 7, 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 reallocate funds to federally funded expanded learning collaborative sites for summer school programming.

AGENDA ITEM TYPE: Grant

RATIONALE/BACKGROUND INFORMATION:

The American Rescue Plan allocates funding through the ESSER III program. Of the 10 percent set aside for statewide activities in NDE's purview, one percent must be allocated for high-quality summer programming, and another one percent for robust after school and expanded learning activities. In Nebraska projects total nearly \$11 million, adding more than 60% to support afterschool program growth in the state over the next three years.

The State Board approved recipients of the ESSER III Collaborative ELO programing in April 2022, and reapportioned funding in May 2023. See below for full details.

Since May 2023, several districts were unable to use the total funding appropriated to them and/or were unable to do any programming, predominantly in summer, due to a lack of staff. In order to ensure all funds are expended, this item would allow the commissioner to reallocate funds as they become available and provide flexibility in approval to ensure districts have time to plan for and implement any new or expanded programming.

Reallocated funds will be apportioned to current sites that have indicated their ability to use the funding for expanded or deepened programming. Once funding reallocations are exact, the NDE will report back on amounts reallocated and to which schools.

Original Allocation (April 2022):

1. Lexington Public Schools - \$155,000
2. South Sioux City Community Schools -\$155,000
3. Santee Community Schools -\$155,000

4. Walthill Public Schools -\$155,000
5. Nebraska City Public Schools -\$155,000
6. Cozad Community Schools- \$155,000
7. Broken Bow (Central Plains Center for Services) -\$155,000
8. Gordon–Rushville Public Schools -\$155,000
9. Bayard Public Schools -\$155,000
10. Fremont Public Schools -\$155,000
11. Bancroft-Rosalie Public Schools- \$155,000
12. Kearney Public Schools - \$155,000
13. Winnebago Public Schools - \$230,000
14. Umo n Ho n Nation Public Schools - \$230,000
15. Westside Community Schools - \$230,000
16. Humboldt-Table Rock Steinauer Schools- \$230,000
17. Lyons-Decatur Northeast - \$230,000
18. Wakefield Community Schools - \$230,000
19. Niobrara Public Schools- \$230,000
20. Calloway Public Schools - \$230,000
21. Mitchell Public Schools - \$230,000
22. Ainsworth Community Schools - \$230,000
23. Gering Public Schools - \$230,000
24. Alliance Public Schools- \$230,000
25. Madison Public Schools - \$230,000
26. Valentine Community Schools - \$230,000
27. Norfolk Public Schools- \$310,000
28. Schuyler Community Schools - \$310,000
29. Crete Public Schools - \$310,000
30. Columbus Public Schools - \$310,000
31. North Platte Public Schools - \$385,000
32. Scottsbluff Public Schools - \$385,000
33. Bellevue Public Schools - \$460,000
34. Grand Island Public Schools - \$690,000
35. Lincoln Public Schools - \$1,080,000
36. Collective for Youth (Omaha Public Schools)– \$1,615,000

May 2023 Reallocation (Summer Programming):

| | |
|---------------------------------|--------------|
| Bancroft-Rosalie Public Schools | \$20,300 |
| Bellevue Public Schools | \$15,990 |
| Central Plains (Broken Bow) | \$21,500 |
| Collective for Youth (Omaha) | \$174,114.32 |
| Cozad Community Schools | \$16,000 |
| Gering Public Schools | \$50,000 |
| Humboldt Table Rock Steinauer | \$31,000 |
| Kearney Public Schools | \$31,000 |
| Lexington Public Schools | \$14,900 |
| Lincoln Public Schools | \$175,000 |
| North Platte Public Schools | \$31,000 |

| | |
|------------------------------------|-------------|
| South Sioux City Community Schools | \$16,843.75 |
| Umoꞩhoꞩ Nation Public Schools | \$31,000 |
| Valentine Community Schools | \$31,226 |
| Wakefield Community Schools | \$20,840 |
| Walthill Public School | \$30,000 |

PROPOSED BOARD MEETING (MONTH/YEAR): November/December 2023

ESTIMATED COST: TBD

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: ESSER III
- New or Renewal: Renewal/Reallocation
- If renewal, date of first approval: April 2022, May 2023

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: N/A
- Rationale for method of procurement:
- Rationale for contractor selection: N/A

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:
 - To identify highly-impacted communities and sites, the NDE triangulated school identification (e.g., CSI, TSI, ATSI) and achievement data, COVID-19 impact, and measures of a community’s ability to respond to crisis (social vulnerability index). Sites include schools with pre-existing afterschool and summer school programs, and support to build new sites.
 - For this second round of reallocated funds, schools applied for additional funds to BSB, which then reviewed and selected schools most aligned to those priority areas identified by youth in surveys and qualitative input.
- New or Renewal: Renewal
- If renewal, date of first approval: April 2022, May 2023

**Updated 02.07.2023*

State Board of Education Work Session and Business Meeting.

Thursday-Friday October 5-6, 2023

Gering Civic Center, Wildcat and Dome Rock Rooms, 1050 M Street, Gering, NE 69341

[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, October 5, 2023, 2:30 p.m. MT/3:30 p.m. CT

1. CALL TO ORDER

President Gubbels called the meeting to order at 2:35 p.m.

1.1 Roll Call

Roll Call showed the following attendance:

Lisa Fricke

Patti Gubbels

Elizabeth Tegtmeier

Deborah Neary

Sherry Jones

Kirk Penner

Commissioner Maher was also in attendance.

Absent: Jacquelyn Morrison and Patsy Koch Johns

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. Review proposed changes to the Board Bylaws and Policies

Board Members engaged in a work session discussing changes to the Board Bylaws and Policies.

Kirk Penner left at 3:53 p.m.

President Gubbels called for a break at 3:54 p.m. The meeting resumed at 4:00 p.m.

3. ADJOURNMENT

President Gubbels adjourned the meeting at 5:10 p.m.

The State Board of Education will reconvene Friday, October 6, 2023, at 9:00 a.m. MT/10:00 a.m. CT
Gering Civic Center, Wildcat and Dome Rock Rooms, 1050 M Street, Gering, NE 69341

STATE BOARD OF EDUCATION MEETING, Friday, October 6, 2023, 9:00 a.m. MT/10:00 a.m. CT

1. CALL TO ORDER – President Patti Gubbels called the meeting to order at 8:59 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

| | | |
|--------------|---------------|---------------------|
| Sherry Jones | Patti Gubbels | Elizabeth Tegtmeier |
| Lisa Fricke | Deborah Neary | Kirk Penner |

Commissioner Maher was also in attendance.

Absent: Patsy Koch Johns and Jacquelyn Morrison

1.2. President Gubbels led the Pledge of Allegiance.

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

2. SPECIAL PRESENTATIONS

2.1. Addressing the Teacher Shortage in the Panhandle and Beyond

NDE Representative, Lane Carr, introduced Dr. Jim Powell and Dr. Don King, Chadron State College addressing the Teacher Shortage in the Panhandle and Beyond.

2.2. Recognize November as National Native American Heritage Month

2.2.A. Resolution to Recognize November as National Native American Heritage Month

Motion by Lisa Fricke, second by Deborah Neary to adopt the resolution to recognize November as National Native American Heritage Month

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

The motion passed.

2.3. Nebraska VR Presentation

NDE Representative, Lindy Foley, presented on the mission of Nebraska Vocational Rehabilitation and October as National Disability Employment Awareness Month.

2.3.A. Resolution to Recognize October as National Disability Employment Awareness Month

Motion by Elizabeth Tegtmeier, second by Lisa Fricke to adopt the resolution to recognize October as National Disability Employment Awareness Month

| | |
|-------------------|--------|
| Lisa Fricke: | Yes |
| Patsy Koch Johns: | Absent |
| Deborah Neary: | Yes |
| Sherry Jones: | Yes |

| | |
|----------------------|--------|
| Elizabeth Tegtmeier: | Yes |
| Patti Gubbels: | Yes |
| Jacquelyn Morrison: | Absent |

The motion passed.

President Gubbels called for a break at 10:06 a.m. The meeting resumed at 10:16 a.m.

3. COMMISSIONER'S REPORT

Commissioner Maher delivered the Commissioner's Report.

3.1. Agenda Overview and Consent Agenda Process

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

No Consent Agenda items were removed.

4. PRESIDENT'S REPORT

President Gubbels delivered the President's Report.

5. CONSENT AGENDA

Motion by Kirk Penner, second by Deborah Neary to approve the Consent Agenda without agenda items 5.3.B. and 5.3.C.

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

The motion passed.

6. STANDING COMMITTEE REPORTS

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

6.1.A. Discussion Item: Review Commissioner Mid-Year Appraisal Process

No discussion.

6.2. **Budget and Finance Committee** – Sherry Jones, Vice 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: Accept the 2023 Statewide Longitudinal Data System Grant from the U.S. Department of Education

Motion by, Deborah Neary second by Kirk Penner to accept the 2023 Statewide Longitudinal Data System Grant from the U.S. Department of Education.

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

The motion passed.

- 6.2.C. Action Item: Authorize the Commissioner to submit the Department's deficit budget request for fiscal year 2023-24

Motion by Elizabeth Tegtmeier, second by Kirk Penner to submit the Department's deficit budget request for fiscal year 2023-24.

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

The motion passed.

- 6.2.D. Action Item: Authorize the Commissioner to approve 2023-2024 medical consultant contracts for the Disability Determinations Section

Motion by Kirk Penner, second by Sherry Jones to approve 2023-2024 medical consultant contracts for the Disability Determinations Section.

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

The motion passed.

- 6.2.E. Action Item: Authorize the Commissioner to approve the Bipartisan Safer Communities Stronger Connections Grants awarded to districts

Motion by Lisa Fricke, second by Kirk Penner to approve the Bipartisan Safer Communities Stronger Connections Grants awarded to districts.

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

The motion passed.

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

6.3.A. Action Item: Approve the Priority School Progress Plan for Isanti Elementary School

Motion by Sherry Jones, second by Lisa Fricke to approve the priority school progress plan for Isanti Elementary School.

NDE Representative, Shirley Vargas, and Caitlin Sharpe, partner with TNTP, provided additional information on the priority school progress plan for Isanti Elementary School.

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

The motion passed.

6.3.B. Action Item: Approve the Priority School Progress Plan for Isanti High School

Motion by Sherry Jones, second by Deborah Neary to approve the priority school progress plan for Isanti High School.

NDE Representative, Shirley Vargas, and Caitlin Sharpe, partner with TNTP, provided additional information on the priority school progress plan for Isanti Elementary School.

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

The motion passed.

6.3.C. Action Item: Approve Rule 11 waiver request from Auburn Public Schools

Motion by Lisa Fricke, second by Deborah Neary to approve Rule 11 waiver request from Auburn Public Schools

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

The motion passed.

- 6.3.D. Action Item: Approve Rule 10 Waiver for Blue Hill Community Schools for the 2023-24 academic year regarding 6th grade participation in athletics as outlined in the request

Motion by Lisa Fricke, second by Sherry Jones to approve Rule 10 Waiver for Blue Hill Community Schools for the 2023-24 academic year regarding 6th grade participation in athletics as outlined in the request.

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

The motion passed.

- 6.3.E. Discussion Item: Update and discussion of the annual plan for the Nebraska Statewide Assessment and reporting system (staff presentation)

NDE Representative, Trudy Clark, provided additional information on the annual plan for the Nebraska Statewide Assessment and reporting system.

Deborah Neary left at 11:39 a.m. Returned at 11:42 a.m.

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

- 6.4.A. Report on Rules

There is no action on rules.

- 6.4.B. Action Item: Approve revisions to Rule 21

Motion by Kirk Penner, second by Elizabeth Tegtmeier to approve revisions to Rule 21

NDE Representative, Tammy Barry, provided additional information on the changes required for Rule 21.

| | |
|--------------|-----|
| Lisa Fricke: | Yes |
|--------------|-----|

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

The motion passed.

7. ADDITIONAL BUSINESS

- 5.3.B. Action Item: Authorize the Commissioner to renew a contract for the Indigenous Pedagogies Project

Motion by Sherry Jones, second by Deborah Neary to renew a contract for the Indigenous Pedagogies Project

NDE Representative, Amy Rhone, provided additional information on the contract for the Indigenous Pedagogies Project.

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

The motion passed.

President Gubbels called for a recess at 12:09 p.m. The meeting resumed at 1:00 p.m.

8. PUBLIC COMMENT PERIOD

- 8.1. Don Lease II spoke with regard to basic mental health training and making it mandatory.
Darrel Lechner, Jr. spoke with regard to the health standards.

7. ADDITIONAL BUSINESS, Con't.

- 5.3.C. Action Item: Authorize the Commissioner to renew a contract for Step Up to Quality Program

Motion by Elizabeth Tegtmeier, second by Deborah Neary to renew a contract for Step Up to Quality Program

NDE Representative, Melody Hobson, provided additional information on the contract for Step Up to Quality Program.

| | |
|----------------------|--------|
| Lisa Fricke: | Yes |
| Patsy Koch Johns: | Absent |
| Deborah Neary: | Yes |
| Sherry Jones: | Yes |
| Elizabeth Tegtmeier: | Yes |
| Patti Gubbels: | Yes |

Jacquelyn Morrison: Absent
Kirk Penner Yes

The motion passed

OTHER ADDITIONAL BUSINESS

Board Members finished discussing changes to Board Operating Policy 1.14 and 1.15. Brian Halstead, Board Legal Counsel provided additional information on the changes.

DRAFT

8. PUBLIC COMMENT PERIOD, Con't.

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

Lisa Fricke spoke of attending the 2023 Thriving Children, Families and Communities conference and shared four facts about Early Childhood.

11. ADJOURNMENT

President Gubbels adjourned the meeting at 3:10 p.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, December 1, 2023, at 9:00 a.m. in Lincoln, NE.



PROPOSED AGENDA ITEM RATIONALE

DATE: November 15, 2023

TO: Dr. 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): Other

RATIONALE/BACKGROUND INFORMATION:

1. 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.

2. Interfund Loans

Proposed Board Action: Approve the Interfund Loan 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 Interfund Loans as a special grant fund for budget limitation purposes. The Interfund Loans 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.

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. 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.

5. 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.

PROPOSED BOARD MEETING (MONTH/YEAR): December 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

**Updated 08.15.2023*

**Requests Relative to the Budgeting Provisions
of the Tax Equity & Educational Opportunities Support Act
For the 2023/24 School Year
December 1, 2023**

Recommendation 1

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

| County-District Number | School District Name | Amount to be Approved |
|-------------------------------|-----------------------------|------------------------------|
| 79-0016 | Gering Public Schools | \$133,250 |

Recommendation 2

Interfund Loan [Section 79-1003(40)]

| County-District Number | School District Name | Amount to be Approved |
|-------------------------------|-----------------------------|------------------------------|
| 79-0016 | Gering Public Schools | \$600,000 |

Recommendation 3

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

| County-District Number | School District Name | Amount to be Approved | School Year |
|-------------------------------|-----------------------------|------------------------------|--------------------|
| 20-0020 | Bancroft Rosalie Comm Schs | \$120,000 | 2023/24 |

Recommendation 4

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

| County-District Number | School District Name | Amount to be Approved |
|-------------------------------|---------------------------------|------------------------------|
| 10-0007 | Kearney Public Schools | \$1,300,000 |
| 17-0009 | Potter Dix Public Schools | \$65,927 |
| 24-0001 | Lexington Public Schools | \$651,969 |
| 27-0595 | North Bend Central Public Schs | \$130,550 |
| 30-0025 | Fillmore Central Public Schools | \$121,082 |
| 36-0100 | Burwell Public Schools | \$55,909 |
| 79-0002 | Minatare Public Schools | \$56,528 |
| 79-0016 | Gering Public Schools | \$354,693 |
| 89-0003 | Fort Calhoun Comm Schools | \$132,597 |

Recommendation 5

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

| County-District Number | School District Name | Amount to be Approved |
|-------------------------------|---------------------------------|------------------------------|
| 17-0009 | Potter Dix Public Schools | \$18,000 |
| 30-0025 | Fillmore Central Public Schools | \$31,813 |
| 36-0100 | Burwell Public Schools | \$22,276 |
| 79-0016 | Gering Public Schools | \$32,040 |



PROPOSED AGENDA ITEM RATIONALE

DATE: November 14, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

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

PROPOSED AGENDA ITEM: Authorize the Commissioner to approve the 2023-24 Trust Fund Budget for The Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI).

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

RATIONALE/BACKGROUND INFORMATION: Nebraska Revised state Statute 79-318 (15) establishes the State Board's responsibility to administer any device, donation, or bequest to NCECBVI. The Budget and Finance Committee has been designated as the Board committee to review annually the staff recommendations for expenditure of the Department's trust funds. Approval of the Trust Fund Budget will allow the Department to access the trust funds during the 2023-24 for support of the NCECBVI as outlined in the Trust Fund Budget Proposal (see supplemental document).

PROPOSED BOARD MEETING (MONTH/YEAR): November/December 2023

ESTIMATED COST:

Unrestricted Trust Funds: \$75,000
Williams Restricted Trust Funds: \$100,000
Markussen Restricted Trust Funds: \$500
Jay Restricted Trust Funds: \$20,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Individual Trust Funds as indicated above
- New or Renewal: N/A
- If renewal, date of first approval: N/A

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:

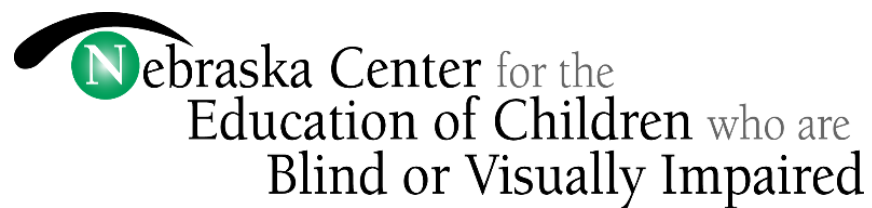
- Describe the grantee selection process:

NEBRASKA STATE BOARD OF EDUCATION

October 13, 2023

**TRUST FUND
BUDGET PROPOSAL**

November 2023-October 2024



Tanya Armstrong, Ph.D.

UNRESTRICTED TRUST FUND 2024 BUDGET

Estates: Lucile E. Huber, James E. Labertew, Herman Wolf, Ralph E. Fulton, John S. Knepper, Eva M. Fischer, Lorraine L. Hight, Pansy M. Behrens, Louis A. Lembach, Merle M. Hargen, Irvin Schapaugh, Irma I. Scheitel, Mollie Schaefer, Lena Johnson, and Anna Wilcox

Purpose: No restrictions other than to benefit the Nebraska Center for the Education of Children who are Blind or Visually Impaired

Current Amount: \$528,674.71

Previous Projects Funded: Primarily facility improvements, repairs, and maintenance

Proposed Projects:

| | |
|--|------------------|
| Printing and Publishing | \$ 0 |
| Repair and Maintenance of Office and Computer Equipment | \$ 0 |
| Professional Development | \$ 0 |
| Facilities Maintenance, Repair, and Expenses | \$ 50,000 |
| ▪ Includes replacement of industrial dishwasher, laundry room improvements | |
| TSB-State Vehicle Expenses | \$ 0 |
| Emergency Building Expense | \$ 25,000 |
| TOTAL PROPOSED FUNDING: | \$ 75,000 |

RESTRICTED (WILLIAMS) TRUST FUND 2024 BUDGET

Estate: F.D. Williams

Purpose: To contribute to the expense of poor and needy students and to worthy graduates who desire to continue their education upon graduation.

Current Amount: **\$1,084,684.99**

Previous Projects Funded: Educational and diagnostic equipment and supplies for students who are blind or visually impaired.

Proposed Projects:

Educational/Recreation Supplies \$ 5,000
▪ Includes Braille Library Books, Orientation & Mobility Supplies

Student Need Items--Learning Devices and Sensory Materials \$ 10,000

Low Vision Clinics \$ 8,000

Medical Supplies/Student Needs \$ 7,000

Assistive Technology \$ 53,000

Repair/Maintenance of Student Technology and Devices \$ 2,000

National Events for Students \$ 15,000
▪ Ex: Braille Challenge, APH Art Contest

TOTAL PROPOSED FUNDING: **\$100,000**

RESTRICTED (MARKUSSEN) TRUST FUND 2024 BUDGET

Estate: Karen Markussen

Purpose: To be used to assist Nebraska teachers who are pursuing their degree to teach children with visual impairments.

Current Amount: \$9,161.00

Projects Funded: Annual \$500 scholarship to be given to a Nebraska teacher.

Proposed Projects:

Scholarship \$ 500

TOTAL PROPOSED FUNDING \$ 500

UNRESTRICTED (JAY) TRUST FUND 2024 BUDGET

Estate: Lyle Dean Jay Trust

Purpose: No restrictions other than to benefit the Nebraska Center for the Education of Children who are Blind or Visually Impaired.

**Current
Amount:** \$40,066.47

**Proposed
Projects:**

Furniture and Housing (Dorm) \$ 4,000

Facility Expenses \$ 12,000

Technology Expenses \$ 4,000

TOTAL PROPOSED FUNDING: \$ 20,000



PROPOSED AGENDA ITEM RATIONALE

DATE: November 14, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Approve the renewal of the Rule 11 teacher waiver for Wheeler Central Public Schools

AGENDA ITEM TYPE (contract/grant/rule/program/other): Rule 11 teacher waiver renewal/
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 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.
- Wheeler Central operates a comprehensive early childhood program. This program provides early education and child care for young children in the district.
- The early childhood program had a teacher vacancy for the 2022-2023 school. The position was advertised on the "Teach in Nebraska" website. There were no applicants. The district then reached out to two individuals who had applied for an open elementary teaching position. One applicant did not return the call, the other declined the position.

- The district then reached out to a substitute teacher. That person has a degree in early childhood education but does not have a teaching certificate. This person accepted the position. Wheeler Central sought and obtained a Rule 11 teacher waiver for this individual for the 2022/2023 school year.
- The individual has completed additional coursework toward her teaching certificate within the last year.
- Wheeler Central has submitted the appropriate materials to renew the waiver.

PROPOSED BOARD MEETING: November/December 2023

ESTIMATED COST: NA

FOR CONTRACTS AND GRANTS: NA

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT: NA

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: NA

**Updated 08.15.2023*



PROPOSED AGENDA ITEM RATIONALE

DATE: November 14, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Approve renewal of Rule 11 teacher waiver for Walthill Public School

AGENDA ITEM TYPE (contract/grant/rule/program/other): Rule 11 teacher waiver renewal/
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 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 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.
- Walthill Public School operates an early childhood program with one infant/toddler classroom. The district has a center-based Sixpence (Early Childhood Education Endowment) grant.
- The teacher in the classroom has an associate degree from Metropolitan Community College. She is pursuing her bachelor's degree through Chadron State College. She took 18 hours towards her degree in the 2022/2023 school year. She is currently enrolled in 11 undergraduate hours through Chadron State.

PROPOSED BOARD MEETING: December 2023

ESTIMATED COST: N/A

FOR CONTRACTS AND GRANTS: N/A

**Updated 08.15.2023*



STATE BOARD OF EDUCATION EXECUTIVE COMMITTEE REPORT

Date: November 30, 2023

The Executive Committee reports on its November 30, 2023, meeting. The committee met with the Executive Board of the Nebraska Association for Supervision and Curriculum Development (NASCD). The NASCD members shared legislative interests with the State Board's Executive Committee for next year's legislative session. NASCD members and committee members discussed additional interests of NASCD and opportunities for partnership.

The committee discussed proposed revisions to the board bylaws and policies, as an extension of the October 2023 work session. The committee intends to bring a final proposal to the board at the January 2024 meeting for adoption. Additional discussion on the proposed revisions will follow the committee report.

The committee received information from, and had a discussion with, the NDE staff on processes for the upcoming legislative session, specifically related to the committee's responsibility to advise the Commissioner on legislative matters while the state legislature is in session. These processes will be reviewed after committee assignments are made in 2024.

Finally, the committee received an update from the NDE staff on preparations for board meetings in the 2024 calendar year.

This concludes the Executive Committee report.

Patti Gubbels, Chair

*Submit a printed copy to the Committee Chair and email to the Recording Secretary.
Updated 02.02.2023

BYLAWS

| Bylaw Code and Title | Description of Proposed Change(s) |
|---|--|
| Bylaws-Table of Contents and Headings | <p>Heading: Change from “Department of Education” to State Board of Education Bylaws</p> <p>TOC: Update page numbers and Clarify Titles or Update Titles</p> |
| Board Member Notes: | |
| BLW 1- Definition and Application of Board Bylaws | <ul style="list-style-type: none"> *Clarify language in definition *Designate (Board) to represent the State Board of Education throughout the document |
| Board Member Notes: | |
| BLW2- State Board Officers to Board Officers | <ul style="list-style-type: none"> *Specify what officers are elected at January meeting *Designate (Commissioner) to represent the Commissioner of Education throughout the document *Clarify that “organize the Board” means elect officers * Add statement to indicate that majority vote of the members of the Board is required to elect officers. Previously not clear as to whether vote is majority of members present or of members of the Board |
| Board Member Notes: | |
| BLW3-Board Meetings | <ul style="list-style-type: none"> *Move statement referring to Open Meetings Act requirement as first statement to place emphasis on requirement. *Clarify language in publicized notice of meeting time and place * Remove Meeting Agendas, Consent Agendas, Board Meeting Minutes information from bylaw to Board Operating Policies—as a new policy BOP 1.14 Meeting Agendas and Minutes * Move language under Committee Meetings that is unrelated to when committees meet and also move who calls the committee meetings to BOP 1.14 *Remove statements that directly reference state laws (Emergency Meetings and Videoconferencing) |
| Board Member Notes: | |
| BLW4-Board Committees | <ul style="list-style-type: none"> *Clarify the purpose of Board committees *Use “Department” to refer to NDE throughout the documents *Clarify that Committee chairs report recommendations to the Board and that a Board vote is necessary to adopt any committee recommendation. *Delete sentence about Commissioner request for opinion from standing committee on proposal being recommended because the role of standing committees is to provide recommendations. *Delete phrase “and should be consulted by chair regarding committee matters as need arises” to reflect current practice that the role of the vice-chair is to preside over meetings in the chair’s absence. “As need arises” is ambiguous and not customary practice. *Clarify language about ad hoc committees as to who forms them, who appoints members and that ad hoc committees may be given a new directive. *Specific committee information was reordered and placed at beginning of bylaw. |

| | |
|---|---|
| Board Member Notes: | |
| BLW5-Parliamentary Procedure Authority /Rules of Order | <ul style="list-style-type: none"> *Change Procedure to Authority in title *Move "Votes will be conducted by roll call, with the order of members called rotated with each vote." *Omit "Copies of RONR may be provided to Board members" because unnecessary as part of bylaw. |
| Board Member Notes: | |
| BLW6-Review and Amendment of Board Bylaws | <ul style="list-style-type: none"> *Clarify language about when bylaw reviews are to be conducted and specify when report is made to Board. *Clarify "previous" notice to mean notice at the previous meeting before action. |
| Board Member Notes: | |
| BOARD OPERATING POLICIES | |
| Policy Code and Title | Description of Proposed Change(s) |
| BOP Table of Contents | <p>Heading: Change from Department of Education to State Board of Education Board Operating Policies</p> <p>TOC: Update page numbers, clarify titles and change titles and codes (numbers) to reflect reorganization of information and inclusion of new BOP</p> |
| Board Member Notes: | |
| BOP 1.00 Definition of Policies | <ul style="list-style-type: none"> *Delete introductory sentence because it is unnecessary *Change Operational to Operating *Clarify language such as duties vs responsibilities *Delete sentence on conduct and replaced with phrase "roles and responsibilities." *Clarify definition of Agency Management Policies |
| Board Member Notes: | |
| BOP 1.01 Position Statements, Resolutions, and Model Policies | <ul style="list-style-type: none"> *Delete statement indicating the positions statements are aligned with legislative and regulatory priorities because they are not all aligned with those priorities *Move "designated PS" so still included in policy *Delete "when requested or required by law" because the qualifier is unnecessary *Use "Department" consistently through document |
| Board Member Notes: | |
| BOP 1.02 Code of Conduct | <ul style="list-style-type: none"> *Delete "State" before "Board" to be consistent throughout document *Delete "regularly scheduled" meetings because attendance is important for all meetings including emergency or special meetings and committee meetings *Delete "Department" as appropriate option for notifying appropriate individuals of absence. *Add committee chair as appropriate option for notification if absence is from committee meeting *Remove references to other Board policies *Add stakeholders to those who are to be treated with kindness, civility... *Add professionalism as a treatment adverb *Specify that policy decisions are related to matters within the authority of the Board |

| | |
|--|---|
| | <ul style="list-style-type: none"> *State quasi-judicial vs “on contested cases...” *Use phrase “of the Board” vs. Board’s” and “of the Commissioner” * Delete Appendix A-Confidentiality and the State Board (Confidentiality and the State Board becomes a BOP) *Add “Comply with Board bylaws and policies as bullet under Policy Making, Decision Making, Individual Activity because it replaces reference to specific policies. All policies and bylaws are to be followed. *Clarify that responsibility is for quasi-judicial responsibility *Insert Section on Board Member Accountability |
| Board Member Notes: | |
| BOP 1.03 Public Statements by Board Members | <ul style="list-style-type: none"> *Use active language rather than passive language *Use consistent language throughout the document e.g., of the Board member |
| Board Member Notes: | |
| BOP 1.04 Board and Staff Relations/ Staff Research and Assistance | <ul style="list-style-type: none"> *Add Staff Research and Assistance information (updated) from BOP 1.05 *Use word “Department” consistently through document *Clarify and Update language to reflect how board member inquires for research or assistance are to be routed *Update legal assistance language to reflect responsibilities and process more accurately *Include information related to legal assistance from Appendix A Confidentiality and the Board in BOP 1.04 |
| Board Member Notes: | |
| BOP 1.05 Staff Research and Assistance/Legal Assistance | <ul style="list-style-type: none"> *Delete BOP 1.05 *Move information on staff research to BOP 1.04 *Move Legal Assistance section to BOP 1.04 (legal assistance is a form of staff assistance) |
| Board member Notes: | |
| New BOP 1.05 Confidentiality and the Board | <ul style="list-style-type: none"> *Use “Board” consistently throughout document *Use “of the Board” and “of the Department” for parallelism and to be consistent throughout the document. *Use “Closed” session rather than “Executive” *Remove reference to bylaw |
| Board Member Notes: | |
| BOP 1.06 Public Participation at Board Meetings | <ul style="list-style-type: none"> *Delete opening paragraph as unnecessary and tangential to the policy. Use last sentence of the first paragraph as first sentence of policy *Use “Board” to be consistent throughout the document *Delete “as described below” as unnecessary *Reordered information to put like information together (Public addressing the Board) *Delete paragraph on video/audio public comment-this was pandemic specific *Move paragraph on non-dialogue so it precedes written public comment information *Omit paragraph on contested cases as not relevant to public participation at Board meetings |
| Board Member Notes: | |
| BOP 1.07 Reimbursement for Expenses | <ul style="list-style-type: none"> *Use Board and Department to be consistent throughout documents *Remove references to State Statute |
| Board Member Notes: | |

| | |
|--|---|
| BOP 1.08 Board Membership in Associations | <ul style="list-style-type: none"> *Change Title from School Boards Association to Board Membership in Associations *Omit Heading *Use Board to be consistent throughout documents |
| Board Member Notes: | |
| BOP 1.09 Task Forces and Advisory Committees of Councils | <ul style="list-style-type: none"> *Use “Board” vs. State Board and “of the Board” to be consistent throughout documents *Add accountability measure for two-year Board review of role, functions, and responsibilities of task forces and advisory committees or councils *Clarify the purpose of Commissioner appointed task forces and advisory committees or councils |
| Board Member Notes: | |
| BOP 1.10 Hear Officers | <ul style="list-style-type: none"> *Use “Board” to be consistent throughout the documents *Delete unnecessary paragraph on special circumstances *Delete reference to state statute *Rearrange paragraph wording for clarity related to option enrollment cases *Change bylaw to policy *Use Legal Services Office vs. Department’s Office of Legal Services |
| Board Member Notes: | |
| BOP 1.11 Rule Development | <ul style="list-style-type: none"> *Delete reference to Nebraska Administrative Procedures Act and replace with Board *Change Department to Board *Move paragraph on hearings and associated communication before information on legislative format *Use Board vs. State Board *Simplify language “approve” |
| Board Member Notes: | |
| BOP 1.12 Political Activity/Use of Resources/Accountability & Disclosure | <ul style="list-style-type: none"> *Use “Board” vs. State Board or State Board of Education |
| Board Member Notes: | |
| BOP 1.13 Computer Equipment/Internet Access and Electronic Mail Acceptable Use | <ul style="list-style-type: none"> *Use direct language in first sentence *Use “Department” vs. NDE *Add sentences indicating, to the extent possible, Board members use government email to conduct Board business *Delete excess language in 1. Acceptable Uses *Use “To violate” and to “misrepresent” for parallelism *Generalize language to “Department” *Use positive language to identify who is allowed to use NDE computer equipment, internet access/electronic mail *Change state government to department *Change Network Education & Technology Services to Department *Change NDE to department. *Delete “state” before Board |

| | |
|---|--|
| | <ul style="list-style-type: none"> *Omit reference to state statute *Omit unnecessary phrase “and will assist in any investigation...” |
| Board Member Notes: | |
| BOP 1.14 Meeting Agendas and Minutes | <ul style="list-style-type: none"> *Add information from BLW3 Board Meetings that addresses agendas, consent agenda and minutes as new BOP * Move first sentence that describes how the meeting agenda is developed *Remove reference to how Board members request agenda items *Rewrite paragraph to explain how agenda items may be added *Raise minimum dollar amount of renewal of contracts from 50,000 to 75,000 *Add Consent agenda contract renewals only on consent agenda for three consecutive times thereafter *Include information on committee meeting agendas moved from BLW3 |
| Board Member Notes: | |
| BOP 1.15 (New Number) Revision and Amendment of Board Policies | <ul style="list-style-type: none"> *Change wording describing when board policies are reviewed and reported to the board *Add language that Board members may make recommendations for policy change *Include language to specify how policies are adopted and to be consistent with language on bylaw revisions |
| Board Member Notes: | |
| AGENCY MANAGEMENT POLICIES | |
| Policy Code and Title | Description of Proposed Change(s) |
| AMP Table of Contents, Renumber 2.06, 2.7, 2.08, 2.09 due to deletion of 2.05 | Update page numbers |
| AMP 2.00 Delegation to Commissioner | <ul style="list-style-type: none"> *Move introductory sentence so it opens paragraph *Use Department consistently throughout the document. *Add sentence that expressly gives Commissioner authority to provide orientation for new Board members and provide an annual Board orientation *Make language in first sentence of second paragraph clear. *Remove reference to state statute *Use parallel language “...specifies that the Department is responsible for...” *Remove reference to state statute *Move sentence specifying that Board may overrule Commissioner decision *Omit sentence related to Commissioner keeping Board apprised of legislation in State Legislature |
| Board Member Notes: | |
| AMP 2.01 Human Resources Policies | <ul style="list-style-type: none"> *Omit reference to state statute *Use Commissioner and Department consistently throughout the document *Omit sentence stating that Board authorized Commissioner to promulgate personnel policies because unnecessary and redundant *Omit “administrative Memoranda detailing” because unnecessary *Clarify what is updated, not memoranda but internal operating procedures *Omit paragraph on Board right to direct Commissioner to revise, reverse, or amend personnel policy... *Use Board consistently throughout the document |

| | |
|--|--|
| | <ul style="list-style-type: none"> *Omit reference to state statute *Clarify definition of new professional position *Clarify that replacement Deputy Commission or new professional position hires are subject to approval as subsequent Board meeting *Use noun rather than pronoun (Commissioner vs. He or she) *Use general statement related to employment practices rather than referencing state law verbatim |
| Board Member Notes: | |
| AMP 2.02 Contracts, Grants, and Purchases | <ul style="list-style-type: none"> *Use Board consistently throughout the document *Raise minimum limit on contracts and grants that require Board approval *Add opportunity for contract approval for up to four years *Add stipulation that Board approves all contracts that procure goods or services that are directly related to the work of the Board and that the President may approve contracts of this nature up to \$10,000. |
| Board Member Notes: | |
| AMP 2.03 Trust Funds | <ul style="list-style-type: none"> *Use Board to be consistent throughout the documents *Omit "Department" as Board would not approve any other budgets for trusts |
| Board Member Notes: | |
| AMP 2.04 Audits | <ul style="list-style-type: none"> *Use Commissioner, Department, of the Department, Board to be consistent throughout the documents |
| Board Member Notes: | |
| AMP 2.05 Certification Complaints and Investigations | <ul style="list-style-type: none"> *Delete entire policy |
| Board Member Notes: | |
| AMP 2.06 2.05 (New Number) Ethics/Accountability & Disclosure | <ul style="list-style-type: none"> *Omit language from state statute except to reference the law and to include information of interest to the Board *Use Board consistently throughout the documents |
| Board Member Notes: | |
| AMP 2.07 2.06 (New Number) Political Activities/Use of Resources | <ul style="list-style-type: none"> *Use Department and Department staff consistently throughout the documents *Omit paragraphs on public inquiries on ballot questions and use of resources related to ballot questions. Individual rights, and personal gain |
| Board Member Notes: | |
| AMP 2.08 2.07 (New Number) Records Access and Use | <ul style="list-style-type: none"> *Use Department consistently throughout the documents *Change NDE to Commissioner base on authority *Change pronoun to noun (them to the record) *Update statutory reference and wording (Nebraska Statewide Workforce and Education Reporting System Act) *Add the Commissioner shall also consider in any matter under this AMP to be inclusive statement |
| Board Member Notes: | |



Nebraska State Board of Education

Bylaws

Adopted December 2, 2022

Table of Contents

BLW 1: Definition and Application of Board Bylaws [pg. 3](#)

BLW 2: ~~State~~ Board Officers [pg. 4](#)

BLW 3: Board Meetings..... [pg. 7](#)

BLW 4: Board Committees [pg. 11](#)

BLW 5: Parliamentary Authority/Rules of Order..... [pg. 16](#)

BLW 6: Review and Amendment of Board Bylaws [pg. 18](#)

Link to return to Table of Contents can be found at the end of each bylaw

Nebraska ~~Department of Education~~ State Board of Education
Bylaws

BLW 1

Definition and Application of Board Bylaws

~~The bylaws~~ Bylaws of the State Board of Education (Board), designated by letters BLW, are the ~~Board's~~ ~~own~~ basic rules relating principally to ~~itself~~ the Board as an organization. The bylaws are binding upon the Board.

All ~~State~~ Board bylaws shall be included on the webpage of the State ~~Board's~~ ~~webpage~~.

Revision History

- Created: 12/02/2022
- Approved: 12/02/2022

Board Action History

- 12/02/2022 – BLW 1
(NEW)

[Return to Table of Contents](#)

BLW 2

~~State~~ Board Officers

The Board will organize and elect ~~officers~~ a President and Vice-President at the January meeting. The Commissioner of Education (Commissioner) will preside over the election of officers of the Board. Votes to ~~organize the Board~~ elect officers will be taken by secret ballot, but the minutes must indicate how many votes each candidate received. A majority vote of the members of the Board is required to elect a President and Vice-President.

Commented [FR1]: Consider length of time of office.

The President shall preside at all meetings and perform all other duties prescribed by law or by the ~~State~~ Board.

The Vice-President shall perform the duties of the President in case of absence or disability of the President.

In the event the office of President becomes vacant, the Vice-President shall serve until a successor has been elected. If more than three meetings remain before the Board is scheduled to organize itself in January, the Board shall elect a successor at its next regularly scheduled meeting.

The members present shall determine, by motion and majority vote, who presides if the President and Vice-President are both absent from a meeting. For purposes of electing a presiding member in such cases, the meeting shall be temporarily chaired by the member with the longest service on the Board. If two or more members have equal length of service, the temporary chair shall be selected by lot.

The Commissioner ~~of Education~~, as the Executive Officer, shall be the Secretary of the Board and is responsible for the accurate recording and maintenance of Board meeting minutes. The Commissioner shall designate a staff member to act as the recording secretary to record minutes during the meetings of the Board, record votes and disseminate the minutes.

Revision History

- Created: 1976
- Last Revised: 2022

Nebraska ~~Department of Education~~ State Board of Education
Bylaws

- Reviewed: 1984; 1995; 2003; 2006; 2009; 2015; 2019; 2022
- Approved: 12/02/2022

Board Action History

- 12/10/1976
Prior BBA (List of Officers),
Prior BBAA (Election of Officers),
Prior BBABA (President Duties),
Prior BBABB (Vice President Duties),
Prior BBABC (Secretary Duties).
- 12/07/1984
Prior 9121 BOP (President Duties),
Prior 9122 BOP (Vice President Duties),
Prior 9123 (Secretary Duties).
(Renumbered same 1976 policies; BBA and BBAA deleted.)
- 12/08/1995 – Prior B3
(Combined 1984 policies and added provision dealing with absence of both President and Vice-President.)
- 10/03/2003 – Prior B3
(Added limit of 3 meetings remaining before reorganization for Vice-President to serve if presidency becomes vacant.)
- 09/07/2006 – B3
(Text unchanged.)
- 10/08/2009 – B3
(Clarified that the Commissioner is not a member of the State Board, consistent with LB 549 [Laws, 2009].)
- 04/03/2015
(Deleted language stating Vice President shall serve if presidency becomes vacant with three or fewer meetings remaining before January meeting.)
- 03/03/2017 – B3(B1)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B3 is now B1.)

Nebraska ~~Department of Education~~ State Board of Education
Bylaws

- 12/02/2022 – B1
(Transferred language from prior B15 about Commissioner’s specific duties as secretary of the Board)
Board Action History (cont’d)
- 12/02/2022 – B1(BLW 2)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B1 is now BLW 2.)

Cross-References

- 79-301(3) R.R.S. – Commissioner as Executive Officer.
- 79-315 R.R.S. – State Board’s power to organize itself, Commissioner as Secretary of the Board.
- 79-310 R.R.S. – State Board of Education, members

[Return to Table of Contents](#)

BLW 3

Board Meetings

The Board will comply with all applicable requirements of the Open Meetings Act when any meeting of the Board is to be conducted.

Meeting Dates and Notifications

Formatted: Underline

The Board shall meet regularly at least four times in a calendar year. In January of each year, the Board will meet on the first Thursday and Friday following the first Monday. When the Board meets in other months, the meetings will be held on the first Thursday and Friday of the month or as determined by a majority vote of the Board. The time and place of meetings will be set by the President in consultation with the Commissioner.

~~The Board will comply with all applicable requirements of the Open Meetings Act when any meeting of the Board is to be conducted.~~

Publicized notice of the time and place of each meeting of the Board shall be given at least five days in advance by the following methods:

1. A copy of the notice shall be published on the website of the Department ~~on the Internet.~~
2. The Commissioner shall e-mail a copy of the notice to each member of the news media requesting notification.
3. Each agenda shall contain ~~not only~~ the time and place of the next regularly scheduled meeting, ~~but also the anticipated time and place of the next following scheduled meeting.~~
4. Each set of minutes will reflect the next scheduled meeting date.

Meeting Agendas

~~The agenda is developed by the Commissioner in consultation with the President, and will contain any item requested by a member of the Board if submitted at least eight (8) days prior to the meeting.~~

~~The Commissioner shall prepare and submit by e-mail to each member of the Board at least seven (7) calendar days prior to the meeting, the agenda, or a link to the agenda, outlining matters to be considered by the State Board and such other materials as members have requested be included for consideration.~~

~~The agenda will contain any item within the authority of the Board, requested by a member of the Board, if submitted at least eight (8) calendar days prior to the meeting. Upon the written request of a member of the Board or the Commissioner, an agenda item may be added within 7 calendar days before the meeting if approved by the President, so long as the item can be added at least 24 hours prior to the meeting.~~

~~Following the mailing of the agenda, non-emergency items may only be added so long as the items are added at least 24 hours prior to the meeting. The President may approve adding non-emergency items to the agenda upon the request of the Commissioner and upon the written request of a board member with the written support of another board member. The Commissioner's Office shall maintain an updated agenda available to the public. The agenda may be altered at any time by a majority of the members present and voting to add emergency items as provided by state law.~~

Commented [FR2]: Upon the written request of a board member or the commissioner, an agenda item may be added the week (7 days) before the meeting upon the approval of the President so long as the item is added at least 24 hours prior to the meeting.

Consent Agenda

~~1. Purpose~~

- ~~1. To group together routine non-controversial items that do not need separate and individual discussion and action by the Board.~~
- ~~2. To expedite the work of the Board and to provide additional time for more substantive items.~~
- ~~3. To provide a method for the Board to review and approve renewals of contracts of \$7550,000 (first time contracts of \$7550,000 or more are placed on the agenda as a regular action item and renewals of such contracts may only be a consent agenda item for five consecutive times thereafter).~~

~~2. Procedure~~

- ~~1. The President of the Nebraska State Board of Education and the Commissioner of Education will confer prior to the Board meeting to identify items for the consent agenda.~~

Commented [FR3]: Revisit based on 8/3/23 committee meeting.

Formatted: Highlight

Nebraska Department of Education State Board of Education
Bylaws

- ~~2.—Any member of the Board may object to the placement of an item on the consent agenda by informing the President before a motion is made to adopt the consent agenda. The item will then be considered independently and after the approval of the consent agenda.~~
- ~~3.—The consent agenda will be moved by a single motion without discussion. A majority vote shall approve the items contained therein.~~

Board Meeting Minutes

~~The minutes of all Board meetings must be recorded. The minutes must contain the meeting time and place, members present and absent, and the substance of and actions taken on all matters discussed. All votes must be recorded showing how each member voted on each issue or if the Board member was absent or not voting. A Board member making a statement that they wish to be recorded in the minutes shall include the words, “for the record” prior to making the statement. All Board minutes are public records and must be open for public inspection on the NDE website and in the NDE office during normal business hours. Minutes shall be written and available for inspection within ten (10) working days after a meeting, or prior to the next convened meeting, whichever occurs earlier.~~

~~The Commissioner shall ensure that the minutes record accurate attendance of the Board members, meeting participants, times and dates, motions and votes, and other actions of the Board as required by statute.~~

~~Whenever required for the purpose of clarity, minutes shall include attachments of proposed documents and/or notations that clarify all actions of the Board. In addition to the minutes, the Department shall also permanently retain in its record a copy of the meeting agenda, support materials, and items distributed at the meeting.~~

~~When the Board meets or is functioning in a quasi-judicial capacity to decide a contested case or recommended decision from the Professional Practices Commission, no minutes as described above are necessary, but all votes must be recorded showing how each member voted and the same shall appear on the Board’s Final Order.~~

Committee Meetings

Formatted: Underline

Standing committees of the Board may meet in conjunction with regularly scheduled board meetings to review and make recommendations on agenda items for the current or future board meetings. ~~The agenda for regularly scheduled committee meetings will be determined by the upcoming board meeting agenda. Additionally, the committee chair, committee members, or any board member may add items to a regularly scheduled committee meeting agenda in accordance with the responsibilities of the committee, following the timeline outlined above for the addition of Board meeting agenda items. The committee chair shall notify the President and the Commissioner of additions to the committee agenda, or a committee member may add agenda items in consultation with the Commissioner of Education and Board President.~~

Standing committees may also meet at the direction of the committee chair or on the request of a committee member. In addition, the ~~board p~~President may request a committee to meet and deliberate on a specific topic or activity. ~~The agenda for these additional meetings of a standing committee may be determined by the committee chair, the Board President, or both. Committee members may add agenda items for these additional committee meetings in consultation with approval of the committee chair.~~

Special Meetings, Emergency Meetings, Meetings Held by Video Conferencing

Formatted: Underline

Special meetings of the Board may be called by the President upon written notice, given at least five days preceding the meeting, or, in the absence of such call by the President, the Commissioner shall call such special meetings upon the individual written request of a majority of members of the Board.

Formatted: Highlight

~~Emergency meetings may be called by the President in accordance with the provisions of section 84-1411(5) of the Revised Statutes of Nebraska (R.R.S.).~~

~~The Board will comply with the applicable provisions of the Open Meetings Act (84-1407 to 84-1414 R.R.S.) for all regular, special and emergency meetings.~~

~~The agenda for any special or emergency meeting shall be prepared by the Commissioner in consultation with the Board President.~~

Nebraska ~~Department of Education~~ State Board of Education
Bylaws

~~Meetings may be held by means of videoconferencing. The Board will comply with all the provision of 84-1411(2) R.R.S. when meeting by means of videoconferencing. No more than one half of the State Board's meetings in a calendar year may be held by videoconferencing.~~

Revision History

- Created: 12/02/2022
- Approved: 12/02/2022

Board Action History

- 12/02/2022
 - Prior B5
 - Prior B7
 - Prior B15

(Transferred language of B5, B7, and B15 into one bylaw. Existing language was reordered.)

[Return to Table of Contents](#)

BLW 4

Board Committees

The ~~State Board of Education~~ hereby establishes ~~standing~~ standing committees ~~of Board members~~ for the purpose ~~of delegating specific issues or tasks for initial~~ studying, reviewing, and making recommendations on topics within the authority of the Board and as follows:-

Executive Committee

The Executive Committee is responsible for reviewing and recommending policies and procedures for the review of performance of the commissioner; advising the commissioner on legislative matters while the state legislature is in session; making recommendations to the Board on the ~~NDE~~ Department's position on specific bills and legislative resolutions; and reviewing board policies, including the bylaws, and recommending to the Board changes to board policy. The Executive Committee shall serve as a consultant group for the Commissioner.

The President and Vice President shall serve as chair and vice chair of the Executive Committee, respectively. The President shall appoint two other members who do not serve as chair of another standing committee.

Budget and Finance Committee

The Budget and Finance shall advise and make recommendations to the Board for possible action in connection with the

Department budget and finance proposals.

The Budget and Finance Committee shall be given the additional responsibility to review the budgets for the ~~NDE~~-Trust Funds of the Department and make recommendations to the Board for approval.

Planning and Evaluation Committee

The Planning and Evaluation Committee shall review and make recommendations to the Board on matters related to planning and evaluation activities and functions of the state school system.

Additional duties of the Planning and Evaluation Committee include, but are not limited to, advising and making recommendations to the Board for possible action on the development of school accountability plans; community achievement plans; program or activity performance reviews; school accountability, accreditation, and approval; statewide assessment; and content area standards.

Rules and Regulations Committee

The Rules and Regulations Committee shall review and make recommendations to the Board on matters related to education policy, primarily in the form of administrative

rules and the relationship to state and federal statutes.

Additional duties of the Rules and Regulations Committee include, but are not limited to, advising and making recommendations to the Board for possible action on the development, revision, or repeal of the administrative rules of the ~~Nebraska Department of Education~~, including the personnel rules.

All standing committees shall have the responsibility to initiate legislative proposals and position statements of the Board, related to the purpose of the respective committee, to be considered by the Board for approval.

~~The Commissioner of Education may request an opinion from a standing committee regarding a proposal that is being prepared for recommendation to the Board.~~

~~Upon completion of an assigned activity or task, the committee shall report the deliberations and recommendations of the committee to the Board. All recommendations of the committee are subject to the approval of the Board. Committee chairs shall provide a report, including committee recommendations at regular board meetings. A vote by the Board is required to adopt any committee recommendations.~~

Board appointments to the standing committees will be made by the President. Requests for membership on the committees may be made to the President by individual Board members. The chair and vice chair will be appointed by the President for each standing committee. The President and Vice President shall not serve as chair or vice chair of a standing committee, except for the Executive Committee, ~~as described below~~. The committee chair is responsible for presiding over committee meetings. The committee vice chair shall act in the absence of the chair, ~~and should be consulted by the chair regarding committee matters as the need arises~~. Each standing committee shall have staff assigned by the Commissioner to assist and/or advise the committee.

Nebraska ~~Department of Education~~ State Board of Education
Bylaws

In addition to standing committees, ad hoc committees may be formed by the President or the Board to carry out specified tasks. ~~Members may be~~ appointed by the President or the Board, ~~as the need arises. Ad hoc committees are formed to carry out specified tasks.~~ After any ad hoc committee presents its final report to the Board, that committee will disband unless a new directive is given by the President or the Board gives new direction.

~~All standing committees shall have the responsibility to initiate legislative proposals and position statements of the Board, related to the purpose of the respective committee, to be considered by the Board for approval.~~

~~Executive Committee~~

~~The Executive Committee is responsible for reviewing and recommending policies and procedures for the review of performance of the commissioner; advising the commissioner on legislative matters while the state legislature is in session; making recommendations to the Board on the NDE's position on specific bills and legislative resolutions; and reviewing board policies, including the bylaws, and recommending to the Board changes to board policy. The Executive Committee shall serve as a consultant group for the Commissioner.~~

~~The President and Vice President shall serve as chair and vice chair of the Executive Committee, respectively. The President shall appoint two other members who do not serve as chair of another standing committee.~~

~~Budget and Finance Committee~~ The Budget and Finance shall advise and make recommendations to the Board for possible action in connection with the Department budget and finance proposals.

~~The Budget and Finance Committee shall be given the additional responsibility to review the budgets for the NDE Trust Funds and make recommendations to the Board for approval.~~

~~Planning and Evaluation Committee~~ Planning and Evaluation Committee shall review and make recommendations to the Board on matters related to planning and evaluation activities and functions of the state school system.

~~Additional duties of the Planning and Evaluation Committee include, but are not limited to, advising and making recommendations to the Board for possible action on the development of school accountability plans; community achievement plans; program or activity performance reviews; school accountability, accreditation, and approval; statewide assessment; and content area standards.~~

~~Rules and Regulations Committee~~ The Rules and Regulations Committee shall review and make recommendations to the Board on

~~matters related to education policy, primarily in the form of administrative rules and the relationship to state and federal statutes.~~

~~Additional duties of the Rules and Regulations Committee include, but are not limited to, advising and making recommendations to the Board for possible action on the development, revision, or repeal of the administrative rules of the Nebraska Department of Education, including the personnel rules.~~

Revision History

- Created: 1977
- Last Revised: 2022
- Reviewed: 1984, 1995, 2000, 2003, 2006, 2015, 2016, 2020, 2022
- Approved: 12/02/2022

Board Action History

- 08/19/1977 – Prior BBC
(Discussed temporary committee appointments, actions not binding unless approved by Board, listed 3 committees.)
- 12/07/1984 – Prior 9131 BOP
(Same text as BBC, renumbered.)
- 12/08/1995 – Prior B5
(Same text as 9131 BOP, except for deletion of reference to 3 committees.)
- 05/12/2000 – Prior B5

Nebraska ~~Department of Education~~ State Board of Education
Bylaws

(Complete revision. Discussed and listed 5 standing committees and committee meeting procedures.)

- 10/03/2003 – Prior B5
(Complete revision. Different list of 4 committees. Added space for cross-references and Legislative history.)
- 09/07/2006 – B5
(Minor changes. Deleted Curriculum Committee from list.)
- 09/04/2015 – B5
(Added language that any Board member may request a current copy of the appraisal instrument from Commissioner’s Office.)
- 05/06/2016 – B5
(Added three standing committees – AQuESTT Teaching and Learning Domain/AQuESTT Student Success and Access Domain/Budget and Finance.)
- 12/02/2016 – B5
(Added the Strategic Planning, Performance and Improvement Standing Committee.)

Board Action History (cont’d)

- 03/03/2017 – B2(B5)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B5 is now B2.)
- 03/05/2021 – B2
(Added clarifying language to Legislative Committee and Strategic Planning, Performance and Improvement Committee descriptions.)
- 01/07/2022 – B2
(Board reorganized committees into four committees rather than seven)
- 12/02/2022 – B2
(Information about standing committee meetings was moved to BLW 3. Existing language reordered so statement on legislative priorities and position statements was earlier in the text.)
- 12/02/2022 – B2(BLW 4)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B2 is now BLW 4.)

Cross-References

Nebraska ~~Department of Education~~ State Board of Education
Bylaws

- 79-315 R.R.S. – State Board’s power to organize itself

[Return to Table of Contents](#)

BLW 5

Parliamentary ~~Procedure~~ Authority / Rules of Order

The Board shall observe the current edition of Robert's Rules of Order Newly Revised (RONR) except as otherwise provided by law, Board policy, or suspension of RONR by the Board.

~~Votes will be conducted by roll call, with the order of members called rotated with each vote.~~

The motion to suspend the rules requires a majority vote of members present and voting.

~~Copies of RONR may be provided to all Board members.~~

~~Votes will be conducted by roll call, with the order of members called rotated with each vote.~~

Revision History

- Created: 1979
- Last Revised: 2022
- Reviewed: 1984, 1995, 2003, 2006, 2013, 2017, 2021, 2022
- Approved: 12/02/2022

Board Action History

- 03/20/1979 – Prior BCBF
(No copies available of prior versions.)
- 12/07/1984 – Prior 9325.3 BOP
(Changed Robert's Rules version and added majority suspension.)
- 12/08/1995 – Prior B14
(Changed Robert's Rules version. Added copies for all members and rotating roll call votes.)
- 10/03/2003 – Prior B14
(Changed version of Robert's Rules.)
- 09/07/2006 – B14

Nebraska ~~Department of Education~~ State Board of Education
Bylaws

(Same Bylaw text)

Board Action History (cont'd)

- 03/03/2017 – B14(B8)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B14 is now B8)
- 08/05/2021 – B8
(Four-year review by Policy Committee, added new cross reference)
- 12/02/2022 – B8
(Language on motion to suspend the rules was edited for clarification. Not all Board members want full copy of the rules.)
- 12/02/2022 – B8(BLW 5)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B8 is now BLW 5.)

Cross-References

- 84-1413(2) R.R.S. – Roll call vote.
- 79-315 R.R.S. – Board can organize itself.

[Return to Table of Contents](#)

BLW 6

Review and Amendment of Board Bylaws

All Board bylaws are to be reviewed by the Executive Committee during odd-numbered calendar years with a report to the Board by the last regular meeting of that year.

~~at least every two years or as needed by the Executive Committee which shall provide a report to the Board.~~—The Commissioner shall have legal counsel review all bylaws annually for compliance with law

and provide a report of any changes needed or recommended to the Executive Committee. Proposed bylaw amendments require ~~previous~~ notice at the previous meeting and at least a two-thirds affirmative vote of the members of the board to be adopted. Board bylaws shall remain in full force and effect until amended or rescinded by the Board and are binding upon the Board until changed by the Board.

Revision History

- Created: 12/02/2022
- Approved: 12/02/2022

Board Action History

- 12/02/2022 – Prior B12
(Language transferred from prior B12 to set review and amendment guidelines. Added language for concurrent reviews of bylaws and policies every two years.)

[Return to Table of Contents](#)



**Nebraska State Board of
Education**

Board Operating Policies

Adopted December 2, 2022

Table of Contents

| | |
|--|------------------------|
| BOP 1.00: Definition of Policies | pg. 3 |
| BOP 1.01: Position Statements | pg. 4 |
| BOP 1.02: State Board Member Conduct..... | pg. 6 |
| BOP 1.03: Public Statements..... | pg. 11 |
| BOP 1.04: Board and Staff Relations; <u>Staff Research</u> | pg. 13 |
| BOP 1.05: Staff Research <u>Confidentiality and the Board.</u> | pg. 15 |
| BOP 1.06: Public Participation at Board Meetings..... | pg. 18 |
| BOP 1.07: Reimbursement for Expenses | pg. 22 |
| BOP 1.08: School Boards Association <u>Board Membership in Associations</u> | pg. 27 |
| BOP 1.09: Task Forces and Advisory Committees | pg. 28 |
| BOP 1.10: Hearing Officers | pg. 31 |
| BOP 1.11: Rule Development | pg. 33 |
| BOP 1.12: Political Activity/Use of Resources..... | pg. 36 |
| BOP 1.13: Computer Equipment Acceptable Use | pg. 38 |
| <u>BOP 1.14: Meeting Agendas and Minutes</u> | |
| BOP 1.1 <u>5</u> 4: Revision of Board Policies | pg. 42 |

Link to return to Table of Contents can be found at the end of each BOP

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

BOP 1.00

Definition of Policies

~~The internal policies of the Board are used to direct or limit actions of the Board in pursuit of long term goals, and can be used to guide decisions in achieving desired outcomes.~~ Board policies are delineated as Board ~~Operational~~ Operating Policies, designated by the letters “BOP”, and Agency Management Policies, designated by the letters “AMP”.

Board ~~Operational~~ Operating Policies relate to and support the policymaking, rule-making, and quasi-judicial ~~duties~~ responsibilities of the Board, ~~along with the roles and responsibilities of board members. They specify how board members are to conduct themselves and interact with individuals and external entities.~~

Agency Management Policies define how the Board intends for the ~~Department of Education~~ Commissioner ~~Department~~ to operate, ~~the agency and conduct its actions and business and how the Board itself may be involved in such matters.~~

All Board policies shall be included on the webpage of the Board.

Revision History

- Created: 12/02/2022
- Approved: 12/02/2022

Board Action History

- 12/02/2022 – BOP 1.00
(NEW. Adopted language from prior B12.)

[Return to Table of Contents](#)

BOP 1.01

Position Statements, Resolutions, and Model Policies

From time to time, the Board adopts Position Statements, Resolutions, and Model Policies which are not Board Policies.

Position Statements (PS)

~~Board Position Statements, designated PS, are aligned and reside with the board's legislative and regulatory priorities.~~ Position Statements, designated PS, are advisory in nature to let the public and educators know where the Board stands on a topic, concern, or educational issue. Position Statements may be used to share the vision or beliefs of the Board, offer explanations or justifications, or make recommendations for a course of action to schools, educators, and/or ~~Department of Education~~ staff. The Board may adopt or revise Position Statements at any time, on its own motion or upon recommendation by the Commissioner. Position Statements shall expire four years after their adoption, revision, or reaffirmation, unless revised, reaffirmed, or rescinded by the Board prior to expiration. The Commissioner may direct legal counsel to review all Board position statements annually for compliance with state law.

Resolutions (RS)

Board Resolutions, designated RS, are formal public statements of the Board as to its opinion on a matter or as to an individual. All Board resolutions, except those honoring an individual, shall contain an expiration date. The ~~State~~ Board may adopt resolutions at any time, on its own motion, or upon recommendation by the Commissioner.

Model Policies (MP)

Model Policies (MP), adopted by the Board ~~when requested or required by law~~, are templates for school boards to use to develop legislatively mandated policies. The model policies shall be made available to school boards through the ~~Department~~ agency of Education Department website.

Revision History

- Created: 12/02/2022
- Approved: 12/02/2022

Board Action History

- 12/02/2022–BOP 1.01
(NEW)

[Return to Table of Contents](#)

BOP 1.02

State Board Member Code of Conduct

Attendance/Participation

~~State~~ Board members should:

- Attend all regularly scheduled board and committee meetings insofar as possible; and
- Inform the ~~Department President, or the Board President~~ Commissioner, or committee chair if a member knows he or she will be late or unable to attend a meeting.

Preparation

~~State~~ Board members should:

- Be informed concerning the issues to be considered at the meetings; and
- Read written materials in preparation for Board meetings and decision making.

Policy Making/Decision Making/Individual Activity

~~State~~ Board members should:

- Actively participate in decision-making;
- ~~Encourage the free expression of opinion by all Board Members~~ members; seek systematic
- ~~communications between the Board, Commissioner, staff and constituents; request staff research and assistance through the Commissioner's Office as specified in Policy 014 and respect the line and staff relations of Department employees as specified in Policy 01;~~
- Treat fellow mMembers, ~~and~~ staff, and stakeholders with professionalism, kindness, civility, respect, patience and honesty;
- Make policy decisions based on available facts, individual judgment and the best interests of the state for matters within the authority of the Board;
- Support actions and positions ~~once they are~~ approved or adopted by the Board;
- ~~Respect and protect the confidentiality of matters discussed in Executive Session and of all information and material that is privileged (see Appendix A);~~
- Comply with Board bylaws and policies; and
- ~~Comply with State Board Policy 014 regarding public statements by Board Members; and~~

Commented [FR1]: Insert working agreements?

Nebraska Department of Education State Board of Education
Board Operating Policies

- ~~Comply with State Board Policy B16 regarding political activity, use of Department resources and accountability and disclosure; Policy B14 regarding acceptable use of Department computer equipment, Internet access and electronic mail; Policy B14 regarding Board Member expenses; and Policy B1 regarding ethics and accountability and disclosure.~~
- Apply and follow the rule of law in making quasi-judicial decisions ~~on contested cases and other quasi-judicial matters coming before the Board~~ and in policy making decisions.

Governance

~~State Board Members~~ members should:

- Understand the ~~State Board's~~ role of the Board under Neb. Rev. Stat. 79-301(2) to be the policy-forming, planning, and evaluative body for the state school system; ~~and and the~~
- Understand the Commissioner's responsibility of the Commissioner under Neb. Rev. Stat. 79-301(3) for carrying out the requirements of law and of board policy, standards, rules and regulations and for providing the educational leadership and services deemed necessary by the Board for the proper conduct of the state school program.

Continuing Education

~~State Board Members~~ members should:

- Stay informed on current educational issues by individual study and by attending conferences specifically related to Board functions ~~(pursuant to Policy B16, Board Members' expenses for out-of-state conferences will be reimbursed only if attendance is authorized by the State Board).~~

(Public Records)/(Use of Government Email)

Formatted: Highlight

(Consequences)

Formatted: Highlight

Accountability

Board members may be reprimanded or censured for violation of state statutes, Board policies or bylaws.

A reprimand is a formal statement of the Board officially disapproving the conduct of one of its members. It is directed to a particular member of the Board based on a particular action or set of

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

actions that is determined to be in violation of state statute, Board policies or bylaws. When a concern is expressed by a member of the Board that an individual Board member has violated a state statute, Board policy or bylaw, the Board President will notify the individual Board member of the allegation, and if appropriate, request compliance. If the violation persists, a resolution of reprimand may be proposed by any Board member. A resolution of reprimand requires a majority vote of Board members to pass and is adopted in the same manner as all Board resolutions. A reprimand is distinguished from censure in that sanctions are not imposed on the particular Board member.

A censure is formal statement of disapproval by the Board officially disciplining one of its members. It is a punitive action, which serves as a sanction imposed for violating a state statute, Board policy or bylaw. A censure is accomplished by a motion of any Board member and must be approved by a majority vote of Board members. Any censure shall reflect the specific reasoning for the censure, indicate the sanctions imposed against the censured Board member, and be recorded in the minutes. Sanctions may include but are not limited to, removal from committee assignments, prohibition from requesting Board agenda items, removal from officer position, or any other appropriate action determined by the Board Executive Committee or majority vote of the Board.

Revision History

- Created: 2004
- Last Revised: 2022
- Reviewed: 2014, 2018, 2022
- Approved: 12/02/2022

Board Action History

- 06/09/2004 – Prior B21
(NEW)

Board Action History (cont'd)

- 09/07/2006 – B21
(Added Appendix A and several wording changes on page 1.)
- 03/03/2017 – B21(B3)

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B21 is now B3.)

- 05/04/2018 – B3
(Added reference to follow and apply rule of law in making decisions on contested cases.)
- 12/02/2022 – B3(BOP 1.02)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B3 is now BOP 1.02.)

Cross References

- 79-301(2) R.R.S. – Board Role.
- 79-301(3) R.R.S. – Commissioner’s role.
- State Board Policies P2, P9, and P11
- State Board Bylaws B17, B16, B18, B19, and B19

APPENDIX A

~~Confidentiality and the State Board~~

~~The State Board of Education is a public body. Generally, the Board’s meetings and records are open and available to the public under state law (the Open Meetings Act and the Public Records Act). However, there are certain important exceptions. These exceptions are as follows:~~

~~**Executive Sessions**—When the Board meets in Executive Session, the discussion that takes place is confidential and is not meant to be shared with others. The public is not entitled to know the substance of the discussion. The State Board Code of Conduct (Bylaw B3) says that State Board members should respect and protect the confidentiality of matters discussed in Executive Session and of all information and material that is privileged.~~

~~**Attorney-Client Privilege**—When Board members talk to, or exchange documents with, any of the Board’s attorneys or the agency attorneys in the context of receiving legal advice, the conversation and the documents are subject to the attorney-client privilege so long as none of the Board members waive the privilege. This means that the conversation and the documents are confidential and cannot be required to be disclosed in legal proceedings or pursuant to a public records request. The privilege is waived if a member of the Board reveals the conversation or gives the documents to another person. When this happens, the conversation and documents can be required to be disclosed in legal proceedings or pursuant to a public records request.~~

Commented [FR2]: Create as a new BOP

Commented [FR3]: Closed

~~**Documents and Information required to be Kept Confidential under Privacy Laws**— Certain information and documents maintained in the Department are required by various privacy laws to be kept confidential under most circumstances. Criminal penalties, loss of federal funds or civil liability may result from some unlawful disclosures. The following must not be shared:~~

- ~~▪ *Personally identifiable student information (protected by the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA))*~~
- ~~▪ *Social Security Numbers (the Privacy Act)*~~
- ~~▪ *Personally identifiable information from applications for free or reduced lunches or free milk (the National School Lunch Act)*~~
- ~~▪ *Employees' individually identifiable health information (the Health Insurance Portability and Accountability Act (HIPAA))*~~
- ~~▪ *Personally identifiable information about Vocational Rehabilitation Consumers (the Rehabilitation Act)*~~
- ~~▪ *Information contained in the Department's personnel records that is considered confidential (NDE Personnel Rules)*~~
- ~~▪ *Sensitive personal information with respect to which an individual has a reasonable expectation of privacy (First Amendment and common law relating to invasion of privacy)*~~

~~**Documents Permitted to be Kept Confidential under the Public Records Act**— Certain documents belonging to the Department need not be made available under the Public Records Act. The Department's policy is to keep these records confidential. The following records need not be shared and should be kept confidential:~~

- ~~▪ *Certain student records not covered by FERPA or IDEA;*~~
- ~~▪ *Security information;*~~
- ~~▪ *Investigatory records;*~~
- ~~▪ *Job application materials, except for those submitted by finalists;*~~
- ~~▪ *Appraisals and negotiation information relating to the sale of real or personal property, and*~~
- ~~▪ *Trade secrets, academic research work in progress and unpublished, and proprietary or commercial information which, if released, would give advantage to business competitors and serve no public purpose.*~~

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

~~Notes and drafts of documents within the Department which remain subject to approval by upper management and which have not been issued are preliminary materials which are not "records" or "documents" and, therefore, are not subject to public records requests.~~

[Return to Table of Contents](#)

BOP 1.03

Public Statements by Board Members

Board members ~~are responsible when speaking or writing that the communication does not represent the Board and the communication belongs to that board member. have the responsibility to make it clear when they are speaking or writing on their own behalf that they are not representing the Board.~~

Board members should add a disclaimer to written ~~and electronic~~ communication indicating that their statements represent the personal views of the Board member ~~s personal views~~ and not those of the ~~State Board of Education~~. When directed by the full Board, or as directed by Board President, they may speak on behalf of the Board.

Revision History

- Created: 1979
- Last Revised: 2015
- Reviewed: 1984, 1995, 2006, 2015, 2019, 2022
- Approved: 12/02/2022

Board Action History

- 07/02/1979 – Prior BBB
(Board not bound by statements or actions of members, except as delegated by policy or majority vote)
- 12/07/1984 – Prior 9020 BOP
(Renumbered, but text unchanged)
- 12/08/1995 – Prior B2
(Renumbered and rewritten – same as 9/7/06 text)
- 09/07/2006 – B2
(Text unchanged)
- 05/08/2015 – B2
(Revised to add a reference to Board Members’ written communications and to encourage use of a disclaimer.)
- 03/03/2017 – B2(B17)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B2 is now B17).

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

- 04/05/2019 – B17

(The State Board reviewed and reaffirmed.)

Board Action History (cont'd)

- 12/02/2022 – B17(BOP 1.03)

(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B17 is now BOP 1.03.)

Cross-References

- State Board Bylaw B3
- 79-301(2) R.R.S. – State Board acts as a unit.

[Return to Table of Contents](#)

BOP 1.04

Board and Staff Relations; ~~Staff Research and Assistance~~

~~State~~ Board members have no direct supervisory or administrative authority over ~~agency~~ ~~Department~~ ~~NDE~~ staff members. ~~Agency~~ ~~Department~~ ~~S~~ staff members report through their supervisory chain of command, which ultimately is to the Commissioner, who reports to the ~~State~~ Board.

Staff Assistance

In cases where a Board member has an inquiry is-related to committee business, the Board member may contact the staff lead of the relevant committee. All Requests by Board members for research or other assistance by staff should be routed through the Commissioner's Office, including requests for assistance with constituent inquiries. In cases where the individual Board member requires assistance from staff for research, creation of information or documents, or other preparation to assist the Board member in his or her official duties, those requests should be routed through the Commissioner's Office. The Commissioner may consult with the President when a request for staff assistance by a Board member is unclear, outside the authority of the Board, or would require extensive work by the agency staff.

Legal Assistance

The Board recognizes that Office of the Attorney General represents the State of Nebraska, and therefore represents the Board and the ~~agency~~ ~~Department~~ in legal matters. The Commissioner can employ ~~agency~~ ~~Department~~ staff attorneys to provide legal advice with the knowledge that the Office of Attorney General ultimately represents the Board and ~~agency~~ ~~Department~~. An ~~agency~~ ~~Department~~ staff attorney may serve as legal advisor to the Board and Commissioner. In matters that involve the Commissioner or when the Commissioner is a party in any matter for which the Board is acting in its quasi-judicial capacity, then the Office of Attorney General represents the Board. The Commissioner is responsible for making certain that the State Board is fully informed of all pending legal matters and legal issues affecting the ~~Department~~.

=

The Board may request legal opinions from the Attorney General and/or the Legal Services Office by forwarding their request to the Commissioner. The Commissioner is responsible for preparing the question and necessary background information and forwarding the question to the Attorney General

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

and/or Legal Services Office. The Commissioner shall provide all Board members with copies of the request. Any written opinion provided by the Attorney General or Legal Services Office as a result of a question by the Board shall be provided by the Commissioner to all of the members of the Board.

Revision History

- Created: 1979
- Reviewed: 1984, 1995, 2006, 2011, 2015, 2019, 2022
- Approved: 12/02/2022

Board Action History

- 11/15/1979 – Prior CD
(Included delegation to Commissioner and Commissioner to staff, right of Board to overrule decisions, and staff relationship)
- 12/07/1984 – Prior 2121 DO
(Retained only staff relationship section. Other sections in D3.)
- 12/08/1995 – Prior D2
(Same, except “Assistant Commissioners” and “Division Heads” replaced with “Leadership Council Members”)
- 11/03/2006 – D2
(Same, with minor wording changes)
- 03/03/2017 – D2(P2)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D2 is now P2)
- 05/03/2019 – P2
(Non-substantive changes clarifying language.)
- 12/02/2022 – P2(BOP 1.04)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P2 is now BOP 1.04.)

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

Cross-References

- 79-301 R.R.S.
- 79-305 R.R.S.
- 79-306 R.R.S.
- 79-318 R.R.S.

[Return to Table of Contents](#)

BOP 1.05

Confidentiality and the Board

APPENDIX A

Confidentiality and the State Board

~~The State Board of Education is a public body. Generally, the Board's meetings and records of the Board are open and available to the public under state law (the Open Meetings Act and the Public Records Act). However, there are certain important exceptions. These exceptions are as follows:~~

~~**Executive Closed Sessions** – When the Board meets in Executive closed Session, the discussion that takes place is confidential and is not meant to be shared with others. The public is not entitled to know the substance of the discussion. The State Board Code of Conduct (Bylaw B3) says that State Board members should respect and protect the confidentiality of matters discussed in Executive Session and of all information and material that is privileged.~~

~~**Attorney-Client Privilege** – When Board members talk to, or exchange documents with, any of the Board's attorneys for the Board or Department or the agency attorneys in the context of receiving legal advice, the conversation and the documents are subject to the attorney-client privilege so long as none of the Board members waive the privilege. This means that the conversation and the documents are confidential and cannot be required to shall not be disclosed in legal proceedings or pursuant to a public records request. The privilege is waived if a member of the Board reveals the conversation or gives the documents to another person. When this happens, the conversation and documents can be required to be disclosed in legal proceedings or pursuant to a public records request.~~

~~**Documents and Information required to be Kept Confidential under Privacy Laws** - Certain information and documents maintained in the Department are required by various privacy laws to be kept confidential under most circumstances. Criminal penalties, loss of federal funds or civil liability may result from some unlawful disclosures. The following must not be shared:~~

- ~~▪ Personally identifiable student information (protected by the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA));~~
- ~~▪ Social Security Numbers (the Privacy Act);~~
- ~~▪ Personally identifiable information from applications for free or reduced lunches or free milk (the National School Lunch Act);~~
- ~~▪ Employees' individually identifiable health information (the Health Insurance Portability and Accountability Act (HIPPA));~~
- ~~▪ Personally identifiable information about Vocational Rehabilitation Consumers (the Rehabilitation Act);~~
- ~~▪ Information contained in the Department's personnel records of the Department that is considered confidential (NDE Department Personnel Rules); and~~

Formatted: Font: Not Italic

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

- Sensitive personal information with respect to which an individual has a reasonable expectation of privacy (First Amendment and common law relating to invasion of privacy).

Documents Permitted to be Kept Confidential under the Public Records Act - Certain documents belonging to the Department need not be made available under the Public Records Act. The Department's policy of the Department is to keep these records confidential. The following records need not be shared and should be kept confidential:

- Certain student records not covered by FERPA or IDEA;
- Security information;
- Investigatory records;
- Job application materials, except for those submitted by finalists;
- Appraisals and negotiation information relating to the sale of real or personal property; and
- Trade secrets, academic research work in progress and unpublished, and proprietary or commercial information which, if released, would give advantage to business competitors and serve no public purpose.

Notes and drafts of documents within the Department which remain subject to approval by upper management and which have not been issued are preliminary materials which are not "records" or "documents" and, therefore, are not subject to public records requests.

Staff Research and Assistance/Legal Assistance

~~A. STAFF RESEARCH AND ASSISTANCE~~

~~All requests by Board members for research or other assistance by staff should be routed through the Commissioner's Office.~~

~~In cases where the individual Board member requires assistance from staff for research, creation of information or documents, or other preparation to assist the Board member in his or her official duties, those requests should be handled as follows:~~

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

- ~~• Requests requiring less than four hours of staff time, and minimal other costs, should be completed by the staff as directed by the Commissioner, including the preparation of a brief report of the staff time and costs involved.~~
- ~~• For requests requiring more than four hours of staff time and/or more than minimal other costs, such requests shall be submitted by the Board member in writing and routed through the Commissioner's office or through the Board President. The requesting Board member will be provided with a written response identifying the specific request and the activities required to complete it, the estimated staff time required, the estimated total cost of staff time and related expenses, and the estimated timeline for completion. The requesting Board member may authorize the initiation of the activity for up to four hours of time and minimal related cost. The total project will require approval of the Board for completion of the balance of the project.~~

~~In consultation with the Board President, the Commissioner shall determine the appropriateness of providing the same request for the benefit of other Board members. Board members may request copies of the projects/activities completed for other Board members.~~

B. LEGAL ASSISTANCE

~~The State Board may request legal opinions from the Attorney General and/or the Legal Services Office by forwarding their request to the Commissioner. The Commissioner is responsible for preparing the question and necessary background information and forwarding the question to the Attorney General and/or Legal Services Office. The Commissioner shall provide all State Board Members with copies of the request. Any written opinion provided by the Attorney General or Legal Services Office as a result of a question by the State Board shall be provided by the Commissioner to all of the members of the State Board.~~

~~The Legal Services Office represents the Department and not individual State Board members or NDE staff members. The General Counsel or one of his or her assistant attorneys shall serve as legal advisor to the State Board and Commissioner at State Board meetings. When the Legal Services Office will be representing the Commissioner of Education in a contested case in which the State Board is the decision maker, the Commissioner will notify the State Board President and Attorney General, so that the State~~

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

~~Board may secure alternate legal representation from the Attorney General's Office or another source approved by the Attorney General.~~

~~The primary role of the Legal Services Office shall be to provide day to day legal assistance to the Department, including the State Board, Commissioner and NDE staff. The Commissioner and General Counsel are responsible for making certain that the State Board is fully informed of all pending legal matters and legal issues affecting the Department.~~

Revision History

- Created: 1995
- Last Revised: 2015
- Reviewed: 1998, 2006, 2016, 2020, 2022
- Approved: 12/02/2022

Board Action History

- 12/08/1995 – Prior B19
(Requests for research go through Commissioner with copies of research provided to all members.)
- 04/10/1998 – Prior B19
(Completely revised)
- 09/07/2006 – B19
(Same Bylaw text)

Board Action History (cont'd)

- 04/03/2016 – B19
(Removed sentence saying Commissioner shall provide reports to the full Board of the requests made of staff.)
- 03/03/2017 – B19(B14)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B19 is now B14)
- 08/07/2020 – B14
(Combined State Board Bylaws B11 and B14 into one Bylaw.)

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

- 12/02/2022 – B14(BOP 1.05)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B14 is now BOP 1.05.)

Cross-References

- State Board Policies P2 and B3

[Return to Table of Contents](#)

BOP 1.06

Public Participation at Board Meetings

~~The State Board of Education recognizes its obligation to help the public understand the operation of the Department of Education. The Board is also aware of the need for communication with citizens to permit the public to make its wishes known and to permit the Board to explain general policies governing the operation of the schools in the state. Therefore, in an effort to provide a procedure by which matters of statewide interest concerning the schools may be brought before the Board and to permit the Board to conduct its meetings in an orderly and efficient manner, the State Board of Education.~~ The Board establishes the following procedures with regard to public participation in the meetings of the Board.

The published agenda of the majority of regular meetings of the ~~State~~ Board shall contain an item identified as public comment period. This period may be available to any person who wishes to address the ~~State~~ Board on any subject within its authority including items appearing on the agenda except for contested cases ~~as described below~~. Up to two hours will be allowed for the public comment period when on the agenda of a regular meeting. A majority of members present and voting may take action to extend the total amount of time allowed for the public comment period. A majority of members present and voting may also take action to allow or terminate public comment at any time during a meeting. Each person may address the Board for up to five minutes. A majority of members present and voting may take action to reduce or extend the amount of individual time allotted to all speakers.

If at any time persons appearing before the Board exceed the time limitations set forth in this policy or on the agenda or become abusive or threatening in language or behavior, it shall be the responsibility of the President to refuse permission to continue to address the Board.

Each individual speaking to the Board will be required to complete a "Sign-in" card for identification of oneself. Individuals are required to include on the Sign-In card their name, address, and name of any organization represented, ~~pursuant to Nebraska Revised Statute 84-1412(3)~~. Individuals may be

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

prohibited to speak in public comment if the Sign-In card does not include the required information. Persons speaking to the Board during public comment should state their name at the beginning of their allotted time and may submit printed materials for the Board but may not use any other form of media. Anyone refusing to be identified will be prohibited from speaking. ~~Each person may address the Board for up to five minutes. A majority of members present and voting may take action to reduce or extend the amount of individual time allotted to all speakers.~~

~~The Board may also choose to permit individuals to speak to the Board using live remote video/audio technologies at selected meetings. When this is utilized, persons that wish to speak to the Board during public comment will likewise be required to complete and submit information in advance of the meeting for identification of oneself. This process will be described in the advance public notice of the meeting. Individuals wishing to speak to the Board using this technology must be "online" when their name is called to speak during the public comment period or they forfeit their turn and opportunity to address the Board in that public comment period. Public comment using this technology is also limited to 5 (five) minutes, and may be reduced or extended as provided above. If an individual testifying by live remote video/audio technology wishes to provide the Board with written or printed material in connection with their testimony, such material shall be submitted 24 hours prior to the start of the public meeting where public comment is scheduled, or by close of business of the Thursday prior to any meeting scheduled for a Monday. Written or printed material is not allowed to be displayed on or using the remote video technology.~~

Generally, Board members will not engage in dialogue during the public comment period. A Board member may request from the President to ask a clarifying question of a public comment speaker for the purpose of understanding a point or statement made by the speaker. Asking a clarifying question should not result in extended dialogue.

Persons may address the Board for public comment purposes by written submission in lieu of live testimony. Such written submissions must be provided 24 hours prior to the start of the public meeting where public comment is scheduled, or by close of business of the Thursday prior to any meeting scheduled for a Monday and is limited to 750 words. Written public comments submitted in accordance

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

with these requirements will be provided to the Board members and become part of the record of the meeting, but will not be read aloud during the meeting.

~~When an item appears on the regular business meeting agenda for the Board to consider a hearing officer's recommendations in a contested case, neither oral nor written public comment from a party or a party's representative will be allowed. Parties to contested cases address the Board through the hearing process which includes the full record of the hearing which is before the Board. In the case of agenda items for the Board to consider recommendations from the Professional Practices Commission, (PPC), the Board will provide an opportunity for the parties to address it at the meeting prior to its decision in accordance with the review hearing procedures in 92 NAC 29, whether at a regular business meeting or a separate proceeding.~~

~~If at any time persons appearing before the Board exceed the time limitations set forth in this policy or on the agenda or become abusive or threatening in language or behavior, it shall be the responsibility of the president to declare that person out of order and to refuse permission to continue to address the Board.~~

~~Generally, board members will not engage in dialogue during the public comment period. A board member may request from the president to ask a clarifying question of a public comment speaker for the purpose of understanding a point or statement made by the speaker. Asking a clarifying question should not result in extended dialogue.~~

Revision History

- Created: 1981
- Last Revised: 2020
- Reviewed: 1984, 1995, 2006, 2013, 2014, 2016, 2017, 2020, 2022
- Approved: 12/02/2022

Board Action History

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

- 11/15/1981 – Prior BCBI
(No copies of prior version.)
- 12/07/1984 – Prior 9322 BOP
(Same text as BCBI, except for deletion of statute references.)
- 12/08/1995 – Prior B12
(Similar text in first 3 paragraphs, but appearance extensions may also be granted by majority, public comment period reduced from 30 to 15 minutes for items not on agenda [and from 6 to 3 persons], added agenda item public comment designations, and option for allowing additional public comment during meetings.)
- 09/07/2006 – B12
(Added majority vote option for extending public comment period.)
- 03/05/2013 – B12
(Changed wording regarding the Public Comment Period.)

Board Action History (cont'd)

- 01/07/2014 – B12
(Changed wording regarding the Public Comment Period.)
- 05/06/2016 – B12
(Added language for special appearances.)
- 03/03/2017 – B12
(Align language with B5 (formerly B11) regarding dates of Board Meetings.)
- 03/03/2017 – B12(B9)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B12 is now B9)
- 12/11/2020 – B9
(Four-year review. Added language to reflect current approaches providing public participation in remote audio video/audio technologies at Board meetings.)
- 01/07/2022 - B9
(Changed wording regarding the Public Comment Period.)
- 12/02/2022 – B9(BOP 1.06)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B9 is now BOP 1.06.)

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

Cross-References

- 84-1412 R.R.S.– Public participation.
- 79-317(2) R.R.S. – Public participation.
- State Board Policy B5, “Board Meeting Notification for Regular Meetings”

[Return to Table of Contents](#)

BOP 1.07

Reimbursement for Expenses

Expenses for ~~State~~ Board members incurred in attending meetings or incurred in the performance of their duties as directed by the ~~State Board of Education~~ as provided in Sections 81-1174 to 81-1177 R.R.S. shall be paid according to rules and procedures established by the Department of Administrative Services (DAS) for state officials.

In determining proper expense items for members of the ~~State Board of Education~~, the Board has adopted the following policy in compliance with Section 3 of 79-317 R.R.S.

1. Out-of-state travel and conference expenses:

Expenses incurred in attending meetings shall be construed to cover all reasonable expenses for such out-of-state meeting.

- A. Each Board member is limited to two (2) out-of-state events or conferences that serve a direct purpose associated with the ~~State Board~~ and/or ~~Nebraska Department of Education~~ or their expenses are covered by the National Association of State Boards of Education (NASBE) or another organization.
- B. Attendance at any out-of-state event must be approved by the Board. For any event outside the contiguous 48 states, additional justification may be required and must also be approved by the Board.

2. Reimbursement for in-state travel expenses is authorized for:

- A. Regular and special meetings of the Board.
- B. Hearings conducted before the Board and rule-making hearings conducted by a Department hearing official.
- C. Hearings of legislative committees on matters concerning the Department ~~of Education~~.
- D. Meetings of advisory committees to the board.
- E. Meetings and conferences that are Department ~~of Education~~ sponsored events or that are held by organizations that have a direct relationship to the work of the ~~State Board~~ and the ~~Nebraska Department of Education~~ such as: schools, school boards, administrator and teacher organizations, educational service units, postsecondary education, and organizations that serve and support children and schools.

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

F. Any other expense for in-state travel specifically related to Board functions.

3. Lodging expenses: Actual expenses shall be paid for lodging specifically related to Board functions. Business telephone calls and parking charges incurred at the lodging site may be included on the lodging bill. Lodging expenses may either be directly billed to the ~~Nebraska Department of Education~~ or claimed on an expense reimbursement. If claimed on an expense reimbursement, detailed receipts for lodging are required to be filed with the claim. Meals should not be charged to a hotel room and will only be reimbursed through the per diem process.

Generally, Board members living less than 50 miles away from a one-day meeting or event may not receive reimbursement for lodging. There may be reasons to pay for lodging for distances less than fifty (50) miles. Such reasons include, but are not limited to Board duty requirements, medical conditions or weather; in those instances, the reason must be clearly stated on the disbursement document. Regular Public meetings of the ~~State Board of NDE~~ or another location in Lincoln that occur over the course of two or more consecutive days, including associated committee meetings, are considered a "Board duty requirement" and reimbursement for lodging is considered authorized for Board members living inside of 50 miles from the meeting location but outside of Lancaster County.

4. Meal expenses: Meal expenses incurred during travel shall be reimbursed on a per diem basis pursuant to Section 81-1174 R.R.S., based on the destination of the travel, in accordance with the rules and procedures established by the DAS for state officials. Receipts are not required and should not be submitted. Board members attending one day events per this policy are approved for one-day travel meal expenses.
5. Mileage expenses: Reimbursement for use of a personal vehicle will be at the prevailing standard rate as established by the Internal Revenue Service through its Revenue Procedures.

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

6. Air travel expenses: Air travel expenses may be reimbursed when it is more economical than surface transportation. Reimbursement for commercial air travel will be limited to “coach” fare, if such seating is available at the time of ticket purchase. For out-of-state travel, Board members may have air travel prepaid by the ~~Nebraska Department of Education~~.

7. Reimbursement for other actual and essential expenses: Reimbursement for other actual and essential expenses is authorized for: phone, postage, car rental, and other expenses incurred in connection with statutory duties as a Board member. An itemized statement (e.g., receipts) must accompany every request for reimbursement for items equal to or greater than ten dollars (\$10.00).

8. Timeframe for submission of requests for reimbursement: In accordance with Sections 79-317(3) and 81-1174 R.R.S., Board members need to submit requests for reimbursement together with the necessary documentation to ~~NDE Department~~ staff within 45 days after the final day on which the expenses were incurred or which reimbursement is sought.

9. Reporting expenses: At regular meetings, the Board will receive a summary report on all Board member expenses.

10. DAS/Board Policy Review/Approval: All actual and essential expenses will be reimbursed in accordance with Board and DAS policy.

11. Publications/Equipment: Any publications or equipment purchased for Board members’ use is property of the Department.

Revision History

- Created: 1979
- Last Revised: 2019
- Reviewed: 1984, 1999, 2006, 2012, 2019, 2021, 2022

Revision History (cont'd)

- Approved: 12/02/2022

Board Action History

- 7/2/1979 – Prior BBBE
(Listed 7 categories of in-state expenses, using DAS rules, and required Board approval for out-of-state expense.)
- 12/7/1984 – Prior 9250 BOP
(Renumbered BBBE, no text changes.)
- 6/11/1999 – Prior B7
(Contained references to NASBE meetings, meeting reports, and publications/equipment owned by NDE.)
- 9/7/2006 – B7
(Changed reference to length of reports and deleted approval by Commissioner.)
- 6/3/2016 – B7
(Changed out-of-state expense reimbursement as well as in-state expense reimbursement.)
- 3/3/2017 – B7(B16)
(Reorganized Board Policy Reference Manual with new designed letters for categories of policy [P], bylaws [B] and position statements [S]. B7 is now B16.)
- 9/6/2019 – B16
(Added language regarding submitting expenses no later than 60 days after the incurrence of expense and travel related expenses should generally be within the per diem rate by GSA.)
- 3/5/2021 – B16
(Added language pursuant to LB 381 from the 2020 Legislative session regarding reimbursement for state officials.)
- 12/02/2022 – B16(BOP 1.07)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B16 is now BOP 1.07.)

Cross-References

- 79-317(3) R.R.S. – Reimbursement of State Board members' expenses
- Nebraska Constitution, Article VII, Section 3.

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

Cross-References (cont'd)

- State Board Policy P9, Ethics/Accountability & Disclosure
- 81-1174 – 81-1177 R.R.S.

[Return to Table of Contents](#)

BOP 1.08

School Boards Association Board Membership in Associations

Membership in Associations

The ~~State~~ Board shall maintain a membership in the National Association of State Boards of Education and may maintain memberships in such other organizations from time to time as the ~~State~~ Board deems appropriate. Such membership shall be reviewed on an annual basis.

Revision History

- Created: 1976
- Last Revised: 2006
- Reviewed: 1984, 1995, 2006, 2013, 2022
- Approved: 12/02/2022

Board Action History

- 12/10/1976 – Prior GBA
(NEW)
- 12/07/1984 – Prior 9340 BOP
(Renumbered)
- 12/08/1995 – Prior B16
(Renumbered)
- 09/07/2006 – B16
(Added other organizations reference.)
- 03/03/2017 – B7(B16)
(Reorganized Board Policy Reference Manual with new designed letters for categories of policy [P], bylaws [B] and position statements [S]. B16 is now B20.)
- 05/06/2022 – B20
(Reaffirmed by the State Board.)
- 12/02/2022 – B20(BOP 1.08)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B20 is now BOP 1.08.)

[Return to Table of Contents](#)

BOP 1.09

Task Forces and Advisory Committees or Councils

By formal action, the ~~State~~ Board may establish task forces and advisory committees or councils and may appoint individuals to serve on these bodies. Task forces and advisory committees or councils may be directed to prepare proposals or recommendations for the Board to consider or may be directed to undertake other duties as required by federal or state law. ~~–~~

~~Unless otherwise~~ required by federal or state law, the proposals and recommendations of task forces and advisory committee or councils are considered to be proposals and recommendations to the ~~State~~ Board. The Board must review such proposals and recommendations and revise them as needed in order for such proposals and recommendations to be Board position statements or Board program priorities. The Board's official review, revision and adoption shall precede the formal distribution of proposals or recommendations as official publications of the Department.

Commented [FR4]: (Include with first para.)

Task forces and advisory committees or councils cannot perform duties or exercise powers given by law to the ~~State~~ Board.

The Board shall provide each task force and advisory committee or council with a specific charge that includes the identification of duties, the results to be achieved, the resources or budget available, and the expected timeline for completion of activities. The Commissioner is responsible for providing each task force and advisory committee or council with the ~~Board's~~ charges determined by the Board. The Commissioner is also responsible for monitoring the work of these bodies and for reporting on their progress to the Board at regular intervals.

Every two years, ~~the~~ Board shall review the role, functions and responsibilities of ~~all~~ task forces and advisory committees or councils established by the Board every two years, although failure to conduct such a review shall not affect the validity of any existing task force or advisory committee or council. The Commissioner shall maintain a current list of all task forces and advisory committees or councils and of review dates.

The Commissioner may appoint task forces and advisory committees or councils to inform the work of the agency or to inform recommendations to the Board on the internal management of the agency; and may appoint other task forces and advisory committees or councils as required by law, regulation or as authorized by the State Board.

Revision History

- Created: 1980
- Last Revised: 2006
- Reviewed: 1984, 1995, 1997, 2006, 2011, 2015, 2019, 2022
- Approved: 12/02/2022

Board Action History

- 10/01/1980 – Prior BBF
(Specified creation and expense procedures and listed 11 required committees.)
- 12/07/1984 – Prior 9133 BOP
(Revised and renumbered BBF. Deleted text restating statutes and references to vocational advisory council. Listed 15 committees.)
- 12/08/1995 – Prior B6
(Major revision and abbreviation, provided for 2-year committee reviews and added reference to committees appointed by Commissioner.)
- 11/07/1997 – B6
(Partial revision. Provided for State Board review prior to publication of proposals and recommendations. Added specific charges to task forces/committees.)
- 09/07/2006 – B6
(Revision and rewording. Deleted references to pre-publication review and Commissioner’s committees.)
- 03/03/2017 – B6(B4)
(Reorganized Board Policy Reference Manual with new designed letters for categories of policy [P], bylaws [B] and position statements [S]. B6 is now B4.)
- 04/05/2019 – B4
(State Board reviewed and reaffirmed.)

Board Action History (cont'd)

- 12/02/2022 – B4(BOP 1.09)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B4 is now BOP 1.09.)

Cross-References

- 79-318(9) R.R.S. – State Board’s duty to secure advice.

[Return to Table of Contents](#)

BOP 1.10

Hearing Officers

When a contested case is properly filed before the ~~State~~ Board, ~~except in rare circumstances when advised otherwise by Legal Counsel,~~ the use of a hearing officer by the Board is advisable, ~~and a~~ recommendation for the appointment of a hearing officer will be placed on the consent agenda by the Commissioner, or, in cases in which the Commissioner is a party, by the attorney serving as the ~~Board's~~ legal advisor to the Board in the case.

When a contested case involves the Enrollment Option Program ~~with a petition being filed pursuant to Section 79-239 R.R.S., then~~ the Commissioner shall appoint a hearing officer within five (5) days after the filing of such petition and an expedited hearing shall be set ~~by the hearing officer~~ so that the case can be decided by the ~~State~~ Board within sixty (60) days after the filing of such petition or as soon thereafter as is practicable ~~after the filing of such petition.~~

Hearing ~~o~~fficers appointed under this ~~Bylaw~~ policy shall be admitted to practice law in the State of Nebraska. The ~~Department's Office of~~ Legal Services Office shall maintain a list of such attorneys who have indicated a willingness to serve as hearing officers.

Revision History

- Created: 1976
- Last Revised: 2021
- Reviewed: 1984, 1990, 1995, 2006, 2017, 2021, 2022
- Approved: 12/02/2022

Board Action History

- 12/10/1976 – Prior BCAF
(Board may delegate authority to Commissioner or member to conduct rule hearings.)
- 12/07/1984 – Prior BCAF
(Rescinded upon adoption of revised manual.)

Board Action History (cont'd)

- 10/12/1990 – Prior 8001 BOP
(Option enrollment hearing officers.)
- 12/08/1995 – Prior B17
(Replaced 8001 BOP – Covers all types of contested case hearing officers.)
- 09/07/2006 – B17
(Same bylaw text.)
- 03/03/2017 – B17(B10)
(Reorganized Board Policy Reference Manual with new designed letters for categories of policy [P], bylaws [B] and position statements [S]. B17 is now B10.)
- 06/02/2017 – B10
(Added language to have Commissioner appoint a hearing officer within five days of NDE receiving an Enrollment Option petition, instead of Board, to expedite the process of having a decision before the Board within sixty days of the filing of the petition.)
- 08/05/2021 – B10
(Four year review of Policy Committee, language added to specify hearing officers are to be licensed attorneys in the State of Nebraska.)
- 12/02/2022 – B10(BOP 1.10)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B10 is now BOP 1.10.)

Cross-References

- 84-901(5) R.R.S.
- 92 NAC 19 (Rule 19)
- 79-239 R.R.S.

[Return to Table of Contents](#)

BOP 1.11

Rule Development

Commented [FR5]: Refer to Rules/Regs Committee

The Rules and Regulations Committee (~~C~~committee) is responsible for reviewing and recommending changes to the Commissioner and the Board on the rules and regulations of the ~~State Department of Education adopted in accordance with the Nebraska Administrative Procedures Act~~ Board. The Commissioner shall develop and maintain the procedures that direct the staff on the development, revision, and repeal of rules and regulations.

The Committee shall review each rule of the ~~Department-Board~~ in conjunction with the review by staff every four years, although failure to conduct such a review shall not affect the validity or enforceability of any existing rule. Any proposed new rule, or proposed changes to existing rules shall be reviewed by the Committee prior to a hearing draft being approved by the Commissioner.

The Commissioner shall review and approve hearing drafts of rules. The Commissioner or his or her designee shall conduct rule hearings. The Commissioner shall notify the Board when rules are scheduled for hearing; provide a written summary of all hearing testimony to the full Board along with copies of all written testimony submitted; and shall make an audio recording of all hearings available to the full Board on request.

All rules submitted to the ~~State~~ Board for approval shall be in legislative format showing additions to, and deletions from, existing rules unless a majority of the rule chapter has been substantially revised. The ~~State~~ Board must ~~give final approval to~~ approve all rules and rule changes.

~~The Commissioner shall review and approve hearing drafts of rules. The Commissioner or his or her designee shall conduct rule hearings. The Commissioner shall notify the Board when rules are scheduled for hearing; provide a written summary of all hearing testimony to the full Board along with copies of all written testimony submitted; and shall make an audio recording of all hearings available to the full Board on request.~~

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

The rule dockets that are required to be maintained under the Administrative Procedures Act shall be maintained by the Legal Services Office.

Revision History

- Created: 1976
- Last Revised: 2015
- Reviewed: 1978, 1984, 1990, 1995, 2006, 2015, 2019, 2022
- Approved: 12/02/2022

Board Action History

- 12/10/1976
Prior BCAE (Rule-making hearings)
Prior BD-1 (5-year Review)
Prior BDBD-1 (Optional student rule review)
Prior BDC-1 (APA Rules)
Prior Form BCAE-E
Prior Form BDD-E-1
- 08/21/1978 – Prior BDA-1
(Rule development system policy.)
- 12/07/1984 – Prior 9313 BOP
(Replaced prior policies- required 5-year review and legislative format drafts.)
- 12/08/1995 – Prior B9
(Added rule hearing officials and rule dockets.)
- 09/07/2006 – B9
(Added authority for Commissioner to approve rules and appoint hearing officers.)
- 09/04/2015 – B9
(Added language that Commissioner shall review and approve hearing drafts of rules.)
- 03/03/2017 – B9(B13)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B9 is now B13.)
- 06/07/2019 – B13
(Reaffirmed.)
- 08/05/2022 – B13
(Revised language including the duties of the State Board Rule and Regulation Committee.)

Board Action History (cont'd)

- 12/02/2022 – B13(BOP 1.11)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B13 is now BOP 1.11.)

Cross-References

- 84-906.1 R.R.S. – Rule dockets.
- 84-907 R.R.S. – Rule adoption after hearing.

[Return to Table of Contents](#)

BOP 1.12

Political Activity/Use of Resources/Accountability & Disclosure

No member of the ~~State Board of Education~~ shall use or authorize the use of personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than reimbursement provided by law, for personal financial gain.

Any use of public resources by a ~~State Board~~ member which is incidental or de minimus shall not constitute a violation of this policy.

No member of the ~~State Board of Education~~ shall use or authorize the use of public resources for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot questions, except as provided in Neb. Rev. Stat. 49-14,101.02.

Violators of this policy shall be subject to a vote of censure by the Board. This policy, however, does not otherwise prohibit or impair the expression of individual opinions.

Revision History

- Created: 1981
- Last Revised: 2009
- Reviewed: 1984, 1995, 2006, 2009, 2014, 2018, 2022
- Approved: 12/02/2022

Board Action History

- 06/01/1981 – Prior KIA
(Prohibited uses of resources and votes of censure. Prior versions not available.)
- 12/07/1984 – Prior 1311.1 DO
(Same as KIA)

Board Action History (cont'd)

- 12/08/1995 – Prior B18
(Same as 1311.1 DO, but only applies to Board members, not staff.)
- 09/07/2006 – B18
(Revision of entire text except for last paragraph.)
- 10/08/2009 – B18
(Clarified that incidental or de minimus use of state resources is not a violation of Policy B18, consistent with LB 626 [Laws, 2009])
- 03/03/2017 – B18
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S].)
- 12/02/2022 – B18(BOP 1.12)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B18 is now BOP 1.12.)

Cross-References

- 49-14,101.01 R.R.S.
- 49-14,101.02 R.R.S.
- 49-14,101.03 R.R.S.
- State Board Bylaws B19 and B3
- State Board Policy P9

[Return to Table of Contents](#)

BOP 1.13

Computer Equipment/Internet Access and Electronic Mail Acceptable Use

Purpose

~~The Board establishes the following standards for Board member acceptable use of. This policy is intended to provide Board members with standards for acceptable use of NDE Department~~ computer equipment, Internet access, and electronic mail. These standards apply to Board member use of ~~NDE Department~~ computer equipment, Internet access and electronic mail.

~~NDE Department~~ computer equipment, Internet access and electronic mail are public resources. ~~These public resources are~~ provided to ~~NDE~~ Board members for the conduct of state business. In addition, the ~~NDE Department~~ computer or phone equipment, Internet access, electronic mail, or the state telecommunications system may be used by Board members for email, text messaging, a local call, or long-distance calls to a child at home, a teacher, a doctor, a day care center, a baby-sitter, a family member or any other person to inform him or her of unexpected schedule changes, and for other essential personal business while they are engaged in state business away from home. Subject to the standards listed below, use of the ~~NDE Department~~ computer equipment, Internet access, electronic mail, and phone use for essential personal business shall be kept to a minimum and shall not interfere with the conduct of state business. Board members shall be responsible for payment or reimbursement of charges, if any, that directly result from such communication. Board members, to the extent possible, should use the email address provided by the State of Nebraska to conduct Board business. If a personal email account must be used, the communication should be forwarded to the email address provided by the State of Nebraska.

Acceptable Uses of ~~NDE Department~~ Computer Equipment/Internet Access/Electronic Mail include:

1. To communicate ~~with NDE internal and external customers and staff, including the following,~~ when related to the Board member's duties and responsibilities, ~~other state agencies, units of government, citizens, advisory committees or professional associations.~~
2. To access databases or files for purposes of work-related reference or research material.

Unacceptable Uses of ~~NDE-Department~~ Computer Equipment/Internet Access/Electronic Mail include:

1. ~~To violate~~ violation of the privacy of other users and their data. (For example, Board members shall not intentionally seek information on/obtain copies of/or modify files, other data or passwords belonging to other users, or represent themselves as another user unless explicitly authorized to do so by that user, and such authorization is appropriate.)
2. To violate copyright and licensing laws applied to programs and data.
3. To install software without prior authorization from ~~Network, Education & Technology Services~~ the agency/Department. Use of all such software must comply with the applicable license agreement provisions.
4. To violate the integrity of computing systems. For example, Board members shall not develop or use programs that harass other users or infiltrate a computer or computing system and/or damage or alter the software components of a computer or computing system.
5. To use ~~NDE-Department~~ computer equipment/Internet access/electronic mail for fund-raising or public relations activities unrelated to a Board member's duties and responsibilities to the State of Nebraska.
6. To campaign for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question as provided in Neb. Rev. Stat Sec. 49-14,101.02. This includes a Board member's campaign for their own election to the ~~State~~ Board.
7. To transmit material in violation of any local, state or federal law or regulation. It is prohibited to transmit or knowingly receive threatening, obscene, or harassing material. Harassing material includes material that is derogatory towards a group or individual based upon race, sex, sexual orientation, color, religion, disability, age, or national origin.
8. To use ~~NDE-Department~~ computer equipment/Internet access/electronic mail or any attached network in a malicious or disruptive manner that precludes or significantly hampers its use by others. Disruptions include, but are not limited to, distribution of *unsolicited advertising*, propagation of computer worms or viruses, and use of ~~NDE-Department~~ computer equipment/Internet access/electronic mail to make unauthorized entry to any other machine accessible via the network.
9. To advertise a product or services on behalf of self or others.

Formatted: Highlight

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

10. To use ~~NDE-Department~~ computer equipment/Internet access/electronic mail for recreational games or personal shopping.
11. To use ~~NDE-Department~~ computer equipment/Internet access/electronic mail to conduct private business activities or for private financial gain, including but not limited to, stock trading.
12. ~~To m~~ Misrepresentation of one's self, an agency, or the State of Nebraska when using ~~NDE-Department~~ computer equipment/Internet access/electronic mail.

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

Security Safeguards

Only Board members ~~and agency staff are allowed~~ ~~are prohibited from allowing non-employees~~ to use NDE-Department computer equipment/Internet access/electronic mail.

Board members are prohibited from sharing passwords to any ~~state government~~ agency computer system.

Board members are responsible for taking reasonable steps to safeguard the integrity of the ~~NDE~~ agency Department computer system.

Enforcement

~~NDE~~ The Department reserves the right to monitor use of all NDE-Department computer equipment, Internet access and electronic mail for purposes of enforcing these acceptable use standards. Accordingly, Board members do not have a privacy right with regard to their use of ~~NDE~~ Department computer equipment, Internet access, and electronic mail.

The ~~State~~ Board will take remedial action in response to a violation of this policy. Remedial action may include termination of, or restrictions on, computer system access for any Board member responsible for the violation of any of the provisions of this policy. If, in the judgment of the Board, it is believed that criminal activity has taken place, the Board will direct the Commissioner to notify the proper authorities ~~and will assist in any investigation and prosecution of any offense.~~

Revision History

- Created: 2000
- Last Revised: 2014
- Reviewed: 2006, 2009, 2014, 2018, 2022
- Approved: 12/02/2022

Board Action History

- 04/07/2000 – Prior B20
(NEW)

Board Action History (cont'd)

- 09/07/2006 – Prior B20
(Same Bylaw text)
- 10/08/2009 – B20
(Amended to add language to specifically permit the use of certain state communication resources for essential personal business and to require reimbursement, consistent with LB 626 [Laws, 2009].)
- 08/08/2014 – B20
(Technical changes)
- 03/03/2017 – B20(B19)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B20 is now B19.)
- 06/08/2018 – B19
(Revised to add language regarding campaign activity.)
- 12/02/2022 – B19(BOP 1.13)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B19 is now BOP 1.13.)

Cross-References

- 49-14,101.01(2) R.R.S.
- 49-14,101.01(3) R.R.S.
- 49-14,101.02 R.R.S.
- State Board Bylaws B18 and B3
- State Board Policy P9

[Return to Table of Contents](#)

BOP 1.14

Meeting Agendas and Minutes

Board Meeting Agendas

The board meeting agenda is developed by the Commissioner in consultation with the President.

The Commissioner shall prepare and submit by e-mail to each member of the Board at least seven (7) calendar days prior to the meeting, the agenda, or a link to the agenda, outlining matters to be considered by the Board and such other materials as members have requested be included for consideration.

The agenda will contain any item within the authority of the Board, requested by a member of the Board, if submitted at least eight (8) calendar days prior to the meeting. Upon the written request of a member of the Board or the Commissioner, an agenda item may be added within 7 calendar days before the meeting if approved by the President, so long as the item can be added at least 24 hours prior to the meeting.

The Commissioner's Office shall maintain an updated agenda available to the public. The agenda may be altered at any time by a majority of the members present and voting to add emergency items as provided by state law.

Consent Agenda

1. Purpose

1. To group together routine non-controversial items that do not need separate and individual discussion and action by the Board.
2. To expedite the work of the Board and to provide additional time for more substantive items.
3. To provide a method for the Board to review and approve renewals of contracts of \$75,000 (first-time contracts of \$75,000 or more are placed on the agenda as a regular action item and renewals of such contracts may only be a consent agenda item for three consecutive times thereafter).

2. Procedure

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri), 11 pt

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri), 11 pt

Commented [FR6]: Upon the written request of a board member or the commissioner, an agenda item may be added the week (7 days) before the meeting upon the approval of the President so long as the item is added at least 24 hours prior to the meeting.

Formatted: Font: 11 pt

Formatted: Font: (Default) +Body (Calibri), 11 pt

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri), 11 pt

Commented [FR7]: Revisit based on 8/3/23 committee meeting.

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: 11 pt

Formatted: Font: (Default) +Body (Calibri), 11 pt

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri)

Nebraska Department of Education State Board of Education
Board Operating Policies

1. The President of the Board and the Commissioner will confer prior to the Board meeting to identify items for the consent agenda.
2. Any member of the Board may object to the placement of an item on the consent agenda by informing the President before a motion is made to adopt the consent agenda. The item will then be considered independently and after the approval of the consent agenda.
3. The consent agenda will be moved by a single motion without discussion. A majority vote shall approve the items contained therein.

Committee Meeting Agendas

The agenda for regularly scheduled committee meetings will be determined by the upcoming board meeting agenda. Additionally, a committee chair, committee members, or any board member may add items to a regularly scheduled committee meeting agenda in accordance with the responsibilities of the committee, following the timeline outlined above for the addition of Board meeting agenda items. The committee chair shall notify the President and the Commissioner of additions to the committee agenda.

The agenda for additional meetings of a standing committee may be determined by the committee chair, the President, or both. Committee members may add agenda items for these additional committee meetings with approval of the committee chair.

Board Meeting Minutes

The minutes of all Board meetings must be recorded. The minutes must contain the meeting time and place, members present and absent, and the substance of and actions taken on all matters discussed. All votes must be recorded showing how each member voted on each issue or if the Board member was absent or not voting. A Board member making a statement that they wish to be recorded in the minutes shall include the words, "for the record" prior to making the statement. All Board minutes are public records and must be open for public inspection on the Department website and in the Department office during normal business hours. Minutes shall be written and available for inspection within ten (10) working days after a meeting, or prior to the next convened meeting, whichever occurs earlier.

Formatted: Font: (Default) +Body (Calibri), 11 pt

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri), 11 pt

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri), 11 pt

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri), 11 pt

Nebraska Department of Education State Board of Education
Board Operating Policies

The Commissioner shall ensure that the minutes record accurate attendance of the Board members, meeting participants, times and dates, motions and votes, and other actions of the Board as required by statute.

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri), 11 pt

Whenever required for the purpose of clarity, minutes shall include attachments of proposed documents and/or notations that clarify all actions of the Board. In addition to the minutes, the Department shall also permanently retain in its record a copy of the meeting agenda, support materials, and items distributed at the meeting.

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri), 11 pt

When the Board meets or is functioning in a quasi-judicial capacity to decide a contested case or recommended decision from the Professional Practices Commission, no minutes as described above are necessary, but all votes must be recorded showing how each member voted and the same shall appear on the Board's Final Order.

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: (Default) +Body (Calibri), 11 pt

~~BOP 1.14~~

BOP 1.15

Revision and Amendment of Board Policies

The Board policies are to be reviewed by the Executive Committee during odd-numbered calendar years with a report to the Board by the last regular meeting of that year. ~~and approved by the board on a two-year cycle with the review occurring during non-election years. The policy review will be completed prior to the end of the calendar year to be approved and take effect in January.~~

The Board may, upon recommendation of a Board member, standing committees, ad hoc committees, or the Commissioner, ~~along with a request by a member of the Board~~, propose new policies or amend existing policies to be adopted by the Board. ~~Board Policies shall remain in full force and effect until amended or rescinded by a majority vote of the Board.~~

To be adopted, any proposed change to Board policies require notice at the previous meeting and a majority vote of the members of the Board. ~~Board policies shall remain in full force and effect until amended or rescinded by the Board.~~

The Commissioner may direct legal counsel to review all Board policies annually for compliance with state law.

Board policies are binding upon the Board, Commissioner, and ~~Department agency~~ Department staff until changed by the Board.

Revision History

- Created: 12/02/2022
- Approved: 12/02/2022

Board Action History

Nebraska ~~Department of Education~~ State Board of Education
Board Operating Policies

- 12/02/2022 – BOP 1.14
(NEW)

[Return to Table of Contents](#)



**Nebraska State Board of
Education**

Agency Management Policies

Adopted December 2, 2022

Table of Contents

| | |
|---|------------------------|
| AMP 2.00: Delegation to Commissioner | pg. 3 |
| AMP 2.01: Human Resources Policies | pg. 6 |
| AMP 2.02: Contracts, Grants, and Purchases | pg. 11 |
| AMP 2.03: Trust Funds | pg. 13 |
| AMP 2.04: Audits..... | pg. 15 |
| AMP 2.05: Certification Complaints..... | pg. 17 |
| AMP 2.06: Ethics/Accountability & Disclosure | pg. 19 |
| AMP 2.07: Political Activities/Use of Resources | pg. 26 |
| AMP 2.08: Records Access and Use | pg. 29 |

Link to return to Table of Contents can be found at the end of each AMP

AMP 2.00

Delegation to Commissioner

~~The Commissioner is responsible for faithfully executing the policies and directives of the Board. All administrative functions are the responsibility of the Commissioner who may delegate certain functions to members of the ~~agency~~state staff/Department staff. The Commissioner, or his or her designee, is responsible for faithfully executing the policies and directives of the State Board or seeing that they are executed by the staff. The Commissioner, in consultation with the President, is responsible for providing an orientation for new Board members, and for providing an annual Board orientation.~~

When any law ~~or regulation~~ specifies that ~~the Board is responsible for a duty, something is to be done by the State Board,~~ the State Board may not delegate that duty to the Commissioner alone. Example: ~~79-760.06(3) R.R.S. states that “the state board shall designate priority schools...” The State Board itself is to do that (with the advice of the Commissioner).~~

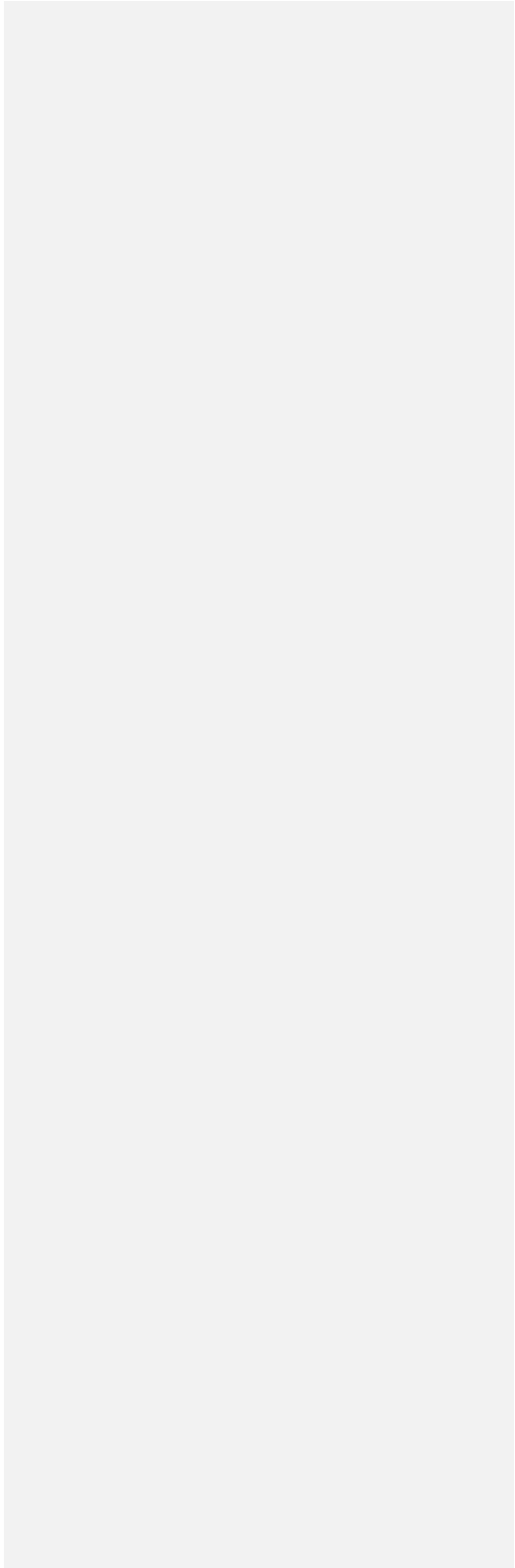
When any law ~~or regulation~~ specifies that ~~the Department is responsible for a duty, provides something is to be done “by the Department,”~~ the Board may delegate that authority to the Commissioner, ~~such as through a regulation. Example: 79-1065 R.R.S. states that “the State Department of Education shall adjust [state aid] payments provided under Chapter 79...” By regulation (NDE Rule 8), the State Board delegated that function to “the Commissioner or his her designee(s).” In these instances, the Board reserves the right to overrule the decisions of the Commissioner.~~

~~Right to Overrule Decisions~~

~~The State Board reserves the right to overrule the decisions of the Commissioner.~~

~~State Government Relations~~

~~The Commissioner of Education shall keep the State Board of Education informed of all relevant pending legislation in the State Legislature.~~



Revision History

- Created: 1979
- Reviewed: 1984, 1995, 2006, 2009, 2011, 2015, 2019, 2022
- Approved: 12/02/2022

Board Action History

- 11/15/1979 – Prior CD
(Included one section now in D2, as well as delegation and right to overrule decisions.)
- 12/07/1984 – 2131 DO
(Transferred one section to what is now D2 and added state government relations.)
- 12/08/1995 – Prior D3
(Shortened)
- 11/03/2006 – D3
(One word change)
- 10/08/2009 – D3
(Language added addressing the Commissioner’s obligation to carry out both the policies and the directives of the State Board, consistent with LB 549 [Laws, 2009].)
- 03/03/2017 – D3(P3)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D3 is now P3.)
- 08/09/2019 – P3
(Language added to clarify when an action is committed by law or regulation to the Board and when it is committed to the Department as-a-whole and may be delegated to the Commissioner’s decision.)
- 12/02/2022 – P3(AMP 2.00)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P3 is now AMP 2.00.)

Cross-References

- 79-301 R.R.S.
- 79-305 R.R.S.
- 79-306 R.R.S.

Nebraska Department of Education
Agency Management Policies

- 79-318 R.R.S.

[Return to Table of Contents](#)

AMP 2.01

Human Resources Policies

Personnel Policies and Administrative Memoranda

~~Pursuant to Section 79-306 of the Revised Statutes of Nebraska, The Commissioner of Education is the administrative head of the State Department of Education and has the authority to establish and maintain an appropriate system of personnel administration and such administrative rules and regulations as are necessary for the proper execution of duties and responsibilities placed upon him or her. Accordingly, the State Board authorizes the Commissioner to promulgate personnel policies and procedures at his or her discretion without subsequent approval by this Board, though the NDE~~
The Department Personnel Rules for employees exempt from the Bargaining Agreement shall be approved by the Board as these are subject to the Nebraska Administrative Procedures Act.

The Board also authorizes the Commissioner to promulgate a series of ~~Administrative Memoranda detailing~~ internal operating procedures for the Department at his or her discretion and to issue, revise, and update such ~~Administrative Memoranda~~ internal operating procedures without subsequent approval by this Board.

~~The Board reserves the right, at any time, to direct the Commissioner to revise, reverse, or amend any personnel policy or Administrative Memorandum that he or she has promulgated or to include additional provisions as directed by the Board.~~

Professional Personnel Hiring

Section 79-318(3) R.R.S. provides that the ~~State~~ Board shall, upon the recommendation of the Commissioner of Education, appoint and fix the compensation of all new professional positions in the Department, including any Deputy Commissioner.- A new professional position is defined as one that requires specialized knowledge and intensive academic preparation and was not previously part of the organization of the agency. ~~would need approval of the Board if such position, in the professional judgement of the Commissioner, requires specialized knowledge and intensive academic preparation and was not part of the organization of the Department previously approved by the Board.~~

Formatted: Highlight

Nebraska Department of Education
Agency Management Policies

The Commissioner may approve employment of any persons hired as a replacement Deputy Commissioner or a new professional position in the interim between Board meetings; however, such appointments of a Deputy Commissioner are still subject to Board approval at the subsequent Board meeting.

Labor Negotiations

The Commissioner shall act as representative of the Board in all labor negotiations and shall appoint the bargaining team and chief negotiator. ~~He or she~~The Commissioner shall advise the Board prior to, and on a regular basis, during negotiations. Bargaining Agreements shall be approved by the Board.

Equal Opportunity Employment and Nondiscrimination

The Board prohibits employment practices by the Department that are a violation of state and federal law.

~~As a matter of policy, the State Board of Education prohibits the following employment practices by the Department, which are unlawful under Section 48-1104 and 48-1004 of the Revised Statutes of Nebraska:~~

~~48-1104 R.R.S.~~

~~It shall be an unlawful employment practice for an employer:~~

~~(1) — To fail or refuse to hire, to discharge, or to harass any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, disability, marital status, or national origin; or~~

~~(2) — To limit, advertise, solicit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect such individual's status as an employee, because of such individual's race, color, religion, sex, disability, marital status, or national origin.~~

~~48-1004 R.R.S.~~

~~(1) — It shall be an unlawful employment practice for an employer:~~

~~(a) — To refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to the employee's terms, conditions, or privileges of employment, otherwise lawful, because of such individual's age, when the reasonable demands of the position do not require such an age distinction; or~~

~~(b) — To willfully utilize in the hiring or recruitment of individuals for employment otherwise lawful, any employment agency, placement service, training school or center, labor organization, or any other source which so discriminates against individuals because of their age.~~

~~(4) — It shall be an unlawful employment practice for any employer, employment agency, or labor organization to discharge, expel, or otherwise discriminate against any person because he or she opposed any unlawful employment practice specified in the Age Discrimination in Employment Act or has filed a charge or suit, testified, participated, or assisted in any proceeding under the act.~~

~~In addition, the Board also prohibits employment practices by the Department that are a violation of Federal law.~~

Revision History

- Created: 1977
- Reviewed: 1978, 1979, 1984, 1995, 2006, 2009, 2012, 2016, 2020, 2022
- Approved: 12/02/2022

Board Action History

- 03/11/1977 – Prior BIB
(Mentioned statute authorizing system of personnel administration in list of Commissioner's duties.)
- 07/07/1978 – Prior HAE
(Board appoints negotiating team and chief spokesman)

Nebraska Department of Education
Agency Management Policies

- 07/02/1979 – Prior GAAA
(Equal Opportunity Employment)

Board Action History (cont'd)

- 12/07/1984 – Prior 2231 DO
(Referenced personnel statute as in former BIB, and covered personnel policies, administrative memorandums, and State school policy manual)
- 12/07/1984 – Prior 4135.3 DO
(Same as former HAE)
- 12/07/1984 – 4118.11 DO
(Same as GAAA, without statute references)
- 12/08/1995 – Prior D4
(Combined 3 prior policies, but designated Commissioner to act as labor representative and to appoint bargaining team. Revised non-discrimination statement to cite statute.)
- 11/03/2006 – D4
(Deleted reference to State school policy manual and Personnel manual and added 48-004 R.R.S. reference.)
- 10/08/2009 – D4
(Amended to include Subsection (4) of 48-1004 R.R.S., which prohibits retaliation.)
- 03/03/2017 – D4(P4)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D4 is now P4.)
- 09/04/2020 – P4
(Revisions providing further clarification to existing language that aligns with the Board's approval of the NDE Personnel Rules and also an addition that makes reference to the Department following not only state law concerning employment discrimination, but also Federal Law.)
- 12/02/2022 – P4
(Combined prior P6 with P4.)
- 12/02/2022 – P4(AMP 2.01)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P4 is now AMP 2.01.)

Nebraska Department of Education
Agency Management Policies

Cross-References

- 79-306 R.R.S.
- 48-1004 R.R.S.

Cross-References (cont'd)

- 49-1104 R.R.S.
- 93 NAC 1-16

[Return to Table of Contents](#)

AMP 2.02

Contracts, Grants, and Purchases

The ~~State~~ Board shall review and approve contracts and purchase of ~~\$7550~~,000 or more. The Board shall also review and approve the submission, receipt, or distribution of grants of ~~\$7550~~,000 or more.

When requested by the Commissioner, a contract may receive Board approval for up to four years. The Board shall approve all contracts, of any dollar amount, that procure any goods or services that are directly related to the work of the Board, however the President may approve contracts of this nature up to \$10,000.

Commented [FR1]: Language to make board approval congruent with conditions of procurement or the grant. Also update the bylaws on the Consent Agenda accordingly.

Each month the Commissioner of Education shall provide the Board with a list of contracts and grants between \$10,000 and less than ~~\$7550~~,000 approved the preceding month. The Commissioner shall periodically provide the Board with a list of contracts and grants less than \$10,000.

Any federally-funded grants with a formula-based distribution to the Nebraska Department of Education or its sub-recipients are excluded from these requirements.

Revision History

- Created: 1976
- Reviewed: 1984, 1995, 2006, 2016, 2017, 2021, 2022
- Approved: 12/02/2022

Board Action History

- 12/10/1976 – Prior DDF
(~~\$10,000~~ or more Board approval and less than \$10,000 periodic list from Commissioner)
- 12/07/1984 – Prior 3324.1 DO
(SAME)
- 12/08/1995 – Prior D6
(SAME)
- 09/07/2006 – D6
(Board approval increased to \$25,000 and added monthly list of \$10,000 to \$25,000)
- 12/02/2016 – D6
(Board approval increased to \$50,000 and added monthly list of \$10,000 to \$50,000)

Nebraska Department of Education
Agency Management Policies

- 03/03/2017 – D6(P5)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D6 is now P5.)

Board Action History (cont'd)

- 09/08/2017 – P5
(New language opens submission to the Board of their approval or review of all grants issued by NDE except for those federally funded and have a regulated formula component to awarding them to the sub recipients.)
- 12/02/2022 – P5(AMP 2.02)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P5 is now AMP 2.02.)

Cross-References

- 79-301 R.R.S.
- 79-305 R.R.S.
- 79-306 R.R.S.
- 79-318 R.R.S.
- 79-319 R.R.S.

[Return to Table of Contents](#)

AMP 2.03

Trust Funds

The ~~State~~ Board shall approve the receipt of any (all) property, real or personal, acquired by donation devise, or bequest, which is to be held in trust.

The ~~State~~ Board shall annually approve the ~~Department's~~ budgets for expenditures of trust money. Separate budgets shall be approved for expenditure from the unrestricted trust funds and from each restricted trust fund.

Expenditures may exceed the amount approved for any line item or budget category so long as the total amount of expenditures approved for each budget is not exceeded. Expenditures over the total amount budgeted and expenditures for additional line items or budget categories may be made if approved in advance by the ~~State~~ Board.

Revision History

- Created: 1976
- Reviewed: 1977, 1984, 1995, 1999, 2002, 2004, 2006, 2013, 2016, 2020, 2022
- Approved: 12/02/2022

Board Action History

- 12/10/1976 – Prior KHE
(Donations)
- 08/19/1977 – Prior AI
(NSVH policies, including Trusts)
- 08/19/1977 – Prior AH
(NSD policies, including Trusts)
- 12/07/1984 – Prior 6172.4 DO
(Replaced prior policies)
- 12/08/1995 – Prior D11
(Renumbered and deleted labor sections)

Board Action History (cont'd)

- 06/11/1999 – Prior D11
(Reduced to just approval of receipts, and expenditures over \$500)
- 06/07/2002 – Prior D11
(Corrected typo)
- 02/06/2004 – Prior D11
(Deleted \$500 or more expenditure approval and added two paragraphs regarding Trust budgets)
- 11/03/2006 – D11
(One wording change)
- 03/03/2017 – D11(P8)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D11 is now P8.)
- 12/11/2020 – P8
(Reaffirmed by Board)
- 12/02/2022 – P8(AMP 2.03)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P8 is now AMP 2.03.)

Cross-References

- 79-318(13) R.R.S.

[Return to Table of Contents](#)

AMP 2.04

Audits

The Commissioner ~~of Education~~ is responsible for the performance of the Nebraska Department of Education. Financial audits of the Department ~~of Education~~ and its various programs are instrumental to the ~~Department's~~ efficient and effective operation of the Department.

The Commissioner ~~of Education~~ shall take the following steps in response to financial audits of the ~~State~~ Department ~~of Education~~ and its various programs:

- The Budget and Finance Committee will review the audit and report their deliberations and recommendations to the Board.
- Provide the ~~State~~ Board ~~of Education~~ with copies of audit reports from audits of the Department ~~of Education~~ and its various programs, descriptions of the ~~Department's~~ plans and actions by the Department for the correction or dispute of all audit findings identified in audit reports, and correspondence identifying the resolution of audit findings;
- For audit findings not disputed by the Department ~~of Education~~, immediately identify and implement corrective action;
- Prepare and submit a management response to the auditing authority for each audit finding, which identifies the corrective action taken or the rationale for dispute of the finding; and
- Maintain documentation of 1) all audit reports and 2) all follow-up actions with regard to corrective action.

Revision History

- Created: 2003
- Reviewed: 2006, 2014, 2016, 2020, 2022
- Approved: 12/02/2022

Board Action History

- 10/03/2003 – Prior D13
(NEW)

Board Action History (cont'd)

- 11/03/2006 – D13
(Date change)
- 12/02/2016 – D13
(Added language that audits will be reviewed by the Budget and Finance Committee before going to the Board.)
- 03/03/2017 – D13(P10)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D13 is now P10.)
- 12/11/2020 – P10
(Reaffirmed by Board)
- 12/02/2022 – P10(AMP 2.04)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P10 is now AMP 2.04.)

Cross-References

- 79-301 R.R.S
- 79-305 R.R.S.
- 79-306 R.R.S
- 79-318 R.R.S.

[Return to Table of Contents](#)

AMP 2.05

Certification Complaints and Investigations

~~Whenever it shall come to the attention of the Commissioner of Education that any person who holds a valid Nebraska certificate authorizing such person to teach or administer in the public, private, denominational, or parochial schools in this state, has been convicted of any felony, or any misdemeanor which involves abuse, neglect, or sexual misconduct, or it appears has violated any standard contained in the Professional Practices Criteria of 92 NAC 27, the Commissioner of Education shall proceed to file a complaint against such person, conduct an appropriate investigation into the matter, and proceed with the appropriate disciplinary action as warranted.~~

~~When a Petition filed by the Commissioner with the Professional Practices Commission results in a recommendation to the Board by the PPC, the PPC shall submit to the Board such written recommendation for suspension, revocation or support or opposition to a reinstatement request. The written recommendation shall include the PPC's findings of fact and conclusions of law as provided in 95 NAC 1. The Board will consider the matter and issue a final order.~~

~~In non-public certificate cases in which the Board has appointed a hearing officer, the hearing officer shall submit to the Board a record of the case together with a recommended decision, findings of fact, and conclusions of law in accordance with 92 NAC 28. The Board will consider the matter and issue a final order.~~

Revision History

- ~~Created: 1980~~
- ~~Reviewed: 1991, 1995, 2006, 2013, 2017, 2022~~
- ~~Approved: 12/02/2022~~

Board Action History

- ~~10/01/1980 — Prior GBU
(Commissioner duties to file teacher complaints)~~

Nebraska Department of Education
Agency Management Policies

~~Board Action History (cont'd)~~

- ~~● 06/07/1991 — Prior 4112.21 DO
(Revised to reflect change in law and regulations)~~
- ~~● 12/08/1995 — Prior D8
(Added draft order references)~~
- ~~● 11/03/2006 — D8
(Deleted “moral turpitude” and added “abuse, neglect, or sexual misconduct”)~~
- ~~● 03/03/2017 — D8(P7)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D8 is now P7.)~~
- ~~● 11/09/2017 — P7
(Language revised by General Counsel’s Office with consultation of the Attorney General’s Office to reflect current practices by NDE.)~~
- ~~● 12/02/2022 — P7 (AMP 2.05)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P7 is now AMP 2.05.)~~

~~Cross-References~~

- ~~● 79-859 to 79-871 R.R.S~~
- ~~● 92 NAC 27, 28, and 29~~
- ~~● 92 NAC 1 and 2~~

[Return to Table of Contents](#)

AMP 2.056

Ethics/Accountability & Disclosure

Board members, the Commissioner and Department staff are all subject to the provisions of the Nebraska Political Accountability and Disclosure Act (Sections 49-1401 et seq. of the Revised Statutes of Nebraska). The Commissioner is authorized to develop administrative and personnel policies dealing with ethics and conflicts of interest for Department staff, which may include requirements for the reporting of outside consulting income received by staff.

In addition to sections of the Act regarding campaign activities of Board members, the following sections should be of primary interest to the Board and staff of the Department:

~~49-1499.02. Executive branch; discharge of official duties; potential conflict; actions required.~~

~~(1) — An official or employee of the executive branch of state government who would be required to take any action or make any decision in the discharge of his or her official duties that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:~~

~~(a) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict; and~~

~~(b) Deliver a copy of the statement to the commission and to his or her immediate superior, if any, who shall assign the matter to another. If the immediate superior does not assign the matter to another or if there is no immediate superior, the official or employee shall take such action as the commission shall advise or prescribe to remove himself or herself from influence over the action or decision on the matter.~~

Nebraska Department of Education
Agency Management Policies

~~(2) This section does not prevent such a person from (a) making or participating in the making of a governmental decision to the extent that the individual's participation is legally required for the action or decision to be made or (b) making or participating in the making of a governmental decision if the potential conflict of interest is based upon a business association and the business association exists only as the result of his or her position on a commodity board. A person acting pursuant to subdivision (a) of this subsection shall report the occurrence to the commission.~~

~~49-14,100. Advisory opinions; application; effect. Any person who is in doubt as to the propriety of action proposed to be taken by him may apply to the commission for an advisory opinion relating thereto, and the commission shall have authority to render such opinions. When an advisory opinion is issued pursuant to a complete and accurate request, such opinion shall be a complete defense to any charge of violation of sections 49-1493 to 49-14,104 as to any action taken strictly subject to the terms of such opinion.~~

~~49-14,101.01 Financial gain; gift of travel or lodging; prohibited acts; violation; penalty.~~

~~(1) A public official or public employee shall not use or authorize the use of his or her public office or any confidential information received through the holding of a public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.~~

~~(2) A public official or public employee shall not use or authorize the use of personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal financial gain.~~

~~(3) Unless otherwise restricted by an employment contract, a collective bargaining agreement, or a written agreement or policy approved by a government body, a public official or public employee may use a telecommunication system, a cellular telephone, an electronic handheld device, or a computer~~

Nebraska Department of Education
Agency Management Policies

~~under the control of the government body for email, text messaging, a local call, or a long distance call to a child at home, a teacher, a doctor, a day care center, a baby sitter, a family member, or any other person to inform any such person of an unexpected schedule change or for other essential personal business. Any such communication shall be kept to a minimum and shall not interfere with the conduct of public business. A public official or public employee shall be responsible for payment or reimbursement of charges, if any, that directly result from any such communication. An agency or government body may establish procedures for reimbursement of charges pursuant to this subsection.~~

~~(4) A public official shall not accept a gift of travel or lodging or a gift of reimbursement for travel or lodging if the gift is made so that a member of the public official's immediate family can accompany the public official in the performance of his or her official duties.~~

~~(5) A member of the immediate family of a public official shall not accept a gift of travel or lodging or a gift of reimbursement for travel or lodging if the gift is made so that a member of the public official's immediate family can accompany the public official in the performance of his or her official duties. . . .~~

~~(6) Except as provided in section 23-3113, any person violating this section shall be guilty of a Class III misdemeanor.~~

~~49-14,102. Contracts with governmental bodies; procedure; purpose.~~

~~(1) Except as otherwise provided by law, no public official or public employee, a member of that individual's immediate family, or business with which the individual is associated shall enter into a contract valued at two thousand dollars or more, in any one year, with a government body unless the contract is awarded through an open and public process.~~

~~(2) For purposes of this section, an open and public process includes prior public notice and subsequent availability for public inspection during the regular office hours of the contracting government body of the proposals considered and the contract awarded.~~

~~(3) No contract may be divided for the purpose of evading the requirements of this section.~~

~~(4) This section shall not apply to a contract when the public official or public employee does not in any way represent either party in the transaction.~~

~~[Subsection 5 does not apply to NDE contracts]~~

~~(6) This section prohibits public officials and public employees from engaging in certain activities under circumstances creating a substantial conflict of interest. This section is not intended to penalize innocent persons, and a contract shall not be absolutely void by reason of this section.~~

~~(7) This section does not apply to contracts covered by sections 49-14,103.01 to 49-14,103.06. [These statutes cover contracts involving school districts and other local political subdivisions, for which different procedures are required.]~~

Additional Board Policies

~~Board members, (in accordance with B11), the Commissioner, and staff shall consult with Legal Services on the subject of seeking an opinion from the Accountability and Disclosure Commission in any situation in which they may have a potential conflict of interest or are uncertain as to whether their planned actions may be a violation of the accountability and disclosure laws. Such opinion requests by staff shall be routed through the Commissioner's Office and Legal Services.~~

~~In particular, situations may arise in which staff wish to serve as officers or directors of corporations, foundations, associations, or other organizations which may do business with the Department. Except~~

Commented [FR2]: Move to BOP on Legal Assistance (strike previous sections that recite statute).

Formatted: Highlight

Nebraska Department of Education
Agency Management Policies

~~where there is a clear statutory authority for the Commissioner and Department staff to serve in such a capacity, they should refrain from accepting such office without an opinion from the Accountability and Disclosure Commission if their Department duties and the private officer/director duties may create a potential conflict.~~

~~When Board members, the Commissioner, and staff serve as officers or directors in businesses or organizations in which there is no potential conflict under the accountability and disclosure laws, they nonetheless should do so on their own time and with their own resources, unless there is specific statutory authority for such activity. Resources of the State, including staff time shall not be used in support of private entities.~~

Occasionally the Board is requested to appoint staff or Board members as Board of Directors members for non-profit corporate board that may, or may not, eventually have financial dealings with the Department or may take positions on the regulatory operations of the Department. Absent specific statutory directive, the Board has no authority to appoint Board of Directors members for any corporation. If regular contact with the entity would be in the best interests of the Department, and is within the Constitutional and statutory authority granted to the Department, the Board may choose to assign Board members, the Commissioner, or staff to serve as regular liaisons with such organizations or corporations. Such liaisons may convey information and monitor and coordinate joint activities, but shall take no role in managing the affairs of the private entity.

The ~~State Board of Education~~ encourages opportunities to cooperate with other agencies and associations involved in education. The Commissioner, or designee, is directed to represent the ~~State Board~~ when such representation is appropriate. The ~~State Board~~ may also designate members of the Board to act as official or additional liaisons or representatives to agencies and associations.

It is the responsibility of the Commissioner to secure Board approval for joining associations or other formal groups when acting on behalf of the Board, whenever such membership involves the policy

function of the Board, and whenever a commitment of resources not previously approved by the Board is involved.

Revision History

- Created: 1995
- Reviewed: 2006, 2009, 2014, 2018, 2022
- Approved: 12/02/2022

Board Action History

- 12/08/1995 – Prior D12
(NEW)
- 11/03/2006 – D12
(Revised statute changes)
- 10/08/2009 – D12
(Amended to add language to specifically permit the use of certain state communication resources for essential personal business and to require reimbursement, consistent with LB 626 [Laws, 2009].)
- 09/05/2014 – D12
(Revised statute changes)
- 03/03/2017 – D12(P9)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D12 is now P9.)
- 11/09/2017 – P9
(Added clarifying information regarding Board members seeking options from the Accountability and Disclosure Commission.)
- 12/02/2022 – P9(AMP 2.06)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P9 is now AMP 2.06.)

Cross-References

- 49-1401 et seq. R.R.S.
- 49-1499.02 R.R.S.

Nebraska Department of Education
Agency Management Policies

- 49-14,100 R.R.S.

[Return to Table of Contents](#)

AMP 2.067

Political Activities/Use of Resources

The Commissioner and ~~Department employees~~Department staff shall not use or authorize the use of ~~Department~~Department resources for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question, except as permitted by Neb. Rev. Stat. 49-14,101.02 and this Policy. "~~Department~~Department resources" means ~~Department~~ personnel, property, resources, or funds under the official care or control of the Commissioner or ~~a Department Employee~~agency Department staff. The Commissioner and ~~Department employees~~Department staff shall not engage in campaign activity for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate while on government work time or when otherwise engaged in official duties.

~~The Commissioner or a Department employee under his or her direct supervision may respond to specific inquiries by the press or the public as to his or her opinion regarding a ballot question or may provide information in response to a request for information.~~

~~The Commissioner and Department employees may, in the normal course of their duties, use public resources to research and prepare materials to assist the Department in determining the effect of a ballot question on the Department. The Commissioner and Department employees may not do mass mailings, mass duplication, or other mass communications at public expense for the purpose of qualifying, supporting, or opposing a ballot question. Mass communications shall not include placing public records demonstrating the consequences of the passage or defeat of a ballot question affecting the Department on existing Department web sites.~~

This Policy does not prohibit the Commissioner or Department employees from identifying themselves by their official titles.

~~The Commissioner and Department employees are not prohibited from campaigning for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate when~~

Nebraska Department of Education
Agency Management Policies

~~no Department resources are used and while not on government work time or when not otherwise engaged in official duties.~~

~~The Commissioner and Department employees shall not use or authorize the use of personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal gain.~~

Revision History

- Created: 1977
- Reviewed: 1981, 1984, 1995, 2006, 2009, 2011, 2015, 2019, 2022
- Approved: 12/02/2022

Board Action History

- 08/19/1977 – Prior GAHB
(Reference to statute prohibiting political activity during office hours)
- 06/01/1981 – Prior KIA
(Use of resources and votes of censure)
- 12/07/1984 – Prior 1311.1 DO
(Same as KIA; GAHB not included in 1984 revisions)
- 12/08/1995 – Prior D1
(Same as 1311.1 DO, except it only includes Commissioner and staff and includes disciplinary action instead of censure, and Board provisions moved to B18)
- 11/03/2006 – D1
(Complete revision)
- 10/08/2009 – D1
(Amended to permit certain political activities consistent with LB 626 [Laws, 2009].)

Board Action History (cont'd)

Nebraska Department of Education
Agency Management Policies

- 03/03/2017 – D1(P1)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D1 is now P1.)
- 11/08/2019 – P1
(After four-year review, Policy Committee recommended policy to be reaffirmed.)
- 12/02/2022 – P1(AMP 2.07)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P1 is now AMP 2.07.)

Cross-References

- 49-14,101.01 R.R.S.
- 49-14,101.02 R.R.S.

[Return to Table of Contents](#)

AMP 2.078

Records Access and Use

Pursuant to the Nebraska public records laws, the ~~Nebraska Department of Education (NDE)~~ will provide access to or copies of ~~NDE-Department~~ records upon written request, unless the records are specifically required to be kept confidential or the records are permitted to be kept confidential and the ~~NDE Commissioner~~ chooses to withhold ~~them~~the record. [Neb. Rev. Stat. 84-712 through 84-712.09]

Pursuant to the federal Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA) and implementing regulations, the ~~NDE-Department~~ will provide access to education records it maintains relating to an individual student to the student's parents or to the student if he or she qualifies as an "eligible student" under the Act. Access to such records will not be provided to others without the consent of the student's parents or of the eligible student, except as provided below.

The ~~NDE-Department~~ may disclose information from students' education records if the information is not personally identifiable; for example, if the information is in aggregate form and appropriately masked. The ~~NDE-Department~~ may disclose personally identifiable information from student records without the consent of a parent, guardian or eligible student permitted by FERPA and/or the IDEA subject to all other applicable privacy laws. [20 U.S.C. 1232g and 34 C.F.R. 99.]

Pursuant to Neb. Rev. Stat. 79-776 and sections 48-3701 through 48-3704, ~~the Department will share individual student information as a member of the Nebraska Statewide Workforce and Education Reporting System Act the Memorandum of Understanding approved by the State Board on July 8, 2010, between the Nebraska Department of Education, the University of Nebraska, the Nebraska State Colleges, and the Nebraska Community Colleges; the NDE will share individual student data with these entities~~ for the purposes of evaluation of and research related to public prekindergarten, elementary, secondary and postsecondary education to improve education in Nebraska to the extent and in the manner permitted by FERPA, subject to all other applicable privacy laws. In addition, pursuant to Neb. Rev. Stat. 79-2,104(4) the provides that whenever applicable law permits the sharing of student data,

Nebraska Department of Education
Agency Management Policies

~~records and information amongst one another, then each school district, ESU, and learning community shall comply and that the State Board shall promulgate regulations to require this uniform sharing amongst districts, ESUs, learning communities and NDE. The State Board~~ adopted NDE Rule 6, “Regulations and Standards for Uniform Sharing of Student Data, Records and Information,” which the Commissioner shall also consider in any matter under this AMP ~~first became effective 11/04/2014. The State Board provided that compliance with this Rule is a condition of continuing accreditation under NDE Rule 10 (for school districts) and Rule 84 (for ESUs).~~

When publicly disclosing aggregate data, the ~~NDE will~~Commissioner should protect the confidentiality of all individuals’ information by, at a minimum, masking data cells containing fewer than 10 individuals or 100% of individuals (except as may be otherwise provided or allowed by law, regulation or interpretation of the United States Department of Education).

The ~~State~~ Board does believe that, to the extent permitted by and in accordance with all requirements of law and regulation, ~~NDE~~the Commissioner should share student data, including when appropriate personally identifiable student information, with other public agencies and non-governmental entities when it determines such entities are conducting useful studies for or on behalf of educational agencies or institutions to (i) develop, validate or administer predictive tests; (ii) administer student aid programs; or (iii) improve instruction in Nebraska.

Individuals’ social security numbers will be collected and maintained only as permitted by Section 7 of the federal Privacy Act. [5 U.S.C. 552a (note)]

Information on students with disabilities will be maintained and protected as required by the Individuals with Disabilities Education Act and implementing regulations. [20 U.S.C. 1412(a) (8) and 1417(c), and 34 C.F.R. 300.123 and 34 C.F.R. 300.610 to 300.627]

Nebraska Department of Education
Agency Management Policies

Information on eligibility for free and reduced price meals or free milk (poverty information) will be maintained and protected as required by the federal National School Lunch Act and implementing regulations. [42 U.S.C. 1758 and 7 C.F.R. 245.8]

Records containing personal information regarding Vocational Rehabilitation (VR) Program clients and applicants for services shall be protected, used and maintained in accordance with federal VR program regulations, include 34 C.F.R. 361.38. Similarly, the Disabilities Determinations Service (DDS) office and the Assistive Technology Partnership (ATP) program shall comply with all requirements regarding confidentiality, use and access to personal information concerning clients and consumers.

Revision History

- Created: 2010
- Reviewed: 2013, 2017, 2022
- Approved: 12/02/2022

Board Action History

- 11/03/2010
(NEW)
- 01/07/2014 – G22
(Reaffirmed by State Board of Education.)
- 03/03/2017 – G22(P11)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. G22 is now P11.)
- 09/08/2017 – P11
(Added more specific language regarding how NDE should handle personally identifiable information regarding students that NDE may possess and come into contact with.)
- 12/02/2022 – P11(AMP 2.08)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P11 is now AMP 2.08.)

Cross-References

Nebraska Department of Education
Agency Management Policies

- 84-712 through 84-712.09 R.R.S.
- 20 U.S.C. 1232g
- 34 C.F.R. 99

Cross-References (cont'd)

- 79-766 R.R.S.
- 79-2,104(4) R.R.S.
- 5 U.S.C. 552a
- 20 U.S.C. 1412(a) (8) and 1417(c)
- 34 C.F.R. 300.123
- 34 C.F.R. 300.610 and 300.627
- 42 U.S.C. 1758
- 7 C.F.R. 245.8
- 34 C.F.R. Part 361

[Return to Table of Contents](#)



STATE BOARD OF EDUCATION BUDGET AND FINANCE COMMITTEE REPORT

Date: November 30, 2023

“The Budget and Finance Committee reports that at its Thursday, November 30th meeting that Members present were Patsy Koch Johns, Elizabeth Tegtmeier and Sherry Jones. The Committee reviewed three action items supporting all three for full board consideration. The first item reviewed was a contract with EdWise for ADVISER advanced support. NDE staff noted that although the contract amount is up to \$150,000 it will only be used as need and likely will be much less than the full amount.

The second item reviewed was a request to allow the Commissioner to enter into an interagency agreement with DHHS and Assistive Technology Partnership. This agreement allows ATP to provide assistive technology for home and vehicles for consumers with disabilities as identified by DHHS. This agreement has been in place for over 20 years.

The last action item reviewed was for a contract with Teachstone Inc. to provide materials and training necessary to implement a classroom scoring system which is one of two ways the State objectively reviews the qualify of early childhood centers.

Additionally, the Committee reviewed three upcoming action items that included a Career and Technical education landscape analysis to determine the how CTE is delivered in middle schools and what best practices are. An upcoming grant to Nebraska Children and Families foundation to continue the Nurturing Healthy Behaviors/Rooted in Relationships program as they were the only vendor to submit a qualified response to the RFP. The other item reviewed is an upcoming contract for a learning management system to provide access to an emergency management system that could be accessed and used by all school districts.

Last the Committee reviewed the monthly board travel expenses including projected amounts at fiscal year end and the quarterly budget status report. NDE staffed highlighted items that were outside of normal trends and explained reasons for variances. NDE noted no areas of concern.

This concludes the Budget and Finance Committee report.”

Patsy Koch Johns, Chair

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



2023-2024 Board Travel

At-A-Glance

Budgeted

\$29,391

Monthly Spending

\$3,000
Average

Annual Spending

\$36,000
Projected

Expenditures

Lodging
Meals
Mileage



Board Member Activity

District Board Member

- 1 Patsy Koch Johns
- 2 Lisa Fricke
- 3 Patti Gubbels - President
- 4 Jacquelyn Morrison
- 5 Kirk Penner - Vice President
- 5 Patricia Timm *Incumbent Dec. 2021*
- 6 Sherry Jones *Appointed Dec. 2022*
- 6 Maureen Nickels *Incumbent*
- 7 Elizabeth Tegtmeier *Appointed Dec. 2022*
- 7 Robin Stevens *Incumbent*
- 8 Deborah Neary

Current Year
July 2023-June 2024

| November | Year-To-Date |
|----------------|-----------------|
| \$340 | \$502 |
| \$1,695 | \$3,845 |
| \$1,200 | \$3,557 |
| \$61 | \$957 |
| \$355 | \$614 |
| | |
| \$1,066 | \$1,762 |
| | |
| \$833 | \$3,216 |
| | |
| \$185 | \$485 |
| \$5,734 | \$14,938 |

Prior Year
July 2022-June 2023

| November | Year-To-Date |
|--------------|----------------|
| | \$380 |
| | \$739 |
| \$245 | \$695 |
| \$155 | \$997 |
| | |
| | \$336 |
| | |
| | \$547 |
| | |
| \$321 | \$867 |
| \$6 | \$459 |
| \$727 | \$5,020 |

Variance

| November | Year-To-Date |
|----------------|----------------|
| \$340 | \$122 |
| \$1,695 | \$3,106 |
| \$955 | \$2,862 |
| -\$94 | -\$40 |
| \$355 | \$614 |
| \$0 | -\$336 |
| \$1,066 | \$1,762 |
| \$0 | -\$547 |
| \$833 | \$3,216 |
| -\$321 | -\$867 |
| \$179 | \$26 |
| \$5,007 | \$9,918 |

Annual Budget

\$29,381

\$29,381

Over/(Under) Budget

(\$14,443)

(\$24,361)

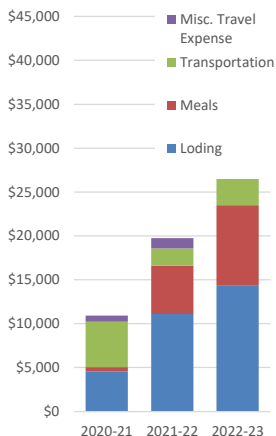
51%

17%

49%

83%

Annual Expenditures by Fiscal Year



Annual Expenditures by Month



In-State Travel Authorization Reports - December

| Name | Event Name | Date | Location | Board Bylaw B16 Code A-F |
|--------------------|-------------------|-------------|-----------------|---------------------------------|
| Lisa Fricke | (NONE) | | | |
| Jacquelyn Morrison | (NONE) | | | |
| Deborah Neary | (NONE) | | | |
| Kirk Penner | (NONE) | | | |

In-State Travel Authorization Reports - December Updated

| Name | Event Name | Date | Location | Board Bylaw B16 Code A-F |
|---------------------|--|-------------------|-----------------|---------------------------------|
| Patsy Koch Johns | (NONE) | | | |
| Patti Gubbels | Elected Officials Engagement at Westside Schools | November 9, 2023 | Omaha, NE | F |
| | 26th Annual Commissioner's Recognition for Excellence in Nebraska Career & Technical Education | November 20, 2023 | Lincoln, NE | F |
| | All School Assembly | November 21 2023 | Syracuse, NE | F |
| Elizabeth Tegtmeier | ESU 15 Meeting | November 9, 2023 | Trenton, NE | F |
| | McPherson Public Schools Veterans' Day Program | November 10, 2023 | Tyron, NE | F |
| | 26th Annual Commissioner's Recognition for Excellence in Nebraska Career & Technical Education | November 20, 2023 | Lincoln, NE | F |
| | ESU 13 Superintendents' Meeting | December 13, 2023 | Scottsbluff, NE | F |
| | ESU 17 Superintendents' Meeting | December 19, 2023 | Ainsworth, NE | F |
| Sherry Jones | (NONE) | | | |



PROPOSED AGENDA ITEM RATIONALE

DATE: November 3, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Kristin Yates, Information Systems Officer
Jill Aurand, Data Management & Application Development Administrator

PROPOSED AGENDA ITEM: Authorize Commissioner to engage a contract for ADVISER continued development.

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

RATIONALE/BACKGROUND INFORMATION:

ADVISER is the data system utilized by NDE for the collection of student-level information from all public and state-operated districts in the state. The backbone of the system is based on the Ed-Fi Technologies, including the Operational Data Store (ODS) and Application Programming Interface (API). The Ed-Fi Alliance licenses these technologies to education entities nationwide at no cost and provides limited technical support for their implementation. At times, this support is either not as detailed or timely as needed to ensure that Nebraska districts can continue to provide the NDE with the data required for both state and federal reporting, as well as accountability and program evaluations.

The purpose of the contract is to provide high-level technical support, if necessary, from a qualified vendor to ensure the seamless operation of the ADVISER data system for Nebraska schools. The contract will provide for technical support to NDE staff for the annual Ed-Fi implementation and upgrade, as well as troubleshooting and issue resolution for all aspects of the ADVISER system, including performance tuning and right-sizing the ADVISER Azure environment. An additional aspect of this contract is the ability to contract with the vendor for a small deliverable-based project, if deemed necessary. This allows for the implementation or improvement of an aspect of the ADVISER system that may be identified during the contract year. The amount allocated in the contract for a deliverable-based project is less than \$50,000.

This contract was presented as an information item to the Budget and Finance Committee in October 2023.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2023

ESTIMATED COST: \$150,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: General Funds, SLDS Funds
 - The funds for the majority of this allocation are included in the Office's annual allocation of state funds. A deliverable-based project may use SLDS funds if appropriate.
- 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
- Rationale for method of procurement: This work was performed under a previous contract with a different vendor for the last 5 years. NDE Procurement procedures as well as changes to the ADVISER environment at NDE necessitated the issuance of a new Request for Proposals (RFP). The RFP was publicly posted on the websites of the Nebraska Department of Administrative Services and the Nebraska Department of Education. 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 EdWise Group, LLC, proposal earned the highest overall score from the evaluation committee members. The EdWise Group proposal demonstrated experience in the work described within the RFP including providing technical support for the Ed-Fi suite of technologies currently implemented statewide. The expectations for this support level are to ensure continuity of systems operation and address high-level technical bugs, security evaluations, and other supports deemed necessary by the NDE. The contractor is familiar with the Ed-Fi implementation in Nebraska as well as in other states. Given EdWise Group received a high score and has demonstrated previous quality performance, they were selected for this contract.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A



PROPOSED AGENDA ITEM RATIONALE

DATE: November 15, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Lindy Foley, Nebraska VR Office Administrator
Tobias Orr, Assistive Technology Partnership (ATP) Director

PROPOSED AGENDA ITEM: Authorize the Commissioner to approve the interagency agreement with the Nebraska Department of Health and Human Services (DHHS), Division of Medicaid and Long-Term Care, Home and Community Based Services

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

RATIONALE/BACKGROUND INFORMATION:

For over 20 years the Assistive Technology Partnership (ATP) through an interagency agreement provides DHHS consumers on the Aged and Disabled Waiver with assistive technology and home/vehicle modification assessments, recommendations, contractor procurement, and project oversight. The partnership between ATP and DHHS helps consumers with disabilities remain independent in their homes instead of having to reside in a nursing home. This partnership ensures quality control and that the lowest cost, most appropriate modification or piece of technology is being provided.

The new Interagency Agreement will start 1/1/2024 with two annual renewals.

PROPOSED BOARD MEETING (MONTH/YEAR): 12/2023

ESTIMATED COST: \$1,756,179.78 of funds to be received by NDE.

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal – Nebraska Department of Health and Human Services – Medicaid Aged and Disabled Waiver 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: 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 08.15.2023*



PROPOSED AGENDA ITEM RATIONALE

DATE: November 14, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Renew a contract with Teachstone Inc. to provide materials and training necessary to implement the Classroom Assessment Scoring System® in early childhood education and care programs across Nebraska.

AGENDA ITEM TYPE: Contract renewal/ Consent

RATIONALE/BACKGROUND INFORMATION:

- Teachstone Inc. is the publisher of the Classroom Assessment Scoring System (CLASS®)
- Nebraska Results Matter and Step Up to Quality use the CLASS® tools in early childhood classrooms and family child care homes.
- The CLASS tools measure adult/child interactions and focus on the following areas:
 - Emotional/Behavioral Support
 - Classroom Organization
 - Instructional Support
- Research indicates that intentional, purposeful interactions with adults are a determiner of stronger, more positive child learning, and outcomes.
- This contract includes the purchase of CLASS materials and for the company to lead double coding training for Nebraska contracted observers to achieve reliability using the CLASS tools.
- This is a sole source contract. The CLASS assessment tools are copyrighted and available only from Teachstone Inc.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2023

ESTIMATED COST: \$77,500

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal Child Care and Development Funds (CCDF) and state general funds. The NDE and the Nebraska Department of Health and Human enter into annual agreements for use of a portion of the CCDF quality set aside dollars. State funds include funding for Step Up to

Quality: Nebraska's Quality Rating and Improvement system, and state technical assistance funds for support of school district early childhood programs.

- New or Renewal: Renewal
- If renewal, date of first approval: 2014

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Sole source
- Rationale for method of procurement: Teachstone Inc. is the publisher of the CLASS® assessments and is the sole entity with the legal right to contract for their use.
- Rationale for contractor selection: See above

**Updated 08.15.2023*



STATE BOARD OF EDUCATION PLANNING AND EVALUATION COMMITTEE REPORT

Date: December 1, 2023

The Planning and Evaluation Committee reports on their two committee meetings since the October 6, 2023, meeting. The first meeting occurred on November 2, 2023. The members present were chair, Deborah Neary, Lisa Fricke, and Pattie Gubbels.

The committee received an update on a draft timeline for a comprehensive ESSA plan amendment and provided initial input on key policy questions related to long-term goals, school accountability, and supporting effective educators. This was related to yesterday's work session and discussion.

The second committee meeting occurred on Thursday, November 30, 2023. The members present were chair, Deborah Neary, Lisa Fricke, Patti Gubbels, and Sherry Jones.

The committee reviewed the action item to adopt the annual plan for the Nebraska Statewide Assessment and Reporting System for 2023-2024. NDE staff described the components and requirements for the plan, which can be found on Sparq. The committee also reviewed the approval of the accreditation of Lawrence-Nelson Public Schools and Sandy Creek Public Schools for the 2024-2025 school year under Rule 10. NDE staff member answered questions related to decision for deunification and financial implications.

The committee recommends the approval of these items.

The committee discussed the Workforce Innovation and Opportunity Act (WIOA) Combined State Plan development. NDE staff provided an overview of the Nebraska VR completed section. In Sparq, you can find an executive summary and Nebraska VR plan. NDE staff will return next month to seek authorization for the Nebraska Vocational Rehabilitation portion of the WIOA State Plan.

The committee discussed information regarding the Fall 2023 state and federal accountability processes. NDE staff members provided an update on key adjustments, and resources available to schools.

The committee received an update from representatives from the Nebraska Indian Education Association. Guests provided ideas and suggestions for ways to partner with NDE to support academic improvement of Native American youth.

The committee received an update on the proposed revision of Position Statement S3 on Early Literacy. Committee members provided initial input on necessary components. NDE staff members will return next month with a draft position statement for approval.

The committee received an update on the approval of the Rule 11 teacher waiver request for Franklin Public Schools. NDE staff member will return next month for further discussion and seek approval during the February meeting.

The committee received an update on a consent agenda item pertaining to authorizing the Commissioner to amend the contract with TNTP for services and support to Nebraska's Priority Schools. Staff provided context for adding additional services related to special education programming.

The committee also received information regarding the Computer Science and Technology Standards Development, via email. A survey soliciting public input will launch in early December. NDE staff will return next month to discuss the final draft of the standards and seek approval during the February meeting.

This concludes the Planning and Evaluation report.

Deborah Neary, Chair

*Submit a printed copy to the Committee Chair and email to the Recording Secretary.
Updated 02.02.2023



PROPOSED AGENDA ITEM RATIONALE

DATE: November 14, 2023

TO: Brian L. Maher.
Commissioner of Education

FROM: Trudy K Clark, Director of Statewide Assessment

PROPOSED AGENDA ITEM: Adopt the annual plan for the Nebraska statewide assessment and reporting system for 2023-2024.

AGENDA ITEM TYPE: Other

RATIONALE/BACKGROUND INFORMATION:

- The Assessment and Reporting Plan and Assessment Technical Report for 2023-2024 provides information on: the categories of achievement, nationally normed referenced test, confidentiality of student information, the technical reports, and performance data.
- Section 79-760.03(2) requires the State Board to adopt a plan for an assessment and reporting system annually, and submit that plan to the Governor, Clerk of the Legislature, and Chair of the Education Committee.
- This work serves a statutory requirement to inform the legislature and the Governor regarding the assessment plan for the state of Nebraska.
- The assessment plan must be approved and submitted annually. Since the last assessment plan was submitted in 2022, the assessment plan must be submitted in 2023.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2023

ESTIMATED COST: None

FOR CONTRACTS AND GRANTS: None

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

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

None

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

FOR GRANT SUBAWARDS: None

- Describe the grantee selection process:

**Updated 07.06.2023*

Summative Assessment Administration and Reporting Plan

The Nebraska Department of Education Summative Assessment Administration and Reporting Plan includes information for the Nebraska Student-Centered Assessment System (NSCAS) for the 2023-2024 school year.

- The State Board of Education has adopted Nebraska College and Career Ready (CCR) standards for English Language Arts, Mathematics, and Science. The assessment plan reflects the transition of the statewide summative assessments to measure Nebraska’s College and Career Ready Standards.
 - English Language Arts assessments transitioned to measure CCR in spring 2017.
 - Mathematics assessments transitioned to measure CCR in spring 2018.
 - Science assessments transitioned to measure CCR in spring 2022. Implementation was delayed due to the cancellation of assessments in the spring 2020 due to the COVID-19 pandemic.

- All Nebraska statewide assessments are reported in three categories of achievement.
 - Content area assessments that are measured with the ACT, report three performance levels:
 - Developing
 - On Track
 - ACT Benchmark

Note: Students who score in the On Track and ACT Benchmark levels are identified as meeting expectations.
 - Assessments that have transitioned to measure Nebraska’s College and Career Ready Standards for general assessment, at grades 3-8 and for alternate assessment at grades 3-8 and High School, report three performance levels:
 - Developing
 - On Track
 - Advanced

Note: Students who score in the On Track and Advanced levels are identified as proficient.

- Districts are required to test students on a nationally normed referenced test for the purpose of comparing Nebraska student achievement to other states.
 - NSCAS Growth was able to provide national normed percentile information for this purpose for the first time in spring 2022.
 - NSCAS Growth provides comparison data for NE students as compared to national norms determined by NWEA’s MAP Growth assessment.
 - Using NSCAS Growth will be the first time that all districts/schools use the same test for the reporting of the national norm data.
 - The percentage of students at the 50th percentile or higher are included in this report on page 6 and 7.
 - Students that perform at the 50th percentile perform the same or better than 50% of students that take the test nationally.

Summative Assessment Administration and Reporting Plan

- Pages three and four cover two items:
 - NDE protects the confidentiality of student information.
 - NDE assures inclusion of all students in statewide summative assessments, including students with disabilities and English learners. Nebraska schools have high participation rates, easily meeting the 95% federal requirement with many schools at 100%.
- At the top of page six is a link to the Statewide Summative Assessment Technical Reports. These reports include hundreds of pages explaining item validity, reliability of scoring, use of universal design, and hundreds of other technical requirements of large-scale testing.
- Pages six and seven include tables showing how Nebraska students perform on assessments compared to national norms.

Summative Assessment Administration and Reporting Plan

| Nebraska Department of Education Summative Assessment Administration and Reporting Schedule 2023-2024 | | | | |
|--|--|--|---|--|
| Name of Summative Assessment | Grades Tested | Administration Dates | Performance Levels Reported | Released on Nebraska Education Profile |
| English Language Proficiency Assessment for the 21 st Century (ELPA21) | Kindergarten-12 | February 5- March 15, 2024 | Proficient Progressing Emerging | Fall 2024 |
| NSCAS Growth English Language Arts and Mathematics | 3-8 | April 1 - May 10, 2024 | Advanced On Track Developing | Fall 2024 |
| NSCAS Alternate English Language Arts and Mathematics | 3-8 and 11 (third-year cohort) | April 1 - May 10, 2024 | Advanced On Track Developing | Fall 2024 |
| NSCAS General Science | 5 and 8 | April 1 - May 10, 2024 | Advanced On Track Developing | Fall 2024 |
| NSCAS Alternate Science | 5, 8, and 11 (third-year cohort) | April 1 - May 10, 2024 | Advanced On Track Developing | Fall 2024 |
| NSCAS ACT English Language Arts Mathematics Science | 11 (third-year cohort) | March 26 - May 3, 2024 Dependent on mode | ACT Benchmark On Track Developing | Fall 2024 |
| Nationally Norm-Referenced Assessment | At least one grade in each of the following two levels: grades 2-5; grades 6-8 | April 1 - May 10, 2024 | Percent of Students at or above the 50 th Percentile | Fall 2024 |

Summative Assessment Administration and Reporting Plan

- **Nebraska Department of Education provides measures to protect confidentiality of student information.**

NDE shall utilize various procedures and security measures to ensure the confidentiality of student records collected and maintained by the agency. These procedures shall include assignment of a unique identifier to each student, a system of restricted access to data, and statistical cutoff procedures.

 - A unique student identification number (Student State ID) is assigned to each Nebraska student. The Student State ID is computer-generated and contains no embedded meaning. After being checked for duplicates, it becomes permanently assigned.
 - Security protocols shall be designed and implemented by NDE. They shall limit who may have access to the data and for what purposes.
 - NDE has adopted masking rules to ensure that confidentiality is maintained in all public reporting of personally identifiable student information from educational records.
 - All NDE personnel collecting or using personally-identifiable student information shall be provided instruction regarding procedures adopted in accordance with this policy.
 - NDE shall maintain a current listing of agency personnel who have access to personally-identifiable student information through authentication and internal links.

- **Nebraska Department of Education provides measures to assure inclusion of students with disabilities, students who are English Learners, and students entering school for the first time.**
 - Students with Disabilities
 - All students with disabilities are expected to participate in the statewide summative assessments. No student, including students with disabilities, may be excluded from the state assessment and accountability system. All students are required to have access to grade-level content, instruction, and assessment.
 - Students with disabilities may be included in state assessment and accountability in the following ways:
 - Students may be tested on the statewide tests without accommodations.
 - Students may be tested on the statewide tests with accommodations specified in the student's IEP. Accommodations appropriate for the statewide tests are found in the [Nebraska Student-Centered Assessment System Accessibility Manual](#)
 - Students may be tested on alternate statewide summative assessment measures.
 - Students Learning the English Language
 - Both state and federal laws require the inclusion of all students in the statewide summative assessments; therefore, English Learner students must be tested on statewide summative assessments.
 - ESEA requirements allow appropriate testing accommodations for all EL students.
 - In determining appropriate accommodations for students, districts should use the [Nebraska Student-Centered Assessment System Accessibility Manual](#)

Summative Assessment Administration and Reporting Plan

- Recently Arrived Limited English Proficient Students
 - A Recently Arrived Limited English Proficient Student is defined by the U.S. Department of Education as a student with limited English proficiency who has attended schools in the United States for less than twelve months.
 - Under NCLB, students who had attended a U.S. school for less than 12 months could be granted a waiver from the NSCAS-ELA assessment. Under ESSA, all ELs in Nebraska must participate in all statewide summative assessments.
 - For the purpose of state accountability:
 - In Year 1: students are included in participation calculations, but results are excluded on the English language arts and math assessments in the state accountability system.
 - In Year 2: students are included in participation calculations and results are used in growth measures but not achievement indicators in the state accountability system.
 - In Year 3: students are included in all accountability calculations.
- §1111(b)(3)(A)(ii)

Technical Reports for Administration of Statewide Summative Assessment

- The department shall conduct studies to verify the technical quality of assessment instruments.

All Technical Reports of summative statewide assessment are available on the Nebraska Department of Education website.

<https://www.education.ne.gov/assessment/technical-reports/>

- The department shall conduct studies to demonstrate the comparability of assessment instrument results.
 - NSCAS Growth English Language Arts and Mathematics provide an Estimated RIT score for each student. The Estimated RIT is reflective of the score a student would have likely received if they had taken NWEA’s MAP Growth Reading or Mathematics assessments.

**Comparison of National Assessment Instruments (NAI) and
Nebraska Student-Centered Assessment System (NSCAS)
NSCAS Growth-ELA-2022**

Percentile is a comparison score between a particular score and the scores of the rest of the group. It shows the percentage of scores that a particular score surpassed. For example, a score at the 50th percentile means that the score is above 50% of the scores. The table below indicates the percentage of Nebraskan students that scored at or above the 50th percentile when compared to national norms for the same time period.

| Nebraska Student Achievement as Determined by National Norms on MAP Growth Reading | | |
|---|---|------------------------|
| NSCAS Growth English Language Arts- RIT | | |
| GRADE | Percent of Students at or above the 50th Percentile | Number of Tests |
| 3 | 61.58% | 23217 |
| 4 | 59.64% | 22888 |
| 5 | 56.14% | 22967 |
| 6 | 49.66% | 22834 |
| 7 | 48.42% | 23409 |
| 8 | 46.41% | 23877 |

The results in the table represent that at least half of Nebraskan students perform better than the national average.

**Comparison of National Assessment Instruments (NAI) and
 Nebraska Student-Centered Assessment System (NSCAS)
 NSCAS Growth-Mathematics-2022**

Percentile is a comparison score between a particular score and the scores of the rest of the group. It shows the percentage of scores that a particular score surpassed. For example, a score at the 50th percentile means that the score is above 50% of the scores. The table below indicates the percentage of Nebraskan students that scored at or above the 50th percentile when compared to national norms for the same time period.

| Nebraska Student Achievement as Determined by National Norms on MAP Growth Mathematics | | |
|---|---|------------------------|
| NSCAS Growth Mathematics- RIT | | |
| GRADE | Percent of Students at or above the 50th Percentile | Number of Tests |
| 3 | 60.29% | 23224 |
| 4 | 58.42% | 22882 |
| 5 | 56.64% | 22970 |
| 6 | 54.69% | 22840 |
| 7 | 51.54% | 23436 |
| 8 | 53.29% | 23867 |

The results in the table represent that at least half of Nebraskan students perform better than the national average.



Annual Statewide Assessment Plan 2023

Nebraska Department of Education

Dr. Trudy Clark
Director of Statewide Assessment

November 30 – December 1, 2023

Statewide Assessment Plan

79-760.03(2)

The state board shall adopt a plan for an assessment and reporting system and implement and maintain the assessment and reporting system according to such plan. The plan shall be submitted annually to the State Department of Education, the Governor, the chairperson of the Education Committee of the Legislature, and the Clerk of the Legislature. The plan submitted to the committee and the Clerk of the Legislature shall be submitted electronically.

This has not been done for 2023-2024. The plan presented is what we have in place for this year.

Components of Statewide Assessment Plan

These components have traditionally been reported:

- 1) Standards adoption
- 2) Categories of achievement
 - a) Developing
 - b) On Track
 - c) Advanced (ACT Benchmark)
- 3) Nationally normed-referenced test (Rule 10)
- 4) Summative Assessment Administration and Reporting Schedule, 2023-2024
- 5) Confidentiality of student information
- 6) Inclusion of all students in statewide summative assessments
- 7) Links to Technical Reports
- 8) Data on how Nebraska students perform nationally



PROPOSED AGENDA ITEM RATIONALE

DATE: November 15, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Brad Dirksen, Administrator
Dr. Decua Jean-Baptiste, Director of Accreditation

PROPOSED AGENDA ITEM: Approve the accreditation of Lawrence-Nelson Public Schools and Sandy Creek Public Schools for the 2024-2025 school year under Rule 10.

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

RATIONALE/BACKGROUND INFORMATION:

On an annual basis the State Board of Education accredits schools in accordance with Rule 10 (92 NAC 10). Continued accreditation is granted for one school year from each July 1 through the following June 30 and based upon the school's compliance with this Chapter during the prior school year.

The accreditation section monitors compliance with Rule 10 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 10 are the Fall Personnel Report, which indicates proper certification of staff whose primary role is the instruction of students, the Curriculum Report, which ascertains subject area requirements for the elementary, middle and secondary grades, and other data elements.

On-site compliance visits are conducted on a regular basis. Accreditation staff collaborate closely with the Rule 10 school staff to affirm regulatory compliance and to provide recommendations as needed to strengthen school operations.

Accredited school systems are required to develop and implement a continuous school improvement process to promote quality learning for all students. The school improvement process includes a visitation, at least once every five years, by a team of external representatives to review progress and provide written recommendations.

South Central Nebraska Unified School District #5 is currently accredited for the 2023-2024 school year through the process described above. South Central Nebraska Unified School District #5 is composed of two school systems, including (1) Lawrence-Nelson Public Schools and (2) Sandy Creek Public Schools. There is an intent by the local board of education to separate the unified school district into two separately accredited schools for the 2024-2025 school year. The current superintendent, Steven Grizzle, has requested the State Board of Education consider accrediting the school systems as soon as possible so planning and preparation for the disunification of the system can continue.

The Department has been in communication with South Central Nebraska Unified School District #5 regarding the disunification process and completed a visit November 6th of 2023 with both school systems to evaluate potential compliance with Rule 10 as stand-alone school systems. No violations were found. The State Board of Education has historically accredited schools at the June meeting prior to the start of the school year.

PROPOSED BOARD MEETING (MONTH/YEAR): December 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: 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 08.15.2023*



PROPOSED AGENDA ITEM RATIONALE

DATE: November 15, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Lindy Foley
Nebraska VR Office Administrator

PROPOSED AGENDA ITEM: Discussion of the Workforce Innovation and Opportunity Act (WIOA) Combined State Plan Development — Nebraska VR Portion

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

RATIONALE/BACKGROUND INFORMATION:

- The Workforce Innovation and Opportunity Act (WIOA) is landmark legislation designed to strengthen and improve our nation's public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers.
- WIOA was signed into law on July 22, 2014 and is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match businesses with the skilled workers they need to compete in the global economy.
- All states are required to submit a state plan to the Secretary of the U.S. Department of Labor that outlines a four-year strategy for the state's workforce development system.
- As a core partner in Nebraska's workforce system, Nebraska VR develops and implements a portion of the state's combined plan.
- Nebraska's VR has drafted its portion of the state plan and will be sharing it as a discussion item with the Planning and Evaluation committee on November 30th. Required components of Nebraska VR's assigned portion of the combined state plan include:
 - Program-Specific Requirements for State Vocational Rehabilitation Services;
 - Comprehensive Statewide Needs Assessment;
 - Goals, Priorities, and Strategies;
 - Evaluation and Reports of Progress;
 - Supported Employment Services;
 - Annual Estimates;
 - Order of Selection;
 - Comprehensive System of Personnel Development; and
 - Cooperation, Collaboration, and Coordination.

PROPOSED BOARD MEETING (MONTH/YEAR): November 30, 2023

ESTIMATED COST: N/A

FOR CONTRACTS AND GRANTS:

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

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: *N/A*
- Rationale for method of procurement: *N/A*
- Rationale for contractor selection: *N/A*

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: *N/A*

**Updated 08.15.2023*



**Workforce Innovation and Opportunity Act (WIOA) State Plan Development
Nebraska Vocational Rehabilitation- Nebraska VR
Nebraska State Board of Education
November 2023**

Executive Summary

Stakeholder Input: Nebraska VR has collected input on its portion of the state plan using a variety of methods including:

- Conducting advisory committee meetings to address VR's performance, innovative practices, and policy decisions.
 - Components of the state plan have been discussed during each State Rehabilitation Council (SRC) meeting in 2022-23.
- Disseminating and analyzing results from school surveys, client satisfaction surveys, and comprehensive needs assessments.
- Analyzing performance data on WIOA Common Performance Measures submitted to the federal office of Rehabilitation Services Administration (RSA).
- Discussing statewide workforce needs with WIOA Core Partners and State Workforce Board in order to best align initiatives.

State Rehabilitation Council Membership (Section a)

- State Workforce Board representative

Goals Priorities and Strategies (Section c)

- **GOAL #1: Increase effective communication and engagement with clients, businesses, SRC, and staff members.**
 - Priority 1: Improve processes for communicating and engaging with clients —
 - Priority 2: Improve processes for communicating and engaging with businesses to emphasize Nebraska VR's dual-customer approach —
 - Priority 3: Improve processes for communicating and engaging with the State Rehabilitation Council (SRC) —
 - Priority 4: Improve processes for communicating and engaging with Nebraska VR staff —
- **GOAL #2: Increase youth with disabilities' awareness of Nebraska VR services.**
 - Priority 1: Increase the number of youth applying for Nebraska VR services and the number of Individualized Plans for Employment (IPE) developed —
 - Priority 2: Decrease the number of Pre-Employment Transition Services cases that did not apply for Nebraska VR —
 - Priority 3: Increase the number of successful outcomes on cases with at least one Pre-Employment Transition Service—

- **GOAL #3: Improve processes to ensure unserved and underserved populations have access to Nebraska VR services.**
 - Priority 1: Expand the communication tools available to the agency for reaching diverse populations —
 - Priority 2: Each Nebraska VR Office will implement outreach strategies to identified unserved/underserved populations in order to increase the number of individuals served in these subgroups—
 - Priority 3: Expand processes used to recruit and retain staff representative of the population being served —

- **GOAL #4: Improve quality outcomes for clients receiving supported employment or customized employment.**
 - Priority 1: Increase the percentage of individuals who exit Nebraska VR supported employment or customized employment with competitive integrated employment —
 - Priority 2: Increase the average number of hours worked by successfully closed clients who received supported or customized employment —
 - Priority 3: Increase the average earnings of successfully closed clients receiving supported employment or customized employment.

Order of Selection (Section g)

- End Order of Selection- serving all eligible individuals (no wait list)
 - Priority Group 1- Open
 - Priority Group 2- Open
 - Priority Group 3- Open

Comprehensive System of Personnel Development (Section i)

- Procedures and activities the VR agency will undertake to ensure it has an adequate supply of State rehabilitation staff.

Cooperation, Collaboration, and Coordination (Sections j, k, l)

- Education Officials
- Employers
- Interagency Cooperation with Other Agencies

Timelines for WIOA State Plan Submission

- November 30-December 1, 2023- Nebraska VR's portion of the state plan is available for the State Board of Education to review.
- January 2024-State Board of Education authorizes the Commissioner to approve the Nebraska Vocational Rehabilitation (Nebraska VR) portion of the WIOA State Plan.
- January 16, 2024- 30 Day public comment period begins for entire WIOA State Plan.
- February 15, 2024- Public comment period ends.
- March 1, 2024- Nebraska Department of Labor submits Nebraska's WIOA State Plan.

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

Program-Specific Requirements for State Vocational Rehabilitation Services Program
The Vocational Rehabilitation (VR) Services Portion of the Unified or Combined State Plan
must include the following descriptions and estimates, as required by sections 101(a) and 606 of
the Rehabilitation Act of 1973, as amended by title IV of WIOA.

(a) State Rehabilitation Council. All VR agencies, except for those that have an independent consumer-controlled commission, must have a State Rehabilitation Council (Council or SRC) that meets the criteria in section 105 of the Rehabilitation Act. The designated State agency or designated State unit, as applicable, has (select A or B):

[check box] (A) is an independent State commission.

[check box] (B) has established a State Rehabilitation Council.

In accordance with Assurance 3(b), please provide information on the current composition of the Council by representative type, including the term number of the representative, as applicable, and any vacancies, as well as the beginning dates of each representative's term.

| Council Representative | Current Term Number/ Vacant | Beginning Date of Term Mo./Yr. |
|---|--|---|
| Statewide Independent Living Council (SILC) | vacant | |
| Parent Training and Information Center | 1 | 2/2023 |
| Client Assistance Program | on-going | |
| Qualified Vocational Rehabilitation (VR) Counselor (Ex Officio if Employed by the VR Agency) | vacant | |
| Community Rehabilitation Program Service Provider | on-going (ATP) | |
| Business, Industry, and Labor | 2 | 10/2018 |
| Business, Industry, and Labor | 2 | 5/2018 |
| Business, Industry, and Labor | 1 | 1/2023 |
| Business, Industry, and Labor | vacant | |
| Disability Advocacy Groups | 1 2 | 5/2021 10/2018 |
| Current or Former Applicants for, or Recipients of, VR services | 1 1 1 1 1 | 10/2022 5/2022 10/2022 5/2022 10/2021 |
| Section 121 Project Directors in the State (as applicable) | on-going | |
| State Educational Agency Responsible for Students with Disabilities Eligible to Receive Services under | 2 | 8/2018 |

| | | |
|---|----------|--|
| Part B of the Individuals with Disabilities Education Act (IDEA) | | |
| State Workforce Development Board | vacant | |
| VR Agency Director (Ex Officio) | on-going | |
| | | |
| | | |

If the SRC is not meeting the composition requirements in section 105(b) of the Rehabilitation Act and/or is not meeting quarterly as required in section 105(f) of the Rehabilitation Act, provide the steps that the VR agency is taking to ensure it meets those requirements.

[text box]

Nebraska VR has 3 applicants that are planning to join the State Rehabilitation Council (SRC) for the next quarterly meeting in February 2024 and will fill the 3 out of the 4 vacancies as the Statewide Independent Living Council (SILC), Qualified Vocational Rehabilitation Counselor, and Business, Industry and Labor positions. Nebraska VR is working with the Nebraska Department of Labor to address the State Workforce Board vacancy.

In accordance with the requirements in section 101(a)(21)(A)(ii)(III) of the Rehabilitation Act, include a summary of the Council’s input (including how it was obtained) into the State Plan and any State Plan revisions, including recommendations from the Council’s annual reports, the review and analysis of consumer satisfaction and other Council reports.

[text box]

During all SRC meetings, the VR Director provides an update on new policies and procedures, staffing capacities, the Order of Selection and the implementation of the WIOA State Plan (progress against targets and success/barriers implementing strategies). During the October 2023 meeting, the VR Director provided an overview of the required components of the new WIOA State Plan. The process for evaluating data available from stakeholder input, recommendations offered by the SRC and CAP, and innovative practices researched by VR program team set the stage for developing new State Plan goals, priorities and strategies.

In November 2023, the Executive Committee convened to review drafted portions of the State Plan. The VR Director gave updates on each section and requested input in all areas. Following are the sections Nebraska VR received questions/feedback/recommendations:

Description (a) State Rehabilitation Council Membership

Question: Is there need to seek out additional parent representatives?

Description (c) Goals, Priorities, and Strategies

GOAL #1

Priority 1: Does Nebraska VR have access to attrition data from other states/agencies? How can Nebraska learn from other states who have better attrition rates?

Priority 2: No comments

Priority 3: Recommendation: Research modules currently available including resources from the ADA Centers.

Priority 4: Recommendation: Consider peer mentor groups across Nebraska VR. Offer monthly “Ask the Expert” learning opportunities for staff. A climate survey has been developed and can be used to gather additional information from staff.

GOAL #2

Priority 1: Can Nebraska VR survey Special Education teachers to better understand why more students are not being referred?

Priority 2: No comments

Priority 3: There might be ways the SRC Client Satisfaction Committee can look at this priority as well.

GOAL#3

Priority 1: No comments

Priority 2: No comments

Priority 3: Consider church congregations which may help Nebraska VR locate clients. Possible resources might include: Guide Star (national listing of non-profits), 411 to specifically locate and target organizations that are focused on ethnicity and diversity. Better Business Bureau for minority owned businesses. May allow you to do placements in Hispanic owned businesses. Instructors: Are we reaching out to WIN Ahead to create a pipeline for recruiting Nebraska VR staff?

GOAL #4

Priority 1: No comments

Priority 2: : How does Nebraska VR’s data for people receiving supported employment compare to Employment Network (EN) data?

Priority 3: No comments

Description (g) Order of Selection

Continued support for opening Priority Group 3 resulting in all Priority Groups being served without a wait list.

Description (i) Comprehensive System of Personnel Development

No comments

Descriptions j, k. l Cooperation, Collaboration, and Coordination

Recommendations: Work with Better Business Bureau Torch Award winners to build more connections with minority owned entrepreneurs. Increase participation with community-based organizations such as Chambers of Commerce and behavioral health councils. Provide more training to social workers and counselors to increase referrals.

Provide the VR agency’s response to the Council’s input and recommendations, including an explanation for the rejection of any input and recommendations.

[text box: List each recommendation/input followed by the VR agency response]

The SRC is made up of individuals from across the state that have an interest in working with Nebraska VR to ensure the needs of Nebraskans who experience a disability are being met in the most effective and efficient manner possible. Council members review, analyze, and advise Nebraska VR regarding the agency’s performance. The SRC also helps develop, agree to, and review the agency’s

goals and priorities. The Council meets quarterly and is composed of 3 subcommittees: Client Services, Employer, and Transition. Each SRC member participates in a subcommittee based on their interests and background. These committees provide the Council members the opportunity to provide feedback on topics relevant to their individual group.

SRC annual events:

- (1) Entrepreneur of Distinction Awards: The SRC selected and recognized Nebraska VR clients who were successful in their self-employment ventures and employers in 3 categories (New Business Partnership, Small Business, and Large Business). The Governor was able to attend the most recent event.
- (2) Annual outreach to the State Senators to provide information about Nebraska VR.

Client Services Committee reviewed and analyzed the Client Satisfaction Survey results. The committee monitored the number of surveys completed, percentage of clients still employed, reasons why clients are no longer employed, does the job meet their needs, what service did Nebraska VR provide that was most helpful, and are clients likely to recommend Nebraska VR to others. Some recommendations suggested for the survey that were adopted include:

- (1) Added additional choices to why the job ended to reduce the number of “other” responses.
- (2) Added the question if the job does not meet your current needs, what needs are not being met? The individual then needs to specifically identify the reason (no benefits, not enough pay, not a good fit, work schedule, not enough hours, and other). If other is chosen, the individual is asked to identify what need was not met. This question helps Nebraska VR identify the specific reasons the job is not meeting the individual’s needs.
- (3) Added the question to specify the reason no longer working (no benefits, better job, daycare, disability issues, hospitalization or illness, housing, not enough pay, not a good fit, returning to college, transportation, work schedule, COVID and other (please specify)).
- (4) Added a question to ask if the individual would be interested in serving on the SRC as a recruitment tool. The committee evaluated the quarterly and year end survey reports to identify any possible trends. It was recommended Nebraska VR consider (1) broadening the survey respondents to include contacting individuals whose case was closed not working, and (2) include a question to address Nebraska VR customer service and awareness of their rights and the Client Assistance Program (CAP).

Employer Services Committee —

- (1) Selected the Entrepreneur of Distinction Annual Award winners,
- (2) Provided feedback on Nebraska VR job search services, Job Seeking Skills Training, Certificate Programs, and Project SEARCH,
- (3) Adopted the recommendation of meeting on a more regular basis, and
- (4) Provided feedback on the webinar “Opportunities to Find, Develop, and Retain Employees in a Challenging Labor Market” and recruitment and retention of Nebraska VR staff.

Transition Services Committee —

- (1) With the help of Nebraska VR, team members from the Project SEARCH site at the Lincoln Cornhusker Marriott Hotel and Catholic Health Initiatives (CHI) Good Samaritan were able to attend the National Project SEARCH Conference in Milwaukee, WI,
- (2) The Nebraska VR Satisfaction Survey of School Personnel revealed 90% were satisfied with the experience in working with Nebraska VR Pre-Employment Transition Services Coordinators and 72.3% of the respondents were satisfied with the communication received from the coordinators,
- (3) The Nebraska Youth Leadership Council (NYLC) had regular meetings via Zoom and in-person

regional meetings to discuss presentation opportunities, to share, and to learn leadership skills. NYLC spoke at the SRC meeting to provide an overview of the NYLC and spoke at or attended events for youth with disabilities,

(4) Nebraska VR supported 10 Summer Transition Programs across Nebraska, and

(5) 5 Job Expos across the state.

A summary of the SRC's input on the WIOA State Plan was summarized in the introductory portion of this section. All SRC questions were provided a response and Nebraska VR agreed with all recommendations. The agency will take or has taken necessary action to implement these recommendations. Nebraska VR did not reject any of the SRC's input or recommendations.

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

(b) Comprehensive Statewide Needs Assessment (CSNA). Section 101(a)(15), (17), and (23) of the Rehabilitation Act require VR agencies to provide an assessment of:

(1) The VR services needs of individuals with disabilities residing within the State, including:

(A) Individuals with the most significant disabilities and their need for Supported Employment;

[text box]

(B) Individuals with disabilities who are minorities and individuals with disabilities who have been unserved or underserved by the VR program;

[text box]

(C) Individuals with disabilities served through other components of the workforce development system; and

[text box]

(D) Youth with disabilities, including students with disabilities and their need for pre-employment transition services. Include an assessment of the needs of individuals with disabilities for transition career services and pre-employment transition services, and the extent to which such services are coordinated with transition services provided under IDEA.

[text box]

(2) Identify the need to establish, develop, or improve community rehabilitation programs within the State.

[text box]

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

(c) Goals, Priorities, and Strategies. Section 101(a)(15) and (23) of the Rehabilitation Act require VR agencies to describe the goals and priorities of the State in carrying out the VR and Supported Employment programs. The goals and priorities are based on (1) the most recent CSNA, including any updates; (2) the State’s performance under the performance accountability measures of section 116 of WIOA; and (3) other available information on the operation and effectiveness of the VR program, including any reports received from the SRC and findings and recommendations from monitoring activities conducted under section 107 of the Rehabilitation Act. VR agencies must—

(1) Describe how the SRC and the VR agency jointly developed and agreed to the goals and priorities and any revisions; and

[text box]

During all SRC meetings, the VR Director provides an update on new policies and procedures, staffing capacities, the Order of Selection and the implementation of the WIOA State Plan (progress against targets and success/barriers implementing strategies). During the October 2023 meeting, the VR Director provided an overview of the required components of the new WIOA State Plan. The process for evaluating data available from stakeholder input, recommendations offered by the SRC and CAP, and innovative practices researched by VR program team set the stage for developing new State Plan goals, priorities and strategies. In November 2023, the SRC Executive Committee convened to review drafted portions of the State Plan. The VR Director gave updates on each section and requested input in all areas. The SRC and Nebraska VR agreed to the goals and priorities. Nebraska VR addressed SRC questions and accepted all recommendations and revisions.

Identify measurable goals and priorities in carrying out the VR and Supported Employment programs and the basis for selecting the goals and priorities (e.g., CSNA, performance accountability measures, SRC recommendations, monitoring, other information). As required in section 101(a)(15)(D), (18), and (23), describe under each goal or priority, the strategies or methods used to achieve the goal or priority, including as applicable, description of strategies or methods that—

- (A) Support innovation and expansion activities;**
- (B) Overcome barriers to accessing VR and supported employment services;**
- (C) Improve and expand VR services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from school to postsecondary life (including the receipt of VR services, post secondary education, employment, and Pre-Employment Transition Services); and**
- (D) Improve the performance of the VR and Supported Employment programs in assisting individuals with disabilities to achieve quality employment outcomes.**

[text box: List and number each goal/priority, noting the basis, and under each goal/priority, list and number the strategies to achieve the goal/priority]

GOAL #1: Increase effective communication and engagement with clients, businesses, SRC, and staff members

Priority 1: Improve processes for communicating and engaging with clients —

Strategies:

- Add preferred contact method on Referral and Application form.
- Expand data fields in Nebraska VR's case management system, QE2, to collect specific reason for exit to address attrition rates.
- Research innovative communication/technology tools which can be used to engage clients throughout the Nebraska VR process.
- Revise policies to reflect expectations for client contact
- Continue to implement the Progressive Employment model in an effort to engage individuals early and often in the Nebraska VR process. Develop measure for determining if there is a correlation between successful outcomes and the provision of Progressive Employment activities
- Develop a process for tracking referrals to improve timelines for determining eligibility and improve timeliness of services.

Priority 2: Improve processes for communicating and engaging with businesses to emphasize Nebraska VR's dual-customer approach —

Strategies:

- Add data elements to the Nebraska VR dashboard to track business contacts and levels of engagement.
- Develop procedures for collecting business satisfaction with Nebraska VR services.
- Continue to offer trainings to businesses including but not limited to Windmills, ADA, disability etiquette, and other disability inclusion practices.
- Develop procedures for measuring effectiveness of trainings offered to businesses.
- Coordinate data analysis and improvement activities with other workforce business service teams to address effectiveness in serving employers.

Priority 3: Improve processes for communicating and engaging with the State Rehabilitation Council (SRC) —

Strategies:

- Revisit orientation procedures for new SRC members.
- Create opportunities for SRC members to share and network with other State Rehabilitation Council members at a national level.

Priority 4: Improve processes for communicating and engaging with Nebraska VR staff —

Strategies:

- Continue to conduct stay interviews with 20% of randomly selected Nebraska VR staff. Stay interviews are with the Nebraska VR Director and Assistant Directors. Results from the stay interviews are shared with the Leadership Council in order to identify trends and best practices for retaining staff.
- Explore emerging leader training opportunities to create a pathway for staff interested in advancing in the agency.

- Evaluate the on-boarding experience for new staff.
- Increase the number of opportunities for staff to engage in statewide trainings.
- Improve results on climate survey distributed to Nebraska VR staff.
- Establish expectations for internal customer service and develop a process for measuring effectiveness.

GOAL #2: Increase youth with disabilities' awareness of Nebraska VR services

Priority 1: Increase the number of youth applying for Nebraska VR services and the number of Individualized Plans for Employment (IPE) developed —

Baseline PY2022: 7.3% of students that received at least 1 Pre-Employment Transition Service and applied for Nebraska VR services. N=275/3751 students

PY 2023 Target: 8% of students that received at least 1 Pre-Employment Transition Service and applied for Nebraska VR services

PY 2024 Target: 10% of students that received at least 1 Pre-Employment Transition Service service and applied for Nebraska VR services

PY 2025 Target: 12% of students that received at least 1 Pre-Employment Transition Service and applied for Nebraska VR services

PY 2026 Target: 14% of students that received at least 1 Pre-Employment Transition Service and applied for Nebraska VR services

Strategies:

- Provide “Become An Adult Ally, Empowering Youth in Vocational Rehabilitation” training to all Nebraska VR staff.
- Develop and implement a consistent process for transferring cases from Pre-Employment Transition Services staff to Nebraska VR specialists. This process will address specific steps for engaging with the student’s team, e.g., service coordination, foster care, probation, and additional strategies for keeping the student engaged.
- Add data elements in the Nebraska VR electronic case management system, QE2, to track how information was shared with the student and/or authorized representative.
- Expand Work in Nebraska (WIN) meeting agendas to include dedicated time to address student transfers from Pre-Employment Transition Services to Nebraska VR services.
- Provide opportunities during Nebraska VR internal committee meetings to spotlight student transition successes and celebrations.
- Develop a process for tracking the number of students from special populations including Youth Rehabilitation and Treatment Centers (YRTC), Division of Developmental Disabilities, Project SEARCH and foster care youth that apply for Nebraska VR services to determine if there are unserved/underserved populations and/or barriers for accessing Nebraska VR services.

Priority 2: Decrease the number of Pre-Employment Transition Services cases that did not apply for Nebraska VR —

Strategies:

- Complete review of 20% of cases no longer eligible for Pre-Employment Transition Services and exiting without an application for Nebraska VR services to identify common themes and opportunities for process improvement;
- Complete review of 20% of cases eligible for services but did not have an IPE written (attrition

- rate) to identify common themes and opportunities for process improvement; and
- Complete review of 20% of cases with an IPE that exited before successful outcome to identify common themes and opportunities for process improvement.
- At the end of each school year, a targeted case review of task notes for a sampling of graduates will be conducted to determine if informed choice conversations occurred about Nebraska VR employment services have occurred. Results from the case reviews will be disseminated to Office Directors and Transition Committee.

Priority 3: Increase the number of successful outcomes on cases with at least one Pre-Employment Transition Service.

In PY22, 5% of individuals receiving at least one pre-employment transition service reached a successful employment outcome.

Strategies:

- Review 20% of successful outcome cases with at least 1 Pre-Employment Transition Service provided to determine potential indicators (e.g., paid work-based learning experience, post-secondary service, Progressive Employment, Career and Technical Education Concentrators, etc.) for employment success.

GOAL #3: Improve processes to ensure unserved and underserved populations have access to Nebraska VR services.

Priority 1: Expand the communication tools available to the agency for reaching diverse populations —

Strategies:

- Review Nebraska VR forms, discuss the purpose and how information will be used, and communicate in a language understandable to the individual including the coordination of any necessary translation or interpreting services.
- Develop and deploy training specific to using tools and services such as Translator App, scheduling interpreters/translators.
- Create program policy to emphasize importance, relevance, and applicability of current Nebraska VR initiatives, e.g., Bridges Out of Poverty, Motivational Interviewing, Progressive Employment, and Informed Choice.
- Identify tools which can be used on state-issued devices to assist with translation.

Priority 2: Each Nebraska VR Office will implement outreach strategies to identified unserved/underserved populations in order to increase the number of individuals served in these subgroups.

Strategies:

- Each office will continue to analyze demographics and disability populations present in the catchment area.
- Update Nebraska VR applications to include a question regarding primary language spoken by client. This information will be entered into Nebraska VR's case management data system, QE2.

Priority 3: Expand processes used to recruit and retain staff representative of the population being served —

Strategies:

- Engage with communities by strategically sharing job opportunities (not only online). Engagement may include local events such as community and college job fairs, booths at community events such as community/cultural festivals, and accessing advocacy group and community job postings boards, various chamber groups, and presentations on job opportunities and benefits.
- Create internship opportunities at various levels (general, supported, customized) to hire Nebraska VR clients.
- Train state agency Human Resources staff to support and enhance equitable hiring practices.
- Train state agency Human Resources staff on processes to implement accommodations.

GOAL #4: Improve quality outcomes for clients receiving supported employment or customized employment.

Priority 1: Increase the number percentage of individuals who exit Nebraska VR supported employment or customized employment with competitive integrated employment —

Baseline PY 2023: 53% of clients who received Nebraska VR supported employment (SE) or customized employment (CE) exited with competitive integrated employment.

PY 2024 Target: 54% of clients who receive Nebraska VR SE or CE will exit with competitive integrated employment.

PY 2025 Target: 55% of clients who receive Nebraska VR SE or CE will exit with competitive integrated employment.

PY 2026 Target: 56% of clients who receive Nebraska VR SE or CE will exit with competitive integrated employment.

PY 2027 Target: 57% of clients who receive Nebraska VR SE or CE will exit with competitive integrated employment.

Strategies:

- Develop and provide training for Nebraska VR staff on defining an SE case.
- Develop and provide training to service providers on SE and CE policies, processes, and best practices.

Priority 2: Increase the average number of hours worked by successfully closed clients who received supported or customized employment —

Baseline FFY 2023: average # of client hours worked = 16.5

FFY 2024 Target: Average # of client hours worked = 17

FFY 2025 Target: Average # of client hours worked = 18

FFY 2026 Target: Average # of client hours worked = 19

FFY 2027 Target: Average # of client hours worked = 20

Strategies:

- Evaluate the implementation of a payment structure that incentivizes increases in client hours worked and job coach fading to determine the impact on achieving quality outcomes.

- Review 20% of SE or CE cases exceeding the targeted number of hours worked to identify best practices that result in a successful outcome with more hours.
- Review 20% of SE or CE cases not meeting the targeted number of hours worked to identify areas of improvement.

Priority 3: Increase the average earnings of successfully closed clients receiving supported employment or customized employment.

Baseline FFY 2023: average earnings of SE clients = \$12.30

FFY 2024 Target: Average earnings of SE clients = \$13.00

FFY 2025 Target: Average earnings of SE clients = \$13.50

FFY 2026 Target: Average earnings of SE clients = \$15.00

FFY 2027 Target: Average earnings of SE clients = \$15.50

Strategies:

- Review 20% of SE cases exceeding the average earnings to identify best practices that result in a successful outcome with more hours.
- Review 20% of SE cases not exceeding the average earnings to identify areas of improvement.

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

(d) Evaluation and Reports of Progress: VR and Supported Employment Goals. For the most recently completed program year, provide an evaluation and report of progress for the goals or priorities, including progress on the strategies under each goal or priority, applicable to that program year. Sections 101(a)(15) and 101(a)(23) of the Rehabilitation Act require VR agencies to describe—

(1) Progress in achieving the goals and priorities identified for the VR and Supported Employment Programs;

[text box: List the goals/priorities and discuss the progress or completion of each goal/priority and related strategies]

Program Goal and Priorities

Increase the number of individuals who exit VR supported employment with competitive integrated employment.

| | PY 2019 | PY 2020 | PY2021 | PY2022 | PY2023 |
|--------------------|---------------|---------|--------|---------|-------------|
| Target or Baseline | Baseline Year | 47% | 49% | 51% | 53% |
| Performance | 45.6% | 48% | 53% | 26% | *56% |
| Met/Not Met | N/A | MET | MET | NOT MET | IN PROGRESS |

2020 – 377 total, 181 successful = 48.01%
 2021 – 596 total, 316 successful = 53.02%
 2022 – 362 total, 94 successful = 25.96%
 2023 – 240 total, 134 successful (7/1/23-9/26/23) = 55.83%*

The following priorities were completed:

- Increased oversight and monitoring of service delivery began with the implementation of a revised supported employment (SE) model in July 2023.
- There was a reduction in the number of individuals served in SE in PY 2022. This is likely a result of several factors. Nebraska continues to experience a low unemployment rate and an increase in available jobs across the state. Supported employment providers also reported difficulties with recruiting and retaining employment staff. It is expected that the recent increases in SE funding and additional training supports will allow providers to better compensate and train their staff, thus improving their success with recruitment and retention.
- The Division of Behavioral Health (DBH) allowed providers to implement and receive funding for SE services prior to an individual being referred to Nebraska VR. This resulted in fewer individuals being served through Nebraska VR. This process was terminated by DBH on July 1, 2023.
- Nebraska VR hosted multiple trainings in 2022 and 2023 related to the progressive employment model.
- Changes to the process for authorizing for milestone 5 occurred in 2022 which resulted in successful outcomes being suspended until 2023. This is reflected in the PY 2023 statistics that have been recorded to date.
- This goal has been expanded and has been added to the new WIOA State Plan.

Program Goal and Priorities

Improve quality and consistency of supported employment services through the development and implementation of best practices for service providers.

The following priorities were completed:

- The SE program was updated on July 1, 2023 to introduce changes to the policies, processes, and payment structure. Payment for retention supports is now based on the number of hours a client worked during the authorized period. This payment structure introduced incentives for job coach fading and pursuit of employment opportunities that maximize the number of hours an individual is able/willing to work. Nebraska VR will monitor and assess SE cases and authorizations to determine whether further changes and upgrades are needed to increase the number of successful outcomes.
- Nebraska VR Specialists are providing enhanced monitoring of cases to ensure timely progress in securing and maintaining employment is made. Nebraska VR Specialists, providers, and clients meet every 30 days to review progress and examine the need to revise the IPE goal at 90 days if employment is not secured.
- Nebraska VR previously identified a need for standardized training curricula for all SE providers. The Joint Commission Who is this? and State regulatory requirements for training for Behavioral Health and Developmental Disabilities SE providers were found to be lacking requirements for the provision of SE services.
- Supported Employment providers received training in May and June 2023 on the updated SE policies, processes, and payment structure that went into effect on July 1, 2023. Attendance was one of the conditional requirements of having their Service Agreement renewed with Nebraska VR. On-going technical assistance is being provided as identified or upon request. A comprehensive training on best practices is currently being developed and is expected to be distributed in January 2024. All SE providers will be required to complete this training prior to renewing their Service Agreement prior to June 30, 2024.
- This goal has been expanded and has been added to the new WIOA State Plan.

Program Goal and Priorities

Increase the number of students/interns completing Project SEARCH and obtaining competitive integrated employment.

| | PY 2019 | PY 2020 | PY2021 | PY2022 | PY2023 |
|--------------------|---------------|---------|--------|---------|-------------|
| Target or Baseline | Baseline Year | 66% | 68% | 69% | 70% |
| Performance | 64.7% | 65.7% | 68.67% | 64.47% | In progress |
| Met/Not Met | N/A | NOT MET | MET | NOT MET | |

Source: National Project SEARCH data base

PY21: 83 interns completed

PY21: 57 reported as employed

PY22: 75 interns completed

PY22: 49 reported as employed

The following priorities were completed:

- Business Advisory Committees were created and maintained.

- Training was provided to Project SEARCH teams regarding interns most appropriate for referring to the program.
- Transition Program Director continues to develop more consistent processes for sharing outcome data by state and by individual site.
- Provided training to Nebraska VR staff in order to ensure a Nebraska VR application is completed prior to the start of the program and preferably a year prior to start.
- Continued to study processes for each program to complete a bi-annual self-audit in the first semester of the program year.
- Transition Program Director organized statewide trainings for teams to learn from national Project SEARCH experts.
- Continued discussions with DDD and provider partners regarding on-going support and sustained funding for adult Project SEARCH interns.
- This goal will not be continued but was added to Nebraska's Olmstead Plan.

Program Goal and Priorities

Improve communication with clients, businesses, stakeholders, service providers, core partner programs, SRC, educators, and staff members:

The following priorities were completed:

Clients —

- Developed and implemented procedures for contacting clients on the wait list to confirm contact information was correct and to inquire if additional information and referral was needed.
- Motivational Interviewing training was provided to several cohorts of Nebraska VR staff.
- Meet You Where You Are (MYWYA) is a major initiative of Nebraska VR that captures how the agency intends to provide services to all individuals with disabilities who come to Nebraska VR for services. The initiative respects that each individual comes with a different set of experiences, skills, knowledge and interests and uses that information to determine, in collaboration with the individual, what services are of most benefit. Instead of the traditional linear process, the agency aligns the strengths of the Nebraska VR team and other resources in a way that recognizes the uniqueness of each individual and assists with achieving their employment goals in a timely manner. Rapid Engagement, based on Vermont's Progressive Employment model, is a tool or strategy, as an element of the MYWYA model that seeks to connect an individual with a business in the community as soon as possible. This could be a mock interview, an individual tour, volunteer work, an on-the-job evaluation or on the job training. Rapid Engagement allows an individual to gain exposure to the world of work, acquire work experience, and creates an opportunity for the employer to get to know the individual without an obligation to hire. Rapid Engagement can also be a potential placement strategy as an employer may ultimately find the individual to be a good fit for their business. The MYWYA model has been implemented statewide and strategies are tracked in a data system in order to conduct future longitudinal data analysis.
- Agency strived to increase communication with clients via text as this has been reported as a preferred method of communication by many clients/students.
- Agency strived to increase the use of professional interpreters and other means of communication for those clients that require those services.
- Provided training opportunities to staff so it can be ensured written methods of communication with clients are 508 compliant.

- Rapid Engagement is a major initiative of Nebraska VR that captures how the agency intends to provide services to all individuals with disabilities who come to Nebraska VR for services. The initiative respects that each individual comes with a different set of experiences, skills, knowledge and interests and uses that information to determine, in collaboration with the individual, what services are of most benefit. The Rapid Engagement (now referred to as Progressive Employment) model has been implemented statewide and strategies are tracked in a data system in order to conduct future longitudinal data analysis.

Businesses —

- Trained cohorts of staff on Windmills.
- Explored trade organizations for possible network development (Nebraska Motel and Hotel Organizations, Cattlemen’s Association, Federation of Independent Businesses).
- Invited more businesses to participate in the Employ meetings throughout the state with Zoom being an option for participation.
- Encouraged more business participation in the Business Advisory Council (BAC) meetings throughout the state. Virtual participation was offered as a way for improving participation.
- Maintained the Business Account Manager model. Nebraska VR has hired Business Account Managers (BAM) in Omaha, Norfolk, Kearney, and Scottsbluff to establish relationships with businesses, trade associations, and business and human resources organizations to identify staffing patterns, skill requirements, support needs, training preferences, etc., to be an effective representative to Nebraska VR teams on behalf of businesses. The BAMs seek out opportunities to establish work-based learning partnerships, OJE/OJTs, apprenticeships, and internships with businesses. These positions take a jobs-driven approach in aligning the education and training requirements of businesses with the qualifications of Nebraska VR eligible clients to better meet the workforce needs of employers.

Educators/Schools —

- Presented to educators at conferences such as Administrator’s Days and the School Board Conference in Omaha each November. Expanded audience of educators receiving “Transition Tuesday”, a Nebraska VR newsletter highlighting services to students with disabilities.
- Utilized alternative methods, i.e., Zoom, for attending meetings in order to manage time more efficiently, cut down on travel time, and be present at more student meetings.
- Utilized social media for marketing services to a wider audience.
- Conducted monthly collaborative meetings with Career and Technical Education and Office of Special Education.

Core Partner Programs —

- Organized quarterly calls to keep partners up-to-date on what agencies are working on. Shared “Victories” to start each meeting. Continued to explore co-locating in areas of the state in which this is not yet occurring.
- Expanded the Employ meetings throughout the state as a way of meeting and sharing resources with core partners.
- Continued participation on the Nebraska Partners Council. The Partner Council represents program stakeholders in Nebraska’s Workforce Delivery System model. The Nebraska Partner Council works to strengthen cross-agency partnerships that focus on workforce solutions to ensure subpopulations are being afforded quality work opportunities and employers have a diverse and ready workforce.

Stakeholders —

- Developed processes for sharing updates on reducing the wait list on Nebraska VR’s external website.
- Continued to develop ways to increase relationships/networking with advocacy and support groups in order to leverage existing resources and expertise.

Program Goal and Priorities

Develop cultural competencies to ensure equitable access to Nebraska VR services.

The following priorities were completed:

- Hired a Training Specialist to lead the coordination of learning opportunities for Nebraska VR staff.
- Developed a Nebraska VR committee to address current and future training needs
- The New Staff Training (NST) Committee updated New Staff Training (NST) 2 and collected data on clarity of training. Results of the survey data, including themes over the years, were shared with agency leadership.
- Staff survey and planning data was collected in the climate survey which gave a scope for resources to be collected and trainings to be organized.
- Surveys were disseminated after NST 1, NST 2, and Motivational Interviewing to help revise trainings to support staff needs.
- Nebraska VR forms were reviewed to discover possible translation needs.
- Bridges out of Poverty Training was delivered to all Nebraska VR staff.
- Each Nebraska VR office completed an evaluation of demographics for the assigned catchment areas. Local team plans were then developed and have been implemented to provide more outreach and services to unserved/underserved populations.

(2) Performance on the performance accountability indicators under section 116 of WIOA for the most recently completed program year, reflecting actual and negotiated levels of performance. Explain any discrepancies in the actual and negotiated levels; and

[text box]

| Performance Accountability Measures | Negotiated Target | Actual |
|--|--------------------------|---------------|
| Employment Rate – Quarter 2 | 60.5% | 62.2% |
| Employment Rate- Quarter 4 | 60.0% | 61.5% |
| Median Earnings | \$5,058 | \$3,542 |
| Credential Attainment | 31.8% | 43.6% |

Measurable Skill Gains were not assessed in Program Year 2022.

In PY22, Nebraska’s actual performance exceeded the negotiated target in all areas excluding Median Earnings. The data for median earnings is lagged because the data are for second quarter after the client has exited Nebraska VR services. Therefore, data for PY22 (shown in the table above) is from 7/1/21 – 6/30/22. The pandemic could have made an impact in the decrease in reported median earnings. Additionally, the top 10 SOC descriptions of the positions Nebraska VR assisted clients to obtain appear to be more entry level. The top 10 SOC descriptions reported in PY22 were:

Janitors and Cleaner, Except Maids and Housekeeping Cleaners

Stockers and Order Fillers
Sales and Related Workers, All Other
Food Preparation Workers
Building Cleaning Workers, All Other
Dishwashers
Cashiers
Food Preparation and Serving Related Workers, All Other
Customer Service Representatives
Retail Salespersons

Using partial year data currently available for Nebraska VR, the agency is on track to report an increase in Median Earnings for PY23.

(3) The use of funds reserved for innovation and expansion activities (sections 101(a)(18) and 101(a)(23) of the Rehabilitation Act) (e.g., SRC, SILC).

[text box]

Innovation and expansion funds are used for the State Rehabilitation Council.

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

(e) Supported Employment Services, Distribution of Title VI Funds, and Arrangements and Cooperative Agreements for the Provision of Supported Employment Services.

(1) Acceptance of title VI funds:

(A) VR agency requests to receive title VI funds.

(B) VR agency does NOT elect to receive title VI funds and understands that supported employment services must still be provided under title I.

(2) If the VR agency has elected to receive title VI funds, Section 606(b)(3) of the Rehabilitation Act requires VR agencies to include specific goals and priorities with respect to the distribution of title VI funds received under section 603 of the Rehabilitation Act for the provision of supported employment services. Describe the use of title VI funds and how they will be used in meeting the goals and priorities of the Supported Employment program.

[text box]

Nebraska VR has allocated the funds received under section 603 to providing supported employment (SE) services to persons with the most significant disabilities. The program’s expenditures for SE services are supplemented by section 110 funds. With the funds under 603(d) to be expended on youth with the most significant disabilities, additional 110 funds will be used to provide extended services, if needed. Currently, Nebraska VR does not have any formal Cooperative Agreements that utilize state and local dollars for matching federal funds.

In an effort to align state plan initiatives, the following goals and priorities are also outlined in Nebraska’s draft Olmstead Plan. The goals and priorities, specific to supported employment, for PY 2019-2023 are:

Increase the number of individuals who exit VR supported employment with competitive integrated employment.

| | PY 2019 | PY 2020 | PY2021 | PY2022 | PY2023 |
|--------------------|---------------|---------|--------|---------|-------------|
| Target or Baseline | Baseline Year | 47% | 49% | 51% | 53% |
| Performance | 45.6% | 48% | 53% | 26% | *56% |
| Met/Not Met | N/A | MET | MET | NOT MET | IN PROGRESS |

2020 – 377 total, 181 successful = 48.01%

2021 – 596 total, 316 successful = 53.02%

2022 – 362 total, 94 successful = 25.96%

2023 – 240 total, 134 successful (7/1/23-9/26/23) = 55.83%*

(3) Supported employment services may be provided with title 1 or title VI funds following placement of individuals with the most significant disabilities in employment. In accordance with section 101(a)(22) and section 606(b)(3) of the Rehabilitation Act, describe the quality, scope, and extent of supported employment services to be provided to individuals with the

most significant disabilities, including youth with the most significant disabilities; and the timing of transition to extended services.

[text box]

Quality of Supported Employment Services

Supported employment services will be provided by qualified professionals who meet the training requirements and competency standards assigned by Nebraska VR. Fidelity reviews will be completed on a semi-annual basis until fidelity is achieved and annually thereafter.

Scope of Supported Employment Services

The services made available by Nebraska VR using Title VI funds are limited to those initial services resulting in stable job performance in an integrated competitive work setting. These may include as appropriate to individual needs:

1. Intensive on-site job coaching and/or off-site job support, based on individual need, is provided by skilled coaches, supervisors, co-workers, and other qualified persons based on an individualized analysis of the job duties and employer's performance standards. Individualized methods of instruction and positive behavioral support are provided with the intention of reducing the level of these interventions over time, thus enhancing worksite independence and stable job performance.
2. Follow-up services including regular contact with the employer, the individual with a most significant disability, the individual's parents, guardian or other representative, in order to reinforce and stabilize the job placement.
3. On-going monitoring services from the time of job placement until the transition to extended services from one or more extended services providers. These services include, at a minimum, the assessment of employment stability and, based on that assessment, the coordination or provision of specific services needed to maintain employment stability.
4. Other vocational rehabilitation services needed to achieve and maintain job stability are provided by 110 funds and include, but are not limited to —
 - a. Interpreter services for individuals with hearing impairments to permit communication between the individual and the skilled job trainer.
 - b. Occupational licenses and permits required by federal, state, and local law to perform an occupation.
 - c. Occupational tools and equipment required by the employer but not routinely provided to new employees.
 - d. Rehabilitation technology services including adaptations and modifications of the workplace.
 - e. Work clothing and uniforms required by the employer but not routinely provided to new employees, safety shoes, and other articles of clothing necessary to permit safe performance on the job.
 - f. Transportation from place of residence to the worksite and return until the person can pay for the cost from earnings and/or work incentives.
 - g. Benefits planning to ensure an understanding of work incentives and earnings reporting requirements.
 - h. Customized employment services to enhance the likelihood of competitive, integrated employment for individuals with significant disabilities.

Extent of Supported Employment Services

1. Intensive on-the-job and other training services are provided to the person to the extent necessary to achieve stable job performance or to determine on the basis of clear and convincing evidence this cannot be achieved. Supported employment services are provided for a maximum of 24 cumulative months, with up to an additional 48 months of extended services provided to a youth with a disability (ages 16-24) utilizing Title VI or 110 funds unless a longer period is identified in the IPE of the person.
2. Other services are made available to the extent necessary to support the individual achieving a successful competitive integrated outcome.
3. Follow-up services are provided to the individual to the extent necessary to assure job stability has occurred, or to determine on the basis of clear and convincing evidence job stability cannot be achieved.
4. Services are provided, at a minimum, twice monthly at or away from the worksite for the purposes of achieving and maintaining job stability. Employer contact must occur at least once a month, as permitted by the individual. Providers are required to complete monthly reporting of the number of individual hours worked, on- and off-site contacts, types of services delivered, ratings of job performance, and individual feedback on job satisfaction.

The Timing of the Transition to Extended Services

Nebraska VR transitions the person to extended services provided by other public agencies, nonprofit agencies or organizations, employers, natural supports, or other entities no later than 24 cumulative months after placement in SE (unless a longer period is established in the IPE), provided that —

- the person has made substantial progress toward their hours per week goal in the IPE,
 - the individual is stabilized on the job,
 - the team agrees with the decision, and
 - extended services are available to youth with the most significant disabilities up to for a period of time not to exceed 4 years or until such time the youth reaches the age of 25 and no longer meets the definition of a youth with a disability, whichever occurs first.
- (4) **Sections 101(a)(22) and 606(b)(4) of the Rehabilitation Act require the VR agency to describe efforts to identify and arrange, including entering into cooperative agreements, with other State agencies and other appropriate entities in order to provide supported employment services. The description must include extended services, as applicable, to individuals with the most significant disabilities, including the provision of extended services to youth with the most significant disabilities in accordance with 34 CFR 363.4(a) and 34 CFR 361.5(c)(19)(v).**

[text box]

Nebraska VR has a written agreement with the Nebraska Health and Human Services Division of Behavioral Health that promotes evidence-based SE services to individuals with behavioral health diagnoses. The Division agrees to fund extended services to youth and adults qualifying for behavioral health services after transition from Nebraska VR SE service funding.

Nebraska VR also has a written agreement with the Nebraska Health and Human Services Division of Developmental Disabilities. The Division agrees to fund extended services to youth and adults qualifying for developmental disabilities services after transition from Nebraska VR SE service funding.

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

(f) Annual Estimates. Sections 101(a)(15) and 101(a)(23) of the Rehabilitation Act require all VR agencies to annually conduct a full assessment of their resources and ability to serve all eligible individuals before the start of the Federal fiscal year. In accordance with 34 CFR § 361.29(b), annual estimates must include the following projections:

(1) Estimates for next Federal fiscal year—

(A) VR Program; and

| Priority Category (if applicable) | No. of Individuals Eligible for Services | No. of Eligible Individuals Expected to Receive Services under VR Program | Costs of Services using Title I Funds | No. of Eligible Individuals Not Receiving Services (if applicable) |
|--|---|--|--|---|
| Priority 1 | 1627 | 1067 | \$1,690,565 | 0 |
| Priority 2 | 807 | 870 | \$1,378,437 | 0 |
| Priority 3 | 243 | 209 | \$331,142 | 0 |
| | | | | |
| | | | | |

(B) Supported Employment Program.

| Priority Category (if applicable) | No. of Individuals Eligible for Services | No. of Eligible Individuals Expected to Receive Services under Supported Employment Program | Costs of Services using Title I and Title VI Funds | No. of Eligible Individuals Not Receiving Services (if applicable) |
|--|---|--|---|---|
| Priority 1 | 1216* | 1216 | \$1,324,224 | 0 |

*Individuals not identified as supported employment until Plan

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

(g) Order of Selection.

[X] The VR agency is not implementing an order of selection and all eligible individuals will be served.

[check box] The VR agency is implementing an order of selection with one or more categories closed.

*** VR agencies may maintain an order of selection policy and priority of eligible individuals without implementing or continuing to implement an order of selection.**

Pursuant to section 101(a)(5) of the Rehabilitation Act, this description must be amended when the VR agency determines, based on the annual estimates described in description (f), that VR services cannot be provided to all eligible individuals with disabilities in the State who apply for and are determined eligible for services.

(1) For VR agencies that have defined priority categories describe—

(A) The justification for the order;

[text box]

No Order of Selection is being implemented at this time.

(B) The order (priority categories) to be followed in selecting eligible individuals to be provided VR services ensuring that individuals with the most significant disabilities are selected for services before all other individuals with disabilities; and

[text box]

Nebraska VR maintains its processes for assigning a priority category for all eligible individuals; however, no Order of Selection is being implemented at this time.

(C) The VR agency's goals for serving individuals in each priority category, including how the agency will assist eligible individuals assigned to closed priority categories with information and referral, the method in which the VR agency will manage waiting lists, and the projected timelines for opening priority categories. NOTE: Priority categories are considered open when all individuals in the priority category may be served.

[text box]

No Order of Selection is being implemented at this time.

(2) Has the VR agency elected to serve eligible individuals outside of the order of selection who require specific services or equipment to maintain employment?

[check box] Yes

[X] No

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

(h) Waiver of Statewideness. The State plan shall be in effect in all political subdivisions of the State, however, the Commissioner of the Rehabilitation Services Administration (Commissioner) may waive compliance with this requirement in accordance with section 101(a)(4) of the Rehabilitation Act and the implementing regulations in 34 CFR 361.26. If the VR agency is requesting a waiver of statewideness or has a previously approved waiver of statewideness, describe the types of services and the local entities providing such services under the waiver of statewideness and how the agency has complied with the requirements in 34 CFR 361.26. If the VR agency is not requesting or does not have an approved waiver of statewideness, please indicate “not applicable.”

[Not Applicable]

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

(i) Comprehensive System of Personnel Development. In accordance with the requirements in section 101(a)(7) of the Rehabilitation Act, the VR agency must develop and maintain annually a description (consistent with the purposes of the Rehabilitation Act) of the VR agency’s comprehensive system of personnel development, which shall include a description of the procedures and activities the VR agency will undertake to ensure it has an adequate supply of qualified State rehabilitation professionals and paraprofessionals that provides the following:

(1) Analysis of current personnel and projected personnel needs including—

- (A) The number and type of personnel that are employed by the VR agency in the provision of vocational rehabilitation services, including ratios of qualified vocational rehabilitation counselors to clients;**
- (B) The number of personnel currently needed by the VR agency to provide VR services, broken down by personnel category; and**
- (C) Projections of the number of personnel, broken down by personnel category, who will be needed by the VR agency to provide VR services in 5 years based on projections of the number of individuals to be served, including individuals with significant disabilities, the number of personnel expected to retire or leave the field, and other relevant factors.**

| Personnel Category | No. of Personnel Employed | No. of Personnel Currently Needed | Projected No. of Personnel Needed in 5 Years |
|--|----------------------------------|--|---|
| Rehab Specialists | 61 | 10 | 16 |
| Service Specialists | 48 | 5 | 9 |
| Field Office Associates | 34 | 3 | 15 |
| | | | |
| Senior Administrator | 1 | 0 | 0 |
| Administrators | 2 | 0 | 0 |
| Program Directors and Office Directors | 18 | 0 | 8 |
| Information and Technology | 2 | 0 | 0 |
| Program Specialists, Administrative Specialists, Administrative Associate, Office Associate, Executive Associate | 15 | 0 | 5 |

- (D) **Ratio of qualified VR counselors to clients:** [text box] 1:103
- (E) **Projected number of individuals to be served in 5 years:** [text box] 4,186 ELIGIBLE CLIENTS WILL BE SERVED IN 5 YEARS]

(2) Data and information on personnel preparation and development, recruitment and retention, and staff development, including the following:

- (A) **A list of the institutions of higher education in the State that are preparing VR professionals, by type of program; the number of students enrolled at each of those institutions, broken down by type of program; and the number of students who graduated during the prior year from each of those institutions with certification or licensure, or with the credentials for certification or licensure, broken down by the personnel category for which they have received, or have the credentials to receive, certification or licensure.**

| Institute of Higher Education | Type of Program | No. of Students Enrolled | No. of Prior Year Graduates |
|---|------------------------|---------------------------------|------------------------------------|
| There are no institutions of higher education in Nebraska receiving funds from WIOA to prepare vocational rehabilitation professionals. | | | |
| | | | |
| | | | |
| | | | |

- (B) **The VR agency’s plan for recruitment, preparation and retention of qualified personnel, which addresses the current and projected needs for qualified personnel; and the coordination and facilitation of efforts between the VR agency and institutions of higher education and professional associations to recruit, prepare, and retain personnel who are qualified, including personnel from minority backgrounds and personnel who are individuals with disabilities.**

There is a projected need to replace an average of 8-12 service delivery staff annually due to resignations and retirements over the next five (5) years. The dual customer focus of serving both individuals with a disability and employers along with a heightened emphasis on providing Pre-Employment Transition Services to students with a disability and serving youth with a disability may have an impact on how staff are recruited.

Recruitment

The ability of Nebraska VR to recruit qualified specialists continues to be impaired by the absence of:

- (1) a federal traineeship support for a long-term rehabilitation training program in Nebraska,
- (2) the inadequate regional supply of qualified applicants with an obligation to the public vocational rehabilitation program, and
- (3) recruiting personnel having a 21st century understanding of the evolving labor force and needs of individuals with disabilities.

As previously stated, there are no institutions of higher education in Nebraska receiving funds to prepare vocational rehabilitation professionals. However, Nebraska VR has had staff enrolled in programs located in other states.

Nebraska Department of Education and Nebraska VR policy supports continuing education for employees in 2 primary ways: (1) allowing employees to take post-secondary coursework during work time or (2) reimbursement for job-related post-secondary coursework taken by the employee on non-work time.

A review of job classifications along with a market salary was completed by NDE. This resulted in the consolidation of classifications and allowed for increased wages for all union covered employees.

Qualified Rehabilitation and Service Specialists are actively recruited from the Nebraska higher education institutions as well as rehabilitation education programs located primarily in the Midwest. The agency supplements the distribution of Rehabilitation and Service Specialists' vacancy postings by posting jobs on the following schools' career center webpages through Handshake:

University of Nebraska Lincoln
University Nebraska Omaha
University Nebraska Kearney
Midland University
Creighton University
Bellevue University
Chadron State College
Doane College
Wayne State College

The following are rehabilitation education programs in adjacent and other Midwest states the agency posts on Handshake as well:

Northern Colorado
Drake University
Emporia State University
South Dakota State University
St. Cloud State University
The University of Iowa
University of Wisconsin-Stout

There is active recruitment of qualified personnel with disabilities and those from racial and ethnic minorities. Our vacancy title, apply link, location, and closing date are sent to the Statewide Independent Living Council and the closest Independent Living Centers to the position:

Gothenburg (North Platte, Kearney, Hastings, and Grand Island VR offices)
Lincoln (Lincoln VR office)
Omaha (Omaha VR office)
Norfolk (Columbus and Fremont VR offices)

NDE also requests a posting with Urban League of Nebraska with basic information and the link where candidates can apply.

Retention

The VR Director offers an opportunity for all staff to provide personal feedback on specific policies, procedures or any concern a staff member has by anonymously posting questions to “Ask the Director” on an internal website.

Nebraska VR offers staff work schedule options which include, but are not limited to a 4-day workweek (four-10 hour workdays) and compressed workweek (four-9 hour workdays and one-4 hour workday). This option provides a measure of autonomy to staff in balancing work and family. A hybrid schedule is also offered to staff.

On-line exit interviews are offered to staff exiting the agency. The goal of the interview is to assess why people leave, look for trends, and to learn if there was anything the agency could have done to retain them.

Administrators complete stay interviews with 20% of staff annually. Meetings with new staff members are completed twice within the first 5-7 months of working with the agency.

(C) Description of staff development policies, procedures, and activities that ensure all personnel employed by the VR agency receive appropriate and adequate training and continuing education for professionals and paraprofessionals:

- i. Particularly with respect to assessment, vocational counseling, job placement, and rehabilitation technology, including training implemented in coordination with entities carrying out State programs under section 4 of the Assistive Technology Act of 1998; and**

A. System of staff development

A system of staff development for professionals and paraprofessionals within the designated State unit, particularly with respect to assessment, vocational counseling, job placement, and rehabilitation technology, including training implemented in coordination with entities carrying out State programs under section 4 of the Assistive Technology Act of 1998; and

For staff development purposes, the organizational knowledge and skill base is made up of the 3 major domains: Disabilities, Service Delivery Processes, and Team Services. These domains are critical knowledge and skills shared by all team members.

Nebraska VR provides and supports on-going, professional career development training which may be provided either internally or externally to the agency.

Internal

- New Staff Training: Nebraska VR Rehabilitation Specialists, VR Service Specialists, VR Associates, and VR Directors must be provided with intensive initial post-hire training to assure they possess critical performance-related vocational rehabilitation knowledge and skills. This includes training of different partner programs, agency program areas, policy and procedure. The agency continues to explore different ways of utilizing videoconferencing, blended courses, asynchronous modules, video streaming, and live and virtual methods as a way to deliver timely training to new staff.
- QE2 Case Management System (case review discussion)
- Motivational Interviewing: Staff receive 2 phases of Motivational Interviewing training to contextualize the use of Motivational Interviewing in practice. Training is provided to all new staff as well as experienced staff with supervisor recommendation.
- Bridges Out of Poverty: All new staff receive Bridges Out of Poverty training to better understand the perspectives of the diverse communities being served and the intersection of poverty and other identity-related factors which may cause barriers to employment and basic human needs.
- Benefits Specialist Training: Select staff who plan to provide general Benefits Planning Services are trained to identify and share general Social Security benefits information with clients who are SSI/SSDI beneficiaries.
- Windmills Training: Select staff volunteer or are chosen to be trained in Windmills for the purpose of educating businesses on changing the perception of disability to integrate more inclusive recruitment and retention practices for individuals with disabilities.
- Assistive Technology Training: Nebraska VR, Assistive Technology Partnership, and the Assistive Technology Industry Association have partnered to offer AT-related courses specifically for working with Education and Higher Education, Physical Access and Participation, Augmentative and Alternative Communication, and Workplace Accessibility. All courses are free and most offer CEUs.
- Policy/Procedures: Program Directors provide specialized training by virtual platforms to update all staff on any policy/procedure/chapter changes.
- Committees: There are internal committees for each direct service. These committees provide opportunities for staff to discuss new policy and process barriers in service delivery and innovative practices.
- Each Office Director assesses the current knowledge, skill, and ability of the team and its members, and identifies the personnel development activities necessary to enable the team and its members to achieve their strategic and performance goals and identifies how the personnel development activities will be arranged.

External

- Staff have the opportunity to participate in webinars, workshops, seminars and concentrated training activities to improve their skills. The staff identify training activities in collaboration with the supervisor.
- One required goal of the annual performance review of all staff relates to training needs identified by the staff member.

- ii. Procedures for the acquisition and dissemination of significant knowledge from research and other sources to VR agency professionals and paraprofessionals and for providing training regarding the amendments to the Rehabilitation Act made by the Workforce Innovation and Opportunity Act.**

It is essential for all of Nebraska VR's administrative staff to stay current on research trends and methodologies. The vocational rehabilitation program is ever changing because the world of work is constantly changing and finding/creating opportunities for individuals with disabilities to find employment must never end. Staying current on research allows Nebraska VR to continually build knowledge and facilitate learning.

It is specifically the responsibility of the Program Directors with Nebraska VR to provide extensive direction and professional-level technical program support in the areas of compliance, regulations, rules, policies, procedures and standards; to develop and maintain technical programs and services; apply current/new management practices, techniques, and methodologies. The Program Directors have the responsibility to stay current with any research trends and, if appropriate, review/change policies, procedures, and training.

When possible, staff will participate in national conferences. Administrative staff will attend the spring and fall CSAVR Conferences where practices and research-based ideas are shared. Nebraska also participates in regional meetings with Kansas, Missouri, and Iowa where there is an opportunity for training and sharing of practices.

The Rehabilitation Services Administration (RSA) created Training and Technical Assistance Centers (TAC) and demonstration projects to assist state vocational rehabilitation agencies and partners in providing services to individuals with disabilities. Each TAC focuses its efforts on a specific set of topics designed to provide universal, targeted, and intensive technical assistance (TA) for the purpose of improving services to individuals with disabilities to maximize their employment, independence, and integration into the community and the competitive labor market.

When Nebraska VR becomes aware of new initiatives, this information is brought to administrative staff, discussed in any of the standing direct services committees and determine if any policies, procedures, or training should be changed as a result.

Description of VR agency policies and procedures for the establishment and maintenance of personnel standards consistent with section 101(a)(7)(B) to ensure that VR agency professional and paraprofessional personnel are adequately trained and prepared, including—

- (A) Standards that are consistent with any national or State-approved or -recognized certification, licensing, registration, or other comparable requirements that apply to the profession or discipline in which such personnel are providing VR services; and**

Nebraska VR employs staff in 12 self-directed teams and 1 administrative team throughout the state to provide services and supports.

VR Program Associate

VR Program Associates provide direct support to teams serving persons with disabilities seeking employment, provide follow-up monitoring with clients, request/collect necessary medical, demographic, financial, and employment information, maintain confidential staff files, make copies, route information, process mail, maintain mailing lists, perform receptionist duties, validate and

process bills for payment, prepare authorizations, procure agreed-upon goods and services, verify their receipt, and work with providers regarding payments.

Associate academic degree standards

High school diploma or equivalent and 2 years of experience related to the essential functions of the position. Any equivalent education and/or work experience may be substituted in order to meet the minimum qualifications of the position.

VR Service Specialist

VR Service Specialists provide direct support to persons with disabilities seeking employment. Their responsibilities include conducting orientation to Social Security benefits and benefits analysis, client orientation, respond to basic questions about vocational rehabilitation, assist clients in developing resumes and completing job applications, arrange job shadowing experiences and information interviews, record basis for extension of time to determine eligibility, basis for termination of VR services for reasons other than ineligibility, and trial work experience periodic assessment plan, analyze and synthesize client medical, demographic, and employment information, analyze client strengths and barriers, assess independent living skills, conduct job site analysis, make appropriate referrals to community resources, provide individualized planning and Individualized Plan for Employment (IPE) development.

VR Service Specialist academic degree standards

Bachelor's degree in a related field and at least 1 year of work experience related to the essential functions of the position.

VR Rehabilitation Specialist

VR Rehabilitation Specialists make determinations and provide specialized direct services to persons with disabilities pursuing employment goals. Their responsibilities include facilitating and supporting clients in overcoming barriers to employment, interacting with clients with disabilities and responding to their individual needs which may include approving employment outcomes, finalizing and approving IPEs and amendments to IPEs, approving IPE annual reviews, determining eligibility, priority group, and recording basis for eligibility, priority group, IPE, and employment outcome determinations and approvals.

VR Rehabilitation Specialist academic degree standards

Master's degree with emphasis in 1 of the following areas: Vocational Rehabilitation Counseling, Counseling and Guidance, or another field that reasonably provides competence in the employment sector, in a disability field or both.

(B) The establishment and maintenance of education and experience requirements, in accordance with section 101(a)(7)(B)(ii) of the Rehabilitation Act, to ensure that the personnel have a 21st century understanding of the evolving labor force and the needs of individuals with disabilities.

Nebraska VR has worked diligently the past few years to ensure we continue to evolve and meet the needs of individuals with disabilities and an ever-changing labor force. Nebraska VR has created the Business Account Manager (BAM) role. This position is designed specifically to build relationships with Nebraska businesses, learn about their evolving needs, and track labor market developments. BAMs perform these functions by going out into the community and meeting with business owners/managers and working with them to help meet their needs for hiring, training or consultation. The BAMs regularly attend trainings and other educational opportunities to keep up-to-date on national business practices as well as local trends.

The BAMs share this information with Nebraska VR staff through Work in Nebraska (WIN) meetings, team meetings, and through email communications. In addition, Nebraska VR keeps an employer database which is accessible to every Nebraska VR staff member and contains all the information regarding each of the business partnerships Nebraska VR has developed within the state. It not only contains information about the business itself, but what kind of outreach has been conducted with that business and what types of engagements the business will consider. BAMs have also worked with WIOA partners and other community agencies to establish Employ groups throughout the state that track and report local business needs and practices, perform outreach in their community, conduct tours of businesses, and report out on the latest labor market trends.

In addition to the BAM role and the Employ meetings, Nebraska VR regularly engages businesses with Nebraska VR clients in different worksite experiences that provide 3 different benefits:

- allow the person with a disability to gain experience in the field and assessment of their abilities in a job;
- provide Nebraska VR with a pulse on current business practices and engagements, and
- give businesses exposure to having a person with a disability in their workplace and what benefits the person with a disability can bring to the worksite.

These opportunities can include Work-Based Learning Experiences, On-the-Job Evaluations, On-the-Job Training, job shadowing, employer tours, and informal or mock interviews. It is through these experiences Nebraska VR keeps up-to-date on the labor force as well as maintaining strong business relations in communities.

Nebraska VR must provide staff with timely training on Nebraska labor market information and trends, career pathways, the world of work and career connections in order to equip Nebraska VR staff with the knowledge to counsel individuals with disabilities in their pursuit of work and career and provide effective employment services.

In August of 2020, Nebraska VR added a new position, VR Training and Development Specialist. This staff creates, organizes, and implements training and development opportunities in areas such as new staff training, annual staff training, and other professional development opportunities to improve Nebraska VR's delivery of services.

(3) Method(s) the VR agency uses to ensure that personnel are able to communicate in appropriate modes of communication with or in the native language of applicants or eligible individuals who have limited English speaking ability.

[text box]

Nebraska VR, to the maximum extent possible, recruits and hires qualified personnel who can communicate in the native languages of applicants and recipients with limited English-speaking ability. An increased salary differential is offered to individuals who are bilingual or fluent in American Sign Language (ASL) if they are expected to interpret/translate foreign languages as a primary job function listed on their job description upon hire. Interpreter services for persons with limited English-speaking ability are also obtained from agencies, vendors, ethnic organizations, and advocacy groups, if/when available. Nebraska VR has staff with sign language skills and staff fluent in a foreign language.

Deaf Services Unlimited and Linguabee are contracted with to provide Video Remote Interpreting (VRI) and Communication Access Realtime Translation (CART) services. Exclusive Reporting Inc DBA Inclusive Communication Access Nebraska is contracted with to provide CART services. These remote services are provided when in-person interpreting services are not available. The State of Nebraska has passed legislation requiring the use of only licensed sign language interpreters and licensed VRI businesses in Nebraska.

Rapport International, Inc., is contracted to provide scheduled and immediate (on-demand) foreign language interpreting (not ASL) when local, independent providers and bilingual Nebraska VR staff members are not available. Each field office or team has their own access code to use when contacting Rapport, including a set of directions to help arrange a scheduled meeting or an on-demand service for unscheduled meetings such as walk-ins. This service is available to Nebraska VR applicants, clients, and accompanying authorized representatives, but is unavailable to students only participating in the Pre-Employment Transition Services program. Additionally, each office has been provided a handout from Rapport which includes a greeting in various languages for an individual to select from to help identify the language they are speaking.

(4) As appropriate, describe the procedures and activities to coordinate the designated State unit's comprehensive system of personnel development with personnel development under the Individuals with Disabilities Education Act.

[text box]

Nebraska VR coordinates with the Comprehensive System of Personnel Development under the Individuals with Disabilities Education Act (IDEA) by: (1) exchanging needs assessment/survey findings in areas or topics of mutual concern, (2) exchanging schedules of training and personnel development activities, and (3) joint development of training programs of mutual concern and priority, and joint funding of trainer costs for conducting joint training, when appropriate.

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

COOPERATION, COLLABORATION, AND COORDINATION (Section 101(a)(11) of the Rehabilitation Act)

(j) Coordination with Education Officials. In accordance with the requirements in section 101(a)(11)(D) of the Rehabilitation Act—

- (1) Describe plans, policies, and procedures for coordination between the designated State agency and education officials responsible for the public education of students with disabilities, that are designed to facilitate the transition of the students with disabilities from the receipt of educational services in school to the receipt of vocational rehabilitation services, including pre-employment transition services.**

[text box]

The Office of Special Education in the Nebraska Department of Education, is responsible for ensuring of the provision of a free and appropriate public education for students with disabilities. Nebraska VR is the adult services agency responsible for providing vocational rehabilitation services. There is a current Inter-Departmental Agreement to facilitate the transition of students receiving special education services.

Nebraska has over 250 local school districts offering secondary education. Nebraska has VR Specialists assigned to each of the Nebraska high schools partnering and collaborating with school staff in providing transition services including Pre-Employment Transition Services.

Nebraska VR and the Nebraska Commission for the Blind and Visually Impaired (NCBVI) have jointly agreed on the minimum age of 14 for students with disabilities to begin the provision of Pre-Employment Transition Services per the NCBVI and Nebraska VR Interagency Agreement.

Nebraska VR must ensure that students and their authorized representatives, as appropriate, are provided with the necessary information and assistance to exercise informed choice in relation to decisions about the services offered by the agency. A decision to apply for the Nebraska VR employment program should not be denied.

Staff may use a projected post-school employment outcome to develop the Individualized Plan for Employment (IPE) with students eligible for Pre-Employment Transition Services after eligibility for Nebraska VR services is established. The IPE should be developed and approved within 90 days of determining eligibility for Nebraska VR employment services. The IPE with projected post-school employment outcome should:

- Outline the services and activities that will guide the student's exploration
- Include the Pre-Employment Transition Services necessary for the student to explore career options
- Align with the Individualized Education Program (IEP) or 504 services, as applicable

- Facilitate the student's exploration and identification of an employment goal based upon informed choice
- Utilize a broad SOC category

An IPE with a projected post-school employment outcome with a student and youth with a disability should be amended when:

- a change in the projected post-school employment outcome (exploring another broad SOC category)
- a specific employment goal is developed
- the student with a disability is no longer eligible to receive Pre-Employment Transition Services
- the youth with a disability prior to the youth's 25th birthday

(2) Describe the current status and scope of the formal interagency agreement between the VR agency and the State educational agency. Consistent with the requirements of the formal interagency agreement pursuant to 34 CFR 361.22(b), provide, at a minimum, the following information about the agreement:

- (A) Consultation and technical assistance, which may be provided using alternative means for meeting participation (such as video conferences and conference calls), to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including pre-employment transition services and other vocational rehabilitation services;**

The Inter-Departmental Agreement with the Nebraska Department of Education outlines the consultation and technical assistance needed to assist local educational agencies and Educational Service Units (ESUs) in planning for Pre-Employment Transition Services and the transition of students with disabilities from school to post-school activities, including employment, post-secondary education, vocational rehabilitation services or services from an appropriate adult service agency.

The current Inter-Departmental Agreement to facilitate the transition of students receiving Special Education services was signed by the Director of Nebraska VR, Director of Special Education, and the Deputy Commissioner of Education, effective 1/1/23-12/31/23.

Nebraska VR will provide consultation and technical assistance to Local Educational Agencies (LEAs) regarding services to potentially eligible and eligible students with disabilities. These services are intended to benefit students with disabilities as they transition from school to post-secondary life related to an employment outcome.

Consultation and technical assistance will encompass sharing specialized knowledge of disabilities and the implications for employment, labor market information and information about in-demand industry sectors, career pathways, rehabilitative services such as assistive technology, types of educational and occupational training needed to succeed in the workplace, post-secondary opportunities, understanding employer expectations, youth leadership opportunities, and linkages to other service agencies. Such consultation will be shared individually with LEAs as needed and requested by Nebraska VR Pre-Employment Transition Coordinators and as members of state and regional advisory and capacity building teams. A Transition Services Planner booklet serves as a guide to educators in arranging Pre-Employment Transition Services and Nebraska VR services for

students with disabilities. The Transition Partnership Planning Agreement is completed on an annual basis with every high school in the state to define roles and responsibilities as well as guide the coordination of effective transition services delivery. Consultation and technical assistance are provided in-person or through alternative means such as video conferences or conference calls. Nebraska VR may utilize a variety of virtual platforms to best meet the needs of students, families, and schools.

The Program Director for Transition participates as a member of the Nebraska Special Education Advisory Council (SEAC), the Transition Advisory Team, and other statewide bodies related to transition services planning and delivery.

(B) Transition planning by personnel of the designated State agency and educational agency personnel for students with disabilities that facilitates the development and implementation of their individualized education programs (IEPs) under section 614(d) of the Individuals with Disabilities Education Act;

Transition partnership planning occurs with schools, ESUs, and Nebraska VR at the local level. This planning meeting promotes a coordinated effort between the local school, ESU, and the local Nebraska VR Office. The planning process identifies the nature and scope of services the local Nebraska VR Office will provide in coordination with the efforts of the school and/or ESU. The process addresses the schedule of events and activities, expected outcomes, and a process to evaluate the effectiveness of the partnership. Nebraska VR develops Partnership Planning Agreements with school districts and ESUs to address the coordination of the provision of Pre-Employment Transition Services to students with disabilities and the joint responsibilities of each agency in providing and paying for Pre-Employment Transition Services and transition services. Yearly surveys are completed with schools and ESU personnel to support continuous improvement.

(C) The roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining State lead agencies and qualified personnel responsible for transition services and pre-employment transition services;

The Inter-Departmental Agreement between Nebraska VR and the Nebraska Department of Education/Office of Special Education specifies roles and responsibilities, including financial obligations for both Nebraska VR and the Nebraska Department of Education/Office of Special Education in the provision of transition services including Pre-Employment Transition Services. Nebraska VR continues to work closely with the Office of Special Education to provide cross-training to schools, ESUs, and Nebraska VR staff about the provisions of WIOA pertinent to transition services, and jointly developed a Transition Planning Guide for use by school staff, agency staff, parents, and students to help guide the transition process.

The roles, responsibilities and financial responsibilities for Nebraska VR specified in the Inter-Departmental Agreement include:

- Provide Pre-Employment Transition Services in collaboration and coordination with the LEA ensuring that services, including individuals served under an IPE, are not duplicative nor do they supplant existing LEA services
- Provide consultation and technical assistance to educators
- Participate in the development of the employment related components of the IEP based on individual need

- Develop an IPE for students within 90 days of eligibility unless an extension is approved
- Ensure the IEP goals are consistent with the IPE employment goals
- Provide or arrange for services required by the IPE goal
- Provide assistance in the purchase of tools, supplies or other job-related expenses for eligible students as it relates to the IPE goal
- Arrange and pay for job development needed to serve students with the most complex support needs who require SE services and assist in the coordination of long-term supports
- Assure the completion of certain service-related activities and that these activities are documented before a 14 (c) may begin compensating a youth with a disability at sub-minimum wage
- Use information provided by education to provide appropriate Pre-Employment Transition Services and to determine eligibility for Nebraska VR services, securing additional information only when necessary and assuming the financial cost of obtaining additional information

NDE Office of Special Education will ensure LEAs understand their responsibilities to:

- Provide all existing educational assessment and performance information relevant to the determination of Nebraska VR eligibility and to assist in the delivery of Pre-Employment Transition Services
- Consult with Nebraska VR for identification of students' vocational needs and services
- Develop and complete the transition component of the IEP based on individual need
- Ensure IEP transition/employment goals are consistent with IPE goals, where appropriate
- Work with Nebraska VR staff to identify appropriate referrals and supports needed to complete a Nebraska VR application where appropriate
- Pay for all services listed on the IEP unless another agency or entity agrees to provide such services
- Provide and/or pay for job coaching when needed as part of the instructional component of the IEP
- Provide and/or pay for extended school year supports as needed
- Request consultation and technical assistance from Nebraska VR for planning and implementation of transition services

At a state level, Nebraska VR and NDE meet regularly to discuss the delivery of Pre-Employment Transition Services. Nebraska VR takes the lead in ensuring the delivery of Pre-Employment Transition Services and partners with NDE on specific measures to support such delivery including joint guidance documents for school districts, summer transition program funding, and transition services monitoring efforts.

On the annual Transition Partnership Planning Agreement that is completed with every school district, the question of who will provide each of the 5 Pre-Employment Transition Services is addressed as well as how Nebraska VR, the school, and the ESU will collaborate around the delivery of Pre-Employment Transition and Transition Services. Nebraska VR Pre-Employment Transition Coordinators provide direct services to students and are trained in the delivery of Pre-Employment Transition and Transition Services and provide resources through the Nebraska VR Job Planning Resource Guide. Pre-Employment Transition Coordinators work collaboratively with schools and ESU staff to identify the services required by students and to plan the most effective service delivery method including which agency will take the lead on such delivery. In Nebraska's Multi-Tiered

System of Support (NeMTSS), Nebraska VR's involvement is directly related to the level of support needed by the student and the point at which Nebraska VR involvement is required.

The Inter-Departmental Agreement between Nebraska VR and NDE contains a clause to accommodate amendments at any time based on mutual consent of the parties and requiring the amendment to be written, signed, and dated. At this time, no changes are anticipated in the Agreement prior to its end date of 12/31/2023.

- (D) **Procedures for outreach to and identification of students with disabilities who need transition services and pre-employment transition services. Outreach to these students should occur as early as possible during the transition planning process and must include, at a minimum, a description of the purpose of the vocational rehabilitation program, eligibility requirements, application procedures, and scope of services that may be provided to eligible individuals;**

Outreach and identification efforts are directed to Special Education staff, school administration, career technical education, school counseling, school nursing, and school personnel having knowledge of students with disabilities including those not receiving special education services. In addition, outreach efforts are made to students with disabilities and their parents.

Following are examples of transition services outreach and collaboration:

- Nebraska VR serves on the Nebraska Department of Education's Special Education Advisory Council. This committee meets throughout the year to share information, identify issues, and coordinate secondary education and transition services for students with disabilities.
- Nebraska VR and the Nebraska Department of Education/Office of Special Education co-fund a Youth Leadership Facilitator and a Nebraska Youth Leadership Council.
- Serving on the statewide Nebraska Youth Leadership Council provides an opportunity for youth with disabilities to develop leadership skills and promote self-advocacy. The Council works with youth and organizations across the state to promote the Council's goals and activities. Council members reach out to students and youth with disabilities as well as to community members to highlight and promote awareness of disability rights issues. There are 4 regional councils across the state that meet, as needed, for speaking engagements or special projects throughout the year. All regional councils meet virtually twice per month to learn about upcoming opportunities, to share experiences, and to learn about self-advocacy and organizations that support individuals with disabilities. All members come together for a statewide leadership conference in the summer that focuses on building leadership and self-advocacy skills.
- Nebraska VR provides financial support and consultation for job exploration conferences for students aged 14-21. The conferences focus on employment, post-secondary educational opportunities, self-advocacy, utilizing community support, and assistive technology. The students are exposed to a variety of interactive and informative discussions and activities to prepare for learning, working, and navigating as a young adult in the real world.
- In an interagency collaborative effort, Nebraska VR partnered with the Nebraska Department of Education/Office of Special Education, ESUs, Disability Service Offices at Institutes for Higher Education, and PTI Nebraska to participate in a Capacity Building Institute hosted by the National Secondary Transition Technical Assistance Center. Work continues at a local level to develop resources which will help professionals, parents, and students answer critical questions about the

coordination of services and access to resources surrounding the 5 required Pre-Employment Transition Services activities.

- The Nebraska Assistive Technology Partnership (ATP), a section of Nebraska VR and the Nebraska Department of Education (NDE) receives a grant from NDE/Office of Special Education to provide services to professionals, e.g., Individualized Education Program (IEP)/Individualized Family Service Plan (IFSP) team, working with children, ages birth to 21, with disabilities. These services include technical assistance and training on assistive technology (AT). Examples of technical assistance and trainings provided are how to consider AT in the IEP/IFSP, how to conduct an AT assessment, how to acquire and provide AT tools/systems, implementing AT effectively, and evaluating the effectiveness of the AT for the student/child. ATP also promotes the use of AT through various awareness activities and maintains a statewide AT loan pool that professionals can access in order to fill a temporary need for a student/child or assist in the AT decision-making process. The vision of the ATP/Education program is to ensure that individual children/students can be successful by creating systemic capacity that results in quality AT services for every child/student who needs AT.
- Nebraska VR supports 14 Project SEARCH sites across the state. Consistent with the national model, Project SEARCH is a partnership between Nebraska VR, a business, area school systems, the Nebraska Commission for the Blind and Visually Impaired, ATP, and Division of Developmental Disabilities. The 1 year school-to-work program is business-led and takes place entirely in the workplace. The experience includes a combination of classroom instruction, career exploration, and hands-on training through worksite rotations. While completing the rotations, the students can gain transferable skills, practice self-advocacy, and demonstrate work readiness. Nebraska's Project SEARCH programs are hosted in a variety of businesses including hotels, hospitals, and distribution.
- Nebraska VR funds Family Employment Awareness Training (FEAT). The goals of FEAT are to increase expectations for competitive, integrated employment for students with disabilities and to increase knowledge of state and federal resources to support the employment of young people with disabilities.
- Nebraska VR has supported summer transition programs through partnerships with agencies, businesses, schools and ESUs. The summer transition programs are provided pursuant to a yearly formal Request for Proposal process.

Referral Process

Who should be referred? Students verified for Special Education, students under a 504 Accommodation Plan, students with a disability for the purposes of section 504 (even if they do not have a 504 Accommodation Plan in place).

When should a referral be made? Students may be referred at age 14 to begin the process of engaging in Pre-Employment Transition Services.

What is the referral process? Any referral source may complete a Nebraska VR Referral Form and submit to the Nebraska VR Pre-Employment Transition Services Coordinator. The Nebraska VR Pre-Employment Transition Services Coordinator will contact the student and parent or authorized representative within 10 days of the referral. An appointment will be scheduled at the earliest possible time to provide Pre-Employment Transition Services Orientation and to complete a Pre-Employment Transition Services Consent and Information Release form or an application for Nebraska VR

services. A parent or authorized representative's consent is required for students under the age of 19 and all students with an IEP.

A Pre-Employment Transition Services Coordinator is assigned to every high school in Nebraska and a Transition Partnership Planning Agreement is signed with every school district every year, outlining the process for Nebraska VR referral, and discussing the options for obtaining parent/authorized representative signatures. In some cases, where practical, an educator may obtain parental/authorized representative signature on the Pre-Employment Transition Services Consent & Information Release form.

A parent or authorized representative signature on the Pre-Employment Transition Consent and Information Release form is sufficient to verify the student's disability for the purposes of Pre-Employment Transition Services. Further information can be gathered to assist with planning including the Multidisciplinary Team Report, IEP, medical information, etc.

Nebraska VR determines the number of potentially eligible students with disabilities in the state through:

- partnership planning meetings and agreements,
- accessing data from the Nebraska Department of Education,
- meeting annually with schools (to complete the Transition Partnership Planning Agreement) and this is an opportunity to identify students on IEPs, 504 plans and those who might be potentially eligible for services,
- exchanging information from Division of Developmental Disability regarding potentially eligible students.

(E) Coordination necessary to satisfy documentation requirements set forth in 34 CFR part 397 regarding students and youth with disabilities who are seeking subminimum wage employment; and

The local education agency (LEA) will refer any student with a disability known to be seeking subminimum wage to Nebraska VR. Nebraska VR in collaboration with the LEA involved will provide or arrange for the provision of Pre-Employment Transition Services for all students with disabilities and provide documentation about the provisions of Pre-Employment Transition Services.

(F) Assurance that, in accordance with 34 CFR 397.31, neither the SEA nor the local educational agency will enter into a contract or other arrangement with an entity, as defined in 34 CFR 397.5(d), for the purpose of operating a program under which youth with a disability is engaged in work compensated at a subminimum wage.

[text box]

Nebraska VR will advise SEA and LEA to not enter into an agreement with an entity holding a special wage certificate under 14 (c) of the Fair Labor Standards Act for the purpose of operating a program where the student with a disability is engaged in work compensated at a subminimum wage.

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

(k) Coordination with Employers. In accordance with the requirements in section 101(a)(11)(E) of the Rehabilitation Act, describe how the VR agency will work with employers to identify competitive integrated employment and career exploration opportunities in order to facilitate the provision of VR services; and transition services for youth and students with disabilities, including pre-employment transition services for students with disabilities.

[text box]

Nebraska VR Services

In Nebraska, coordination with employers is essential to creating competitive integrated employment and exploration opportunities. In an effort to increase the partnerships Nebraska VR has with employers, the following activities have been implemented:

Nebraska VR's Dual-Customer Approach

Nebraska VR has engaged in a dual-customer approach to the provision of employment-related services for many years as embodied in its mission statement, "We help people with disabilities prepare for, obtain, and maintain employment while helping businesses recruit, train, and retain employees with disabilities." This has led to a job-driven approach in Nebraska VR's development of customized training programs such as Project SEARCH, Work-Based Learning Experiences (WBLE), and On the Job Evaluation (OJE) and training sites. Nebraska VR extended the job-driven emphasis with the implementation of a Progressive Employment Model which focuses on engaging individuals in an element of work as quickly as possible. These opportunities provide positive and constructive exposure to both Nebraska VR clients and our business partners. Nebraska VR staff are actively involved in the recruitment and support of businesses to partner with Nebraska VR.

Business Account Managers and Placement Specialists

Nebraska VR has created 5 positions designated as Business Account Managers (BAMs) whose role is fostering relationships with current and prospective business partners. As the BAMs meet with employers, the focus is not only on current hiring needs and exploration of opportunities that may eventually lead a client to employment, but also on providing education and resources to businesses regarding accommodations, creating an inclusive workplace, disability etiquette, and other related topics. The coordinated exploration opportunities include but are not limited to: OJE, WBLE, mock interviews, and company tours. The second piece of this partnership includes training, outreach, and resource sharing. Several Nebraska VR staff have undergone Windmills Training, a highly interactive disability inclusion training that empowers and equips employment professionals to understand the business community and help businesses to become more inclusive of individuals. These staff are able to provide Windmills Training to businesses, community agencies, and partners.

Nebraska VR Placement Specialists are available across the state to assist individuals with disabilities find and keep jobs. The Placement Specialists work with clients and businesses to ensure appropriate supports are available for job seeking and job retention.

Placement Specialists and BAMs enter business information into an electronic Employer Database application. This application is accessible to all Nebraska VR staff. It not only provides the agency with "business memory," it also allows Nebraska VR to track employer contacts and the variety of

career exploration activities each business is willing to complete. The Employer Database has been updated so Nebraska VR can now track the number and types of employer outreaches being conducted for Nebraska VR's purposes as well as federal 911 reporting.

Nebraska VR's Talent Bank is another resource available to staff. The Talent Bank can graphically display aggregate information from Nebraska VR's case management system, QE2, by client job goal. This allows teams to strategically target employers by sectors in response to the number of job goals presented.

As the BAMS and Placement Specialists are meeting with employers, anecdotal labor market information is gathered. Employers are sharing current hiring needs with Nebraska VR staff. The use of anecdotal and real time labor market information is an important component of Nebraska VR's work to support businesses. Nebraska VR staff provide information gathered from businesses during Work in Nebraska (WIN) meetings.

BAMS have also developed a Business Newsletter which is sent out monthly to share information with businesses and help keep the businesses engaged with Nebraska VR.

Nebraska VR staff have also presented at ADA conferences and hosted National Disability Employment Awareness Month forums.

Career Pathways Advancement Project 2.0

Nebraska VR applied for and received a second Disability Innovation Fund-Career Advancement Initiative Model Grant. This is a 5-year grant that began October 1, 2021. The project builds off a previous Nebraska Career Pathways Advancement Project Grant which promoted upskilling/backfilling. CPAP 2.0 staff provide outreach to over 400 businesses who provide employment opportunities in the career pathways of Architecture/Construction, Healthcare, Manufacturing and Transportation, and Distribution and Logistics. CPAP 2.0 will assist in addressing the business workforce needs and providing for a well-trained staff. Businesses can refer their incumbent workers with a disability to assist the employee in upskilling through advancement opportunities. After the employee is trained and advances with the company, CPAP 2.0 staff assist the business to backfill the position vacated due to the advancement. This allows for additional individuals with a disability to be hired, trained, and reduces on-boarding and training costs for the business.

NET and TAP

Nebraska's Program Director for Business Services is the Regional National Employment Team (NET) contact. Nebraska's NET contact receives timely information about national job openings and partnerships and participates in conference call business meetings. This relationship has opened the doors to multiple partnerships with businesses whom Nebraska VR has struggled to connect with at the local level. The Regional NET contact also holds meetings with business services staff in Region VII to share best practices, business engagements, and other relevant information. Nebraska VR staff receive information/training specific to the Talent Acquisition Portal (TAP) and its benefits are shared with businesses.

Transition services including Pre-Employment Transition Services for students and youth with disabilities

Nebraska VR and Nebraska Commission for the Blind and Visually Impaired (NCBVI) work with students with disabilities to begin the provision of Pre-Employment Transition Services per the

NCBVI and Nebraska VR Interagency Agreement.

Work-Based Learning Experiences

The BAMs are working with employers and opportunities for students and youth are also explored. These work-based learning opportunities may include informational interviews, paid or unpaid WBLEs, job shadows, and company tours.

Project SEARCH and Business Advisory Councils

There are currently 14 Project SEARCH sites in Nebraska. Consistent with the national model, Project SEARCH is a partnership between Nebraska VR, a business, area school systems, NCBVI, Assistive Technology Partnership, and Division of Developmental Disabilities. The 1 year school-to-work program is business-led and takes place entirely in the workplace. The experience includes a combination of classroom instruction, career exploration, and hands-on training through worksite rotations. While completing the rotations, the students have the opportunity to gain transferable skills, practice self-advocacy, and demonstrate work readiness. Nebraska's Project SEARCH programs are hosted in a variety of businesses including hotels, hospitals, and colleges.

There are currently 3 Project SEARCH Business Advisory Councils (BAC) in Nebraska with the potential expansion of 3 more. The goal of the BAC is to broaden the program across a variety of industries, provide individuals with disabilities access to the resources needed to be successfully employed in a wide-range of fields and serve as a platform to further educate business professionals about the benefits of employing individuals with disabilities. Among the 3 Nebraska BACs, there are more than 42 businesses involved. Nebraska VR will consider the expansion of BACs.

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

(l) Interagency Cooperation with Other Agencies. In accordance with the requirements in section 101(a)(11)(C) and (K), describe interagency cooperation with and utilization of the services and facilities of agencies and programs that are not carrying out activities through the statewide workforce development system to develop opportunities for community-based employment in integrated settings, to the greatest extent practicable for the following:

(1) State programs (designate lead agency(ies) and implementing entity(ies)) carried out under section 4 of the Assistive Technology Act of 1998;

[text box]

The Assistive Technology Partnership (ATP) provides assessments for individuals in need of assistive devices, adaptations for vehicle, home or worksite modifications due to their disability.

The Nebraska Assistive Technology Partnership (ATP), a section in Nebraska VR and the Nebraska Department of Education (NDE) receives a grant from NDE/Office of Special Education to provide services to professionals, e.g., Individualized Education Program (IEP)/Individualized Family Service Plan (IFSP) teams, working with children, ages birth to 21, with disabilities. These services include technical assistance and training on assistive technology (AT). Examples of technical assistance and trainings provided are how to consider AT in the IEP/IFSP, how to conduct an AT assessment, how to acquire and provide AT tools/systems, implementing AT effectively, and evaluating the effectiveness of the AT for the student/child. ATP also promotes the use of AT through various awareness activities and maintains a statewide AT loan pool that professionals can access in order to fill a temporary need for a student/child or assist in the AT decision-making process. The vision of the ATP/Education program is to ensure that individual children/students can be successful by creating systemic capacity that results in quality AT services for every child/student who needs AT.

Nebraska VR has a Memorandum of Understanding for Intradepartment Funding Activities with ATP to provide rehabilitation engineering and AT services to agency clients at all stages of the rehabilitation process. Clients are referred to ATP by Nebraska VR staff for all AT assessments, funding coordination, and AT solutions. ATP offices are located throughout the state and in some cities are co-located with the Nebraska VR office. Nebraska VR will continue to participate in the Nebraska VR/ATP monthly meetings and serve as a member of the ATP Advisory Council.

(2) Programs carried out by the Under Secretary for Rural Development of the Department of Agriculture;

[text box]

Nebraska VR works cooperatively with and utilizes Rural Economic Area Partnerships and other programs carried out by the Under Secretary for Rural Development of the United States Department of Agriculture (USDA), when these programs and resources are available to local communities for economic development, and to the extent such cooperation and utilization is permissible under the Rehabilitation Act, as amended.

Nebraska VR works with AgrAbility which is a National AgrAbility Project (NAP) and a State/Regional AgrAbility Project (SRAP). All AgrAbility Projects report to the USDA Cooperative State Research, Education, and Extension Service in Washington, DC. The NAP and its state programs are supported by the USDA through a competitive grant process. Nebraska AgrAbility is a joint effort of the University of Nebraska Extension and Easterseals Nebraska.

Since 1995 Nebraska AgrAbility has helped individuals with disabilities overcome barriers to continue in their chosen agricultural profession. The vision of AgrAbility is to enhance quality of life for farmers, ranchers, and other agricultural workers with disabilities, so that they, their families, and their communities continue to succeed in rural America.

Nebraska VR and AgrAbility staff are to work collaboratively in serving farmers/ranchers with a disability. Recently Nebraska VR made it a requirement to involve ATP in all AgrAbility cases to further enhance communication and collaboration. Cases are now jointly staffed with ATP, AgrAbility, Nebraska VR Office Director and Counselor, and the Nebraska VR State Office Self-Employment Team prior to sharing the recommendations with the client to ensure all parties involved are in agreement with the recommendations and answer questions on next steps. Nebraska VR services are available to clients working with the AgrAbility project that are necessary to prepare for, secure, retain, advance or regain an employment outcome, e.g., assessment to determine vocational rehabilitation needs, counseling and guidance, information and referral, physical and mental restoration services, vocational training, maintenance, transportation, occupational licenses, tools, equipment, initial stocks and supplies, rehabilitation technology and technical assistance.

Most AgrAbility clients are expressing a need for rehabilitation technology to maintain their current employment. Nebraska VR determines the employment status (self-employed, partner, contract worker or labor-employee) and the specific vocational needs of the individual to determine next steps. For self-employed, partners, and contract workers, Nebraska VR determines ownership and financial viability of the business prior to investing state and federal funds. If the business is viable, AgrAbility conducts an assessment of the work environment to provide recommendations for accommodations to Nebraska VR and the client. If a business is determined not to be viable, all Nebraska VR services are available to assist the client in finding alternative employment or referral to other resources for assistance. An individual who is an employee of an agricultural business is subject to employment laws surrounding reasonable accommodations by the employer in the workplace. Nebraska VR does not conduct a financial viability study of the business in these cases, but includes the employer/owner of the business in the AgrAbility assessment and plans to accommodate the client. The Nebraska VR Program Director of Counseling and AgrAbility staff meet regularly to discuss service expectations to ensure consistency across the state.

(3) Non-educational agencies serving out-of-school youth;

[text box]

Nebraska VR works closely with local Workforce Boards in coordinating services and supports for out-of-school youth. An agreement providing data exchange and sharing of information has been established between Nebraska VR and the local Workforce Boards. Nebraska VR staff also participate in the Fostering Connections-Education Initiative, a committee that works on issues related to systems involved with youth and statewide facility-based youth.

(4) State use contracting programs;

[text box]

The State of Nebraska does not have a state use contracting program.

(5) State agency responsible for administering the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

[text box]

Nebraska VR and the Division of Developmental Disabilities (DDD) of the Nebraska Department of Health and Human Services (DHHS) which administers Medicaid state waivers for people with intellectual and developmental disabilities collaborate in the following ways according to a Memorandum of Understanding:

Reciprocal Referrals Between Agencies

DDD refers to Nebraska VR eligible persons of any age who desire to seek competitive, integrated employment. DDD provides a copy of the individual's current Individual Support Plan (ISP) for use in developing and complementing the Nebraska VR Individualized Plans for Employment (IPE). DDD service coordinators are invited to meetings in which IPEs are developed.

Nebraska VR counselors are trained to identify and support people to apply for developmental disabilities services so that extended services can be accessed under Nebraska's waivers.

An administrative process completed by the 2 agencies support the identification of students graduating from Nebraska's schools so that efforts can be made to identify potential extended services funding after Nebraska VR services are complete.

Liaison staff

Liaison staff from Nebraska VR and DDD meet regularly to address concerns, develop and improve joint processes, identify training needs of staff in both agencies, and conduct such training.

Directors and program administrative staff from both agencies meet regularly to assess processes and resolve issues that arise.

Confidentiality of Information

The Memorandum of Understanding between DDD and Nebraska VR outlines agreements to ensure records are maintained in a confidential manner and communication between agencies is completed via encrypted email.

(6) State agency responsible for providing services for individuals with developmental disabilities;

[text box]

Nebraska VR and DDD share information on funding levels, persons served, and related data to monitor and evaluate the implementation of supported employment (SE) programs for this population. Nebraska VR accepts referrals of people with developmental disabilities who have a desire to seek

competitive, integrated employment and coordination of services with DDD to support employment goals. Nebraska VR works with DDD-contracted providers, developing Service Agreements for the provision of SE services. Nebraska VR pays for SE services and DDD pays for extended supports after stabilization.

Under Nebraska VR's written agreement, Nebraska VR and DDD share information on the status of referrals and applications for both agencies and eligibility status or students exiting education programs. Communication occurs regarding SE provider implementation of sub-minimum wage requirements consistent with and in compliance with the Workforce Innovation and Opportunity Act. In addition, Nebraska VR provides written documentation about individuals' inability to benefit from Nebraska VR services or about specific long-term support needs so that individuals can be appropriately and effectively served.

Nebraska VR has a representative on the Nebraska Council of Developmental Disabilities and a liaison with DDD. Periodically, training is provided to staff of both agencies by the liaisons.

(7) State agency responsible for providing mental health services;

[text box]

Nebraska VR and Nebraska Health and Human Services, Division of Behavioral Health (DBH) share information on funding levels, persons served, and related data to monitor and evaluate the implementation of SE programs for this population. Nebraska VR has Service Agreements with SE providers that contract with 6 Behavioral Health Regions funded by DBH. Nebraska VR pays for SE services and DBH pays for extended supports after stabilization.

Regular communication is key to ensuring on-going success of this model. DBH and Nebraska VR staff at the administrative level meet regularly to discuss and problem-solve issues that arise. All local Nebraska VR teams have at least 1 designated liaison who meets regularly with each area SE provider. In addition, the Nebraska VR Program Director and/or Nebraska VR Office Directors meet quarterly with SE providers to discuss data reports identifying progress to consider what is working and process improvements to achieve greater success of the SE program.

(8) Other Federal, State, and local agencies and programs outside the workforce development system; and

[text box]

Nebraska VR seeks to work cooperatively with numerous other state and local agencies and programs. Collaborative efforts are manifested through coordinated committees throughout the state with Nebraska VR State Office and local field staff actively participating in:

Perkins Advisory Consortium, Coordinated Transit Committee (CTC), Native American Education Committee, Metro Regional Transition Team, Mental Health/Joint Advisory Committee, Alternative, Financing Loan Review Committee, Supported Employment Advisory Committees, Buffalo County Community Partners, Nebraska Economic Mobility Task Force, Dismas Charities Board Meetings Community Connections, New Americans Welcome Committee for Lexington, Employ Meetings Chamber of Commerce Business and Youth Leadership Committee, Local Chambers of Commerce

TACQE Business Relations Blueprint Learning Community, ICI Business Relations Affinity Group, WIOA Partner Meetings, Planning Council on Developmental Disabilities, Nebraska Special Education Advisory Council, Omaha Public School Superintendent Special Education Advisory Committee, Transition Practitioners Committee & Advisory Committee, Nebraska Brain Injury Advisory Council, Assistive Technology Partnership (ATP) Advisory Council, Autism Standing Committee, Autism State Collaborative, CSAVR's Diversity, Equity and Inclusion Professional Network, Training Coordinators CoP, Statewide Independent Living Council (SILC), National Employment Team (NET), Project SEARCH Business Advisory Councils, Transition Advisory Committee, and Deaf and Hard of Hearing Stakeholders Committee

Nebraska VR maintains interagency agreements with Nebraska Health and Human Services/Divisions of Developmental Disabilities and Behavioral Health, Nebraska Commission for the Blind and Visually Impaired, and Nebraska Department of Education/Special Education for purposes of providing an understood and coordinated effort to achieve employment goals for persons with disabilities.

Nebraska VR maintains written agreements throughout the state to coordinate efforts and services to persons with disabilities experiencing severe and persistent mental illness, developmental disability, brain injury, autism spectrum disorders, and those experiencing multiple disabilities.

Written agreements are also maintained to outline roles and responsibilities for Project SEARCH. Project SEARCH partners in Nebraska include:

Businesses: Marcus Lincoln Hotel, LLC DBA The Lincoln Marriott Cornhusker Hotel, Madonna Rehabilitation Hospital, Embassy Suites LaVista, JDHQ Hotels LLC, DBA Embassy Suites by Hilton Lincoln, St. Francis CHI Health, Heritage at Sterling Ridge, Mary Lanning Health Care, Children's Nebraska, CHI Health Good Samaritan Medical Center.

Schools: Crete Public Schools, Elkhorn Public Schools, Grand Island Public Schools, Hastings Public Schools, Kearney Public Schools, Lincoln Public Schools, Millard Public Schools, Norris Public Schools, Papillion LaVista School District, Waverly Public Schools, Westside Community Schools, and Educational Service Units 6 and 9.

To maximize limited resources and assist individuals to access other programs which can provide needed services essential to individuals achieving employment, Nebraska VR works cooperatively with and utilizes numerous services and facilities within the state. These services and facilities include Centers for Independent Living, the Parent Training and Information Center, apprenticeship programs, schools, Educational Service Units and businesses.

(9) Other private nonprofit organizations.

[text box]

Nebraska VR has written procedures for establishing written agreements with 413 service providers including private nonprofit vocational rehabilitation service providers. These procedures emphasize the role of local Nebraska VR offices in identifying needs for specific vocational rehabilitation services responsive to the needs of persons with significant disabilities in their areas. The procedures also emphasize the role of local Nebraska VR and community rehabilitation staff in monitoring the agreements including usage and effectiveness of services.

**NEBRASKA GENERAL
VOCATIONAL REHABILITATION
FFY 2024-28**

VOCATIONAL REHABILITATION CERTIFICATIONS AND ASSURANCES

CERTIFICATIONS

| States must provide written and signed certifications that: | |
|--|--|
| 1. | The (Nebraska Division of Rehabilitation Services) is authorized to submit the VR services portion of the Unified or Combined State Plan under title I of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by title IV of WIOA, ¹ and its State Plan supplement under title VI of the Rehabilitation Act; |
| 2. | In the event the designated State agency is not primarily concerned with vocational and other rehabilitation of individuals with disabilities, the designated State agency must include a designated State unit for the VR program (Section 101(a)(2)(B)(ii) of the Rehabilitation Act). As a condition for the receipt of Federal funds under title I of the Rehabilitation Act for the provision of VR services, the (Nebraska Department of Education) ² agrees to operate and is responsible for the administration of the State VR Services Program in accordance with the VR services portion of the Unified or Combined State Plan ³ , the Rehabilitation Act, 34 CFR 361.13(b) and (c), and all applicable regulations ⁴ , policies, and procedures established by the Secretary of Education. Funds made available to States under section 111(a) of the Rehabilitation Act are used solely for the provision of VR services and the administration of the VR services portion of the Unified or Combined State Plan; |
| 3. | As a condition for the receipt of Federal funds under title VI of the Rehabilitation Act for supported employment services, the designated State agency or the designated State unit when the designated State agency has a designated State unit, agrees to operate and is responsible for the administration of the State Supported Employment Services Program in accordance with the supplement to the VR services portion of the Unified or Combined State Plan ⁵ , the Rehabilitation Act, and all applicable regulations ⁶ , policies, and procedures established by the Secretary of Education. Funds made available under title VI are used solely for the provision of supported employment services and the administration of the supplement to the VR services portion of the Unified or Combined State Plan; |

¹ Public Law 113-128.

² All references in this plan to "designated State agency" or to "the State agency" relate to the agency identified in this paragraph.

³ No funds under title I of the Rehabilitation Act may be awarded without an approved VR services portion of the Unified or Combined State Plan in accordance with section 101(a) of the Rehabilitation Act.

⁴ Applicable regulations, in part, include the Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 76, 77, 79, 81, and 82; 2 CFR part 200 as adopted by 2 CFR part 3474; and the State VR Services program regulations at 34 CFR part 361.

⁵ No funds under title VI of the Rehabilitation Act may be awarded without an approved supported employment supplement to the VR services portion of the Unified or Combined State Plan in accordance with section 606(a) of the Rehabilitation Act.

⁶ Applicable regulations, in part, include the citations in footnote 4, as well as Supported Employment program regulations at 34 CFR part 363.

| States must provide written and signed certifications that: | |
|--|---|
| 4. | The designated State unit, or if not applicable, the designated State agency has the authority under State law to perform the functions of the State regarding the VR services portion of the Unified or Combined State Plan and its supplement, and is responsible for the administration of the VR program in accordance with 34 CFR 361.13(b) and (c); |
| 5. | The State legally may carry out each provision of the VR services portion of the Unified or Combined State Plan and its supplement. |
| 6. | All provisions of the VR services portion of the Unified or Combined State Plan and its supplement are consistent with State law. |
| 7. | The (State Treasurer) has the authority under State law to receive, hold, and disburse Federal funds made available under the VR services portion of the Unified or Combined State Plan and its supplement; |
| 8. | The (Nebraska VR Director) has the authority to submit the VR services portion of the Unified or Combined State Plan and the supplement for Supported Employment services; |
| 9. | The agency that submits the VR services portion of the Unified or Combined State Plan and its supplement has adopted or otherwise formally approved the plan and its supplement. |

ASSURANCES

The designated State agency or designated State unit, as appropriate and identified in the State certifications included with this VR services portion of the Unified or Combined State Plan and its supplement, through signature of the authorized individual, assures the Commissioner, that it will comply with all of the requirements of the VR services portion of the Unified or Combined State Plan and its supplement, as set forth in sections 101(a) and 606 of the Rehabilitation Act. The individual authorized to submit the VR services portion of the Unified or Combined State Plan and its supplement makes the following assurances:

| The State Plan must provide assurances that: | |
|---|---|
| 1. | Public Comment on Policies and Procedures: The designated State agency assures it will comply with all statutory and regulatory requirements for public participation in the VR Services Portion of the Unified or Combined State Plan, as required by section 101(a)(16)(A) of the Rehabilitation Act. |
| 2. | Submission of the VR services portion of the Unified or Combined State Plan and Its Supplement: The designated State unit assures it will comply with all requirements pertaining to the submission and revisions of the VR services portion of the Unified or Combined State Plan and its supplement for the State Supported Employment Services program, as required by sections 101(a)(1), (22), (23), and 606(a) of the Rehabilitation |

| The State Plan must provide assurances that: | |
|---|---|
| | Act; section 102 of WIOA in the case of the submission of a Unified State plan; section 103 of WIOA in the case of a submission of a Combined State Plan; 34 C.F.R. 76.140. |
| 3. | <p>Administration of the VR services portion of the Unified or Combined State Plan: The designated State agency or designated State unit, as appropriate, assures it will comply with the requirements related to:</p> <ul style="list-style-type: none"> (a) the establishment of the designated State agency and designated State unit, as required by section 101(a)(2) of the Rehabilitation Act. (b) either a State independent commission or State Rehabilitation Council, as required by section 101(a)(21) of the Rehabilitation Act. (c) consultations regarding the administration of the VR services portion of the Unified or Combined State Plan, in accordance with section 101(a)(16)(B) of the Rehabilitation Act. (d) the financial participation by the State, or if the State so elects, by the State and local agencies, to provide the amount of the non-Federal share of the cost of carrying out the VR program in accordance with section 101(a)(3). (e) as applicable, the local administration of the VR services portion of the Unified or Combined State Plan, in accordance with section 101(a)(2)(A) of the Rehabilitation Act. (f) as applicable, the shared funding and administration of joint programs, in accordance with section 101(a)(2)(A)(ii) of the Rehabilitation Act. (g) statewideness and waivers of statewideness requirements, as set forth in section 101(a)(4) of the Rehabilitation Act. (h) the requirements for cooperation, collaboration, and coordination, as required by sections 101(a)(11) and (24)(B); and 606(b) of the Rehabilitation Act. (i) all required methods of administration, as required by section 101(a)(6) of the Rehabilitation Act. (j) the requirements for the comprehensive system of personnel development, as set forth in section 101(a)(7) of the Rehabilitation Act. (k) the compilation and submission to the Commissioner of statewide assessments, estimates, State goals and priorities, strategies, and progress reports, as appropriate, and as required by sections 101(a)(15), 105(c)(2), and 606(b)(8) of the Rehabilitation Act. (l) the reservation and use of a portion of the funds allotted to the State under section 110 of the Rehabilitation Act for the development and implementation of innovative approaches to expand and improve the provision of VR services to individuals with disabilities, particularly individuals with the most significant disabilities as set forth in section 101(a)(18)(A). (m) the submission of reports as required by section 101(a)(10) of the Rehabilitation Act. |
| 4. | <p>Administration of the Provision of VR Services: The designated State agency, or designated State unit, as appropriate, assures that it will:</p> <ul style="list-style-type: none"> (a) comply with all requirements regarding information and referral services in accordance with sections 101(a)(5)(E) and (20) of the Rehabilitation Act. (b) impose no duration of residence requirement as part of determining an individual's eligibility for VR services or that excludes from services under the plan any individual |

The State Plan must provide assurances that:

- who is present in the State in accordance with section 101(a)(12) of the Rehabilitation Act.
- (c) provide the full range of services listed in section 103(a) of the Rehabilitation Act, as appropriate, to all eligible individuals with disabilities in the State who apply for services or, if implementing an order of selection, in accordance with criteria established by the State for the order of selection as set out in section 101(a)(5) of the Rehabilitation Act.
- (d) determine whether comparable services and benefits are available to the individual in accordance with section 101(a)(8) of the Rehabilitation Act.
- (e) comply with the requirements for the development of an individualized plan for employment in accordance with section 102(b) of the Rehabilitation Act.
- (f) comply with requirements regarding the provisions of informed choice for all applicants and eligible individuals in accordance with section 102(d) of the Rehabilitation Act.
- (g) provide vocational rehabilitation services to American Indians who are individuals with disabilities residing in the State, in accordance with section 101(a)(13) of the Rehabilitation Act.
- (h) comply with the requirements for the conduct of semiannual or annual reviews, as appropriate, for individuals employed either in an extended employment setting in a community rehabilitation program or any other employment under section 14(c) of the Fair Labor Standards Act of 1938, as required by sections 101(a)(14) and 511 of the Rehabilitation Act.
- (i) meet the requirements in sections 101(a)(17) and 103(b)(2) of the Rehabilitation Act if the State elects to construct, under special circumstances, facilities for community rehabilitation programs.
- (j) with respect to students with disabilities, the State:
 - (i) has developed and will implement,
 - (A) strategies to address the needs identified in the assessments; and
 - (B) strategies to achieve the goals and priorities identified by the State, to improve and expand vocational rehabilitation services for students with disabilities on a statewide basis; and
 - (ii) has developed and will implement strategies to provide pre-employment transition services (sections 101(a)(15), 101(a)(25), and 113).
 - (iii) shall reserve not less than 15 percent of the allocated funds for the provision of pre-employment transition services; such funds shall not be used to pay for the administrative costs of providing pre-employment transition services.

5. Program Administration for the Supported Employment Title VI Supplement to the State plan:

- (a) The designated State unit assures that it will include in the VR services portion of the Unified or Combined State Plan all information required by section 606 of the Rehabilitation Act.
- (b) The designated State agency assures that it will submit reports in such form and in accordance with such procedures as the Commissioner may require and collects the information required by section 101(a)(10) of the Rehabilitation Act separately for

| | |
|---|--|
| The State Plan must provide assurances that: | |
| | individuals receiving supported employment services under title I and individuals receiving supported employment services under title VI of the Rehabilitation Act. |
| 6. | <p>Financial Administration of the Supported Employment Program (Title VI):</p> <p>(a) The designated State agency assures that it will expend no more than 2.5 percent of the State's allotment under title VI for administrative costs of carrying out this program; and, the designated State agency or agencies will provide, directly or indirectly through public or private entities, non-Federal contributions in an amount that is not less than 10 percent of the costs of carrying out supported employment services provided to youth with the most significant disabilities with the funds reserved for such purpose under section 603(d) of the Rehabilitation Act, in accordance with section 606(b)(7)(H) and (I) of the Rehabilitation Act.</p> <p>(b) The designated State agency assures that it will use funds made available under title VI of the Rehabilitation Act only to provide supported employment services to individuals with the most significant disabilities, including extended services to youth with the most significant disabilities, who are eligible to receive such services; and, that such funds are used only to supplement and not supplant the funds provided under Title I of the Rehabilitation Act, when providing supported employment services specified in the individualized plan for employment, in accordance with section 606(b)(7)(A) and (D), of the Rehabilitation Act.</p> |
| 7. | <p>Provision of Supported Employment Services:</p> <p>(a) The designated State agency assures that it will provide supported employment services as defined in section 7(39) of the Rehabilitation Act.</p> <p>(b) The designated State agency assures that the comprehensive assessment of individuals with significant disabilities conducted under section 102(b)(1) of the Rehabilitation Act and funded under title I of the Rehabilitation Act includes consideration of supported employment as an appropriate employment outcome, in accordance with the requirements of section 606(b)(7)(B) of the Rehabilitation Act an individualized plan for employment that meets the requirements of section 102(b) of the Rehabilitation Act, which is developed and updated with title I funds, in accordance with sections 102(b)(3)(F) and 606(b)(7)(C) and (E) of the Rehabilitation Act.</p> |



PROPOSED AGENDA ITEM RATIONALE

DATE: November 6, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

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

Derek Ippensen, Ed.D.
Director of Accountability

PROPOSED AGENDA ITEM: Provide an update on Fall 2023 state and federal accountability processes.

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

RATIONALE/BACKGROUND INFORMATION: Per N.R.S. 79-760.06 and federal education law, ESSA, the NDE must classify and designate schools annually. Using 2022-2023 school and district data, the NDE will classify and designate schools in the Fall of 2023. During this update, the NDE will share the status of current work and foreshadow upcoming milestones.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2023

ESTIMATED COST: N/A

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: (*--e.g., Federal, State*)
- 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:

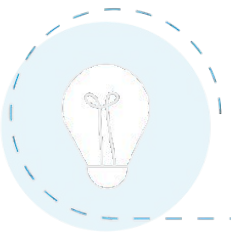
**Updated 08.15.2023*



State & Federal Accountability Updates

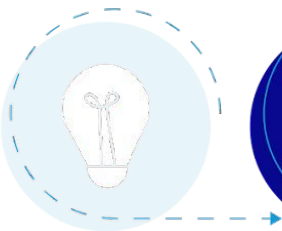
Shirley Vargas, Ed.L.D.
Administrator, School & District Support

Derek Ippensen, Ed.D.
Assistant Administrator & Director of
Accountability



Objectives

- Review the AQuESTT classification and federal designation processes
- Summarize updates to federal accountability and the federal designation process
- Discuss resources and capture/answer questions



Which Laws Govern Accountability?

Chapter 79

79-760.06.

Accountability system; combine multiple indicators; State Department of Education; powers; duties; designation of priority schools.

(1) The State Board of Education shall establish an accountability system to be used to measure the performance of individual public schools and school districts. The accountability system shall combine multiple indicators, including, but not limited to, graduation rates, student growth and student improvement on the assessment instruments provided in section 79-760.03, student discipline, and other indicators of the performance of public schools and school districts as established by the state board.

(2) The indicators selected by the state board for the accountability system shall be combined annually into a school performance score and district performance score. The state board shall establish levels of performance based upon school performance scores and district performance scores in order to annually classify and report the performance of public schools and school districts beginning with the reporting of data from school year 2014-15. The department shall classify and report the performance of public schools and school districts annually on or before December 31 of each calendar year.

(3) The state board shall designate priority schools based on such classification. Schools designated as priority schools shall be at the lowest performance level at the time of the initial priority school designation. Schools designated as priority schools shall remain priority schools until such designation is removed by the state board. No less than three schools may have a priority school designation at one time. Schools designated as priority schools shall be subject to the requirements of section 79-760.07. The State Department of Education shall annually report the performance level of individual public schools and school districts as part of the statewide assessment and reporting system.

Elementary and Secondary Education Act of 1965
 [As Amended Through P.L. 115-224, Enacted July 31, 2018]

[Currency: This publication is a compilation of the text of Public Law 89-10. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at https://www.govinfo.gov/app/collection/comps/]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

SECTION 1. [20 U.S.C. 6301 note] SHORT TITLE.
 This Act may be cited as the "Elementary and Secondary Education Act of 1965".

SEC. 2. TABLE OF CONTENTS.
 The table of contents for this Act is as follows:

Sec. 1. Short title.
 Sec. 2. Table of contents.

TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Sec. 1001. Statement of purpose.
 Sec. 1002. Authorization of appropriations.
 Sec. 1003. School improvement.
 Sec. 1003A. Direct student services.
 Sec. 1004. State administration.

PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

Subpart 1—Basic Program Requirements

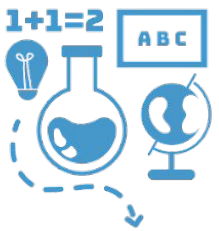
Sec. 1111. State plans.
 Sec. 1112. Local educational agency plans.
 Sec. 1113. Eligible school attendance areas.
 Sec. 1114. Schoolwide programs.
 Sec. 1115. Targeted assistance schools.
 Sec. 1116. Parent and family engagement.
 Sec. 1117. Participation of children enrolled in private schools.
 Sec. 1118. Fiscal requirements.
 Sec. 1119. Coordination requirements.

Subpart 2—Allocations

Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.
 Sec. 1122. Allocations to States.
 Sec. 1124. Basic grants to local educational agencies.
 Sec. 1124A. Concentration grants to local educational agencies.
 Sec. 1125. Targeted grants to local educational agencies.
 Sec. 1125AA. Adequacy of funding to local educational agencies in fiscal years after fiscal year 2001.
 Sec. 1125A. Education finance incentive grant program.

*The items relating to subpart 3 of part B and sections 5231 through 5244 in the table of sections contained in section 2 are editorially supplied. See the amendment made by section 6 of Public Law 114-95 (129 Stat. 1807).

1





AQuESTT: A system of accountability and support


LEADERSHIP DOMAIN

Strong leaders, committed to achieving educational equity, are critical to the processes of approval, accreditation, accountability, and continuous improvement. Leaders, from school boards to superintendents, principals to teacher leaders, set a vision for achieving educational equity, offering students meaningful access to the educational resources they need at the right moment, at the right level, and with the right intensity to not only reach high expectations for learning, but also to discover and explore their passions and make meaningful connections within the context of their postsecondary interests, careers, and civic lives. Leaders must possess the knowledge, skills, and mindset to systematize equity.


SUCCESS, ACCESS, AND SUPPORT DOMAIN



Educational Opportunities and Access
 Each student has access to effective, comprehensive, and continuous learning opportunities that prepare them for ongoing school success, postsecondary education, and career goals.


Transitions
 Quality educational opportunities focus on effective supports and high quality collaborations for each student transitioning within, into, and between grade levels, programs, schools, districts, postsecondary education, and careers.


Positive Partnerships, Relationships, and Success
 Schools and districts implement best practices in student, family, and community engagement to enhance experiences and opportunities that are culturally inclusive and relevant for each student. Student success and engagement relies on positive partnerships and relationships to fundamentally improve the outcomes for each student, school, district, and community.

TEACHING, LEARNING, AND SERVING DOMAIN


Educator Effectiveness
 Each student is engaged by effective educators throughout their learning experiences, such that schools and districts develop effective teachers and school leaders who establish a culture of success.


Student Achievement and Growth
 A balanced assessment system that includes results from multiple sources is used to measure student growth and achievement towards Nebraska's content area standards. A balanced assessment system is a necessary component of the instructional process to improve learning and growth for each student.


Postsecondary, Career, and Civic Readiness
 Each student, upon high school graduation, is prepared for success in postsecondary education, career, and life pursuits.





Accountability Indicators

- Individual data measurements related to student achievement or an element perceived to influence achievement - when combined provide an overall school/district rating and a picture of school performance.
- State and Federal Law require states to include multiple indicators and “meaningfully differentiate” schools to provide additional support.
- The following table defines each indicator and aligns state and federal indicators.



Indicators

| | | | | | |
|----------------------------------|----------------------|-------------------------|---|--------------------------------------|--|
| ESSA (Federal) Indicator: | Academic Achievement | Academic Progress | English Language Proficiency and Progress | Graduation Rate | School Quality or Student Success |
| AQuESTT (State) Metric: | Status | Growth, Non-Proficiency | Progress Towards English Language Proficiency | 4- and 7-Year Cohort Graduation Rate | Chronic Absenteeism, Science Proficiency |

Status: % of eligible students who scored On Track or higher in the current year's statewide Math and ELA assessments (NSCAS, NSCAS-Alt, and NSCAS-ACT)

Growth: % of NSCAS/NSCAS-Alt ELA and Math assessment scores within a school or district that showed an increase compared to the same individual's score in the previous year within the same subject area.

Non-Proficiency: The trend in the percentage of ELA and Math statewide assessments scoring at a proficient level or above in the school/district for the last three school years. (A negative slope value is the goal)

Progress towards ELP: The percentage of English Learner students in a school/district who are on track in their progress towards English language proficiency as measured by the ELPA21 assessment.

Graduation Rate: Two separate indicators - 4-year and 7-year grad rate - lags one year behind other indicators (Ex. Accountability data for Fall 2022 will use graduation rates from Spring 2021)

Chronic Absenteeism: Students who miss 10% or more of their days in membership. Rate is defined by the number of these students, divided by the total number of eligible students at a school or district.

Science Proficiency: % of eligible statewide assessments scored at a proficient level or above on the NSCAS/NSCAS-Alt/NSCAS-ACT Science assessments.

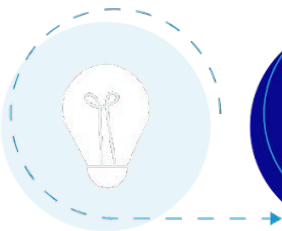
State Accountability

AQUESTT



2023 AQuESTT Classification Process Updates

- No Evidence-Based Analysis (EBA) Adjustment for the 2023 Classification Process and beyond
- ELPA 21 indicator updated to include eligibility for students who attain proficiency the first year
- All Pre-K students removed from school and district attendance indicators
- Chronic absenteeism returns to reduction goal model using 2021-2022 data as the baseline
- Student discipline data is only reported this year and is not included in ratings



2023 Classification Process

STEP 1

Status (Percent Proficient): 4, 3, 2, 1
 (# of Proficient ELA + # of Proficient Math)/(Total ELA Assessments + Total Math Assessments)

Transitions



0

51% 4 Year Graduation Rate
 49% Extended Graduation

Opportunities & Access



+1, 0

50% Reduction in Chronic Absenteeism
 50% Progress towards English proficiency

Achievement & Growth

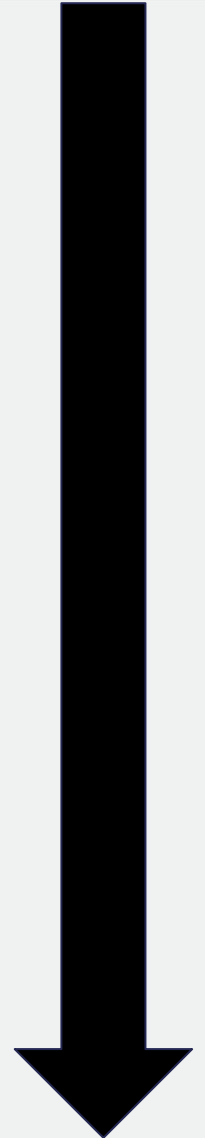


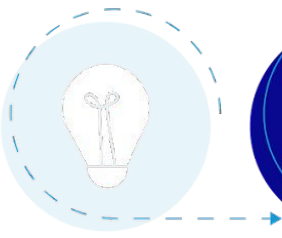
+1, 0

65% Growth
 25% Non- proficiency reduction
 10% Science Proficiency

STEP 2

= Final Classification (Excellent, Great, Good, NSI)

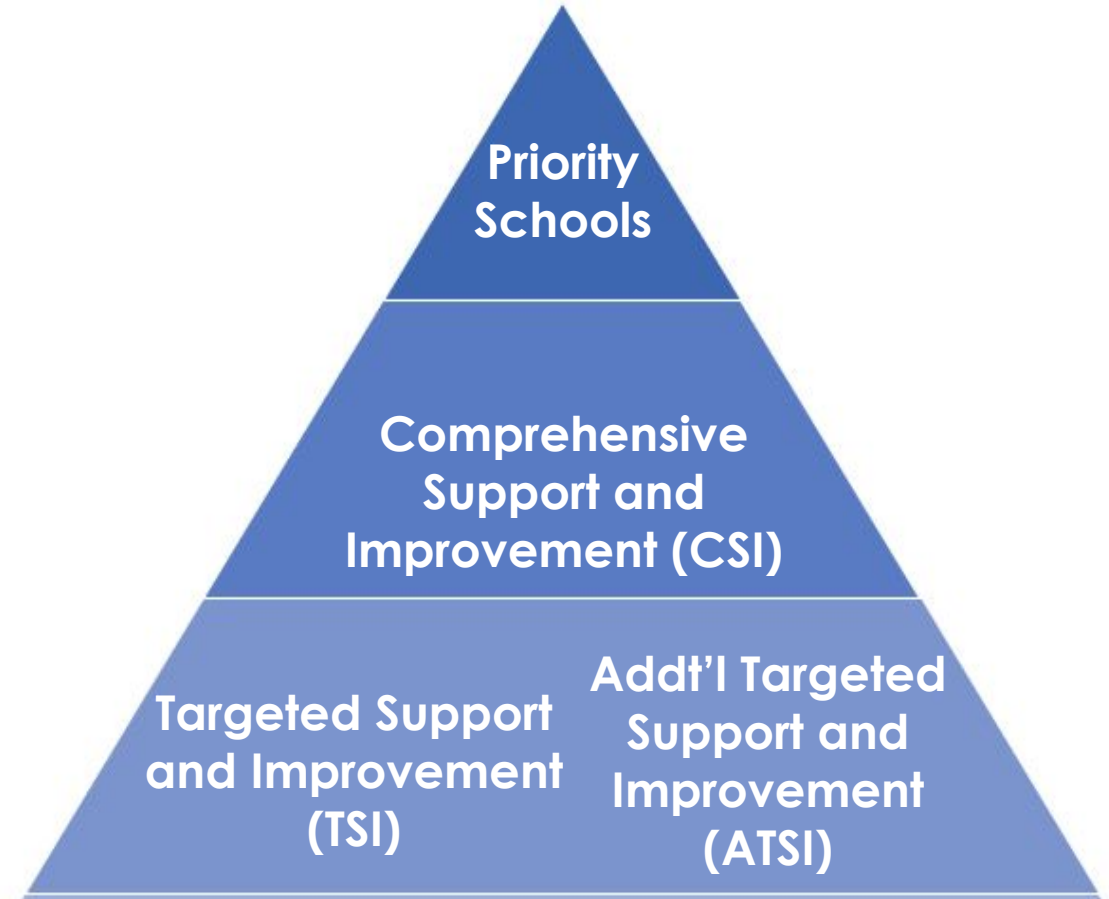




2023 Final Classifications

| Classifications | Number of Schools | Number of Districts |
|---------------------------------|-------------------|---------------------|
| Excellent | 303 (27%) | 67 (27%) |
| Great | 437 (40%) | 133 (55%) |
| Good | 288 (26%) | 38 (16%) |
| Needs Support to Improve | 76 (7%) | 6 (2%) |

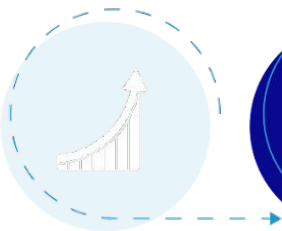
Classifications & Designations



***Classifications** and **designations** are independent of one another.*

Federal Accountability

essa
NEBRASKA



Federal Designations - Definitions

Comprehensive Support & Improvement (CSI)

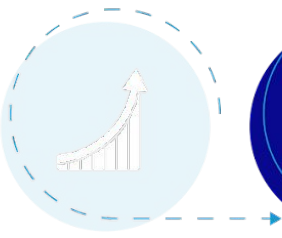
- A public school in the lowest 5% of overall performance of Title I schools,
- Any public high school with a 4-year cohort graduation rate of less than 67%, or
- Any public school with an ATSI designation for 3 years.
- Occurs every 3 years

Targeted Support & Improvement (TSI)

Any public school with one or more student groups performing at or below the lowest 25% of Title 1 schools. Occurs every year.

Additional Targeted Support & Improvement (ATSI)

Any public school with one or more student group(s) performing at or below the performance level of students in the lowest 5% of Title I schools (i.e. CSI schools). Occurs every 3 years.



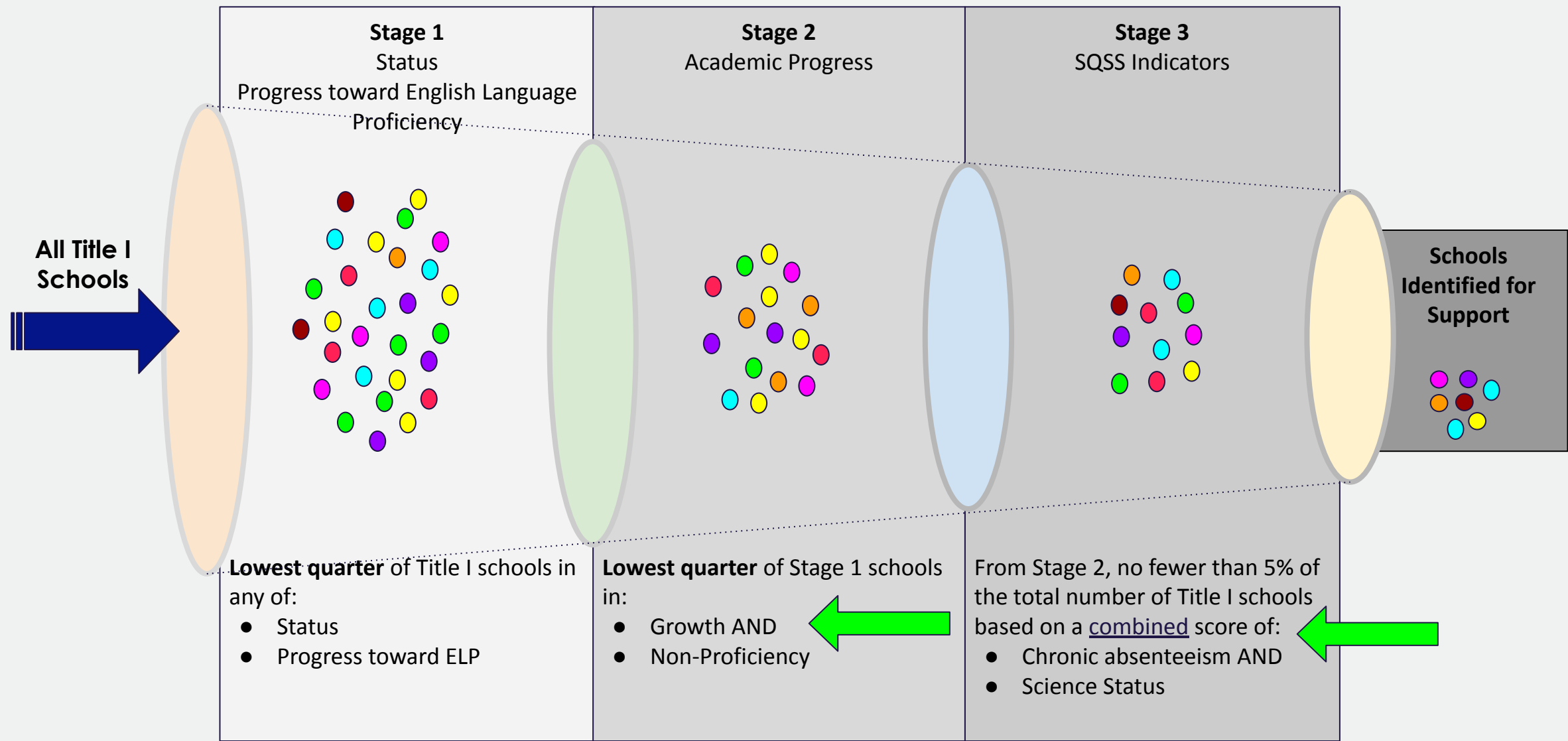
Consideration

We are still waiting approval from the U.S. Department of Education for approval to the ESSA Plan Amendment.

All subsequent slides represent anticipated changes.



CSI - Elementary/Middle School Filter



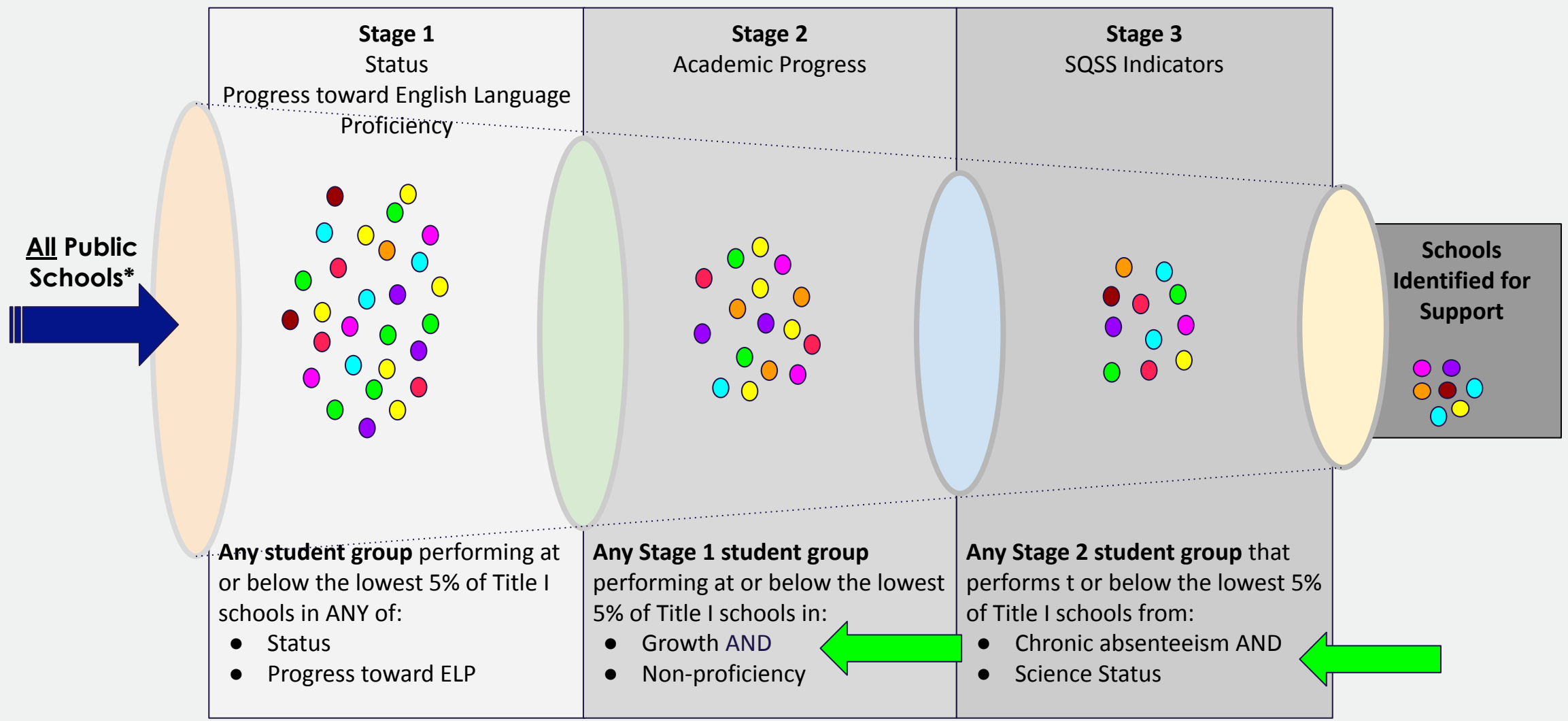


TSI/ATSI - Student Groups

- All public schools with at least 10 students in each of the following student groups are eligible for this designation:
 - American Indian/Alaska Native
 - Asian
 - Black/African American
 - Hispanic/Latino
 - Native Hawaiian
 - White
 - Two or more races
 - Economically disadvantaged
 - English Learners
 - Students with Disabilities



ATSI - Elementary/Middle School Filter



*All public schools with at least 10 students in each of the following student groups: Black/African American, Hispanic/Latino, American Indian/Alaska Native, White, Native Hawaiian, Asian, Two or more races, Economically disadvantaged, Students with Disabilities, English Learners



Exit Criteria

- **CSI Exit Criteria**

- Not re-identified for CSI, AND not in lowest 10% of Title I across the first filter (Status & ELP), AND
- Made significant progress across **all indicators**

- **Significant Progress** is defined as a positive change in performance across each indicator compared to the year in which the school was identified.

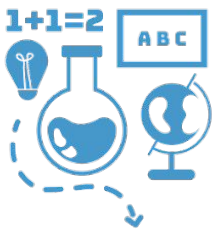
- For high schools identified for CSI for low graduation rate, schools may exit when they have

- A grad rate above 67% AND have two consecutive years of graduation rate improvement in order to exit such status.

- **ATSI Exit Criteria**

- Not re-identified for ATSI for the same student group
- Made sufficient growth in Status and/or ELP (**Stage 1**)

- **Sufficient Growth** is defined yearly by analyzing progress made by each student group in the current accountability year compared to the year the school was identified.



CSI/ATSI Timeline

| | 2018-19 | 2019-20 (Not counted towards years in status) | 2020-21 | 2021-22 | 2022-23 (Transition Year) | 2023-24 (Transition Year) | 2024-25 | 2025-26 | 2026-27 |
|---|-----------------------------------|---|------------------------------------|------------------------------------|--|---|-------------------|-------------------|---|
| CSI (lowest 5% Title 1 schools - identified every 3 years) (Low grad rate < 67%) | Cohort 1 - Year 1 (27 Schools) | <i>Cohort 1 - Year 2</i> | Cohort 1 - Year 2 (27 Schools) | Cohort 1 - Year 3 (27 Schools) | Apply exit criteria to Cohort 1 (Non-exiting schools: more rigorous options) | | | | |
| | | | | | Identify CSI schools for Cohort 2 - Year 1 (~27 schools) | Eligible to Exit | Eligible to Exit | Eligible to Exit | Apply exit criteria to Cohort 2 |
| | | | | | | Identify CSI schools for Cohort 3 - Year 1 (~27 schools) | Cohort 3 - Year 2 | Cohort 3 - Year 3 | Apply exit criteria to Cohort 3 |
| CSI-Low Grade Rate (Any high school with a grad rate of <67%) | | | | | | Identify non-exiting CSI-low grad schools | Eligible to Exit | Eligible to Exit | Eligible to Exit |
| CSI-Student Group (non-exiting ATSI schools after designated time period) | | | | | | Identify non-exiting ATSI schools | Eligible to Exit | Eligible to Exit | Eligible to Exit |
| | | | | | | | | | Identify CSI schools for Cohort 4 - Year 1 |
| ATSI (schools with underperforming student groups as compared to CSI schools) | | <i>Cohort 1 - Year 1</i> | Cohort 1 - Year 1 (116 Schools) | Cohort 1 - Year 2 (116 Schools) | Cohort 1 - Year 3 (116 Schools) | Apply exit criteria to Cohort 1 (Non-exiting schools: Become CSI) | | | |
| | | | | | Identify ATSI school - Cohort 2 - Year 1 | Eligible to Exit | Eligible to Exit | Eligible to Exit | Apply exit criteria to Cohort 2 |
| | | | | | | Identify ATSI schools for Cohort 3 - Year 1 | Cohort 3 - Year 2 | Cohort 3 - Year 3 | Apply exit criteria to Cohort 3 |
| | | | | | | | | | Identify ATSI schools for Cohort 4 - Year 1 |

2023 Accountability General Timeline

- NEP draft data available to districts/schools (AQuESTT Classifications only):
 - Monday, October 23
- Accountability Office Hours:
 - Monday, October 30 - Tuesday, November 14
- NEP, Classifications Public Release:
 - Wednesday, November 22
- Federal Designations Public Release:
 - To be determined



Resources and Planning

- AQuESTT Business Rules
- AQuESTT One-Pager
- Accountability Office Hours
- ESSA Designation Business Rules
- Designation FAQ

<https://aquestt.com/resources>



Nebraska Education Profile

Your one-stop location for Nebraska education data.



Search NEP



State Data

nep.education.ne.gov





Accountability for a Quality Education System, Today and Tomorrow

We've gone beyond measuring against standard requirements to create a next-generation accountability system that supports and rewards continuous improvement for every student, school, and educator.

The result is an innovative approach that views each student holistically, classifies all schools into four performance levels, and provides opportunities for every Nebraskan to get involved.



www.aquestt.com





Coordinated School and District Support

The Office of Coordinated School and District Support (CSDS) was established in 2019 to provide coordination of school improvement and support efforts across the NDE and with various stakeholders, such as Educational Service Units (ESU) and community organizations, with the goal of ensuring meaningful support services and resources to schools at the right time and with the right intensity.

The CSDS is focused on delivering customized support to all schools, with a specific emphasis on supporting schools that have been identified to receive additional support, such as Needs Improvement, Priority, Comprehensive Support and Improvement, Targeted Support and Improvement, and Additional Targeted Support and Improvement.

While every school and district engages in continuous improvement activities, school identified to receive additional support may engage in school improvement activities. See

Coordinated School and District Support Home

School Improvement

Priority Schools

CSI/TSI/ATSI

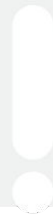
CSI Communities of

<https://www.education.ne.gov/csds/>



Planned Adjustments to Accountability

| | Spring 2022 | Fall 2022 | Spring 2023 | Fall 2023 | Spring 2024 | Fall 2024 |
|---|-------------|-----------|-------------|-----------|-------------|-----------|
| Addendum | | | | | | |
| Short-Term ESSA Plan Amendment (Accountability) | | | | | | |
| Long-Term ESSA Plan Amendment & AQuESTT Vision | | | | | | |





Thank you!

Send questions to
shirley.vargas@nebraska.gov
derek.ippensen@nebraska.gov



STATE BOARD OF EDUCATION
RULES AND REGULATIONS COMMITTEE REPORT

Date: November 30, 2023

The Rules and Regulations Committee reports on the November 30, 2023, meeting of the committee.

Members present were chair Elizabeth Tegtmeier, Jacquelyn Morrison, Kirk Penner, Patsy Koch Johns.

The committee heard from Dr. Sara Skretta regarding coursework for renewing teaching certificates and discussing feedback NACTE received concerning current requirements for certificate renewal. NDE staff and Dr Skretta confirmed that there are monthly inquiries by expired certificate holders concerning renewal. Committee members discussed ways to remove barriers for renewing teaching certificates after being expired for less than five years and more than five years. Committee members also discussed ways to work alongside NACTE to create coursework for expired certifications, ways to streamline processes, and how increased administration observation of teachers on provisional permits would enable the district to address any deficiencies or concerns during the provisional period. The committee also discussed the value of professional mentoring and professional development that would occur during the two years of a provisional certificate.

The potential public input draft for the new Rule 58, Regulations for Security-Related Infrastructure Grants, was shared with the committee on November 16th to be reviewed. Also, NDE staff shared the Fiscal statement and executive summary. The public input period was held November 27th-29th, the public notice for the hearing could be published today on the 30th, the public hearing could be held on January 2nd, and the committee could recommend approval to the full Board at the January meeting.

The committee discussed considerations for legislative changes necessary for statutes surrounding high ability learners. This statute hasn't been updated since 1998 and the conversation about potential changes was spurred by forthcoming changes to Rule 3. The committee will continue to consider next steps and outreach to the legislature to address these issues.

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: November 15, 2023

Subject: Report on Rules

Awaiting Approval by the Governor

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*

| | |
|---|--------------------|
| Public Hearing Held: | May 30, 2023 |
| Approved by the State Board of Education: | June 2, 2023 |
| Returned by the Attorney General: | September 21, 2023 |
| Reapproved by the State Board of Education: | October 6, 2023 |
| Approved by the Attorney General: | October 23, 2023 |

Awaiting Approval by the Attorney General

Title 92, Nebraska Administrative Code, Chapter 10, *Regulations and Procedures for the Accreditation of Schools*

| | |
|--|------------------|
| Public Hearing Held: | January 31, 2023 |
| Approved by that State Board of Education: | March 3, 2023 |

Title 92, Nebraska Administrative Code, Chapter 14, *Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools*

| | |
|---|------------------|
| Public Hearing Held: | January 31, 2023 |
| Approved by the State Board of Education: | 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)*

| | |
|---|--------------|
| Public Hearing Held: | May 30, 2023 |
| Approved by the State Board of Education: | June 2, 2023 |

Title 92, Nebraska Administrative Code, Chapter 24, *Regulations for Certificate Endorsements*

| | |
|---|--------------|
| Public Hearing Held: | May 30, 2023 |
| Approved by the State Board of Education: | June 2, 2023 |

Title 93, Nebraska Administrative Code, Chapters 1-16, *Personnel Rules*

Public Hearing Held: May 30, 2023
Approved by the State Board of Education: June 2, 2023

Public Input Period Completed – Hearing Draft Being Prepared

Title 92, Nebraska Administrative Code, Chapter 59, *Regulations for School Health and Safety*
- Response to legislation and stakeholder concerns

Public Input Draft Under Review

New- Title 92, Nebraska Administrative Code, Chapter 58, *Regulations for Security-Related Infrastructure Grants*
- Response to legislation with funding for 2023-24

Continuing Discussion – Rules and Regulations Committee

Title 92, Nebraska Administrative Code, Chapter 21, *Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools*

Title 92, Nebraska Administrative Code, Chapter 24, *Regulations for Certificate Endorsements*

Public Input Draft Being Prepared

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

Title 92, Nebraska Administrative Code, Chapter 3, *Regulations Governing High Ability Learners*
- Update provisions

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 19, *Regulations Regarding School Enrollment*
- Response to legislation being implemented for 2023-24

Initial Consultation with Legal Counsel Has Occurred

College Pathway Program Act
- 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

Revision or Repeal Is Anticipated

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 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 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*

- 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

TO: Brian L. Maher, Commissioner of Education

FROM: Bryce Wilson, Denise Thege

DATE: December 1, 2023

SUBJECT: MONTHLY LIST OF CONTRACTS \$10,000 TO \$50,000

RATIONALE: As stated in the Nebraska State Board of Education Agency Management Policies 2.02 the Commissioner shall provide the Board each month with a list of contracts between \$10,000 and \$50,000.

1. Contractor(s): ESU 10
Contract Amount: \$37,000
Funding Source: Federal
Scope of Services: Provide hosting services and maintenance for website.
Date of Contract: 10/1/23-9/30/24
Contact Person: Lindy Foley
2. Contractor(s): Value Up
Contract Amount: \$21,000
Funding Source: Federal
Scope of Services: Provide training.
Date of Contract: 10/1/23-12/31/23
Contact Person: Zainab Rida
3. Contractor(s): ILoveUGuys Foundation
Contract Amount: \$35,000
Funding Source: Federal
Scope of Services: Provide training.
Date of Contract: 10/23/23-10/30/23
Contact Person: Zainab Rida
4. Contractor(s): Lacey Sateren
Contract Amount: \$10,000
Funding Source: Federal
Scope of Services: Training and to complete program quality assessments.
Date of Contract: 11/1/23-10/31/24
Contact Person: Melody Hobson
5. Contractor(s): Asian Community & Culture Center
Contract Amount: \$49,999
Funding Source: Federal
Scope of Services: Provide workshops.
Date of Contract: 10/2/23-6/1/24
Contact Person: Zainab Rida
6. Contractor(s): DeAnne Mueller
Contract Amount: \$21,000
Funding Source: General/Federal
Scope of Services: Coaching/training services.
Date of Contract: 11/15/23-11/14/24
Contact Person: Melody Hobson

7. Contractor(s): CreateAbility Concepts
Contract Amount: \$11,300
Funding Source: Federal
Scope of Services: Provide data to VR pilot team.
Date of Contract: 10/24/23-10/23/24
Contact Person: Lindy Foley
8. Contractor(s): Bryan Hermsen
Contract Amount: \$25,000
Funding Source: Federal
Scope of Services: Perform upgrades to ATP's database.
Date of Contract: 10/23/23-9/30/24
Contact Person: Lindy Foley
9. Contractor(s): Four Monkeys Press
Contract Amount: \$27,300
Funding Source: General
Scope of Services: Training and complete program quality observations.
Date of Contract: 11/1/23-10/31/24
Contact Person: Melody Hobson
10. Contractor(s): Jessica Trinidad
Contract Amount: \$10,000
Funding Source: Federal/General
Scope of Services: Record English and Spanish voice over tracks.
Date of Contract: 11/1/23-10/31/24
Contact Person: Melody Hobson
11. Contractor(s): Partners for Insightful Evaluation
Contract Amount: \$45,350
Funding Source: Federal
Scope of Services: Collect data and produce report.
Date of Contract: 10/25/23-9/30/24
Contact Person: Zainab Rida
12. Contractor(s): Dawn Murphy
Contract Amount: \$14,500
Funding Source: Federal/General
Scope of Services: Complete program quality observations and provide training.
Date of Contract: 11/15/23-11/14/24
Contact Person: Melody Hobson
13. Contractor(s): Margaret Schneider
Contract Amount: \$40,510
Funding Source: Federal
Scope of Services: Support Nebraska DECA.
Date of Contract: 1/2/2024-12/31/2024
Contact Person: Katie Graham

14. Contractor(s): Nancy Carley
Contract Amount: \$13,000
Funding Source: Federal
Scope of Services: Conduct Step Up to Quality Rating Reviews.
Date of Contract: 12/1/23-11/30/24
Contact Person: Melody Hobson
15. Contractor(s): Samantha Kesselring
Contract Amount: \$12,000
Funding Source: Federal
Scope of Services: Serve as Bullying Prevention Specialist.
Date of Contract: 11/17/23-6/30/24
Contact Person: Zainab Rida
16. Contractor(s): Jared Noetzel
Contract Amount: \$12,000
Funding Source: Federal
Scope of Services: Serve as Bullying Prevention Specialist.
Date of Contract: 11/17/23-6/30/24
Contact Person: Zainab Rida
17. Contractor(s): Education Development Center
Contract Amount: \$26,000
Funding Source: Federal
Scope of Services: Provide facilitation.
Date of Contract: 10/1/23-12/31/23
Contact Person: Shirley Vargas
18. Contractor(s): Sara Voss
Contract Amount: \$28,500
Funding Source: Federal
Scope of Services: Coaching, training and complete program quality assessment observations.
Date of Contract: 12/1/23-11/30/24
Contact Person: Melody Hobson
19. Contractor(s): Abigail Fiske
Contract Amount: \$24,000
Funding Source: Federal
Scope of Services: Serve as State Officer Coordinator for Nebraska FCCLA.
Date of Contract: 12/1/23-12/31/24
Contact Person: Katie Graham
20. Contractor(s): Catie Limbach
Contract Amount: \$24,200
Funding Source: General
Scope of Services: Observing and training services.
Date of Contract: 12/15/23-12/14/24
Contact Person: Melody Hobson

21. Contractor(s): Scott Poland
Contract Amount: \$12,000
Funding Source: Federal
Scope of Services: Provide trainings.
Date of Contract: 1/30/24-2/6/24
Contact Person: Zainab Rida