

NEBRASKA STATE BOARD OF EDUCATION MEETING NOTIFICATION AND AGENDA

- Meeting Date:** Friday, January 5, 2024 9:00 AM
- Meeting Title:** State Board of Education Meeting Notification and Agenda
- Location:** NDE Office Building
Board Room
500 South 84th Street
Lincoln, NE 68510
- Agenda:** Except for emergency items added at the time of the meeting, the agenda will not be changed less than 24 hours prior to the start of the meeting and any changes will be immediately posted on the website. The Board will attempt to adhere to the sequence of the published agenda, but reserves the right to adjust the order of items if necessary and may elect to take action on any of the items listed.
- Interpreter:** If you need interpreter services or other reasonable accommodations, please contact the Nebraska Department of Education at (402) 471-5059 five (5) days prior to the meeting to coordinate arrangements.
- Website:** An electronic version of the agenda and support materials are available on the State Board of Education's Agenda page: www.education.ne.gov/stateboard/state-board-agendas/
- Lunch:** On Friday Friday, January 5, 2024, 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
 - 1.1. Roll Call
President
 - 1.2. Pledge of Allegiance
President
 - 1.3. Announcement of the placement of the Open Meetings Act information
President
2. SPECIAL PRESENTATIONS
President
 - 2.1. Jacob Eitzen, 2023-2024 Nebraska Milken Educator, at the time of the award, an 11th/12th Grade AP Statistics and Algebra 2 Teacher, Bellevue West High School, Bellevue, Nebraska
Commissioner Maher, President, and Jacob Eitzen

2.2. Leslie McIntosh, 2023-2024 Nebraska Milken Educator, at the time of the award, a 5th Grade Reading/English Language Arts (ELA) Teacher, Syracuse-Dunbar-Avoca Middle School, Syracuse, Nebraska
Commissioner Maher, President, and Leslie McIntosh

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. Introduction of Scott Phillips, 2024 Nebraska Teacher of the Year, Math teacher, Aurora Middle School, Aurora, Nebraska

Scott Phillips, 2024 Nebraska Teacher of the Year, 7th Grade Math Teacher, Aurora Middle School, Aurora, Nebraska

3.3. Review Process for Developing Content Area Standards

Allyson DenBeste

4. PRESIDENT'S REPORT

President

5. CONSENT AGENDA

President

5.1. Board Member Out-of-State Travel Approval

5.2. Committee Appointments

5.3. Contract Approvals

5.3.A. Authorize the Commissioner to contract with the Children's Nebraska-Community Health & Advocacy Center to support the development of training and professional development in the area of health services and behavioral health topics best practices

Zainab Rida

5.4. Grant Approvals

5.5. Lease Approvals

5.6. Minutes of the Previous State Board of Education Meeting

5.7. Miscellaneous Approvals

- 5.7.A. Appoint a Hearing Officer in NDE Case No. 23-35, *Storms v. Commissioner Leslie Donley*

6. STANDING COMMITTEE REPORTS

President

6.1. Executive Committee

Patti Gubbels

- 6.1.A. Action Item: Adopt revisions to Board Bylaws

Patti Gubbels

- 6.1.B. Action Item: Adopt revisions to Board Operating Policies

Patti Gubbels

- 6.1.C. Action Item: Adopt revisions to Agency Management Policies

Patti Gubbels

6.2. Budget and Finance Committee

Patsy Koch Johns

- 6.2.A. Monthly Board Travel Expense Reports

- 6.2.B. Action Item: Authorize the Commissioner to contract with a Vendor to aid in the building and development of a Learning Management System (LMS), and construction of an Emergency Operations Plan (EOP)

Zainab Rida and Jay Martin

- 6.2.C. Action Item: Authorize the Commissioner to approve a grant to the Nebraska Children and Families Foundation to continue the Nurturing Healthy Behaviors/Rooted in Relationships program

Melody Hobson

- 6.2.D. Action Item: Authorize the Commissioner to contract with WestEd to conduct a Nebraska Middle School CTE Landscape Analysis

Katie Graham and Sydney Kobza

6.3. Planning and Evaluation Committee

Deborah Neary

- 6.3.A. Action Item: Authorize the Commissioner to approve the Nebraska Vocational Rehabilitation (Nebraska VR) portion of the WIOA Combined State Plan

Lindy Foley

6.3.B. Discussion Item: Engage in discussion and provide updates on Nebraska's Every Student Succeeds Act (ESSA) state plan amendment
Lane Carr

6.3.C. Discussion Item: Discuss extension of NWEA contract to 2024-2025
Trudy Clark

6.3.D. Discussion Item: Discuss extension of Data Recognition Corporation (DRC) contract to 2024-2025
Trudy Clark

6.3.E. Discussion Item: Approve Rule 11 teacher waiver request for Franklin Public Schools
Melody Hobson

6.3.F. Discussion Item: Discuss the proposed Computer Science and Technology standards
Katie Graham

6.4. Rules and Regulations Committee
Elizabeth Tegtmeier

6.4.A. Report On Rules

6.4.B. Action Item: Approve and adopt proposed revisions to Rule 58 (92 NAC 58) Regulations for Security-Related Infrastructure Grants
Zainab Rida

6.4.C. Action Item: Approve and adopt proposed revisions to Rule 59 (92 NAC 59) Regulations for School Health and Safety
Zainab Rida

7. ADDITIONAL BUSINESS
President

8. INFORMATION ITEMS AND REPORTS
President

8.1. Contracts Approved by Commissioner

8.2. Grants Approved by Commissioner

8.3. Written Public Comment

9. 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

10. ADJOURNMENT

President

The next regularly scheduled meeting of the State Board of Education will be held on Friday, February 2, 2024, at 9:00 a.m. in Lincoln, Nebraska. As needed, a work session will be held on Thursday, February 1, 2024 in Lincoln, Nebraska.

The agenda contains a list of subjects known at the time of its distribution on December 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.*



Process for Content Area Standards Review, Revision, and Development

Nebraska State Board of Education
Planning and Evaluation Committee

January 2024

Introduction

A proposal to develop or update content area standards may be initiated by:

- 1) a directive from the State Board of Education,
- 2) the introduction of, or change to, state or federal law, or
- 3) a recommendation by NDE staff that content standards are needed to better or properly administer a program.

This presentation outlines the major phases of work and a brief description of activities within each.

The NDE's Office of Teaching, Learning, and Assessment oversees the development and updating of content area standards for:

- English Language Arts
- Mathematics
- Science
- Social Studies
- Fine Arts
- Physical Education
- World Languages

The Office of Career, Technical, and Adult Education oversees the development and updating of content area standards for:

- Agriculture Food and Natural Resources
- Business, Marketing, and Management
- Communication and Information Systems
- Computer Science
- Health Sciences
- Human Science and Education
- Skilled and Technical Sciences
- Nebraska's Career Readiness Standards

STANDARDS REVISION TIMELINE FOR ALL CONTENT AREAS

For more information about the implementation of content standards, please see the [Nebraska Content Area Standards Implementation Framework](#)

Content Areas (Assessed by Summative Statewide)

Content Area	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039
 English Language Arts	 FALL	 SSA SPRING				 SPRING	 FALL	 FALL	 SSA				 SPRING	 FALL	 FALL	 SSA		
 Mathematics	 FALL	 FALL	 SSA SPRING				 SPRING	 FALL	 FALL	 SSA				 SPRING	 FALL	 FALL	 SSA	
 Science		 SPRING	 FALL	 FALL		 SSA			 SPRING	 FALL	 FALL		 SSA			 SPRING	 FALL	 FALL

Content Areas (Not Assessed by Summative Statewide)

Content Area	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039
 Fine Arts				 SPRING	 FALL	 FALL					 SPRING	 FALL	 FALL					 SPRING
 Physical Education				 SPRING	 FALL	 FALL					 SPRING	 FALL	 FALL					 SPRING
 Social Studies				 SPRING	 FALL	 FALL					 SPRING	 FALL	 FALL					 SPRING
 World Languages				 SPRING	 FALL	 FALL					 SPRING	 FALL	 FALL					 SPRING
 Ag, Food, & Natural Resources		 FALL			 SPRING	 FALL	 FALL			 FALL	 FALL	 FALL			 FALL	 FALL	 FALL	
 Business, Marketing, & Management		 FALL			 SPRING	 FALL	 FALL			 FALL	 FALL	 FALL			 FALL	 FALL	 FALL	
 Communication & Information Systems		 FALL			 SPRING	 FALL	 FALL			 FALL	 FALL	 FALL			 FALL	 FALL	 FALL	
 Computer Science		 SPRING	 FALL		 SPRING	 FALL	 FALL			 SPRING	 FALL	 FALL			 SPRING	 FALL	 FALL	
 Health Sciences		 FALL			 SPRING	 FALL	 FALL			 SPRING	 FALL	 FALL			 SPRING	 FALL	 FALL	
 Human Sciences & Education		 FALL			 SPRING	 FALL	 FALL			 SPRING	 FALL	 FALL			 SPRING	 FALL	 FALL	
 Skilled & Technical Sciences		 FALL			 SPRING	 FALL	 FALL			 SPRING	 FALL	 FALL			 SPRING	 FALL	 FALL	



Five Phases

1. Planning Phase
2. Writing Phase
3. Editing Phase
4. Approval and Dissemination Phase
5. Implementation Phase



1. Planning Phase

Communication

- Formal notice is provided to the State Board of Education's Planning and Evaluation Committee of the plan to initiate standards development or update.
- Notice is provided to Nebraska educator stakeholder groups (e.g., district administrators, curriculum contacts, district assessment contacts, ESUs, and postsecondary education).
- Throughout the review, the Office Administrator provides regular updates to the State Board of Education's Planning and Evaluation Committee. Upon their review, the updates are then shared with the full State Board of Education.

Communication (cont.)

- Updates include:
 - Major review activities
 - Proposed adjustments and/or updates to standards content
 - Anticipated next steps
 - Drafts of standards in progress

Major Activities

- A tentative timeline for the development/updated process is developed, based on targeted approval date.
- Public Input Survey #1 is released via the NDE main website.
 - Notice of the availability of the survey is provided to the State Board of Education and shared with educator stakeholder groups and NDE's Family and Community Engagement contacts.
 - A dedicated email address for input is created and shared.

Major Activities (cont.)

- The standards writing team is developed.
 - An online application is distributed to stakeholder groups inviting Nebraska educators to apply to be on the standards writing team.
 - NDE staff use a rubric to identify the standards writing team, seeking geographic diversity and representation from various sizes districts, secondary, and postsecondary education.
 - Subject matter experts may be engaged.



2. Writing Phase

Major Activities

- Standards writing team members participate in an orientation to the standards development and update process.
- Standards writing teams analyze data from initial public input, review research and resources provided by NDE staff and subject matter experts, and draft recommendations for updates.
- NDE staff create a first draft of the updated standards (Draft #1), based on the work of the standards writing team.

Communication

- Office Administrator shares Draft #1 with the State Board of Education's Planning and Evaluation Committee. Upon their review, Draft #1 is then shared by the Office Administrator with the full State Board of Education. A table of key considerations that reflect the proposed adjustments of standards and indicators by the writing teams is provided with the draft.



3. Editing Phase

Major Activities

- Draft #1 is released via Public Input Survey #2 on the NDE main website with notice shared to educator stakeholder groups and NDE's Family and Community Engagement contacts.
- Draft #2 (final draft) is developed based on incorporating input received from Public Input Survey #2.

Communication

- Updates are provided to the State Board of Education's Planning and Evaluation Committee.



4. Approval and Dissemination Phase

Major Activities

- The final draft of the updated content area standards is presented to the State Board of Education's Planning and Evaluation Committee. The Planning and Evaluation committee makes the recommendation to bring the final draft to the full State Board of Education for approval.

Communication

- Following State Board of Education's approval:
 - The final approved standards are made available to the public via the main NDE website and related content area webpages.
 - A press release is prepared by the Office of Public Information and Communications.
 - The Office Administrator notifies educator stakeholder groups and NDE's Family and Community Engagement contacts of the approval.
- An updated timeline for assessed content areas is provided to school districts.



5. Implementation Phase

Major Activities

- NDE staff provide tools and resources to support the implementation of the updated standards through the [NDE Standards Implementation Framework](#). The framework includes four phases:
 - Exploration: the opportunity to explore the newly revised content area standards and assess readiness to implement,
 - Initial Implementation: the focus is on analyzing content area standards at a deeper level and developing resources to support the implementation,
 - Scale Up: the implementation of content area standards while attending to student learning gaps resulting from the transition between legacy to revised standards,
 - Deep Implementation and Sustainability: the seamless integration of curriculum, instruction, and assessments with a focus on cross-curricular planning.



What questions or
feedback do you have?



Nebraska College and Career Ready (CCR) Standards for Science Review Update



Five Phases

1. Planning Phase
2. Writing Phase
3. Editing Phase
4. Approval and Dissemination Phase
5. Implementation Phase



1. Planning Phase

October 2023 – January 2024

Communication

- Formal notice was provided to the State Board of Education's Planning and Evaluation Committee on October 5, 2023 of the plan to initiate a standards update.
- Notice was provided to Nebraska educator stakeholder groups (e.g., district administrators, curriculum contacts, district assessment contacts, ESUs, and postsecondary education).

A Tentative Timeline was Provided:

October 2023	Identify current and emerging trends relative to science education, including other state and national approaches to developing and/or reviewing science standards.	April 2024	Share embargoed draft standards early with ESUs, district science educators, district curriculum directors, and superintendents across the state.
November 2023	Public Input Survey #1(3 weeks): Initial opportunity to solicit feedback about the current science standards including the knowledge and skills students are expected to learn and the rigor, or cognitive complexity, of the standards. The survey will be disseminated through the NDE main and Science websites, and directly to groups including the ESU Science Cadre, District Assessment Contacts, district administrators and teachers, postsecondary science faculty, and students.	May – June 2024	Consider public input and revise, as necessary, based on Public Input Survey #2. Develop Final Draft.
December 2023	Analyze stakeholder input. Begin process of recruiting educators to serve on review committee through an application process.	August 2024	Present final standards with an explanation and rationale for proposed updates to State Board of Education for <u>30 day</u> review.
January-February 2024	Finalize review teams, provide orientation to the process, and set dates for teams to meet virtually and in-person. Develop draft of updated standards.	September 2024	State Board of Education approval.
March 2024	Share embargoed draft of updated standards with State Board of Education for review prior to public release.		

Major Activities

- Public Input Survey #1 was available November 30, 2023 through December 28, 2023 via the NDE main website and the Science content website.
- A dedicated email address (nde.sciencestandardsinput@nebraska.gov) was created and shared.
- An online application for the standards writing team was distributed to stakeholder groups. The application opened on December 15, 2023 and will remain open through January 12, 2024.
- NDE staff will evaluate applicants using a rubric January 15 – 19, 2024 and notify applicants of the final team selection January 22-24.



2. Writing Phase

Begins February 2024

Major Activities

- Standards writing team members are scheduled for the first in-person day on February 16, 2024.
 - Standards writing team members will participate in an orientation to the standards development and update process.
 - Standards writing team will analyze data from initial public input, review research and resources provided by NDE staff and subject matter experts, and draft recommendations for updates.
 - NDE Staff will create a first draft of the updated standards (Draft #1), based on the work of the standards writing team.

Communication

- Based on the tentative timeline, I anticipate Draft #1 being shared with the State Board of Education's Planning and Evaluation Committee in March, 2024. Upon their review, Draft #1 will then be shared with the full State Board of Education.
- I will provide regular updates to the State Board of Education's Planning and Evaluation Committee and upon their review, the updates will then be shared with the full State Board of Education.



What questions do you
have?



Thank you!

Out-State Travel Authorization Reports - January

<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 - January

<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: December 13, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

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

PROPOSED AGENDA ITEM: Grant the Commissioner the authority to contract with the Children's Nebraska-Community Health & Advocacy Center to support the development of training and professional development in the area of health services and behavioral health topics best practices.

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

RATIONALE/BACKGROUND INFORMATION:

The Children's Nebraska-Community Health & Advocacy Center will support the development of training, technical assistance and tools to educate school staff mental health supports, suicide prevention, tobacco prevention and execution of workplan elements to support infrastructure development for Project AWARE serving LEAs, ESUs, and schools to reach best-practices for Mental/Behavioral Health supports.

PROPOSED BOARD MEETING (MONTH/YEAR): January 2024

ESTIMATED COST: \$ 83,500

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: The funding source is from the Substance Abuse and Mental Health Services Administration (SAMHSA).
- New or Renewal: Renewal of a five-year grant with the US Department of Health and Human Services
- If renewal, date of first approval: October 2021

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Non-competitive.

- Rationale for method of procurement: Non-competitive negotiation method was used as the service is available only from the Children's Nebraska-, Community Health & Advocacy Department. NDE plans to subcontract with the Children's Foundation for the following reasons:
 - Children's is the only full-service, regional pediatric enterprise that includes a community outreach team to engage schools, primary care providers, and community stakeholders. Children's Community Health & Advocacy department specializes in the development and maintenance of mental/behavioral health prevention efforts with school health teams and community stakeholders.
 - Children's expertise in pediatric clinical care, case management, and community health planning and implementation is necessary to build the training and technical assistance needed for the effective school mental health initiatives.

- Rationale for contractor selection: Grant determined.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.2023*

State Board of Education Work Session and Business Meeting.

Thursday-Friday November 30-December 1, 2023

Lincoln Marriott Cornhusker, Lancaster 4, 5, 6, 333 South 13th Street, Lincoln, NE 68508

[Link to Agenda and Attachments](#)

[Link to Video of Meeting](#)

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

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

1. CALL TO ORDER

President Gubbels called the meeting to order at 2:31 p.m.

1.1 Roll Call

Roll Call showed the following attendance:

Lisa Fricke
Sherry Jones

Patti Gubbels
Kirk Penner

Elizabeth Tegtmeier
Patsy Koch Johns

Jacquelyn Morrison

Commissioner Maher was also in attendance.

Absent: Deborah Neary

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. Engage in discussion and provide input on key policy issues surrounding Nebraska's Every Student Succeeds Act (ESSA) state plan

NDE Representative, Lane Carr, discussed key policy issues surrounding Nebraska's Every Student Succeeds ACT (ESSA) state plan.

Elizabeth Tegtmeier left at 3:41 p.m.

President Gubbels called for a break at 3:43 p.m. The meeting resumed at 3:52 p.m.

2.2. Board Review of Commissioner's Informal Evaluation

President Gubbels began the discussion on Commissioner Maher's informal evaluation and Commissioner Maher discussed goals and strategies.

3. ADJOURNMENT

President Gubbels adjourned the meeting at 4:46 p.m.

The State Board of Education will reconvene Friday, December 1, 2023, at 9:30 a.m. Lincoln Marriott Cornhusker, Lancaster 4, 5, 6, 333 South 13th Street, Lincoln, NE 68508.

State Board of Education
Joint Meeting between State Board of Education and
Coordinating Commission for Postsecondary Education
Friday, December 1, 2023 – 7:30 a.m.

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 OF EDUCATION JOINT MEETING WITH THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION, Friday, December 1, 2023, 7:30 a.m., Lincoln Marriott Cornhusker, Arbor I and II, 333 South 13th Street, Lincoln, NE 68508.

2. CALL TO ORDER

President Gubbels called the meeting to order at 7:40 a.m.

1.2 Roll Call

Roll Call showed the following attendance:

Lisa Fricke	Patti Gubbels	Elizabeth Tegtmeier
Jacquelyn Morrison (arrived at 7:45 a.m.)		Sherry Jones

Commissioner Maher was also in attendance.

Absent: Deborah Neary, Kirk Penner, Patsy Koch Johns

1.2. President Nickels announced the placement of the Open Meetings Act.

2. BUSINESS

2.1. Welcome from President of State Board of Education

Patti Gubbels, President of the State Board of Education provided welcome remarks and introductions of State Board Members.

2.3. Welcome from Chair of the Coordinating Commission for Postsecondary Education

Dr. Paul Von Behren, Chair of the Coordinating Commission for Postsecondary Education (CCPE) provided welcome remarks and introductions of Commission Members.

2.3. Message from the Commissioner of Education

Brian Maher, Commissioner of Education, spoke to the mission, vision, and projects of the Department of Education, noting the similarities and common work of both entities.

2.4. Message from the Executive Director of the Coordinating Commission for Postsecondary Education

Michael Baumgartner, Executive Director of the Coordinating Commission for Postsecondary Education, spoke to the mission, vision, and projects of the Commission.

3. ADJOURNMENT

President Gubbels adjourned the meeting at 8:34 a.m.

STATE BOARD OF EDUCATION MEETING, Friday, December 1, 2023, 9:30 a.m.

1. CALL TO ORDER – President Patti Gubbels called the meeting to order at 9:30 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Lisa Fricke	Patti Gubbels	Elizabeth Tegtmeier	Jacquelyn Morrison
Sherry Jones	Kirk Penner	Patsy Koch Johns (arrived at 11:31 a.m.)	

Commissioner Maher was also in attendance.

Absent: Deborah Neary

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. Nebraska Schools eSports Association

Board member Morrison introduced 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 Secretary discussing the Nebraska Schools eSports Association.

3. COMMISSIONER’S REPORT

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

The 2023 Nebraska Teacher of the Year, Renee Jones, English teacher, Lincoln High School provided her final report.

3.3. Report from Superintendent of Institutional Schools

Scott English, Superintendent of Institutional Schools, provided a report.

President Gubbels called for a break at 10:47 a.m. The meeting resumed at 10:56 a.m.

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.

Consent Agenda 5.3.A., 5.3.B., 5.4.A. and 5.4.C. were requested for removal

4. PRESIDENT’S REPORT

President Gubbels delivered the President’s Report.

5. CONSENT AGENDA

Motion by Kirk Penner, second by Elizabeth Tegtmeier to approve the Consent Agenda without agenda items 5.3.A., 5.3.B., 5.4.A. and 5.4.C.

Lisa Fricke: Yes

Patsy Koch Johns:	Yes
Deborah Neary:	Absent
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Yes
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 proposed changes to the Board Bylaws and Policies

Board members provided feedback on two Board Policies and one Board Bylaw. Brian Halstead, Board Legal Counsel, provided clear information on electing board officers. Board members reached a consensus on the changes.

President Gubbels called for a break at 12:18 p.m. The meeting resumed at 1:04 p.m.

8. PUBLIC COMMENT PERIOD

8.1. Liz Davids spoke with regard to forward thinking with AI and responsible contract negotiations
Tracee Baker spoke with regard to dyslexia test screening.
Kathy Faucher spoke with regard to student misbehavior in the classroom.
Eric Savaiano representing Nebraska Appleseed, spoke with regard to child nutrition security to adopt the Summer Child Nutrition EBT. (Similar to pandemic EBT program)

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

6.2.A. Monthly Board Travel Expense Report

There was no further discussion on this item.

6.2.B. Action Item: Authorize the Commissioner to contract for ADVISER continued development

Motion by Jacquelyn Morrison, second by Patsy Koch Johns to contract for ADVISER continued development.

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

The motion passed.

6.2.C. Action Item: Authorize the 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

Motion by Lisa Fricke, second by Kirk Penner 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.

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

The motion passed.

- 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

Motion by Elizabeth Tegtmeier, second by Kirk Penner to 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.

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

The motion passed.

- 6.3. **Planning and Evaluation Committee Report** – Lisa Fricke, Vice Chair reported on the meeting of the Committee.

Sydney Kobza, Allyson DenBeste, and Dr. Deborah Frison, NDE Representatives, provided context for the updates of the Computer Science Standards.

- 6.3.A. Action Item: Adopt the annual plan for the Nebraska statewide assessment and reporting system for 2023-2024.

Motion by Patsy Koch Johns, second by Jacquelyn Morrison to adopt the annual plan or the Nebraska statewide assessment and reporting system for 2023-2024.

Trudy Clark, NDE Representative, provided information on the Nebraska statewide assessment and reporting system development plan.

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

Kirk Penner Yes

The motion passed.

- 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

Motion by Lisa Fricke, second by Sherry Jones to approve the accreditation of Lawrence-Nelson Public Schools and Sandy Creek Public Schools for the 2024-2025 school year under Rule 10.

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

The motion passed.

- 6.3.C. Discussion Item: Discussion of the Workforce Innovation and Opportunity Act (WIOA) Combined State Plan Development – Nebraska VR Portion

No discussion.

Lisa Fricke left at 2:17 p.m.

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

NDE Representatives, Shirley Vargas, and Derek Ippensen, presented on the Fall 2023 state and federal accountability processes.

Kirk Penner left at 2:18 p.m. Returned at 2:27 p.m.

Jacquelyn Morrison left at 2:30 p.m.

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

- 6.4.A. Report on Rules

There is no action on rules.

President Gubbels left at 2:44 p.m. Returned at 2:49 p.m.

7. ADDITIONAL BUSINESS

- 5.3.A. Action Item: Authorize the Commissioner to Amend the Contract with TNTP for services and support to Nebraska's Priority Schools

NDE Representatives, Amy Rhone, and Shirley Vargas, provided additional information on the amendment for the contract with TNTP for services and support to Nebraska's Priority Schools.

Motion by Kirk Penner, second by Patsy Koch Johns to amend the contract with TNTP for services and support to Nebraska's Priority Schools.

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

The motion passed.

- 5.3.B. Action Item: 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

NDE Representative, Kristin Yates, provided additional information on the renewal of contracts with Office of the Chief Information Officer (OCIO).

Motion by Kirk Penner, second by Sherry Jones 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.

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

The motion passed.

- 5.4.A. Action Item: 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

Motion by Kirk Penner, second by Elizabeth Tegtmeier 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.

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

The motion passed.

5.4.C. Action Item: Authorize the Commissioner to reallocate funds to federally funded expanded learning collaborative sites for summer school programming

Motion by Kirk Penner, second by Elizabeth Tegtmeier to reallocate funds to federally funded expanded learning collaborative sites for summer school programming.

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

The motion passed.

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

(NONE)

11. ADJOURNMENT

President Gubbels adjourned the meeting at 3:07p.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, January 5, 2024, at 9:00 a.m. in Lincoln, NE.

DR. BRIAN L. MAHER, COMMISSIONER



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STATE BOARD OF EDUCATION EXECUTIVE COMMITTEE REPORT

Date: January 4, 2024

The Executive Committee reports on the January 4, 2024, meeting. The committee reviewed the final drafts of revisions to the Board Bylaws, Board Operating Policies, and Agency Management Policies. The committee recommends approval of the Bylaws, Board Operating Policies, and Agency Management Policies.

The committee also reviewed the 2024 board meeting schedule based on board policy. The next meeting is scheduled for February 1 and 2, 2024. The committee reviewed the process for advising the Commissioner on legislative matters while the state legislature is in session. Finally, the committee received information from Commissioner Maher on the Summer EBT program.

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



PROPOSED AGENDA ITEM RATIONALE

DATE: December 19, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Ryan M. Foor, Assistant Commissioner (on behalf of the Executive Committee)

PROPOSED AGENDA ITEM:

- Adopt revisions to Board Bylaws
- Adopt revisions to Board Operating Policies
- Adopt revisions to Agency Management Policies

AGENDA ITEM TYPE (contract/grant/rule/program/other): Board bylaws and policies.

RATIONALE/BACKGROUND INFORMATION:

The Executive Committee met July 19 and 20, 2023, in Lincoln to review the current Bylaws, Board Operating Policies (BOP), and Agency Management Policies (AMP), and to propose revisions to same. The committee presented the proposed revisions to the Board at the October 5, 2023, work session in Gering. Discussion of proposed revisions continued at the December 1, 2023, Board meeting in Lincoln. A summary of changes was provided in the matrix presented at the October 5 work session. Notable revisions to the original drafts are as follows:

1. BOP 1.14: Language related to the consent agenda purpose was revised to clarify the number of times a contract or grant renewal may be placed on the consent agenda. The dollar amount threshold was removed from this section to eliminate duplication, as the policy that directs the contract and grant dollar amount threshold is AMP 2.02.
2. AMP 2.02: The dollar amount threshold for contract and grant approval by the board remains at \$50,000. Language related to the duration of Board approval of grants or contracts was clarified based on Board member input. The dollar amount threshold for Board president approval of contracts was reduced to \$5,000 and the language was revised for clarification.

All revisions are proposed in legislative format for each respective document.

Revisions to the bylaws require at least a two-thirds affirmative vote of the members of the board to be adopted.

Revisions to the BOP and AMP require a majority vote under the current policy (BOP 1.14). *Note:* If the proposed revisions are adopted, revisions to the BOP and AMP in future years will require a majority vote of the members of the board.

PROPOSED BOARD MEETING (MONTH/YEAR): January/2024

ESTIMATED COST: \$0.00

FOR CONTRACTS AND GRANTS: Not applicable.

- 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: Not applicable.

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

FOR GRANT SUBAWARDS: Not applicable.

- Describe the grantee selection process:

**Updated 08.15.2023*

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~~

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

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~~ Board's own basic rules relating principally to the Board ~~itself~~ as an organization. The bylaws are binding upon the Board.

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

Revision History

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

Board Action History

- 12/02/2022 – BLW 1
(NEW)

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BLW 2

State Board Officers

The Board will organize and elect a President and Vice President ~~officers~~ at the January meeting. The Commissioner of Education (Commissioner) will preside over the election of officers of the Board. Votes to elect officers ~~organize the Board~~ 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.

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

The Vice President ~~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 ~~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 ~~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
- 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)

Nebraska ~~State Board~~ Department of Education
Bylaws

(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B3 is now B1.)

- 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

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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

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.

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.~~

Nebraska State Board Department of Education
Bylaws

~~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.~~

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 \$50,000 (first-time contracts of \$50,000 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.~~
- ~~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

~~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 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 President board 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 the committee chair.~~

Special Meetings, Emergency Meetings, Meetings Held by Video Conferencing

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 signed by of a majority of members of the Board.

~~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.~~

~~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.)

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BLW 4

Board Committees

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

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 position of the Department 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 Committee 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 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 Department, 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 in consultation with the Vice 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 ~~State Board~~ Department 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, and members~~ 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 ~~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 ~~State Board~~ Department of Education
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(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

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

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BLW 5

Parliamentary Authority ~~Procedure~~/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
(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.

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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 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.)

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PROPOSED AGENDA ITEM RATIONALE

DATE: December 19, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Ryan M. Foor, Assistant Commissioner (on behalf of the Executive Committee)

PROPOSED AGENDA ITEM:

- Adopt revisions to Board Bylaws
- Adopt revisions to Board Operating Policies
- Adopt revisions to Agency Management Policies

AGENDA ITEM TYPE (contract/grant/rule/program/other): Board bylaws and policies.

RATIONALE/BACKGROUND INFORMATION:

The Executive Committee met July 19 and 20, 2023, in Lincoln to review the current Bylaws, Board Operating Policies (BOP), and Agency Management Policies (AMP), and to propose revisions to same. The committee presented the proposed revisions to the Board at the October 5, 2023, work session in Gering. Discussion of proposed revisions continued at the December 1, 2023, Board meeting in Lincoln. A summary of changes was provided in the matrix presented at the October 5 work session. Notable revisions to the original drafts are as follows:

1. BOP 1.14: Language related to the consent agenda purpose was revised to clarify the number of times a contract or grant renewal may be placed on the consent agenda. The dollar amount threshold was removed from this section to eliminate duplication, as the policy that directs the contract and grant dollar amount threshold is AMP 2.02.
2. AMP 2.02: The dollar amount threshold for contract and grant approval by the board remains at \$50,000. Language related to the duration of Board approval of grants or contracts was clarified based on Board member input. The dollar amount threshold for Board president approval of contracts was reduced to \$5,000 and the language was revised for clarification.

All revisions are proposed in legislative format for each respective document.

Revisions to the bylaws require at least a two-thirds affirmative vote of the members of the board to be adopted.

Revisions to the BOP and AMP require a majority vote under the current policy (BOP 1.14). *Note:* If the proposed revisions are adopted, revisions to the BOP and AMP in future years will require a majority vote of the members of the board.

PROPOSED BOARD MEETING (MONTH/YEAR): January/2024

ESTIMATED COST: \$0.00

FOR CONTRACTS AND GRANTS: Not applicable.

- 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: Not applicable.

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

FOR GRANT SUBAWARDS: Not applicable.

- Describe the grantee selection process:

**Updated 08.15.2023*

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

Board Operating Policies

Adopted ~~December 2, 2022~~

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

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 Operating Operational Policies (BOP), designated by the letters “BOP”, and Agency Management Policies (AMP), designated by the letters “AMP”.~~

~~Board Operating Operational Policies relate to and support the policymaking, rule-making, and quasi-judicial duties responsibilities of the Board, along with the role 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 to operate 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.)

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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 (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 (RS), 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 of Education website.

Revision History

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

Board Action History

- 12/02/2022–BOP 1.01
(NEW)

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BOP 1.02

~~State Board~~ Member Code of Conduct

Attendance/Participation

~~State Board~~ members should:

- Attend all Board and committee regularly scheduled meetings insofar as possible; and
- Inform the President, Commissioner, or committee chair ~~Department or the Board President~~ 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 B14 and respect the line and staff relations of Department employees as specified in Policy P2;~~
- Treat fellow members, Members 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 B17 regarding public statements by Board Members; and~~

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- ~~Comply with State Board Policy B18 regarding political activity, use of Department resources and accountability and disclosure; Policy B19 regarding acceptable use of Department computer equipment, Internet access and electronic mail; Policy B16 regarding Board Member expenses; and Policy P9 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 Commissioner's responsibility 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.~~
- Understand the responsibility of the Commissioner for carrying out the requirements of law and of Board policy, standards, rules and regulations, and for providing the educational leadership and services determined 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).~~

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 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 a 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 a not limited to removal from committee assignments, 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)

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(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.~~

~~**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.~~

~~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.

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BOP 1.03

Public Statements by Board Members

Board members when speaking or writing are responsible for conveying that the communication belongs to that Board member and does not represent the Board. ~~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 ~~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, a Board member ~~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).

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- 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.

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BOP 1.04

Board and Staff Relations; Staff Research and Assistance

~~State-Board~~ members have no direct supervisory or administrative authority over ~~Department NDE~~ staff members. ~~Department staff~~ 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 related to committee business, the Board member may contact the staff lead of the relevant committee. Requests by Board members for research or other assistance by staff should be routed through the Office of the Commissioner, 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 Office of the Commissioner. 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 Department staff.

Legal Assistance

The Board recognizes that the Office of the Attorney General represents the State of Nebraska, and therefore represents the Board and the Department in legal matters. The Commissioner can employ Department staff attorneys to provide legal advice with the knowledge that the Office of the Attorney General ultimately represents the Board and Department. A 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 the Attorney General represents the Board. The Commissioner is responsible for making certain that the 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 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 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.)

Cross-References

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

- 79-318 R.R.S.

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BOP 1.05

Confidentiality and the Board Staff Research and Assistance/Legal Assistance

The Board is a public body. Generally, the meetings and records of the Board are open and available to the public under state law (the Open Meetings Act and the Public Records Statutes). However, there are certain important exceptions. These exceptions are stated below.

Closed Sessions

When the Board meets in 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.

Attorney-Client Privilege

When Board members talk to, or exchange documents with any of the attorneys for the Board or Department 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 documents are confidential and shall not be disclosed. The privilege is waived if a member of the Board reveals the conversation or gives the documents to another person. If 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 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);
- Individually identifiable health information of employees (the Health Insurance Portability and Accountability Act [HIPAA]);
- Personally identifiable information about Vocational Rehabilitation Consumers (the Rehabilitation Act);

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- Information contained in the personnel records of the Department that is considered confidential (Department Personnel Rules); and
- 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 Statutes

Certain documents belonging to the Department need not be made available under the Public Records Statutes. The 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.

~~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:~~

- ~~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~~

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~~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.)

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- 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

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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 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 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

- 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.)

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”

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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.

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 ~~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~~ 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.

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 Department NDE 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.

Cross-References (cont'd)

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

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BOP 1.08

Board Membership in Associations ~~School Boards Association~~

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.)

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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 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.

~~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.~~

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 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 Department 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.)

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- 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.

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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. ~~A~~ 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 officers ~~Officers~~ appointed under this policy ~~Bylaw~~ 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.

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BOP 1.11

Rule Development

The Rules and Regulations Committee (~~Committee~~ committee) is responsible for reviewing and recommending changes to the Commissioner and the Board on the rules and regulations of the Board ~~State Department of Education~~ adopted in accordance with the Nebraska Administrative Procedures Act. 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 Board ~~Department~~ 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 approve ~~give final approval to~~ 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.~~

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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.

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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 the Nebraska Political Accountability and Disclosure Act ~~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

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

~~Department NDE-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 Department ~~NDE-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 Department ~~NDE-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 Department ~~NDE~~ Computer Equipment/Internet Access/Electronic Mail:

- ~~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 Department NDE Computer Equipment/Internet Access/Electronic Mail:

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 ~~the Department Network, Education & Technology Services~~. 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 ~~Department NDE~~ 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 the Nebraska Political Accountability and Disclosure Act ~~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 ~~Department NDE~~ 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 ~~Department NDE~~ 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.
10. To use ~~Department NDE~~ computer equipment/Internet access/electronic mail for recreational games or personal shopping.

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Board Operating Policies

11. To use Department NDE 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 misrepresent oneself ~~Misrepresentation of one's self~~, an agency, or the State of Nebraska when using Department NDE computer equipment/Internet access/electronic mail.

Security Safeguards

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

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

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

Enforcement

The Department NDE reserves the right to monitor use of all Department NDE 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 Department NDE 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

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BOP 1.14

Meeting Agendas and Minutes ~~Revision and Amendment of Board Policies~~

Board Meeting Agendas

The Board meeting agenda is developed by the Commissioner in consultation with the President. The Commissioner shall prepare and submit by email 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 seven (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 Office of the Commissioner 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

- a. To group together routine non-controversial items that do not need separate and individual discussion and action by the Board.
- b. To expedite the work of the Board and to provide additional time for more substantive items.
- c. To provide a method to review and approve, no more than three consecutive times, any renewal of a contract or grant after initial approval by the Board.

2. Procedure

- a. The President of the Board and the Commissioner will confer prior to the Board meeting to identify items for the consent agenda.
- b. 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 after the approval of the consent agenda.

- c. 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.

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, 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 Final Order of the Board.

~~The Board policies are to be reviewed by the Executive Committee 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 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.~~

~~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 staff until changed by the Board.~~

Revision History

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

Board Action History

- 12/02/2022 – BOP 1.14
(NEW)

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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. The Board may, upon recommendation of a Board member, standing committee, ad hoc committee, or the Commissioner, propose new policies or amend existing policies to be adopted by the Board.

To be adopted, any proposed change to the 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 staff until changed by the Board.

Revision History

- Created:
- Approved:

Board Action History

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PROPOSED AGENDA ITEM RATIONALE

DATE: December 19, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Ryan M. Foor, Assistant Commissioner (on behalf of the Executive Committee)

PROPOSED AGENDA ITEM:

- Adopt revisions to Board Bylaws
- Adopt revisions to Board Operating Policies
- Adopt revisions to Agency Management Policies

AGENDA ITEM TYPE (contract/grant/rule/program/other): Board bylaws and policies.

RATIONALE/BACKGROUND INFORMATION:

The Executive Committee met July 19 and 20, 2023, in Lincoln to review the current Bylaws, Board Operating Policies (BOP), and Agency Management Policies (AMP), and to propose revisions to same. The committee presented the proposed revisions to the Board at the October 5, 2023, work session in Gering. Discussion of proposed revisions continued at the December 1, 2023, Board meeting in Lincoln. A summary of changes was provided in the matrix presented at the October 5 work session. Notable revisions to the original drafts are as follows:

1. BOP 1.14: Language related to the consent agenda purpose was revised to clarify the number of times a contract or grant renewal may be placed on the consent agenda. The dollar amount threshold was removed from this section to eliminate duplication, as the policy that directs the contract and grant dollar amount threshold is AMP 2.02.
2. AMP 2.02: The dollar amount threshold for contract and grant approval by the board remains at \$50,000. Language related to the duration of Board approval of grants or contracts was clarified based on Board member input. The dollar amount threshold for Board president approval of contracts was reduced to \$5,000 and the language was revised for clarification.

All revisions are proposed in legislative format for each respective document.

Revisions to the bylaws require at least a two-thirds affirmative vote of the members of the board to be adopted.

Revisions to the BOP and AMP require a majority vote under the current policy (BOP 1.14). *Note:* If the proposed revisions are adopted, revisions to the BOP and AMP in future years will require a majority vote of the members of the board.

PROPOSED BOARD MEETING (MONTH/YEAR): January/2024

ESTIMATED COST: \$0.00

FOR CONTRACTS AND GRANTS: Not applicable.

- 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: Not applicable.

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

FOR GRANT SUBAWARDS: Not applicable.

- Describe the grantee selection process:

**Updated 08.15.2023*

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

Agency Management Policies

Adopted ~~December 2, 2022~~

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AMP 2.04: Audits..... pg. 15

AMP 2.05: Ethics/Accountability & Disclosure ~~Certification Complaints~~
..... pg. 17

AMP 2.06: Political Activities/Use of Resources ~~Ethics/Accountability &
Disclosure~~ pg. 19

AMP 2.07: Records Access and Use ~~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 Department state 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. 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.~~

~~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. In these instances, the Board reserves the right to overrule the decisions of 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).”~~

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.

- 79-318 R.R.S.

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AMP 2.01

Human Resources Policies

Personnel Policies and Administrative Memoranda

~~The 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. The Department 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 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 internal operating procedures Administrative Memoranda~~ 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

~~The 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.~~

Nebraska ~~State Board~~ 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. The Commissioner ~~He or she~~ 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)

- 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.)

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

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AMP 2.02

Contracts, Grants, and Purchases

The ~~State Board~~ shall review and approve contracts and purchase of \$50,000 or more. The Board shall also review and approve the submission, receipt, or distribution of grants of \$50,000 or more. The duration of Board approval of any grant or contract shall not exceed a four (4) year time period. The Board shall approval all contracts directly related to the work of the Board, except contracts for less than \$5,000 may be approved by the President.

Each month the Commissioner of Education shall provide the Board with a list of contracts and grants between \$10,000 and less than \$50,000 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 $\$50,000$)

- 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.

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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.

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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.

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AMP 2.05

Ethics/Accountability & Disclosure Certification Complaints and Investigations

Board members, the Commissioner and Department staff are all subject to the provisions of the Nebraska Political Accountability and Disclosure Act. 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:

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 Board encourages opportunities to cooperate with other agencies and associations involved in education. The Commissioner, or designee, is directed to represent the Board when such representation is appropriate. The 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.

~~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)

Board Action History (cont'd)

- 06/07/1991 – Prior 4112.21 DO
(Revised to reflect change in law and regulations)

Nebraska State Board ~~Department~~ of Education
Agency Management Policies

- 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

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AMP 2.06

Political Activities/Use of Resources—Ethics/Accountability & Disclosure

The Commissioner and Department staff shall not use or authorize the use of 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 the Nebraska Political Accountability and Disclosure Act and this policy. “Department resources” means personnel, property, resources, or funds under the official care or control of the Commissioner or Department staff. The Commissioner and 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. This policy does not prohibit the Commissioner or Department staff from identifying themselves by their official titles.

~~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.~~

~~(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 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.~~

Nebraska State Board Department of Education
Agency Management Policies

~~(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

Nebraska ~~State Board~~ Department of Education
Agency Management 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~~

~~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.)

Nebraska State Board Department of Education
Agency Management Policies

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

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AMP 2.07

Records Access and Use ~~Political Activities/Use of Resources~~

Pursuant to the Nebraska public records laws, the Department will provide access to or copies of 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 Commissioner chooses to withhold the record as permitted by law.

Pursuant to the federal Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA) and implementing regulations, the 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 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 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.

The Department will share individual student information as a member of the Nebraska Statewide Workforce and Education Reporting System Act 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.

When publicly disclosing aggregate data, the 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 Board does believe that, to the extent permitted by and in accordance with all requirements of law and regulation, 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.

Information on students with disabilities will be maintained and protected as required by the Individuals with Disabilities Education Act and implementing regulations.

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.

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. 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.

Nebraska ~~State Board~~ Department of Education
Agency Management Policies

~~The Commissioner and Department employees shall not use or authorize the use of 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 resources” means Department personnel, property, resources, or funds under the official care or control of the Commissioner or a Department Employee. The Commissioner and Department employees 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 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 State Board ~~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.

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AMP 2.08

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 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 chooses to withhold them. [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 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 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 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 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, Neb. Rev. Stat. 79-2,104(4) provides that whenever applicable law permits the sharing of student data, 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

Nebraska State Board Department of Education
Agency Management Policies

~~Rule 6, “Regulations and Standards for Uniform Sharing of Student Data, Records and Information,” which 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 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 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]~~

~~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

- 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

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STATE BOARD OF EDUCATION Budget and Finance COMMITTEE REPORT

Date: January 4, 2024

“The Budget and Finance Committee reports that at its Thursday, January 4th meeting, members present were Patsy Koch Johns, Elizabeth Tegtmeier, Deborah Neary, and Sherry Jones. The Committee reviewed three action items supporting all three for full board consideration. The first item reviewed was a contract with Vivayic to develop a learning management system to deliver school safety training materials to school districts at no cost to the districts.

The second item reviewed was a request to allow the Commissioner to approve a grant to the Nebraska Children and Families Foundation to continue the Nurturing Healthy Behaviors/Rooted in Relationship program. NDE conducted an RFP for this grant and only received a completed response from NCFF which has been working in this capacity for several years.

The last action item reviewed was for a contract with WestEd to conduct a Nebraska Middle School CTE Landscape Analysis. The results of the landscape analysis will contribute to existing and new middle school initiatives and efforts across the State.

Additionally, the Committee reviewed five upcoming action items that includes a contract to perform required independent audits on Child and Adult Care Food Program sponsors and a contract to assist in the strategic planning and data governance activities related to the Early Childhood Data System that is a joint project with DHHS and involves data shared between the two agencies.

The last three items reviewed in preparation for action next month are technology and related support projects to complete the technology portion of the ESSER plan that was previously approved. NDE went through a very in-depth review of the work being done and the plan for the remaining funds including why each project was identified and how it will help with the technology sustainability for NDE and the State.

Last the Committee reviewed the monthly board travel expenses with NDE following up on a request from the Committee to know how much is being saved by having the board meetings at the new facility. Per NDE about \$4,500 per meeting is saved with meetings being at the new location compared to other venues in the Lincoln area and about \$6,300 compared to meetings in other locations across the State.

.

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.
Updated 02.02.2023



2023-2024 Board Travel

At-A-Glance

Budgeted

\$29,391

Monthly Spending

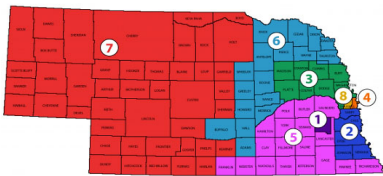
\$3,000
Average

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 Tegmeier *Appointed Dec. 2022*
- 7 Robin Stevens *Incumbent*
- 8 Deborah Neary

Current Year
July 2023-June 2024

December	Year-To-Date
\$215	\$717
\$193	\$4,038
\$1,781	\$5,338
\$72	\$1,029
	\$614
\$342	\$2,104
\$458	\$3,674
\$36	\$521

Prior Year
July 2022-June 2023

December	Year-To-Date
\$264	\$661
\$44	\$800
\$264	\$540
\$44	\$807
\$404	\$680
-\$274	\$194
\$404	\$775
\$44	\$514

Variance

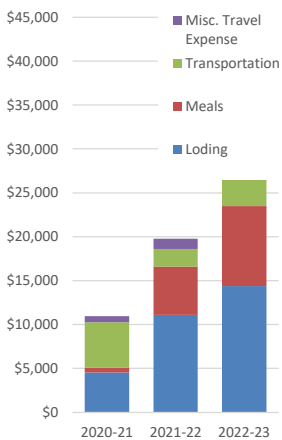
December	Year-To-Date
-\$49	\$56
\$149	\$3,237
\$1,517	\$4,798
\$28	\$221
-\$404	-\$66
\$0	\$0
\$342	\$2,104
\$274	-\$194
\$458	\$3,674
-\$404	-\$775
-\$8	\$7

\$3,097 \$18,035 61% \$1,193 \$4,973 17% \$1,904 \$13,063

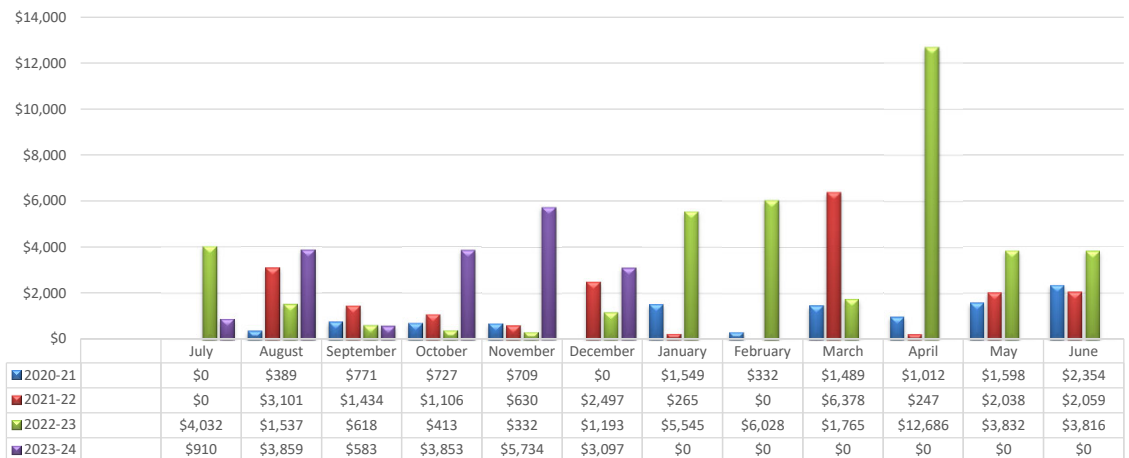
Annual Budget \$29,381 \$29,381

Over/(Under) Budget (\$11,346) 39% (\$24,409) 83%

Annual Expenditures by Fiscal Year



Annual Expenditures by Month



In-State Travel Authorization Reports - January

Name	Event Name	Date	Location	Board Bylaw B16 Code A-F
Lisa Fricke	NASB Legislative Issues Conference	January 21-22, 2024	Lincoln, NE	E
Jacquelyn Morrison	NASB Legislative Issues Conference	January 21-22, 2024	Lincoln, NE	E
Deborah Neary	(NONE)			
Kirk Penner	(NONE)			

In-State Travel Authorization Reports - January

Name	Event Name	Date	Location	Board Bylaw B16 Code A-F
Patsy Koch Johns	(NONE)			
Patti Gubbels	NASB Legislative Issues Conference	January 21-22, 2024	Lincoln, NE	E
Elizabeth Tegtmeier	NASB Legislative Issues Conference	January 21-22, 2024	Lincoln, NE	E
Sherry Jones	NASB Legislative Issues Conference	January 21-22, 2024	Lincoln, NE	E



PROPOSED AGENDA ITEM RATIONALE

DATE: December 7, 2023

TO: Brian L. Maher, Ed.D.
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 to contract with (Vendor to be finalized 11/29/23.) to aid in building and development of a Learning Management System (LMS), construction of an Emergency Operations Plan (EOP).

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

RATIONALE/BACKGROUND INFORMATION:

The intent is to contract with a company to aid in the building and development of a Learning Management System (LMS) online training course to aid school communities in the construction of an Emergency Operations Plan (EOP). The program will consist of 13 modules on the various aspects of developing a high-quality EOP specific to a school's needs. It will also assist schools with maintaining current EOP's and updating them as different hazards, threats, or incidents surface. Online courses allow staff and community partners the liberty of completing the training when they have the time available. The LMS services also allow existing trainees to refresh their skills and knowledge with ease of access to the modules.

Nebraska Department of Education currently offers a two-day seminar for local school safety personnel on the School Emergency Operations Plan (EOP). There is a desire to develop an online, self-paced version of this training program to:

- Allow school safety personnel to access the program at a time of their choosing.
- Onboard new school safety personnel to their school emergency operations plan.
- The online course needs to be:
 - Compatible with NDE's Canvas Learning Management System (LMS)
 - Easy-to-update

- Engaging and interactive
- Built in such a way to encourage local school safety teams to collaborate on their school's Emergency Operations Plan.

Emergency Operations Plan training is needed to assist all school communities in their prevention, preparedness, response, and recovery for any possible threat, hazard, incident and/or potential safety and security concern that may occur in their vicinity. Designing the course to be self-paced stands to increase the number of schools completing the training.

It is required by Nebraska Department of Education compliance list for accredited schools under rule 10:

- 011.01A: Each school system maintains safe, healthful, and sanitary conditions within the school building(s) and on the school grounds and meets fire, safety, and health codes.
 - 011.01B: Each school system has a safety and security plan for the schools in the system. The plan addresses the safety and security of students, staff, and visitors. The plan is approved by the local governing body.
 - 011.01C: Each school system has a school safety and security committee which includes representatives of faculty, parents, and the community. The committee meets at least annually to prepare and/or review safety and security plans and procedures, including emergency plans and procedures.
 - 011.01D: The school system's safety and security plan(s) are reviewed annually by one or more persons not on the local school system safety committee and not an employee of the school system. This review will include a visit to school buildings to analyze plans, policies, procedures, and practices and provide recommendations. Any recommendations made because of the analysis are forwarded to the head administrator and to the school safety and security committee to be considered in making revisions to the plan.
 - State statute 79-2, 144, has School Safety and Security Director duties to include:
 - Collecting safety and security plans, required pursuant to rules and regulations of the State Department of Education relating to accreditation of schools, and other school security information from each school system in Nebraska. School districts shall provide the state school security director with the safety and security plans of the school district and any other security information requested by the director, but any plans or information submitted by a school district may be withheld by the department pursuant to subdivision (9) of section [84-712.05](#).
 - Identifying deficiencies in school security based on the minimum standards adopted by the State Board of Education and making recommendations to school boards for remedying such deficiencies.
 - Establishing security awareness and preparedness tools and training programs for public school staff.
 - Establishing research-based model instructional programs for staff, students, and parents to address the underlying causes for violent attacks on schools.
 - Responding to inquiries and requests for assistance relating to school security from private, denominational, and parochial schools.
- School safety and security dynamics have changed in the last 20 years and require planning, practice, and scenario-based training to bring about the best end results when issues happen. LMS EOP online training will provide the sustainable, accessible, best practices needed to make schools safer.

- An LMS online training course will serve all school communities. This includes school boards, administration, teachers/staff, students, parents, and community partners. First responders: emergency managers, law enforcement, and fire/rescue personnel will also benefit from utilizing these trainings as part of the school's safety teams. Other local businesses and entities could also potentially benefit from utilizing the training components. This stands to be a first-of-its-kind course for school safety personnel nationwide. This will likely become a model for other states to follow regarding training on this topic. It applies adult learning principles to the existing training content. It stands to increase engagement and research which consistently translates to deeper transfer of learning into practice.
- The School Emergency Management Grant extension ends September 30, 2024. Therefore, the timeline is to get the project done prior to this end date, however ideally it would be to get it done by May or June to allow some schools to test it so if there any adjustments needed in the LMS or modules they can be addressed prior to the grants ending date. NDE utilizes Canvas LMS, therefore contractors must have compatible and working knowledge of Canvas to working directly within Canvas or be able to assist with transition of their product into Canvas LMS.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2023

ESTIMATED COST: \$174,200

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: School Emergency Management Grant funds from Business Unit 13603134.
- New or Renewal: New
- If renewal, date of first approval: N/A

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Competitive Negotiation
- Rationale for method of procurement: NDE solicited proposals from multiple potential contractors via a publicly posted RFP. Conditions were not appropriate for the use of Sealed Bids and Small Purchase Procurement could not be used because the contract was expected to exceed \$50,000
- The selected proposal after review scored the highest in meeting the request for proposal criteria

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A



PROPOSED AGENDA ITEM RATIONALE

DATE: December 11, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Melody Hobson

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

AGENDA ITEM TYPE: Action/Grant

RATIONALE/BACKGROUND INFORMATION:

- During the 2014 legislative session, the Nebraska Legislature appropriated \$400,000 within the state budget for the Nebraska Department of Education (NDE) to expand the Nurturing Healthy Behaviors (NHB) program across the state.
- This annual appropriation was to be used to expand programs and services for early childhood mental health.
- No funding was appropriated for NDE to administer local grants; therefore, the NDE Office of Early Childhood issued a request for proposals for a single provider with the capacity to coordinate the project and to cultivate programs across the state.
- The Nebraska Children and Families Foundation was the chosen provider based on their application and organizational capacity.
- The NDE released a Request for Proposals (RFP) in August of 2023 for an entity to operate the Nurturing Healthy Behaviors program.
- One entity (the Nebraska Children and Families Foundation) responded with a proposal that met all requirements of the RFP.
- The proposal outlined the following:
 - Capacity of the organization to meet the requirement of the RFP.
 - Description of the services to be offered.
 - Budget.
- The proposal was reviewed by a team which included members internal and external to the NDE.
- The following are strengths of the proposal:

- The organization has a lengthy history of working with state agencies and has successfully implemented a number of large projects through either contracts or grants with public and private entities.
- A sizable number of partners committed to participation in the Nurturing Healthy Behaviors(NHB) project.
- Partners included both statewide entities and local community hubs (12 Community Hub contractors providing NHB funded services in 22 counties).
- Services to be provided are well explained.
- Clear criteria for community selection have been established.
- The budget is clear and appropriate.
- The menu of required and optional local strategies to be completed is consistent with the purpose of the grant and are evidence-based.

PROPOSED BOARD MEETING (MONTH/YEAR): January 2024

ESTIMATED COST: \$550,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: \$400,000 of state general funds, \$150,000 to be funded through federal Child Care Development Fund (CCDF) dollars. The state general funds allotment is an ongoing appropriation. The federal CCDF grant is available through the annual CCDF agreement between the Nebraska Department of Health and Human services (the Lead agency for CCDF) and the NDE.
- New or Renewal: This is the first year of grant funding based on this RFP.
- If renewal, date of first approval: The first Nurturing Healthy Behaviors Grant from the NDE to NCFE was in 2014.

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: A Request for Proposals was issued through the NDE procurement process.
- Rationale for method of procurement: The NDE procurement process follows standard state procedures, additionally reviewers who have knowledge and experience in grants management, early childhood development, and/or early childhood behavioral health read and scored the proposal.
- Rationale for contractor selection: The proposal met the requirements of the RFP. Reviewers noted the areas of strength. There were no areas of concern noted.

**Updated 08.15.2023*



PROPOSED AGENDA ITEM RATIONALE

DATE: December 7, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Katie Graham, Ph.D.
Administrator; Office of Career, Technical, and Adult Education

Sydney Kobza
Assistant Administrator; Office of Career Technical and Adult Education

PROPOSED AGENDA ITEM: Action Item: Authorize the Commissioner to contract with WestEd to conduct a Nebraska Middle School CTE Landscape Analysis

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

RATIONALE/BACKGROUND INFORMATION:

Background:

In early 2020 the Nebraska Department of Education submitted its Perkins V State Plan to outline the Department's plan to address and adhere the provisions within the reauthorized career and technical education (CTE) legislation. Through intensive stakeholder engagement throughout the development of the plan, including with the State Board of Education, eight strategic priorities were identified to catapult Nebraska's high-quality CTE system forward to respond to the State's workforce needs, labor market information, and economic development priorities. Middle School CTE was identified as one of the strategic priorities.

In Nebraska's Perkins V State Plan, it outlines how middle grades (grades 5-8) CTE adds relevance to students' learning experiences by exposing them to real-world options and connecting academics to career and postsecondary possibilities. It equips students with transferrable skills needed as they transition to high school and beyond, and serves as a key dropout prevention strategy mitigating challenges such as disengagement and lack of preparation. Nebraska middle school CTE programming must be aligned with the overarching CTE system, encourage hands-on career exploration opportunities, and available to each student. Currently, there is a wide variety of middle school CTE approaches taking place across the state and an increase in district administrators reaching out to inquire about the best options available for their students.

In response to this strategic priority and district requests, a statewide middle school CTE landscape analysis will be conducted to assist the Office of Career, Technical, and Adult Education in evaluating its current approach to middle school CTE delivery, identifying strengths, barriers, and existing resources, and

highlighting concrete steps to provide more students access to high-quality middle school CTE programming across the state. The work to be completed includes:

- Engaging with Nebraska LEAs to identify and assess the strengths or traits of middle school CTE programs across various sizes and geographic locations in the State;
- Identifying other state and national approaches to middle school CTE and comparing them with Nebraska’s approaches;
- Reviewing Nebraska’s Standards for Career Readiness as they apply to middle school CTE delivery;
- Engaging various stakeholders with knowledge and experience planning and delivering middle school CTE;
- Evaluating student transition supports from elementary to middle school and from middle school to high school;
- Identifying resources and best practices that are used to deliver middle school CTE in Nebraska and nationally;
- Identifying scheduling barriers and flexibilities to deliver middle school CTE effectively; and
- Evaluating the extent to which all student have access to middle school CTE programming in Nebraska, including exploring careers not traditional for their gender.

The results of this Landscape analysis will contribute to existing and new middle school initiatives and efforts across NDE, along with helping direct resources to increase student access to high-quality middle school CTE statewide. When complete, the landscape analysis will inform and support administrators, educators, school counselors, along with NDE staff.

Working through the Request for Proposals procurement process, a qualified vendor, WestEd, has been identified to engage in a contract with the NDE for this work. The contract will specify the work to be completed as detailed above.

Timeline:

Date	Activity
August 21, 2023	RFP released on DAS procurement website
September 27, 2023	Proposals Due
September 27 – October 10, 2023	Evaluation Period
November 1, 2023	Oral Interviews
November 30 - December 1, 2023	Provide informational update to State Board of Education with the intent to contract the following month
January 4-5, 2024	Request to State Board of Education to authorize the Commissioner to contract with selected vendor
January, 2024	Contract awarded
January, 2024	Tentative Contract Start Date
July, 2024	Project Completion

PROPOSED BOARD MEETING (MONTH/YEAR): January, 2024

ESTIMATED COST: \$134,582.00

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal – Perkins. The funds for this contract are included in the grant award for this program, through the use of statewide Perkins Leadership funds.
- New or Renewal: New

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement:
 - RFP with Competitive Negotiation. The RFP for this project can be accessed here: <https://das.nebraska.gov/materiel/purchasing/NDERFP230803/NDERFP230803.html>
- Rationale for method of procurement:
 - Solicitation from multiple proposals from qualified vendors allows the NDE to benefit from a variety of technical perspectives in selecting the best solution for NDE's desired outcomes.
- Rationale for contractor selection:
 - Consistent with the principles of competitive negotiation model, the rationale for contractor selection is based on hiring the individual or entity who can best complete the tasks required while taking into account the contractor's total cost and any other factors relevant to the scope of the particular contracting application.
 - A five-person evaluation committee was formed to consistently evaluate each proposal based on pre-specified scoring criteria.

FOR GRANT SUBAWARDS:

- Describe the grantee selection process: N/A

**Updated 08.15.2023*



STATE BOARD OF EDUCATION PLANNING AND EVALUATION COMMITTEE REPORT

Date: January 5, 2024

The Planning and Evaluation Committee reports on their committee meeting on January 4, 2024. The members present were chair, Deborah Neary, Lisa Fricke, Sherry Jones, and Pattie Gubbels.

The committee reviewed the Nebraska Vocational Rehabilitation (VR) completed portion of the Workforce Innovation and Opportunity Act (WIOA) Combined State Plan. NDE staff provided an overview of the timeline and answered questions regarding process for obtaining feedback.

The committee recommends the approval of this item.

The committee discussed an update on a draft timeline for the comprehensive ESSA plan amendment. NDE staff member shared the importance of gathering additional input. A draft ESSA plan will be shared with this committee and the full board in the coming weeks.

The committee discussed the extension of the NWEA assessment contract, as well as the DRC assessment contract, to 2024-2025 school year. NDE staff will return next month to seek approval for contract amendments. The committee also received an update on the process for a request for information for statewide assessment. NDE staff provided a tentative timeline and communication streams.

The committee discussed the Rule 11 teacher waiver request for Franklin Public Schools. NDE staff members answered questions related to trends in waiver requests. NDE staff member will return next month for approval.

The committee discussed the Computer Science and Technology Standards Development. NDE staff provided a review of the timeline and final draft of standards. NDE staff members answered questions related to high school graduation requirements and implementation supports for standards. NDE staff will return next month for approval.

The committee received an update on the process for content area standards. As presented during the Commissioner's report, NDE staff reviewed the process for developing and reviewing content area standards, which include timelines, major activities for each phase of the process, and communication structures.

The committee also received an update on the 2017 Nebraska's College and Career Ready Standards for Science. NDE staff shared a timeline, which included gathering initial input on current standards and communication plan to meet September goal.

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

The committee received an update regarding the release of Fall 2023 federal accountability processes. NDE staff member shared resources available to schools and the public through the Nebraska Education Profile.

The committee also received an update on progress with the priority schools, Isanti Elementary, Middle, and High Schools.

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: December 13, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Lindy Foley
Nebraska VR Office Administrator

PROPOSED AGENDA ITEM: Authorize the Commissioner to approve the Nebraska Vocational Rehabilitation (Nebraska VR) portion of the WIOA Combined State Plan.

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

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 State Plan.
- Nebraska VR drafted its portion of the Combined State Plan and shared it as a discussion item with the Planning and Evaluation Committee on November 30, 2023. Nebraska VR's portion of the Combined State Plan was made available to all State Board of Education members for the November/December meeting.
- Since the November/December meeting, Nebraska VR conducted a Comprehensive Statewide Needs Assessment. These results have been analyzed to ensure feedback received aligns with draft goals, priorities and strategies. A summary of the Comprehensive Statewide Needs Assessment results are included in section (b) of Nebraska VR's portion of the State Plan.
- Required components of 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): January 4-5, 2024

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*

**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.
[X] (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	5/2021
	2	10/2018
Current or Former Applicants for, or Recipients of, VR services	1	10/2022
	1	5/2022
	1	10/2022
	1	5/2022
	1	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 the Client Assistance Program, and innovative practices researched by the Nebraska 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.

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.

(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;

Survey respondents identified the need for the following:

- Access to assistive technology, workplace accommodations, supported employment.
- More supports in exploring, training, learning, and keeping a job.
- Stronger communication about work experience expectations.
- Education for employers regarding job training and customized employment.

(B) Individuals with disabilities who are minorities and individuals with disabilities who have been unserved or underserved by the VR program;

Survey respondents identified the need for the following:

- Greater understanding of the process from referral and application through eligibility, planning, service delivery, and employment.
- Stronger communication about the expected timeline for the individualized process.
- Work to remove transportation barriers to appointments, work-experiences, and employment.

(C) Individuals with disabilities served through other components of the workforce development system; and

Survey respondents identified the need for the following:

- Improved pay for employment opportunities.
- Access to more variety in work opportunities and career pathways.
- Greater understanding of additional resources in the community.
- Development of self-advocacy and day-to-day living skills.

- (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.**

Survey respondents identified the need for the following:

- Improved communication with parents/guardians regarding the scope and expectations of Pre-Employment Transition Services.
- Introduction to Pre-Employment Transition Services provided early in the school year to parents/guardians and students.
- Awareness of the benefits of applying for adult services from Pre-Employment Transition Services and the general criteria and timing for application.

- (2) **Identify the need to establish, develop, or improve community rehabilitation programs within the State.**

Survey respondents identified the need for the following:

- Re-introduce Nebraska VR services to businesses who have not worked with Nebraska VR in the recent past.
- Outreach to former students who participated in Pre-Employment Transition Services in high school but did not apply.
- Foster opportunities to connect individuals with disabilities to the communities where they live.

(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 the Client Assistance Program, and innovative practices researched by the Nebraska 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 the 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 a 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 the results on the climate survey distributed to Nebraska VR staff.
- Establish the 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.
- 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. Results from the case reviews will be disseminated to Office Directors and the 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 1 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 the primary language spoken by a 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 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.

(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 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%	65.33%	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.

(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 SE, 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. 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 laws 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.

(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

(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

(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]

(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 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 procedures. 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 maintains 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.

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 Education 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.

(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.

(I) 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 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 of 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.

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;

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.

States must provide written and signed certifications that:	
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;
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

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.

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 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.

The State Plan must provide assurances that:

(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.

Administration of the Provision of VR Services: The designated State agency, or designated State unit, as appropriate, assures that it will:

- (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 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).

The State Plan must provide assurances that:

(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 individuals receiving supported employment services under title I and individuals receiving supported employment services under title VI of the Rehabilitation Act.

6. Financial Administration of the Supported Employment Program (Title VI):

- (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.
- (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.

7. Provision of Supported Employment Services:

- (a) The designated State agency assures that it will provide supported employment services as defined in section 7(39) of the Rehabilitation Act.
- (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

The State Plan must provide assurances that:

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.



DATE: December 14, 2023

TO: Brian L. Maher
Commissioner of Education

FROM: Lane Carr
Administrator, Office of Policy and Strategic Initiatives

PROPOSED AGENDA ITEM: Engage in discussion and provide updates on Nebraska's Every Student Succeeds Act (ESSA) state plan amendment.

AGENDA ITEM TYPE: Update

RATIONALE/BACKGROUND INFORMATION:

The Every Student Succeeds Act (ESSA) was signed into federal law December 2015. Each state education agency was required to submit a state plan, with Nebraska's original plan receiving approval in June 2018. Since that time, several key drivers necessitate a more comprehensive update to the state plan.

These factors include:

- Move to Nebraska Student Centered Assessment System (NSCAS)
- Revision of Nebraska's College & Career Ready Standards
- State Board Strategic Plan and Policy Changes
- COVID 19
- ESSA Plan Clean Up
- Teacher Shortage
- 2022 Addendum and 2023 Section 4 Amendment

The purpose of this update is to review the draft ESSA plan, gain any remaining feedback, highlight engagement to date, and outline next steps.

PROPOSED BOARD MEETING (MONTH/YEAR): January 2024

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
- New or Renewal: N/A
- If renewal, date of first approval: N/A

**Updated 02.07.2023*



PROPOSED AGENDA ITEM RATIONALE

DATE: December 13, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Dr. Trudy K Clark, Director of Statewide Assessment

PROPOSED AGENDA ITEM: Discussion of intent to extend the NWEA contract to 2024-2025

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

RATIONALE/BACKGROUND INFORMATION:

- On July 1, 2022, the Nebraska Department of Education entered into a contract with NWEA. Amendments are submitted each year to update the deliverables and budget.
- The initial contract was the result of a Request for Proposal to provide a statewide assessment. This RFP met the requirement from 79-760.03.
- The agenda item serves students in grades 3-8 for ELA and Math, and grades 5 and 8 for Science.
- The contract is administered through collaboration between NWEA and the Department of Education. The initial contract was awarded through the Request for Proposal procurement process.
- This amendment will provide deliverables until June 2025.

PROPOSED BOARD MEETING (MONTH/YEAR): February

ESTIMATED COST: Up to \$9,000,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal and State
- New or Renewal: Renewal (amendment)
- If renewal, date of first approval: July 1, 2022

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

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

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.2023*



PROPOSED AGENDA ITEM RATIONALE

DATE: December 13, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Dr. Trudy K Clark, Director of Statewide Assessment

PROPOSED AGENDA ITEM: Discussion of intent to extend the Data Recognition Corporation (DRC) contract to 2024-2025

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

RATIONALE/BACKGROUND INFORMATION:

- On July 1, 2022, the Nebraska Department of Education entered into a contract with DRC. Amendments are submitted each year to update the deliverables and budget.
- The initial contract was the result of a Request for Proposal to provide a statewide assessment. This RFP met the requirement from 79-760.03.
- The agenda item serves students in grades 3-8, and 11 for ELA and Math, and grades 5, 8 and 11 for Science.
- The contract is administered through collaboration between DRC and the Department of Education. The initial contract was awarded through the Request for Proposal procurement process.
- This amendment will provide deliverables until June 2025.

PROPOSED BOARD MEETING (MONTH/YEAR): February 2024

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

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal and State
- New or Renewal: Renewal (amendment)

- If renewal, date of first approval: July 1, 2022

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

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

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 08.15.2023*



PROPOSED AGENDA ITEM RATIONALE

DATE: December 11, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Approve Rule 11 teacher waiver request for Franklin Public Schools

AGENDA ITEM TYPE: Discussion January 2024, Action February 2024

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 works 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.

- Franklin Public Schools had two early childhood classroom openings for the 2023/2024 school year. One for a classroom operating for the full school day, and the other operating for a part day (½ day).
- The district advertised the positions and had two applicants. One applicant has a current Nebraska Teaching Certificate with endorsements in Elementary Education and Early Childhood Inclusive. The other applicant has earned 100 hours toward a bachelor's degree at the University of Nebraska at Kearney.
- The applicant with the current certificate was hired for the full-day early childhood teaching position.
- The Rule 11 waiver request is for the other applicant filling the part-day teaching assignment.

PROPOSED BOARD MEETING: January 2024

ESTIMATED COST: N/A

FOR CONTRACTS AND GRANTS:

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

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: December 7, 2023

TO: Dr. Brian L. Maher
Commissioner of Education

FROM: Dr. Katie Graham
Administrator, Office of Career, Technical, & Adult Education

PROPOSED AGENDA ITEM: Discuss the proposed Computer Science and Technology standards.

AGENDA ITEM TYPE: Discussion Item

RATIONALE/BACKGROUND INFORMATION:

Background:

Nebraska Revised Statute 79-3301 to 79-3305, known and cited as the *Computer Science and Technology Act*, outlines the requirements for instruction in computer science and technology. Additionally, 79-729 specifies the Computer Science and Technology Act requirement for high school graduation.

The Nebraska legislature declared that it is the policy of the state to promote computer science and technology education in each school district in order to: (1) provide students the skills and competencies to compete in a twenty-first-century workforce, (2) develop skills that translate to high-skill, high-wage jobs, and (3) encourage the creation and retention of new, high-paying jobs in Nebraska.

Computer Science and Technology education includes, but is not limited to, knowledge and skills regarding computer literacy, educational technology, digital citizenship, information technology, and computer science.

Computer Science and Technology Act Implementation Timeline:

Academic Year 2025-2026	Each school district shall include computer science and technology education aligned to the academic content standards in the instructional program of its elementary, middle, and high schools.
On or Before December 1, 2026 And, On or Before Dec. 1 of each year thereafter	Each school district shall provide an annual computer science and technology education status report to its school board and the State Department of Education, including, but not limited to, student progress on the computer science and technology courses and other district-determined measures of computer science and technology education progress from the previous school year.
Academic Year 2027-2028	Each school district shall require each student to complete at least five high school credit hours in computer science and technology

	education prior to graduation (through a single course or a combination of courses that cover the computer science and technology academic standards).
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Duties of the State Board of Education:

With the passing of LB705 in June, 2023, Nebraska Revised Statute 79-760.01(2)(b) requires the State Board of Education to:

“On or before March 1, 2024, the board shall also adopt measurable academic content standards for computer science and technology education under the mathematics, science, or career and technical education standards.”

Content area standards that are measurable, appropriately rigorous, and scaffolded become the framework for locally determined curricula.

Existing Computer Science & Technology Standards:

In January of 2021 as a response to the strategic priorities outlined in Nebraska’s Perkins V State Plan, business and industry leaders and postsecondary educators were engaged to inform and recommend any needed updates or revisions to the existing Computer Science State Model Programs of Study and related CTE course-based standards to ensure alignment with the needs of Nebraska’s evolving workforce and postsecondary entrance requirements.

These recommendations were considered as groups of educators met to identify and carry out the needed revisions. The process in 2021 included: (1) an analysis of labor market information, high-wage, high-skill, and high-demand (H3) data, occupational projections, and secondary/postsecondary alignment of existing programs, (2) business and industry and secondary and postsecondary education engagement, futuring panels, and the completion of a statewide work-based learning landscape analysis, (3) convening educators to revise and update the existing programs of study and course-based standards based on the analyses and business and postsecondary engagement, and (4) implementation planning.

As a result of this process, standards for the high school Computer Science Program of Study and related courses were updated. These standards will be used as a foundation for the current revision process.

Proposed Standards Revision Process:

To address the specific requirements outlined in the Computer Science and Technology Act, including the timeline for the State Board of Education to adopt measurable content standards, the Offices of Career, Technical, and Adult Education and Teaching, Learning, and Assessment propose to update the existing Computer Science and Technology standards within the CTE Computer Science Program of Study. The 9-12 standards will identify the essential content students should know and be able to do relative to computer science and technology, will provide a coherent framing of content, and will require students to apply content knowledge in various contexts.

Scope of Revision: The standards will apply to grades 9-12, with supports created to support K-8 implementation aligned to the high school standards. This process is a bit atypical given the limited scope of the requirements set forth in legislation. Typically, a standards revision process takes 12-15 months to complete.

Revision Process: Given the recently updated computer science standards, this process will seek to engage additional stakeholders to ensure the knowledge, skills, and rigor of the standards are appropriate for Nebraska. Additionally, the State Board of Education is required to adopt measurable Computer Science and Technology standards. This process was developed based on the considerations presented to the State Board of Education as a result of the AIR report on Nebraska’s Standards Development process, and the State Board of Education’s Ad Hoc Committee on Standard’s Process, Policy, and Procedures Implementation. When adopted, the standards will create a framework for teaching and learning in computer science and technology and reflect the uniqueness of the content area while also fitting within the overall expectations for all content area standards (e.g. levels of specificity, numbering, quality components) for all schools in Nebraska. They will be updated along with all CTE standards based on a five-year revision cycle.

Engagement: Planned engagement includes geographically diverse representation from Nebraska K-12 educators, postsecondary faculty, the public, district administrators, district curriculum directors, ESUs, business and industry, national experts, students, and state computer science and technology experts. State computer science and technology experts are individuals with specialized training in computer science principles and who work closely and extensively with Nebraska educators. Additionally statewide computer science and technology groups will be engaged including the Nebraska Education Technology Association, the Nebraska Tech Collaborative, and the Nebraska Computer Science Teachers Association. Revised standards will be available on NDE and CTE’s websites with options to easily submit written feedback for 3.5 weeks. Engagement will be tailored for various audiences (e.g., educators, parents/students, business/industry). Through planned engagement across the state, feedback will also be solicited from computer science and technology and related educators in the Fall of 2023.

Tentative Timeline:

August, 2023	<ul style="list-style-type: none"> ● Identify current and emerging trends impacting students and NE businesses relative to computer science and technology, including other state and national approaches to developing computer science standards.
September, 2023	<ul style="list-style-type: none"> ● Public Input Survey #1 (3 weeks) – Introduce opportunity and solicit feedback about the current computer science standards including the knowledge and skills students are expected to learn relative to postsecondary and workplace expectations and the rigor of the standards. <ul style="list-style-type: none"> ○ The survey will be disseminated through the NDE’s website and directly to groups including the Nebraska Education Technology Association, the Nebraska Tech Collaborative, the Nebraska Computer Science Teacher’s Association, district administrators, district curriculum directors, ESUs, business and industry, national experts, postsecondary faculty, students, and state computer science experts. State computer science and technology experts are individuals with specialized training in computer science principles and who work closely and extensively with Nebraska educators.

October – Nov., 2023	<ul style="list-style-type: none"> • Analysis of Stakeholder Input • Convening process to select educators, as necessary, to revise existing computer science standards and indicators • Develop draft of updated computer science standards • Share embargoed draft with State Board of Education for review prior to public draft release (Nov. 15-30)
December, 2023	<ul style="list-style-type: none"> • Share embargoed draft standards early with ESUs, district computer science educators, district curriculum directors, and superintendents across the state • Public Input Survey #2 (3.5 weeks) – publish draft standards and solicit feedback directly from the public. The survey link will be made available via NDE’s main and CTE’s website, as well as shared directly with various stakeholder groups.
January, 2024	<ul style="list-style-type: none"> • Consider public input and revise, as necessary, based on Public Input Survey #2 • Develop Final Draft • Present final standards with an explanation and rationale for proposed updates to State Board of Education for 30 day review
February, 2024	<ul style="list-style-type: none"> • State Board of Education Approval

Implementation Planning

As recommended in the AIR report on Nebraska’s Standards Development process, the NDE will identify and develop implementation supports concurrently with the revision process to ensure timely technical assistance.

PROPOSED BOARD MEETING (MONTH/YEAR): January

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*

Nebraska Computer Science and Technology Act Standards Revision Process

State Board of Education Update | January, 2024

Background

To address the specific requirements outlined in the Computer Science and Technology Act, including the timeline for the State Board of Education to adopt measurable content standards, the Offices of Career, Technical, and Adult Education and Teaching, Learning, and Assessment proposed a plan and timeline to update the existing Computer Science and Technology standards within the Communication and Information Systems content area during the September State Board of Education meeting. The standards will identify the essential content students should know and be able to do relative to computer science and technology, will provide a coherent framing of content, and will require students to apply content knowledge in various contexts. The standards will apply to grades 9-12.

Progress Since Last Update

Draft Standards

The initial draft of the Computer Science and Technology standards were derived from recently updated Communication and Information System standards within Career and Technical Education. Public input on Draft #1 was solicited between September 18-October 7, 2023. A second revised draft of the standards was then developed in response to Public Input Survey #1 by the standards writing team representing K-12 and postsecondary educators.

Public Input Survey #2

The second draft of the standards, as shared with the State Board of Education in November and December, was distributed to the public across the state, including to administrators, secondary and postsecondary educators, families and communities, and members of business and industry. Input on the draft standards was solicited from December 12 – 26, 2023. One hundred fifty-three responses were received.

- The geographical representation of respondents was distributed fairly evenly across the state: 37% from the Omaha metro, 35% from western and central Nebraska, 22% from eastern Nebraska (excluding Omaha and Lincoln), and 6% from Lincoln.
- 50% of respondents were PK-12 educators, 22% were administrators, 14% were parents or other community members, 8% were postsecondary educators, and 4% were from business and industry.
- 86% of respondents stated that they either agreed or strongly agreed that the second draft of the standards reflected essential knowledge that students should know, compared to 78% agreeing or strongly agreeing on the first draft.

- 82% of respondents stated that they either agreed or strongly agreed that the second draft of the standards present clear and specific learning goals, compared to 80% agreeing or strongly agreeing on the first draft.
- 88% of respondents stated that they either agreed or strongly agreed that the second draft of the standards is rigorous and encourage enhanced skill development, compared to 85% agreeing or strongly agreeing on the first draft.

Final Considerations

Feedback received on the Computer Science and Technology standards through Public Input Survey #2 was overwhelmingly positive (see above). All suggestions received were thoroughly reviewed and considered. Where appropriate, NDE's Computer Science content specialist made non-substantive edits to the wording of standards to ensure clarity and common understanding. Several comments were also received noting the burden the Computer Science and Technology Act imposes on districts.

Nebraska Computer Science and Technology Standards – Final Draft

The Computer Science and Technology Act (N.R.S. 79-3303) stipulates that computer science and technology includes, but is not limited to, knowledge and skills regarding: (1) computer literacy, (2) educational technology, (3) digital citizenship, (4) information technology, and (5) computer science. The following standards have been derived from existing course standards in Communication and Information Systems pathways to address these five concepts.

CS.HS.1 Demonstrate and describe best practices of computer literacy.

- CS.HS.1.a Interpret potential beneficial and harmful effects of computing innovations and emerging technologies, including artificial intelligence.
- CS.HS.1.b Identify and explain how hardware components and software applications meet the needs of the end user.
- CS.HS.1.c Demonstrate effective and efficient searches.
- CS.HS.1.d Select and use appropriate software to complete tasks in a variety of educational and professional settings.
- CS.HS.1.e Identify information technologies used in various industries and potential careers in those industries.

CS.HS.2 Analyze ethical practices and behaviors of digital citizenship.

- CS.HS.2.a Examine and evaluate cultural, social, and ethical issues associated with information technology.
- CS.HS.2.b Apply digital literacy by assessing the validity, accuracy, and appropriateness of information.
- CS.HS.2.c Describe how algorithms may result in both intentional and unintentional bias.
- CS.HS.2.d Investigate how applications of computing can have legal implications.
- CS.HS.2.e Evaluate safety and security measures for protecting information and managing digital footprints.

CS.HS.3 Apply concepts of information technology.

- CS.HS.3.a Identify and describe computing hardware components.
- CS.HS.3.b Perform operations on digital files stored on local devices and remote/cloud storage.
- CS.HS.3.c Compare and contrast the functions, features, and limitations of different operating systems and utilities.
- CS.HS.3.d Troubleshoot computer hardware and software.
- CS.HS.3.e Define components of computer networks.
- CS.HS.3.f Explain how data is sent through the Internet.
- CS.HS.3.g Interpret and draw conclusions based on a data set.

CS.HS.4 Analyze the fundamentals of cybersecurity.

- CS.HS.4.a Describe cryptography, encryption, and ciphers.
- CS.HS.4.b Identify methods to protect personal devices, information, and systems.
- CS.HS.4.c Compare and contrast federal, state, local, and international cybersecurity policies.

Nebraska Computer Science and Technology Standards – Final Draft

CS.HS.5 Apply concepts of computational thinking.

- CS.HS.5.a Define the term algorithm and explain its relationship to computational solutions.
- CS.HS.5.b Decompose a complex problem into distinct parts.
- CS.HS.5.c Identify and develop computational solutions to problems.
- CS.HS.5.d Define abstraction in terms of computer science and explain how it is used to manage complexity.
- CS.HS.5.e Represent equivalent data using different encoding schemes.

CS.HS.6 Implement programming literacy practices to create computational artifacts.

- CS.HS.6.a Predict the result or output of code execution.
- CS.HS.6.b Develop programs that use sequences of statements, variables, loops, and conditionals.
- CS.HS.6.c Design and develop computational artifacts that address personally- or socially relevant concerns.
- CS.HS.6.d Use abstraction to manage complexity or avoid duplication of effort.
- CS.HS.6.e Use existing procedures within a program or language based on documentation.
- CS.HS.6.f Write documentation describing the function of computational artifacts.



STATE BOARD OF EDUCATION
RULES AND REGULATIONS COMMITTEE REPORT

Date: January 4, 2024

The Rules and Regulations Committee reports on the January 4, 2024, meeting of the committee.

Members present were chair Elizabeth Tegtmeier, Jacquelyn Morrison, Kirk Penner, Patsy Koch Johns.

The committee discussed the rules report and the length of time some of the rules take for approval at the Attorney General's office. NDE Staff provided that if a rule is a priority, they can communicate with the Attorney General's office.

The public hearing was held on January 3rd for the new Rule 58, Regulations for Security-Related Infrastructure Grants. NDE staff shared the hearing summary, testimony, and fiscal impact with the committee. The committee discussed the items required for the grant award and why is the process so complex. NDE staff provided that the complexity is due to competitive applications, based on the school's needs and the location of the school. The committee recommends approval.

The public hearing was held on January 3rd for Rule 59, Regulations of School Health and Safety. NDE staff shared the hearing summary, testimony, and fiscal impact with the committee and provided that testimony given did not take away or add to the revisions of Rule 59. The committee recommends approval.

The committee provided direction to staff on the next topics that they would like to be prioritized.

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: January 4, 2024

Subject: Report on Rules (Corrected 1/4/24)

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 Hearing Held – January 3, 2024

New- Title 92, Nebraska Administrative Code, Chapter 58, *Regulations for Security-Related Infrastructure Grants*
- Response to legislation with funding for 2023-24

Title 92, Nebraska Administrative Code, Chapter 59, *Regulations for School Health and Safety*
- Response to legislation and stakeholder concerns

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



PROPOSED AGENDA ITEM RATIONALE

DATE: December 11, 2023

TO: Brian L. Maher
Commissioner of Education

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

PROPOSED AGENDA ITEM: Approve and adopt proposed Rule 58 (92 NAC 58) Regulations for Security-Related Infrastructure Grants.

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

RATIONALE/BACKGROUND INFORMATION: Rule 58 (92 NAC 58) Regulations for Security-Related Infrastructure Grants.

The purpose of the proposed Rule 58 is to establish and administer a competitive grant program to provide funding to school districts and to educational service units on behalf of approved or accredited nonpublic schools for security-related infrastructure projects.

An update regarding the plan for proposed Rule was discussed with the Rules and Regulations Committee on September 7, 2023. The School Safety Taskforce reviewed and provided input in October 2023. The Rules and Regulations Committee reviewed public input and the Hearing Draft in November 2023. A public hearing is scheduled for Wednesday, January 3, 2024, at 9:00 a.m. (CT) via ZOOM.

PROPOSED BOARD MEETING (MONTH/YEAR): January 2024

ESTIMATED COST: \$650

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:
- New or Renewal: New

- If renewal, date of first approval: Not applicable

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

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

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 07.06.2023*



From: Brian Halstead, Deputy Commissioner

Date: January 3, 2024

Re: Summary of rulemaking hearing on proposed revision of 92 NAC 58

On January 3, 2024, a hearing on the adoption of 92, Nebraska Administrative Code, Chapter 58, *Regulations for Security-Related Infrastructure Grants*, (Rule 58) was held virtually over Zoom in conjunction with a hearing on revisions to 92, Nebraska Administrative Code, Chapter 59 (Rule 59). Public notice was published in the Omaha World Herald on December 2, 2023. Deputy Commissioner Brian Halstead served as the hearing officer. A recording of the hearing is available at: <https://www.education.ne.gov/legal/rule-hearings/>.

Summary of Oral Testimony on the Proposed Revision of 92 NAC 58

Brian Halstead called the hearing to order, introduced himself, introduced the subject of the hearing, read into the record information about the legal notice of the hearing, outlined the procedures for the hearing and for receiving written testimony, and received testimony on the adoption of Rule 58 before receiving testimony on proposed revision to Rule 59. Mr. Halstead introduced Dr. Zainab Rida to summarize the proposed Rule 58.

Dr. Rida, Equity Officer & Administrator of the Office of Coordinated Student Support Services, presented a summary of the proposed changes to Rule 58:

- The purpose of the proposed rule is to:
 - o Provide guidance on the eligibility criteria, application process, and types of projects;
 - o Ensure the grant funds are distributed fairly and equitably; and
 - o Support the administration of the grant program according to the Administrative Procedure Act (APA).
- Contracts for security-related infrastructure are defined as contracts between an educational service unit (ESU) and a nonpublic school located within the boundaries of the ESU related to a security-related infrastructure project benefitting the students at the nonpublic school.
- Qualifying projects include the purchases, installation, or improvement of specified items related to security to ensure that projects align with the intended goals of the grant program.
- School districts can apply on behalf of all schools within the district.
- Educational service units that have security-related contracts with nonpublic schools can also apply for grants to support the contracts.
- The Department will issue a Request For Proposals (RFP) for new or expansion grants for school safety and security programs during years in which grant funds are available.

- Proposal requirements include:
 - o A needs assessment survey;
 - o Stakeholder engagement;
 - o Data related to students in poverty;
 - o A program narrative containing specified elements:
 - o A timeline;
 - o A sustainability plan; and
 - o An evaluation plan.
- The Commissioner will select 9 individuals knowledgeable in school safety and security to serve on a scoring panel.
- Each proposal meeting the minimum qualifications will receive a base award of \$2,000 for each school. The remainder of the available funds will be awarded on a competitive basis.
- The Commissioner will make the final determinations on the awarding of the grants based on the recommendations of the scoring panel and the requirements of Neb. Rev. Stat. § 79-3108 and this Chapter.
- Grant funds must be obligated within one year or be returned to the Department.
- On or before December 1 of each calendar year that grants were issued, the Department will provide a report to the Clerk of the Legislature.
- Appendix A includes Needs Assessment questions.

John Skretta, Administrator of ESU 6 of Milford serving 16 school districts and supporting another 10 nonpublic schools, testified in support of the rule. Senator Walz introduced LB 516 on the recommendation of a school safety task force she convened while she was chair of the Education Committee. Those provisions were included in LB 705 providing a much needed commitment of state resources. There was a clear legislative intent for nonpublic schools to benefit. Common sense for ESU's to serve as fiscal agent and contractor. Rule 84 provides that ESU's may contract to provide services to nonpublic schools. The rule is consistent with and reflective of stakeholder input. It contains important details and specifics allowing successful implementation and reflects best practices. It will help schools hone in on priorities and make the best high impact investments. Appendix A provides essential questions for schools to reflect upon in the application process. ESU's looking forward to the forthcoming RFP, and he commends the department on the development of the rule.

David Patton, Superintendent of Auburn Public Schools, testified in support of the rule. There has been a recent increase in parent, staff and student concerns regarding school building safety. The rule will provide an opportunity to hear from stakeholders, including local law enforcement, and better understand concerns and increase transparency. School officials are not safety and security experts. The rule contains best practices, and the voice of local experts will allow better definition of needs and targeting of funds. The needs assessment will allow better development of comprehensive security plans and fiscal responsibility. Schools use local funds to address security needs, but the approach is haphazard and fragmented. The grant funds will free up local funds for other district needs. The cost associated with door sensors, security film, security cameras and security camera servers are high. He feels Rule 58 is an opportunity for districts to develop comprehensive plans informed by best practices. School districts will be able to get desperately needed funds for security, while preserving local funds for instruction. The process is specific and fair.

Tom Venzor, Executive Director of the Nebraska Catholic Conference, echoed previous testifiers. It was an important collaborative effort designed to benefit the students in both public and nonpublic schools. The ultimate benefit is to the students who deserve every opportunity for a safe school. He is supportive of the rule as written but noted that the discretion allowed for ESU's to contract with nonpublic schools could leave nonpublic schools out in some areas. Some ESU's do not have as positive of a relationship with the nonpublic schools as others. He also suggested that the ESUCC could serve as a central resource or a place where nonpublic schools could go. He was thankful for the work. Everyone recognizes the importance of school safety.

Kraig Lofquist, Executive Director of the Educational Service Unit Coordinating Council (ESUCC), testified that the ESUCC would be willing to help.

Dr. Zainab Rida concluded by thanking the testifiers.

Mr. Halstead closed the hearing on Rule 58 and then opened the hearing on Rule 59.

Summary of Written Testimony on the Proposed Adoption of 92 NAC 58

David Patton provided a written copy of his oral testimony.

School District #29, Nemaha County

Auburn Public Schools

1713 J Street, Auburn, NE 68305

402.274.4830



Rule, 58 Testimony

I am providing testimony today in support of accepting the draft Rule 58.

The last several years have seen an increase in parent, staff and student concerns regarding school building safety. This rule will provide school district personnel the opportunity to hear from our stakeholders and better understand and clarify their concerns. This will provide transparency within our communities. It will also allow us the opportunity to visit with local law enforcement and safety personnel to better understand what they see as needs. School officials are not experts in safety and security. The rule contains best practices for school personnel to review and learn from. Having the voice of local experts will allow us the opportunity to better define our needs and target our funds toward those things that will best improve the safety of our buildings. The needs assessment contained within the Rule will allow us to better develop a comprehensive security plan that will allow us to utilize our funds in such a way to be more fiscally responsible. Many of us use as much of our local funds as possible to address security needs, but this approach is haphazard and fragmented. Having additional funds will free up local funds for other district needs. The cost associated with door sensors, security film, security cameras and security camera servers are high and are funds taken from instruction and other needs.

In closing, I feel that Rule 58 is an opportunity for our Districts to develop a comprehensive plan that is informed and educated by best practices. It provides an opportunity for school districts to apply for an get funds desperately needed for security, while preserving as much local funds for instruction as possible. The process for gaining the funds and how the grants are awarded is specific and fair.

David Patton
Superintendent
Auburn Public Schools

Mission:

Committed to instilling a culture of growth, resiliency, and pride.

#THEBULLDOGWAY



FISCAL IMPACT STATEMENT

Agency: Nebraska Department of Education
 Prepared by: Zainab Rida
 Date Prepared: 11/30/23
 Phone: 402-471-4620
 Title: 92
 Chapter: 58
 Name: *Regulations for Security-Related Infrastructure Grants*
 Statement Status: Public Hearing Draft
 Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact			X
Increase Costs	X		
Decrease Costs			
Increased Revenue		X	
Decreased Revenue			
Indeterminable			

Description of Impact:

State Agency: It will cost approximately \$650 to hold the hearing and print copies for distribution upon approval of the revised rule.

Political Subdivision: None

Regulated Public: None

NEBRASKA DEPARTMENT
OF EDUCATION

RULE **58**

REGULATIONS FOR SECURITY-RELATED INFRASTRUCTURE GRANTS

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 58

PUBLIC HEARING DRAFT
(November 30, 2023)

State of Nebraska
Department of Education
500 S. 84th Street, 2nd Floor
Lincoln, Nebraska 68510



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TITLE 92 – NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 58 – REGULATIONS FOR SECURITY-RELATED INFRASTRUCTURE GRANTS

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<u>Qualifications</u>	<u>§§ 79-318, 79-3108</u>	<u>003</u>
<u>Proposals</u>	<u>§§ 79-318, 79-3108</u>	<u>004</u>
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CHAPTER 58 – REGULATIONS FOR SECURITY-RELATED INFRASTRUCTURE GRANTS

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TITLE 92 – NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 58 – REGULATIONS FOR SECURITY-RELATED INFRASTRUCTURE GRANTS

001 General Information

001.01 Statutory Authority. This Chapter is adopted pursuant to Neb. Rev. Stat. §§ 79-318 and 79-3108.

001.02 Scope. This Chapter governs the issuance security-related infrastructure grants authorized pursuant to Neb. Rev. Stat. § 79-3108.

001.03 Related Regulations. In addition to the requirements of this Chapter, the funds of public school districts and educational service units are also governed by regulations contained in Title 92 Nebraska Administrative Code (NAC), Chapter 2, dealing with the Uniform System of Accounting; 92 NAC 8, dealing with School Finance & Budgeting/State Funding of Educational Service Units and Learning Communities, and 92 NAC 61, dealing with contested cases before the State Board of Education.

002 Definitions

002.01 Aggregate Percent means the number of students in the specified category divided by the total number of students for all schools based on formula students for the most recent certification of aid pursuant to the Tax Equity and Educational Opportunities Support Act for school districts or based on data from the most recently completed school year for nonpublic schools.

002.02 Assisted School means any school belonging to a school district that receives a grant pursuant to this Chapter or any nonpublic school that has entered into a contract for security-related infrastructure with an educational service unit that receives a grant pursuant to this Chapter based on the contract.

002.03 Commissioner means the State Commissioner of Education.

002.04 Contract for Security-Related Infrastructure means a contract between an educational service unit and a nonpublic school located within the boundaries of the educational service unit in which the educational service unit receives consideration from the nonpublic school in exchange for assistance from the educational service unit related to a security-related infrastructure project benefitting the students of the nonpublic school.

002.05 Department means the State Department of Education.

002.06 Nonpublic School means a nonpublic school approved pursuant to 92 NAC 14 (Rule 14) or accredited pursuant to 92 NAC 10 (Rule 10) by the State Board of Education.

002.07 Proposal means a request made to the Department for grant funding pursuant to this Chapter.

002.08 Qualifying Project means the purchase, installation, or improvement of:

002.08A Surveillance equipment;

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002.08B Door locking systems;

002.08C Double-entry doors for a school building;

002.08D Visitor management systems;

002.08E Ground lighting;

002.08F Safety film for glass in exterior doors and sidelights;

002.08G Hand-held radios to aid in communication during school situations;

002.08H Notification systems;

002.08I Control devices to restrict access to areas as needed for security purposes.

002.08J Screening devices;

002.08K Fencing to secure playgrounds;

002.08L Automatic external defibrillators;

002.08M Bleeding control kits; or

002.08N Other physical security equipment or security-related technology.

002.09 School means any school in a school district that submits a proposal or receives a grant pursuant to this Chapter or a nonpublic school that has entered into a contract for security-related infrastructure with an educational service unit that submits a proposal or receives a grant pursuant to this Chapter based on the contract.

002.10 Student means an individual enrolled in any grade kindergarten through grade 12 or in an early childhood education program of a school.

003 Qualifications

003.01 School Districts. Any school district may apply for a grant pursuant to this Chapter on behalf of all schools belonging to the school district.

003.02 Educational Service Units. An educational service unit that has entered into a contract for security-related infrastructure with a nonpublic school may apply for a grant to support the contract. The contract must outline the terms, conditions, expectations, and procedures for both parties that ensure grant funding received pursuant to this Chapter is used for the purposes stated in the grant proposal. Procedures included in the contract may include documentation requirements, deadlines, and other guidelines. An educational service unit will submit a separate proposal for each nonpublic school for which the educational service unit has entered into a contract for security-related infrastructure and each such proposal will be evaluated by the panel independent of other proposals submitted by the same educational service unit.

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004 Proposals

004.01 Request for Proposals. The Department will issue a Request For Proposals (RFP) for new or expansion grants for school safety and security program during years in which grant funds are available. Each RFP issued pursuant to this section will state a deadline by which proposals must be received.

004.02 Proposal Requirements. Each qualifying proposal must be received by the Department on or before the deadline stated in the RFP and contain the following:

004.02A Needs Assessment Survey. The Needs Assessment Survey found in Appendix A of this Chapter;

004.02B Stakeholder Engagement. A description must be included of how stakeholders have been engaged in meaningful consultation regarding the safety and health of students at the local level. Stakeholders include the following subgroups as applicable: Students; families; school, district, and educational service unit administrators; teachers; classified staff; Tribal governments; civil rights organizations; and organizations and individuals representing the interests of students with disabilities, English learners, students experiencing homelessness, students in foster care, migratory students, students who are incarcerated, and other underserved students;

004.02C Data. Each qualifying proposal must include:

004.02C1 The aggregate percent of students who are in poverty as measured using poverty students as defined in Neb. Rev. Stat. § 79-1003(30) for school districts or, for nonpublic schools, the number of students qualifying for free lunches;

004.02C2 Data to support any assertion that a challenge from the previous three school years has increased the need for a security-related infrastructure grant. Examples of challenges include, but are not limited to, a recent disaster, a high rate of mental health needs (lack of mental health providers), chronic absenteeism, or a high rate of community or school violence;

004.02C3 The grade configuration of each school; and

004.02C4 The total number of students for each school based on formula students for the most recent certification of aid pursuant to the Tax Equity and Educational Opportunities Support Act for school districts or based on data from the most recently completed school year for nonpublic schools.

004.02D Program Narrative. A program narrative must describe:

004.02D1 How funds from the grant will support safe and healthy student outcomes;

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004.02D2 The rationale behind selecting the proposed project including the match to the needs assessment and the stakeholder feedback;

004.02D3 For school districts, how grant funds will be divided as evenly as possible among all schools in the school district; and

004.02D4 Any anticipated challenges for the implementation of the proposal and a plan to overcome the challenges;

004.02E Timeline. A timeline for the full implementation of the project is required;

004.02F Sustainability Plan. A description is required of plans to sustain the project after the grant funds have been expended;

004.02G Evaluation Plan. An evaluation plan to measure the impact of the project; and

004.02G Contract for Security-Related Infrastructure. For educational service units, the contract for security-related infrastructure.

005 Awarding of the Grants

005.01 Scoring Panel. The Commissioner will select nine individuals knowledgeable in school safety and security to serve on the scoring panel. The scoring panel will evaluate and score each proposal using a rubric developed by the panel and based on the requirements of the grant program. The panel will use the scores to determine which proposals meet the minimum qualification to make recommendations for the awarding of competitive grant amounts to the Commissioner.

005.02 Distribution of Award Amounts. Each proposal that meets the minimum qualifications will result in a base grant award of \$2,000 for each school. The remainder of the available funds after the awarding of base grants will be awarded on a competitive basis.

005.03 Final Determination. The Commissioner will make the final determinations on the awarding of the grants based on the recommendations of the scoring panel and the requirements of Neb. Rev. Stat. § 79-3108 and this Chapter.

006 Grant Funds

006.01 Special Grant Funds. Any grant funds awarded pursuant to this Chapter to a school district will be considered special grant funds and, therefore may be excluded from the general fund budget of expenditures pursuant to Neb. Rev. Stat. § 79-1003(20) and from the calculation of budget authority pursuant to Neb. Rev. Stat. § 79-1028.01(1)(m).

006.02 Use of Funds. Any grant funds awarded pursuant to this Chapter must be used for the purposes stated in the grant proposal or be returned to the Department.

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006.03 Duration of Funding. Any grant funds awarded pursuant to this Chapter must be obligated within one year of the date the funds were received by the school district or educational service unit or be returned to the Department.

007 Appeals

007.01 Commissioner Review. A school district or educational service unit that submits a proposal pursuant to this Chapter that is aggrieved by any decision of the Department in regard to its proposal may request in writing a review by the Commissioner of Education within fifteen (15) calendar days of its receipt of the Department’s decision on the proposal. The Commissioner shall review the claim together with all other materials submitted in the applicant’s proposal, the requirements of this Chapter, and state law. The Commissioner, within ninety (90) days of the Department’s receipt of the claim, shall make a final written determination regarding the claim. A copy of the determination shall be mailed to the claimant, certified mail, return receipt requested.

007.02 Contested Case Hearing. If the claimant disagrees with the Commissioner’s final written determination, it may request a hearing on the determination within fifteen (15) days following receipt of the determination pursuant to 92 NAC 61 (Rule 61).

008 Reports

008.01 Reporting Requirement. On or before December 1 of each calendar year that grants were issued pursuant to this Chapter, the Department will provide a report electronically to the Clerk of the Legislature. The report will not identify any particular school. The report will include, but not be limited to:

008.01A The total number of assisted schools;

008.01B The number of public assisted schools and the number of nonpublic assisted schools;

008.01D The number of assisted schools in each grade configuration;

008.01E The average amount of grant funds received by schools broken down by student population size ranges determined by the Department to avoid identifying any schools;

008.01F The number of schools in each of the student population size ranges used in subdivision 008.01E of this Chapter;

008.01G The number of schools in each geographic location as defined by the boundaries of the State Board of Education;

008.01H How the grant funds were used; and

008.01I The number of schools that were denied grant funding and the reasons why.

Appendix A

Needs Assessment Questions

1. Does each school have a written Emergency Operation Plan (EOP) or a plan to create one with this grant? (Y/N)
2. Does the school, school district, or educational service unit collaborate with Emergency Managers, Law Enforcement, and Fire/Rescue on EOP's? (Y/N)
3. Does each school participate in Safe2HelpNE or other anonymous report line services? (Y/N)
4. Does the school, school district, or educational service unit have a Threat Assessment Team? (Y/N)
5. Does the school district or educational service unit conduct prevention trainings on bullying/cyberbullying, substance use, suicide, digital or social media issues that each school is able to access? (Y/N)
6. Does each school use Standard Response Protocol (SRP) and Standard Reunification Method (SRM) procedures? (Y/N) If, yes is staff trained in SRP and SRM? (Y/N)
7. Does each school have a system or procedure in place for lockdowns? (Y/N)
8. Is the staff in each school adequately trained on how to activate a lockdown? (Y/N)
9. Is the staff in each school adequately trained on active shooter response? (Y/N)
10. Are all classrooms equipped with the necessary equipment or tools to communicate with the front office or other administrative staff? (Y/N)
11. Is there controlled access into each school during the school day? (Y/N)
12. Is there a secure vestibule that separates the main entry from full building access in each school? (Y/N)
13. Is there a video surveillance system with recording capability in use in each school? (Y/N)
14. Is there video coverage of all exterior doors for each school? (Y/N)
15. Is there a perimeter fence in place around all student play areas at each school? (Y/N)
16. Are there bollards or other barriers protecting school entrances from vehicular intrusion at each school? (Y/N)
17. Are all exterior school doors locked during school hours? (Y/N)
18. Are windows and sidelights in exterior doors of all schools outfitted with safety film? (Y/N)

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19. Does each school utilize a visitor management system to identify and track all school visitors during the school day? (Y/N)
20. Do all classroom doors have a door lock or door barricade device that can be locked from the inside? (Y/N)
21. Do all schools have working security alarm systems? (Y/N)
22. Does the school, school district, or educational service unit provide safety and security training for all staff, substitute teachers, and volunteers? (Y/N)
23. Do all schools have access to an Automated External Defibrillator (AED)? (Y/N)
24. Has the school, school district, or educational service unit conducted a vulnerability assessment in the past two years? (Y/N)
25. Do all schools have bleeding control kits readily available? (Y/N)
26. Do all schools have tourniquets readily available? (Y/N)

Short Answer Needs Assessment Questions

1. What security-infrastructure enhancement needs were sighted in the last annual school safety and security assessment conducted by a person not employed by the school system? (5000 maximum characters used)
2. What security-infrastructure needs have been achieved in the last 5 years to improve upon prevention, preparedness, response, & recovery? How was this project accomplished and what was the source of funding for this project(s)? (5000 maximum characters)
3. What will be the biggest safety and security challenge if not selected to receive grant funds? What other opportunities or resources will be needed to complete security-infrastructure? (5000 maximum characters)
4. Describe the current greatest strengths in security-infrastructure and the areas needing the most attention and why? Include the order of most to least need for all the security-infrastructure desires. (5000 maximum characters)



PROPOSED AGENDA ITEM RATIONALE

DATE: December 11, 2023

TO: Brian L. Maher.
Commissioner of Education

FROM: Zainab Rida, Equity officer and Administrator for Coordinated Student Support Services

PROPOSED AGENDA ITEM: Approve and adopt proposed revisions to Rule 59 (92 NAC 59) Regulations for School Health and Safety

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

RATIONALE/BACKGROUND INFORMATION: Rule 59 includes the regulations for school health and safety.

The current version of Rule 59 was last updated in 2006. The purpose of the proposed revision to Rule 59 is to incorporate Nebraska Revised State Statutes 79-3207 into rules and address concerns regarding the Emergency Response to Life Threatening Asthma or systemic Allergic Reactions (Anaphylaxis) Protocols. Additional edits were made to reduce redundancy with Nebraska Revised State Statutes, define “School is in Session”, and other minor edits (E.g. replace “shall” with “will or must”).

An update regarding the plan for proposed revisions was discussed with the Rules and Regulations Committee on August 3, 2023. An update to the Rules and Regulations Committee regarding the Rule 59 revisions was made July 18, 2023. In addition, a public input draft was posted on the Nebraska Department of Education for public comment on Thursday, August 10, 2023, through Wednesday, August 16, 2023. The Rules and Regulations Committee reviewed the Hearing Draft in September 2023. A public hearing is scheduled for Wednesday, January 3, 2024, at 9:00 a.m. (CT) via ZOOM.

PROPOSED BOARD MEETING (MONTH/YEAR): January 2024

ESTIMATED COST: \$650

FOR CONTRACTS AND GRANTS:

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

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

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

FOR GRANT SUBAWARDS:

- Describe the grantee selection process:

**Updated 07.06.2023*



From: Brian Halstead, Deputy Commissioner

Date: January 3, 2024

Re: Summary of rulemaking hearing on the proposed revision of 92 NAC 59

On January 3, 2024, a hearing on the proposed revision of 92, Nebraska Administrative Code, Chapter 59, *Regulations for School Health and Safety*, (Rule 59) was held virtually over Zoom in conjunction with a hearing on the adoption of 92, Nebraska Administrative Code, Chapter 58 (Rule 58). Public notice was published in the Omaha World Herald on December 2, 2023. Deputy Commissioner Brian Halstead served as the hearing officer. A recording of the hearing is available at: <https://www.education.ne.gov/legal/rule-hearings/>.

Summary of Oral Testimony on the Proposed Revision of 92 NAC 59

Brian Halstead called the hearing to order, introduced himself, introduced the subject of the hearing, read into the record information about the legal notice of the hearing, outlined the procedures for the hearing and for receiving written testimony, and received testimony on the proposed revision of Rule 59 after receiving testimony on the proposed adoption of Rule 58. Mr. Halstead introduced Dr. Zainab Rida to summarize the proposed changes to Rule 59.

Dr. Rida, Equity Officer & Administrator of the Office of Coordinated Student Support Services, presented a summary of the proposed changes to Rule 59:

- Brief explanations relating to Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis) and the Seizure Safe Schools Act were added to the General Provisions section.
- The requirements for Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis) Protocols were added to the rule.
- Seizure Safe Schools requirements for training related to seizure medications, procedures for developing seizure action plans, and the content for seizure action plans were also added.
 - o Each school must have at least one school employee who has met the training requirements to administer seizure rescue medication or medication prescribed to treat seizure disorder symptoms according to seizure action plans authorized by parents and guardians of students who have seizure disorders and who have been prescribed such medications.
- The definition of “approved early childhood education program” was moved for the purpose of alphabetizing the definitions.

- “Health care professional” is a defined term that includes licensure. Therefore, the redundant “licensed” was removed from the term “licensed health care professional” throughout the rule.
- A definition of “school is in session” was added for clarity and to limit application of the term to the regular school day.
- For a school to assess the competency of staff members to provide medication, the staff members must be able to successfully pass a competency assessment no less than every 3 years.
- The definition of “minimum competencies” is removed because later in the rule it is stated that the competencies are defined by the Nebraska Department of Health and Human Services (DHHS) in 172 NAC 95.
 - o Leaving the definition increases the risk that it will not match the DHHS rule.
- Technical cleanup has been included throughout the update to remove redundancy, update terminology, and provide interpretive language.
- The form in Appendix A was modified to address several concerns that had been expressed.

Kimberly McClintick, School Health Coordinator for Children’s Nebraska from Omaha, testified in support of the rule. She is an RN who works with the Office of Coordinated Student Support Services at the department to support health coordination management in schools. Children’s Nebraska brings a wealth of expertise to the collaboration. She works with schools across the state to train school nurses and provide technical assistance. She is frequently approached for clarification of the rule. She worked with a pulmonologist, allergist, respiratory therapist, nurse case manager, and several school nurses to review and recommend edits. One suggestion was to update the term physician to health care practitioner to allow schools, particularly in rural areas, to work with nurse practitioners and physician assistants to sign the protocol in Appendix A. Would like to see generic epinephrin to allow schools better access to the medication and cost savings. Appendix A is a standing order, otherwise known as a prescription. Some pharmacists do not understand and will not provide the medication to schools. Added statement clearly states it is a prescription, making it easier to fill. She talks regularly with school officials and others about when the regulations are in effect. Defining school is in session provides clarity for schools as they create policies. The Children’s Nebraska neurology team assisted in writing the Seizure Safe Schools Act. The Epilepsy Foundation of America has a training that was helpful. Most school staff do not know what to do when someone has a seizure. She has a son with an Epilepsy disorder. The required training provides information on recognizing and responding. The updates will ensure students are healthy and able to achieve academic success. She is honored to connect the department with specialists to provide up to date guidelines. The changes are supported by experts at Children’s Nebraska.

Mitzi Cardona, Asthma Program Coordinator for Children’s Nebraska from Omaha, testified in support of the rule. She is a respiratory therapist specializing in neonatal pediatrics and asthma. She has asthma as do her kids. She has supported legislation for self-administration of anaphylaxis medication in Nebraska and Georgia. Strong supporter of the original Rule 59. Anaphylaxis is a potentially fatal disorder. It is treated with epinephrin to prevent progression and seek emergency care. Albuterol is delivered through a nebulizer to relieve breathing symptoms. She supports the clarifications and updates to the rule. Many rural providers only have access to nurse practitioners and physician assistants. They are licensed prescribing providers. Pharmacies should recognize

orders signed by them as prescriptions. Schools cannot be expected to be responsible for purchasing the necessary medications or have personnel for outside of the school day. It is important to educate on the use of 911. Important to note that currently schools are only allowed to stock the brand name EpiPen, which is more expensive and harder to acquire. Albuterol should be administered with a nebulizer in emergency situation. It is easier to use and is the preferred method in emergency situations. The move to 60 pounds is also important. Important to follow the labeled instructions. These are vital regulation for schools. She looks forward to the updates and clarification presented today.

Dr. Zainab Rida concluded by thanking the testifiers.

Mr. Halstead closed the hearing on Rule 59 and closed the hearings for the day.

Summary of Written Testimony on the Proposed Revision of 92 NAC 59

No written testimony was submitted for the proposed revision of Rule 59.



FISCAL IMPACT STATEMENT

Agency: Nebraska Department of Education
 Prepared by: Zainab Rida
 Date Prepared: 11/30/23
 Phone: 402-471-4620
 Title: 92
 Chapter: 59
 Name: *Regulations for the School Health and Safety in Nebraska Schools*
 Statement Status: Public Hearing Draft
 Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact		X	X
Increase Costs	X		
Decrease Costs			
Increased Revenue			
Decreased Revenue			
Indeterminable			

Description of Impact:

State Agency: It will cost approximately \$650 to hold the hearing and print copies for distribution upon approval of the revised rule.

Political Subdivision: None

Regulated Public: None

**NEBRASKA DEPARTMENT
OF EDUCATION**

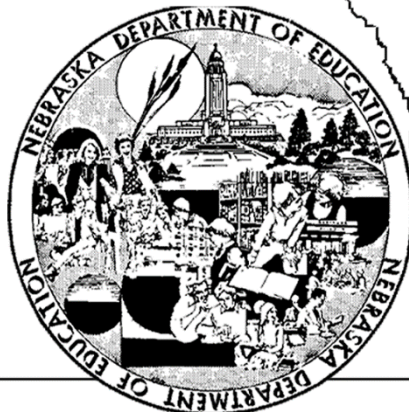
RULE 59

REGULATIONS FOR SCHOOL HEALTH AND SAFETY

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 59**

**PUBLIC HEARING DRAFT
November 30, 2023**

**State of Nebraska
Department of Education
500 S. 84th Street, 2nd Floor
Lincoln, Nebraska 68510**



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Medication Aide Act - Competency Assessment	§71-6725, §71-6739	004
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Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis)	<u>§25-21,280, 71-2475,</u> §79-305, §79-318	006
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Appendix A: Emergency Response to Life-Threatening Asthma or Systemic
 Allergic Reactions (Anaphylaxis) Protocol

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<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Definitions	<u>§71-2473</u> , §71-6721, §71-6725	002
Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis)	<u>§25-21,280, 71-2475</u> , §79-305, §79-318	006
Enforcement	§71-6735	<u>009</u> 007
General Provisions	<u>§79-305, §79-318</u> , §71-6739	001
Medication Aide Act - Competency Assessment	§71-6725, §71-6739	004
Medication Aide Act - Documentation	§71-6724	005
Medication Aide Act - Provision of Medication	§71-6722, §71-6723	004
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APPENDICES

Appendix A: Emergency Response to Life-Threatening Asthma or Systemic
 Allergic Reactions (Anaphylaxis) Protocol

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 59 - REGULATIONS FOR SCHOOL HEALTH AND SAFETY

001 General Provisions.

001.01 Statutory Authority. This Chapter is adopted pursuant to Neb. Rev. Stat. §§ 25-21,280, Sections 79-305, 79-318, and ; Sections 79-1102 to 79-1104, and the Medication Aide Act in Neb. Rev. Stat. §§ Sections 71-6718 through 71-6742, and the Seizure Safe Schools Act in Neb. Rev. Stat. §§ 79-3201 to 79-3207 of the Revised Statutes of Nebraska (R.R.S.).

001.02 Medication Aide Act Requirements. Sections 003, 004 and 005 of this Chapter set forth the methods for competency assessment for school staff who provide medications and/or participate in observing and reporting for monitoring medications. In order for ~~a school to assess the competency of~~ staff members to provide medication as mentioned above, the staff members must be able to successfully pass a competency assessment no less than every three (3) years as provided in such sections. ~~Such competency assessments shall consist of a demonstration by the school staff member of each of the competencies listed in Sections 004.01A through 004.01N to the satisfaction of the health care professional designated by the school to conduct the assessment.~~

001.02A Nothing in this Chapter ~~may shall~~ be construed to require any school to employ or use a school nurse or medication aide ~~in order~~ to be in compliance with the Medication Aide Act.

001.03 Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis). Section 006 of this Chapter sets forth the requirements for Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis) Protocols.

001.04 Seizure Safe Schools Act Requirements. Sections 007, 008, and 009 of this Chapter sets forth the requirements for training related to seizure medications, procedures for developing seizure action plans, and the content for seizure action plans. Each school must have at least one school employee who has met the training requirements to administer seizure rescue medication or medication prescribed to treat seizure disorder symptoms according to seizure action plans authorized by parents and guardians of students who have seizure disorders and who have been prescribed such medications.

001.05 ~~001.03~~ Related Regulations. In addition to this Chapter, accredited schools must comply with 92 NAC 10; approved schools must comply with 92 NAC 14; and, approved early childhood education programs must comply with 92 NAC 11. The requirements of Sections 003, 004, and 005 of this Chapter are directly related to the provisions set forth in Title 172, Nebraska Administrative Code, Chapter 95 which is promulgated by the Department of Health and Human Services Regulation and Licensure and is entitled, Administration Regulations Governing the Provision of

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Medications by Medication Aides and Medication Staff Other Unlicensed Persons.

002 Definitions.

002.01 Accredited school Schools means shall mean a public school district or a nonpublic school or group of nonpublic schools under a governing body organized to provide education in elementary, middle, secondary, and/or high school grades accredited pursuant to Title 92, NAC, Chapter 10.

002.02 Administration of medication has the same meaning as in Neb. Rev. Stat. § 71-6721 shall include, but is not limited to:

~~002.02A Providing medication for another person according to the five rights as defined in Section 002.07;~~

~~002.02B Recording medication provision; and,~~

~~002.02C Observing, monitoring, reporting, and otherwise taking appropriate actions regarding desired effects, side effects, interactions, and contraindications associated with the medication.~~

~~002.03 Approved early childhood education program means any prekindergarten part-day or full-day program established by a school board or an educational service unit and approved pursuant to Title 92, NAC, Chapter 11.~~

~~002.04 002.03 Approved school means schools shall mean a nonpublic school or group of schools under a governing body organized to provide education in elementary and/or secondary grades approved pursuant to Title 92, NAC, Chapter 14.~~

~~002.05 002.04 Caretaker has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean a parent, foster parent, family member, friend, or legal guardian who provides care for an individual.~~

~~002.06 002.05 Direction and monitoring has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean the acceptance of responsibility for observing and taking appropriate action regarding any desired effects, side effects, interactions, and contraindications associated with the medication by:~~

~~002.05A A recipient with capability and capacity to make an informed decision about medications;~~

~~002.05B Caretaker; or,~~

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~~002.05C Licensed health care professional.~~

~~002.06 Approved Early Childhood Education Program shall mean any prekindergarten part-day or full-day program with a stated purpose of promoting social, emotional, intellectual, language, physical, and aesthetic development and learning for children from birth to kindergarten entrance age and family development and support established by a school board or an educational service unit and approved pursuant to Title 92, NAC, Chapter 11.~~

~~002.07 Five rights has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean getting the right drug to the right recipient in the right dosage by the right route at the right time.~~

~~002.08 Health care professional has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean an individual for whom administration of medication is included in his/her scope of practice, and is licensed by the Department of Health and Human Services.~~

~~002.09 Informed decision has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean a decision made knowingly, based upon capacity to process information about choices and consequences, and made voluntarily.~~

~~002.10 Medication has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean any prescription or nonprescription drug intended for treatment or prevention of disease or to affect body function in humans.~~

~~002.11 Medication Aide has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean an individual who is listed on the medication aide registry operated by the Department of Health and Human Services Regulation and Licensure.~~

~~002.12 Minimum Competencies shall include:~~

~~002.12A Maintaining confidentiality;~~

~~002.12B Complying with a recipient's right to refuse to take medication;~~

~~002.12C Maintaining hygiene and current accepted standards for infection control;~~

~~002.12D Documenting accurately and completely;~~

~~002.12E Providing medications according to the five rights;~~

~~002.12F Having the ability to understand and follow instructions;~~

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~~002.12G Practicing safety in application of medication procedures;~~

~~002.12H Complying with limitations and conditions under which a medication aide (and other unlicensed persons) may provide medications according to provisions contained in Title 172, Nebraska Administrative Code, Chapter 95; and,~~

~~002.12I Having an awareness of abuse and neglect reporting requirements and any other areas as shall be determined by Title 172, Nebraska Administrative Code, Chapter 95.~~

002.12 Prescribing health care practitioner means a practitioner as defined in Neb. Rev. Stat. § 71-2473 who signs a protocol and corresponding order pursuant to subsection 006.02 of this Chapter.

~~002.13 PRN has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean an administration scheme in which a medication is not routine, is taken as needed and requires assessment for need and effectiveness.~~

~~002.14 Provision of medication has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean the component of the administration of medication that includes giving or applying a dose of a medication to an individual and includes helping an individual in giving or applying such medication to himself or herself.~~

002.15 Recipient with capability and capacity to make an informed decision about medications means shall mean an individual who is an adult (at least 19 years of age) and has knowledge related to the medication(s) such as purposes and desired effects, potential side effects, and the consequences if the medication is not provided and received as prescribed or recommended.

~~002.16 Routine, with reference to medication, has the same meaning as in Neb. Rev. Stat. § 71-6721 shall mean the frequency of administration, amount, strength, and method are specifically fixed.~~

~~002.17 School means shall mean~~ an entity or person meeting the requirements for a school set by Chapter 79, including an accredited ~~school schools~~ pursuant to 92 NAC 10 or an ~~and~~ approved ~~school schools~~ pursuant to 92 NAC 14.

002.18 School is in session means any period of time during which students are under the direction of school staff during the regular school day as defined by the school or school district and does not include any period of time during which an extracurricular activity is occurring outside of the regular school day.

~~002.19 002.18~~ School staff means shall mean individuals who are employed by a school, some of whom may be required to undergo a competency assessment pursuant to this

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Chapter. School staff ~~includes shall include~~ substitute teachers and all other temporary employees. ~~Health Licensed health~~ care professionals who are employed by a school are exempt from the competency assessments ~~otherwise required under contained in~~ this Chapter.

002.20 Seizure action plan has the same meaning as in Neb. Rev. Stat. § 79-3202.

003 Medication Aide Act - Provision of Medication.

003.01 A staff member of a school may participate in medication administration, when directed and monitored by a recipient with capability and capacity to make an informed decision about medications, caretaker, or health care professional, by providing medications in compliance with the Medication Aide Act and rules and regulations adopted and promulgated under the Act, including this Chapter and Title 172, Nebraska Administrative Code, Chapter 95. In each case, the individual responsible for providing direction and monitoring ~~must shall~~ be identified in writing and indication that such individual has accepted such responsibility ~~must shall~~ also be identified in writing.

003.02 A staff member of a school ~~determined to be competent by a recipient with capability and capacity to make an informed decision about medications, or by a caretaker, or by the method set forth in Section 004.01~~ may provide routine medications by the following routes:

003.02A Oral, which includes any medication given by mouth, including sublingual (placing under the tongue) and buccal (placing between the cheek and gum) routes and oral sprays;

003.02B Inhalation, which includes inhalers, and nebulizers. Oxygen may be given by inhalation;

003.02C Topical application of sprays, creams, ointments, and lotions and transdermal patches; and;

003.02D Instillation by drops, ointments, and sprays into the eyes, ears, and nose.

003.03 A staff member of a school determined to be competent by a recipient with capability and capacity to make an informed decision about medications, ~~or by~~ a caretaker, or a health care professional by the method set forth in Section 004.01 may provide medications through additional activities listed in ~~subsections Sections~~ 003.03A through 003.03C, if it has been determined by a ~~icensed~~-health care professional and placed in writing that these activities can be done safely for a specified recipient.

003.03A Provision of PRN medications;

003.03B Provision of medications by routes in addition to those identified in

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~~subsections Sections~~ 003.02A through 003.02D, including, but not limited to, gastrostomy tube, rectal, and vaginal, but not including the provision of medications or fluids intravenously; and/or

003.03C Participation in observing and reporting for monitoring medications.

003.04 Direction for staff members of a school to provide medication by routes not listed in ~~subsection Section~~ 003.02 of this Chapter must be for recipient specific procedures and must be in writing. Direction for PRN medication must be in writing and include the parameters for provision of the PRN medication. Direction for observing and reporting for monitoring medication must be in writing and include the parameters for the observation and reporting. Staff members of a school must shall comply with written directions.

004 Medication Aide Act - Competency Assessment.

004.01 Competencies. In order for a school to assess the competency of staff members to provide medication, the staff members of the school must be able to successfully pass a competency assessment no less than every three (3) years. Such competency assessments will shall consist of a demonstration by the school staff member of each of the minimum competency standards following competencies (as set forth in Title 172, Nebraska Administrative Code, Chapter 95, Section 004.) to the satisfaction of the health care professional designated by the school to conduct the assessment.:

~~004.01A Recognize the recipient's right to personal privacy regarding health status, any diagnosis of illness, medication therapy and items of similar nature. Information of this nature should only be shared with appropriate interdisciplinary team members.~~

~~004.01B Recognize and honor the right of those recipients with capability and capacity to make informed decision about medications, to refuse medications and at no time force a recipient to take medications. In the case of a recipient who does not have the capability and capacity to make informed decisions about medication, recognize the requirement to seek advice and consultation from the caretaker or the licensed health care professional providing direction and monitoring regarding the procedures and persuasive methods to be used to encourage compliance with medication provision. Recognize that persuasive methods should not include anything that causes injury to the recipient.~~

~~004.01C Follow currently acceptable standards in hygiene and infection control including hand washing.~~

~~004.01D Follow facility policies and procedures regarding storage and handling of medication, medication expiration date, disposal of medication and similar~~

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~~policies and procedures implemented in the facility to safeguard medication provision to recipients.~~

~~004.01E Recognize general unsafe conditions indicating that the medication should not be provided including change in consistency or color of the medication, unlabeled medication or illegible medication label, and those medications that have expired. Recognize that the unsafe condition(s) should be reported to the caretaker or licensed health care professional responsible for providing direction and monitoring.~~

~~004.01F Accurately document medication name, dose, route, and time administered, or refusal.~~

~~004.01G Provide the right medication, to the right person, at the right time, in the right dose, and by the right route.~~

~~004.01G1 As part of the assessment related to this “competency,” staff members must demonstrate an understanding of what specific identification measures are appropriate, including visual identification for situations when the school staff member is not familiar with the child’s identity. Schools are responsible for developing safeguards to ensure that students are not misidentified when receiving medication.~~

~~004.01H Provide medications according to the specialty needs of recipients based upon such things as age, swallowing ability, and ability to cooperate.~~

~~004.01I Recognize general conditions which may indicate an adverse reaction to medication such as rashes/hives, and recognize general changes in recipient condition which may indicate inability to receive medications. Examples include altered state of consciousness, inability to swallow medications, vomiting, inability to cooperate with receiving medications and other similar conditions. Recognize that all such conditions must shall be reported to the caretaker or licensed health care professional responsible for providing direction and monitoring.~~

~~004.01J Safely provide medications for all ages of recipients according to the following routes: oral, topical, inhalation and instillation as referenced in Title 172, Nebraska Administrative Code, Chapter 95--Section 005.~~

~~004.01K Recognize the limits and conditions by which a medication aide or other unlicensed person may provide medications.~~

~~004.01L Recognize the responsibility to report and the mechanisms for communicating such to the appropriate authorities if reasonable cause exists to believe that a vulnerable adult has been subjected to abuse or conditions or~~

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~~circumstances which would result in abuse in accordance with Neb. Rev. Stat. §28-372.~~

~~004.01M Recognize the responsibility to report and the mechanisms for communicating such to the appropriate authorities if reasonable cause exists to believe that a child has been subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which reasonably would result in abuse or neglect in accordance with Neb. Rev. Stat. §28-711.~~

~~004.01N Recognize the recipient's property rights and physical boundaries.~~

004.02 School staff members ~~will~~ **shall** not be required to take a course, or be listed on the Medication Aide Registry in order to meet the requirements of this Chapter.

005 Medication Aide Act - Documentation.

005.01 Health care professionals designated by the school to conduct competency assessments, as described in Section 004 ~~of this Chapter,~~ **must shall** provide the school staff member and the school with written documentation of successful completion of competency assessment. Documentation may be by letter, certificate, or other official record designated by the school and **must shall** include:

005.01A The name of the school staff member who successfully completed the competency assessment;

005.01B The date the competency assessment was conducted; and,

005.01C The name, profession, and license number of the health care professional who conducted the competency assessment.

005.02 Schools **must shall** maintain written documentation of successful completion of competency assessments, identification of the individual providing direction and monitoring, and acceptance of the responsibility for direction and monitoring for a minimum of two (2) years.

005.03 Schools **must shall** keep and maintain accurate records of administration of medication by school staff. The record of administration of medication **must shall** include but not be limited to:

005.03A Identification of the recipient;

005.03B Name of the medication given;

005.03C The date, time, dosage and route for each medication provided;

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005.03D Identification of the person who provided the medication; and,

005.03E Any refusal by the recipient to take ~~and~~/or receive a medication.

005.04 Records maintained pursuant to ~~subsections~~ Sections 005.01, 005.02, and 005.03 ~~of this Chapter must shall~~ be available to the Department of Education and the Department of Health and Human Services Regulation and Licensure for inspection and copying according to the Family Education Rights and Privacy Act (FERPA) requirements.

006 Emergency Response to Life Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis).

006.01 Emergency Protocol. All accredited schools, approved schools, and approved early childhood education programs must ~~Accredited Schools, Approved Schools, and Approved Early Childhood Education Programs shall~~ adopt and implement the Emergency Response to Life-Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis) Protocol contained in Appendix A of this Chapter. In addition to adopting the protocol, accredited schools, approved schools, and approved early childhood education programs must ~~Accredited Schools, Approved Schools and Early Childhood Education Programs shall~~ procure and maintain the equipment and medication necessary to implement the protocol in each school building while school is in session in the case of any student and/or school staff emergency.

006.02 Prescribing Health Care Practitioner ~~Physician Authorization.~~ Accredited schools, approved schools, and approved early childhood education programs must ~~schools, Approved schools, and Approved Early Childhood Education Programs shall~~ obtain a minimum of one signature of a prescribing health care practitioner ~~physician licensed to practice medicine in Nebraska~~ on the bottom of the protocol and orders in Appendix A of this Chapter. The orders shall serve as a prescription for emergency use as described in Neb. Rev. Stat. § 71-2475.

006.03 Effective Date. ~~Accredited Schools, Approved Schools, and Approved Early Childhood Education Programs shall comply with the requirement to adopt the protocol and be prepared to begin implementing the protocol in emergency situations no later than the end of the 2003-2004 academic school year.~~

006.03 ~~006.04~~ Parental and/or Guardian Objections to Protocol. The requirements of this Chapter do not preclude accredited schools, approved schools, and approved early childhood education programs ~~Accredited Schools, Approved Schools, and Approved Early Childhood Education Programs~~ from complying with a request from a parent or guardian that a minor student not receive emergency treatment under the protocol. A school district's decision to withhold emergency treatment in such circumstances is not governed by this Chapter.

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007 Seizure Safe Schools Act – General Requirements.

007.01 Prior to the administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms by a school employee, a student's parent or guardian must:

007.01A Provide the school with a written authorization to administer the medication at school;

007.01B Provide a written statement from the student's health care practitioner containing the following information:

007.01B1 The student's name;

007.01B2 The name and purpose of the medication;

007.01B3 The prescribed dosage;

007.01B4 The route of administration;

007.01B5 The frequency that the medication may be administered; and

007.01B6 The circumstances under which the medication may be administered;

007.01C Provide the medication to the school in its unopened, sealed package with the intact label affixed by the dispensing pharmacy; and

007.01D Collaborate with school employees to create a seizure action plan pursuant to Section 008 of this Chapter.

007.02 The authorization, statement, and seizure action plan must be kept on file in the office of the school nurse or school administrator.

007.03 Any authorization provided by a parent or guardian under this section will be effective for the school year in which it is provided and must be renewed each following school year upon fulfilling the requirements of subsection 007.03 of this Chapter.

007.04 If specified in a student's seizure action plan, the student must be permitted to possess the supplies, equipment, and medication necessary to treat a seizure disorder in accordance with such seizure action plan.

007.05 A school or school employee who acts in compliance with the Seizure Safe Schools Act will not be liable for damages related to the care of a student's seizure disorder unless such damages resulted from an act of willful or wanton misconduct by the school

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or school employee.

007.06 A school employee will not be subject to any disciplinary proceeding related to an act taken in compliance with the Seizure Safe Schools Act unless such action constitutes willful or wanton misconduct.

008 Seizure Safe Schools Act – Seizure Action Plans.

008.01 Any certificated school employee employed by an accredited school or an approved school who is informed by a parent or guardian of a student that such student has a seizure disorder and has a seizure rescue medication or medication prescribed to treat seizure disorder symptoms must inform the parent or guardian of their right to request the development of a seizure action plan.

008.02 Upon request by a parent or guardian of a student that has a seizure disorder and has a seizure rescue medication or medication prescribed to treat seizure disorder symptoms, an accredited school or an approved school must arrange a collaborative meeting within five school days between the parent or guardian, the school nurse if the school employs a school nurse, a school administrator, and any school personnel or volunteers responsible for the supervision or care of the student who are able to attend. The parent or guardian may request the inclusion in such meeting of any other person, including the student, who has knowledge that may be beneficial in the development of the seizure action plan.

008.03 Each seizure action plan must include:

008.03A The student's name and birth date;

008.03B The name and phone number of each parent or guardian and any additional emergency contacts;

008.03C The name and phone number for the medical provider prescribing seizure rescue medication or medication to treat seizure disorder symptoms;

008.03D Information about the seizure type, length, and frequency of seizures the student has experienced and a description of what happens;

008.03E Information about seizure triggers, important medical history, allergies, and any other relevant health information;

008.03F Instructions for first aid for any seizure;

008.03G Instructions for when to call 911 and when to call the identified medical provider;

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008.03H Instructions for when seizure rescue medication or medication to treat seizure disorder symptoms may be needed and how to administer the medication;

008.03I Instructions for care after a seizure;

008.03J Any special instructions for first responders or emergency departments; and

008.03K The signature of a parent or guardian and the date when the seizure action plan was signed.

008.04 Each seizure action plan must be distributed to any school personnel or volunteers responsible for the supervision or care of the student for whom such seizure action plan was created.

009 Seizure Safe Schools Act – Training Requirements.

009.01 In addition to any other professional development and collegial planning activities for certificated school employees, each certificated school employee employed by an accredited school or an approved school must participate in a minimum of one hour of self-study review of seizure disorder materials at least once in every two school years.

009.02 If an accredited school or approved school has a student enrolled who has a seizure disorder and has a seizure rescue medication or medication prescribed to treat seizure disorder symptoms, the school must have at least one school employee who has met the training requirements necessary to administer or assist with the self-administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms.

009.03 Any school employee assigned the duties under subsection 007.02 of this Chapter must complete a training program that:

009.03A Includes instruction in administering seizure medications, recognizing the signs and symptoms of seizures, and responding to such signs and symptoms with the appropriate steps; and

009.03B Is consistent with training programs and guidelines developed by a nationally recognized organization focused on epilepsy.

010 ~~007~~ Enforcement.

010.01 ~~007.01~~ A school ~~will~~ shall be subject to discipline under Title 92, Nebraska Administrative Code, Chapter 10 or Chapter 14 for violation of the Medication Aide Act or Sections 002 through 005 in this Chapter, or provisions in Title 172, Nebraska Administrative Code, Chapter 95.

TO: Brian L. Maher, Commissioner of Education

FROM: Bryce Wilson, Denise Thege

DATE: January 5, 2024

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): TransAct Communications
Contract Amount: \$25,284.28
Funding Source: Federal
Scope of Services: Translate document, engineer & post specifically requested documents in two different languages.
Date of Contract: 12/11/23-11/10/24
Contact Person: Amy Rhone
2. Contractor(s): Stephanie McDonald
Contract Amount: \$36,000
Funding Source: Federal/General
Scope of Services: Coaching and training services.
Date of Contract: 1/1/24-12/31/24
Contact Person: Melody Hobson
3. Contractor(s): Laurie Miller
Contract Amount: \$17,500
Funding Source: General
Scope of Services: Complete program quality observations and training services.
Date of Contract: 1/1/24-12/31/24
Contact Person: Melody Hobson
4. Contractor(s): Cindy Molina
Contract Amount: \$17,000
Funding Source: Federal/General
Scope of Services: Coaching and training services.
Date of Contract: 1/1/24-12/31/24
Contact Person: Melody Hobson
5. Contractor(s): Peetz, Koerwitz & Lafleur
Contract Amount: \$20,000
Funding Source: General
Scope of Services: Serve as hearing officer.
Date of Contract: 7/1/23-6/30/24
Contact Person: Brad Dirksen/Bryce Wilson

6. Contractor(s): HHS
Contract Amount: \$18,921
Funding Source: Federal
Scope of Services: Provide annual report of data on individual's listed on the Brain Injury Registry.
Date of Contract: 11/11/23-11/10/24
Contact Person: Lindy Foley
7. Contractor(s): Heather Schmidt
Contract Amount: \$10,000
Funding Source: Federal/General
Scope of Services: Coaching/training services.
Date of Contract: 1/1/24-12/31/24
Contact Person: Melody Hobson
8. Contractor(s): Nebraska Appleseed
Contract Amount: \$10,000
Funding Source: Federal
Scope of Services: Support 2024 Nebraska School Breakfast Challenge.
Date of Contract: 12/8/23-12/7/24
Contact Person: Zainab Rida
9. Contractor(s): Michael Stiehl
Contract Amount: \$12,000
Funding Source: Federal/General
Scope of Services: Coaching/training services.
Date of Contract: 1/1/24-12/31/24
Contact Person: Melody Hobson
10. Contractor(s): Linda Clavel
Contract Amount: \$27,000
Funding Source: Federal
Scope of Services: Serve as PBIS Regional Coach.
Date of Contract: 1/1/24-12/31/24
Contact Person: Amy Rhone
11. Contractor(s): Catherine Barmettler
Contract Amount: \$27,000
Funding Source: Federal
Scope of Services: Serve as PBIS Regional Coach.
Date of Contract: 1/1/24-12/31/24
Contact Person: Amy Rhone
12. Contractor(s): Nancy Woodhams
Contract Amount: \$30,000
Funding Source: Federal
Scope of Services: Serve as PBIS Regional Coach.
Date of Contract: 1/1/24-12/31/24
Contact Person: Amy Rhone

13. Contractor(s): KJS Consulting
Contract Amount: \$31,400
Funding Source: Federal
Scope of Services: Serve as CTE consultant.
Date of Contract: 1/3/24-12/31/24
Contact Person: Katie Graham
14. Contractor(s): University of South Florida
Contract Amount: \$22,940
Funding Source: Federal
Scope of Services: Provide staff to provide training.
Date of Contract: 12/20/23-12/19/24
Contact Person: Lindy Foley
15. Contractor(s): No More Empty Pots
Contract Amount: \$29,150
Funding Source: Federal
Scope of Services: Assist with farm to school strategic planning and development.
Date of Contract: 12/28/23-12/27/24
Contact Person: Zainab Rida
16. Contractor(s): ILoveUGuys Foundation
Contract Amount: \$31,500
Funding Source: Federal
Scope of Services: Provide trainings.
Date of Contract: 3/11/24-3/15/24
Contact Person: Zainab Rida
17. Contractor(s): Deaf Services Unlimited
Contract Amount: \$15,000
Funding Source: Federal
Scope of Services: Provide interpreting services.
Date of Contract: 9/11/23-9/10/24
Contact Person: Lindy Foley
18. Contractor(s): Susan Wiggins
Contract Amount: \$30,000
Funding Source: Federal
Scope of Services: Serve as PBIS Regional Coach.
Date of Contract: 1/1/24-12/31/24
Contact Person: Amy Rhone
19. Contractor(s): Kimberly Sanderson
Contract Amount: \$15,000
Funding Source: Federal/General
Scope of Services: Coaching and training services.
Date of Contract: 1/15/24-1/14/25
Contact Person: Melody Hobson
20. Contractor(s): Alan Garey
Contract Amount: \$40,555.45
Funding Source: Cash
Scope of Services: Interim Director of Educator Certification.
Date of Contract: 12/18/23-5/31/24
Contact Person: Brad Dirksen

21. Contractor(s): Grafton & Associates
Contract Amount: \$11,760
Funding Source: General
Scope of Services: Provide licenses & support for Quickbook Online Advanced (QBO).
Date of Contract: 1/1/24-12/31/24
Contact Person: Katie Graham
22. Contractor(s): Mary Osterloh
Contract Amount: \$32,000
Funding Source: Federal
Scope of Services: Serve as PBIS Regional Coach.
Date of Contract: 1/1/24-12/31/24
Contact Person: Amy Rhone
23. Contractor(s): Northeast NE Public Health Dept.
Contract Amount: \$22,000
Funding Source: Federal
Scope of Services: Support grant activities.
Date of Contract: 12/15/23-12/14/24
Contact Person: Zainab Rida
24. Contractor(s): ESU 4
Contract Amount: \$12,000
Funding Source: Federal
Scope of Services: Support grant activities.
Date of Contract: 12/31/23-12/30/24
Contact Person: Zainab Rida
25. Contractor(s): Panhandle Public Health Dept.
Contract Amount: \$27,500
Funding Source: Federal
Scope of Services: Support grant activities.
Date of Contract: 12/15/23-12/14/24
Contact Person: Zainab Rida
26. Contractor(s): Julie Jones-Branch
Contract Amount: \$21,600
Funding Source: Federal
Scope of Services: Monitor online courses.
Date of Contract: 2/1/24-1/31/25
Contact Person: Melody Hobson

Nebraska State Board of Education Written Public Comment January 2024

Nebraska State Board of Education

Pursuant to State Board of Education Board Operating Policy 1.06 - Public Participation at Board Meetings:

Persons may address the Board for public comment purposes by written submission in lieu of live testimony. Such written submissions must be provided 24 hours in advance to the start of the public meeting where public comment is scheduled, or by close of business of the Thursday prior to any meeting scheduled for a Monday, and is limited to 750 words. Written public comments submitted in accordance with these requirements will be provided to the Board members and become part of the record of the meeting, but will not be read aloud during the meeting.

Individuals who submit written public comment for a given meeting should not plan to speak before the Board in live testimony at that month's meeting.

Individuals may submit only one written public comment entry per month. Multiple submissions will not be accepted.

Submissions must include your complete first and last name, city and state. You will also be required to electronically sign the submission. This information will be included with your comments.

Click the "Next" button below to begin.

Identification

Please complete the following information to identify yourself. This information will appear with the text of your written public comment.

First name *

Marian

Last name *

Holstein

City *

Winnebago

State *

Nebraska

Written Comment

There is a limit of 750 words.

Written Comments *

There is a limit of 750 words (approximately 5000 characters with spaces.)

Nebraska Indian Education Association Comments
to the Nebraska State Board of Education
January 5, 2024

Congratulations to the new Board leadership for 2024! I wish us all the best as we plan together the best educational experiences for all our children.

On November 30 I presented some of the concerns Nebraska Indian Education Association (NeIEA) has to the Board's Planning and Evaluation Committee. It was an attempt to start a conversation; however, one cannot have a conversation alone. I understand there may have been some delay due to holidays, so I am still hoping for follow-up from the Department.

On November 30, I had 30 minutes allotted to me. It was not nearly enough time to get down to the reasons why the public schools on tribal lands are grossly failing approximately 2,000 Indigenous students. It was barely enough time to review the newly released November 22, 2023, NSCAS Report. If these results do not make people sit up and notice, I am not sure what will. Granted, LEAs have their roles and responsibilities; however, I am furthering my search as to who holds this end responsibility. Surely, it does not lie solely in the cursory accreditation process.

I was hoping the Committee would ask, "What would you do to improve the schools?" If, and when, we are included in the conversation, then perhaps the Department will take advantage of NeIEA's experience and expertise in the areas of Indigenous education, systems and program management, community development, etc. I wanted to impress upon the Committee and its members that "We Don't Know What We Don't Know!" I was hoping this statement would start a new conversation with various objective observations, and I maintain that hope.

I look forward to a more productive 2024 and thank each of you for your commitment to Nebraska children, and your sacrifice of personal time and energy. Pi-na-gi-gi

Submitted by:
Marian Holstein, NeIEA Executive Director
280 Pigeon Ave.
Winnebago, 68071

Signature

Please type your first and last name again. This will appear with your written comments and serves as your signature.

Signed,

First name *

Marian

Last name *

Holstein

This form was created inside of NE-Dept Of Education.

Google Forms