

NEBRASKA STATE BOARD OF EDUCATION MEETING NOTIFICATION AND AGENDA

- Meeting Date:** Friday, December 2, 2022 9:00 AM
- Meeting Title:** State Board of Education Meeting Notification and Agenda
- Location:** The Lincoln Marriott Cornhusker Hotel
Yankee Hill III
333 South 13th Street
Lincoln, NE 68508
- Web Streaming:** Live web streaming will be available through the State Board of Education website: www.education.ne.gov/StateBoard/
- 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/Agendas.html
- Lunch:** On Friday Friday, December 2, 2022, 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 will take a 45 minute recess at or after 12:00 p.m.)
President Koch Johns
 - 1.1. Roll Call
President Koch Johns
 - 1.2. Pledge of Allegiance
President Koch Johns
 - 1.3. Announcement of the placement of the Open Meetings Act information
President Koch Johns
2. SPECIAL PRESENTATIONS
President Koch Johns
 - 2.1. 2022 Nebraska Teacher of the Year, Lee Perez, Alice Buffett Magnet Middle School, Omaha, Nebraska, Final Report

Lee Perez, 2022 Nebraska Teacher of the Year

3. COMMISSIONER'S REPORT

Commissioner Blomstedt

3.1. Agenda Overview and Consent Agenda Process

Commissioner Blomstedt

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

Commissioner Blomstedt

3.2. Report from Superintendent of Institutional Schools

Scott English

4. PRESIDENT'S REPORT

President Koch Johns

5. CONSENT AGENDA

President Koch Johns

5.1. Board Member Out-of-State Travel Approval

5.2. Committee Appointments

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

Amy Rhone

5.3. Contract Approvals

5.3.A. Authorize the Commissioner to amend the existing contract with Kitamba Kristin Yates and Jill Aurand

5.3.B. Authorize the Commissioner to amend the contract with Student1

Kristin Yates and Jill Aurand

5.3.C. Authorize the Commissioner to contract with Hayes & Associates

Zainab Rida

5.3.D. Authorize the Commissioner to amend the contract agreement with Colyar Technology Solutions

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. Receive monies for the Nebraska Teacher of the Year Activities
Commissioner Blomstedt

5.7.B. Authorize the Commissioner to approve the interagency agreement with the
Nebraska Department of Health and Human Services (DHHS)
Tobias Orr and Lindy Foley

6. STANDING COMMITTEE REPORTS

President Koch Johns

6.1. Executive Committee (No Report)

President Koch Johns

6.2. Budget and Finance Committee

Maureen Nickels

6.2.A. Monthly Board Travel Expense Report

6.2.B. In-State Travel Authorization Reports

6.2.C. Action Item: Authorize the Commissioner to hire a Contractor to serve as a
Farm to School and Early Care Project Coordinator
Zainab Rida

6.2.D. Action Item: Authorize the Commissioner to contract with ACS Ventures to
conduct alignment studies for the Nebraska Student-Centered Assessment System
(NSCAS) exams in science
Trudy Clark

6.3. Planning and Evaluation Committee

Patti Gubbels

6.3.A. Action Item: Adopt the Annual Assessment Plan for the Nebraska Statewide
assessment and reporting system
Trudy Clark

6.4. Rules and Regulations Committee

Lisa Fricke, Vice Chair

6.4.A. Report On Rules

6.4.B. Action Item: Approve the State Board's Legislative and Regulatory Priorities
Lane Carr

6.4.C. Discussion Item: Basic Skills Competency Options
Brad Dirksen

7. SPECIAL COMMITTEE REPORTS

President Koch Johns

7.1. Report from the Ad Hoc Committee on Board Policy Manual Revision
Patti Gubbels

7.1.A. Action Item: Adopt Board Policy Revisions
Patti Gubbels

7.2. Report from the Ad Hoc Search Committee
Patti Gubbels

7.2.A. Action Item: Select a Vendor to Perform an Executive Search for the
Position of Commissioner of Education

8. ADDITIONAL BUSINESS

President Koch Johns

8.1. Board Member Recognition
President Koch Johns

8.2. Commissioner Recognition
President Koch Johns

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

President Koch Johns

9.1. Public Comment

9.2. Written Public Comment

10. INFORMATION ITEMS AND REPORTS

President Koch Johns

10.1. Contracts Approved by Commissioner

10.2. Grants Approved by Commissioner

10.3. Contested Case Update

11. 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 Koch Johns

12. ADJOURNMENT

President Koch Johns

The next regularly scheduled meeting of the State Board of Education will be held on Friday, January 6, 2023, at 9:00 a.m. at a location to be determined. As needed, a work session will be held on Thursday, January 5, 2023 at a time to be determined.

The agenda contains a list of subjects known at the time of its distribution on November 23, 2022. A copy of the agenda reflecting any changes will be available for public inspection during the normal business hours in the Office of the Commissioner of Education and on the State Board of Education's Agenda

page: www.education.ne.gov/StateBoard/Agendas.html. *Except for items of an emergency nature, the agenda will not be changed later than 24 hours before the scheduled commencement of the meeting.*

2022 Nebraska Teacher of the Year Final Report: Lee Perez



2023 Horace Mann Awards National Finalist:

2023 HORACE MANN AWARDS FOR TEACHING EXCELLENCE



Stephanie Ballard
Brookings, SD

Kevin Gallagher
Pittsburgh, PA

Natalie Johnson-Berry
Kansas City KS

Theresa Maughan
East Orange, NJ

Lee Perez
Omaha, NE

THE NEA
FOUNDATION

 **Horace Mann**
EDUCATORS FOUNDATION

2023 National Education Association's Teaching of Excellence Award: Union's National Teacher of the Year.

Who will it be?

The winner will be
announced May 5th, 2023!

First **EVER FINALIST**
from Nebraska!



2023 HORACE MANN AWARDS
FOR TEACHING EXCELLENCE

Stephanie Ballard
Brookings, SD

Kevin Gallagher
Pittsburgh, PA

Natalie Johnson-Berry
Kansas City KS

Theresa Maughan
East Orange, NJ

Lee Perez
Omaha, NE

THE NEA
FOUNDATION

Horace Mann
EDUCATORS FOUNDATION

Impact and Influence Conference: ETS- Princeton, New Jersey





My Year: 2022



- 1. Over 60 speeches delivered including keynotes, presentations, and workshops.
- 2. Life long friendships and bonds formed with my 2022 TOY cohort.
- 3. Continuing to be booked to speak in 2023 as state TOY.
- 4. Memories that will last for a lifetime.

Upcoming events:

- 2. College Football National Championship Game- January 6-10th, 2023

2023

NATIONAL CHAMPIONSHIP

JANUARY 9 | LOS ANGELES

Questions:



Thank You!



Nebraska Board of Education

YRTCs/Program School Update December 2022



Our Schools

YRTC Hastings

Rule 18 Morton
Rule 18 Nebraska
Youth Academy



YRTC Kearney

YRTC Lincoln

Our Students

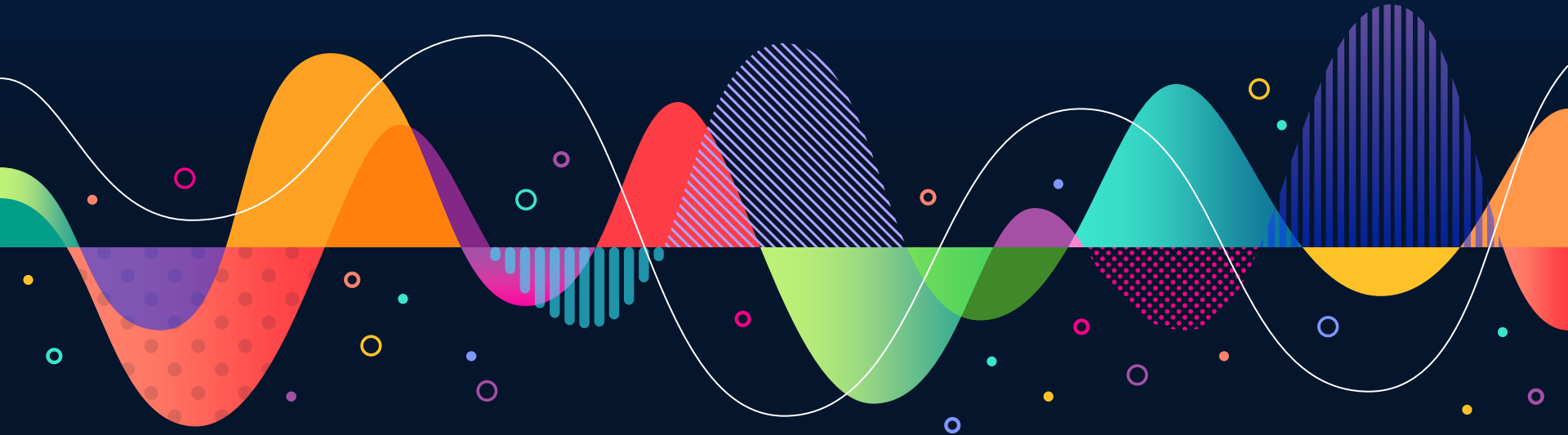
Rule 10 Traditional School

Rule 18 Program School

The students we serve

Average length of service to our students

Prior educational backgrounds of our students



Our Teachers



Lincoln Youth Academy



YRTC Kearney

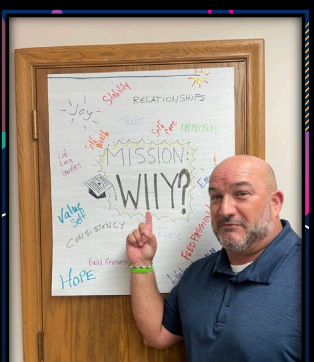


Morton Program School



YRTC Hastings

Our Leadership Team



**Seth Lutz, Principal
Nebraska Youth Academy
and Morton Program School**



**Greg Welch, Principal
YRTC Kearney**



**Scott English,
Superintendent of DHHS
Youth Facility Schools**



**Debra Turner, Principal
YRTC Hastings**

Our NDE Partners

A decorative graphic at the top of the page features a dark blue background with a white sine wave. The wave is filled with various colors and patterns, including solid colors, stripes, and dots. Small circles in various colors are scattered around the wave.

Dr. Matthew Blomstedt, Commissioner of Education

Dr. Deborah Frison, Deputy Commissioner

Dr. Ryan Foor, State Board Relations, Rules and Regulations Officer

Brad Dirksen, Administrator

Micki Charf, Accreditation Officer

Amy Rhone, SPED Director

Dr. Shirley Vargas, School Transformation Officer

Dr. Katie Graham, CTE Director

Sydney Kobza, Assistant CTE Director

Jacqui Garrison, Career Field Specialist

Dr. Kathy Kennedy, KLIK Educational Services

Our DHHS Partners

Dannette Smith, DHHS Chief Executive Officer

Larry Kahl, DHHS Chief Operating Officer

Mark LaBouchardiere, Office of Juvenile Services Administrator

Paul Gordon, YRTC Kearney Facility Administrator

Camella Jacobe, YRTC Hastings Facility Administrator

Sarah Brownell, YRTC Lincoln Facility Administrator

Mitch Pople, Facility Administrator

Sara Thomas, YRTC Clinical Program Director

Rita Uldrich, Business Manager

Jennifer Daake, Accountant

Cindy Krolkowski, Interim Facility Administrator

Joni Suhr, Nurse Supervisor

Tracy Carpenter and Nancy Krueger

Where We Were.....Where We Are

| Past | Present |
|---|---|
| System of Schools | School System |
| No guiding principles to shape our why | Vision, mission, core values, meeting norms |
| No School Improvement Team and no continuous improvement plan | Teacher and student voice in the continuous improvement process and Strategic Priorities |
| Different school calendars | YRTCs have same calendars- start and end dates; holidays, workdays, etc. |
| No grading philosophy, no assessment system or data analysis to inform instruction | Team of teachers created grading practices and an assessment system with a data monitoring data |
| No intervention of students and limited special education protocols | Implemented READ 180 and Math 180; IEP goals followed; focus on IEP compliance |
| Little to no meaningful professional development focused on teaching and learning | Continuous professional development, coaching by administrators, and weekly follow up conversations; weekly leadership team sessions |

Where We Were.....Where We Are

| Past | Present |
|--|---|
| No common instructional language and minimal lesson planning | Teacher identified evidence-based instructional strategies; Lesson Plan Template and use of Nebraska Standards to plan learning |
| Course credit as the focus | Learning as the focus |
| Some classes were held in the student living area at the Lincoln Facility; YRTC Nebraska Youth Academy and Morton shared spaces | With the work between facility administrators and education, learning spaces are now conducive to teaching and learning |
| Limited teacher and principal evaluation process | Created teacher evaluation timeline and use of Nebraska Teacher/Principal Performance Standards |
| Limited process to recruit, hire, develop and retain teachers/administrators | Attend job fairs to recruit teachers; provide professional development and coaching as well as input into decision making to support teacher retention rates |

Where We are Going

A decorative graphic at the top of the slide features a dark blue background with a white sine wave. The wave is filled with various colorful patterns and textures, including solid colors, stripes, and dots. Small circles and dots in various colors are scattered around the wave.

Continue working with NDE CTE Director, Katie Graham and her team to develop a focus on Career Technical Education clusters in order to provide students with workforce skills and potential certifications, endorsements and credentials (such Microsoft Suite certification; OSHA certification, food service, SNAP ON, etc.)

GED testing site and opportunity to acquire GED for our students

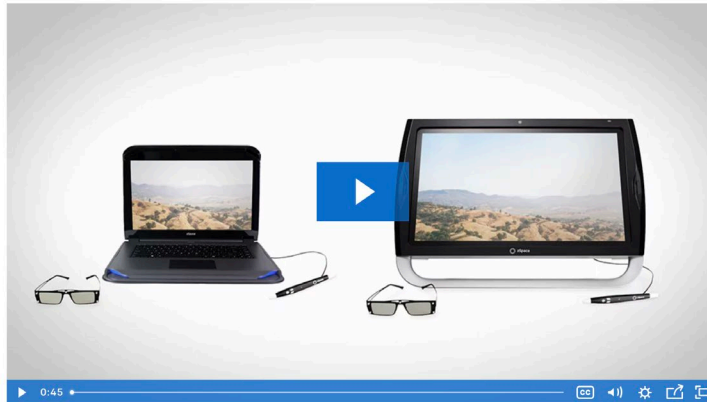
Seek opportunities for students to acquire dual credit at the local community colleges

Where We are Going

Expand our technology enhanced programming for students such as coding, robotics, Z-space, etc.

What is zSpace?

Here's a quick sneak peek into the magic of zSpace!



Our Why! Student Voices....

A student is officially enrolled in college and is taking a college course, starting tomorrow. It is fully paid for with his financial aid he was awarded through his FAFSA (which we filled out here) and he will also be enrolling at the Nebraska Maintenance Academy once he leaves our facility

A student has been accepted by three colleges (including his top choice) and has been offered a guaranteed scholarship to Wayne State College here in Nebraska.

A student who will graduate next week has been accepted to Mid-Plains CC in North Platte and will start classes in January. He has also been offered a job which will pay for his ENTIRE college degree in Diesel Tech.

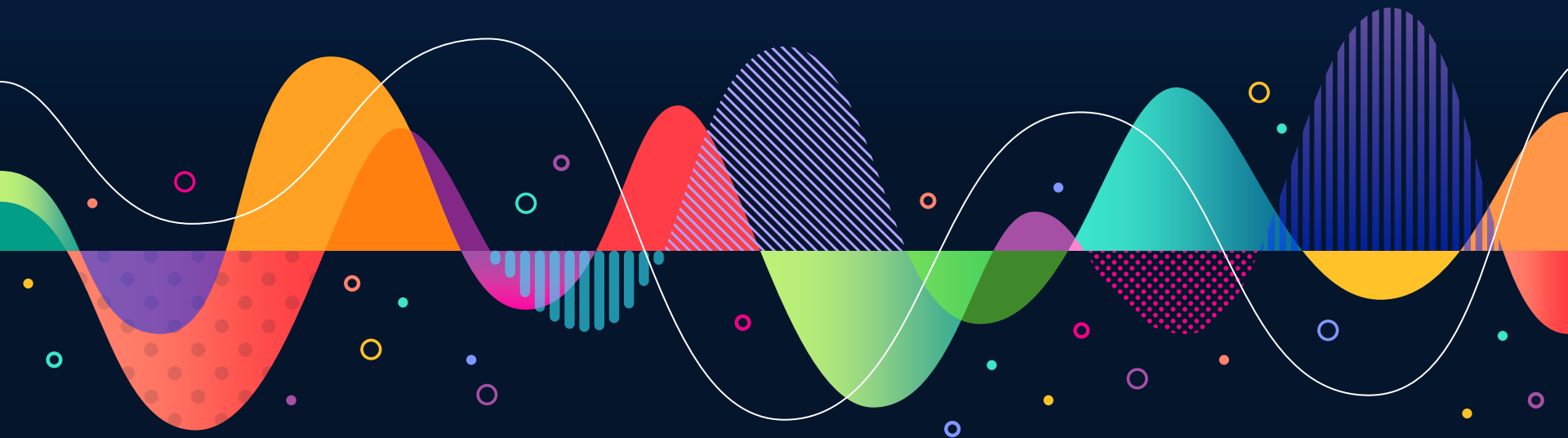
The Voice of a Student "Speaking from Experience..."



"Things I like about School:

1. You get a lot of individual help.
2. We have teachers that can actually help us with the stuff we need help with.
3. Our teacher lets us do cool things that some other facilities might not."

**THANK YOU FOR YOUR GRACIOUS SUPPORT
OF OUR STUDENTS, STAFF AND INSTRUCTIONAL
PROGRAM!**



Out-State Travel Authorization Reports - December

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

Out-State Travel Authorization Reports - December

| <u>Name</u> | <u>Event Name</u> | <u>Date</u> | <u>Location</u> | <u>Trip Request</u> (i.e. 1st, 2nd, <u>Other</u>) |
|------------------|-------------------|-------------|-----------------|--|
| Patsy Koch Johns | (NONE) | | | |
| Patti Gubbels | (NONE) | | | |
| Maureen Nickels | (NONE) | | | |
| Robin Stevens | (NONE) | | | |



PROPOSED AGENDA ITEM RATIONALE

DATE: November 14, 2022

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Amy Rhone, Office of Special Education

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

RATIONALE/BACKGROUND INFORMATION: The State Board approves all SEAC members. Due to the early resignation of one member, who represented higher education, the total number of member vacancies is 1. To meet the requirements of the federal special education law, the Individuals with Disabilities Education Act (IDEA), it is necessary to fill this vacancy. Members chosen represent all eight of the State Board of Education election districts. The Council voting membership shall not be fewer than 15 members nor more than 30 members.

Below is listed the recommended new representative of higher education. The completed application for the recommended member is on file in the Special Education Office, available upon request; not included due to IDEA confidentiality requirements.

Name

Representation

Chelsea Feusner (iii)

Associate Professor Educational Leadership - the University of Nebraska at Kearney

**State Board District 7*

Chelsea is an Associate Professor for Educational Leadership at the University of Nebraska at Kearney and also serves in an advisory role for the NDE NeMTSS Builders Group. As a former elementary school principal and district director, Chelsea's passion was serving all students and ensuring all children received access to high-quality, inclusive, equity-driven education. Now as an Associate Professor, she continues to work with future leaders including Special Education Directors to support system-level thinking and ensure leaders have a strong background in tailoring education to meet the needs of all students.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2022

ESTIMATED COST: N/A

FOR CONTRACTS AND GRANTS:

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

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

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



PROPOSED AGENDA ITEM RATIONALE

DATE: November 18, 2022

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Kristin Yates, Information Systems Officer
Jill Aurand, Administrator-Data, Research and Evaluation

PROPOSED AGENDA ITEM:

Grant the Commissioner authority to amend existing contract with Kitamba to provide an additional cohort of data visualization training and support services through NDE's Data Visualization Network.

RATIONALE/BACKGROUND INFORMATION:

An *Innovation Grant Program* was initially created with the passage of Legislative Bill (LB) 519 (2015) and codified in Nebraska Revised Statute (NRS) §79-1054. The competitive grant program provided resources and opportunities to Local Education Agencies (LEAs) and consortiums to support the development, expansion and investment in innovative best practices. The projects and efforts ranged from personalized learning, career academies, afterschool design network, and digital ecosystem development.

Building from these initial grant projects, NDE established a set of Education Innovation Networks. The first of a series of Education Innovation Networks built upon the work of the Digital EcoSystem and focused specifically on Data Visualization and Use for continuous school improvement. Since January 2021, Kitamba has partnered with the Nebraska Department of Education to create and engage a data innovation network of key district staff to discuss data visualization opportunities and best practices, offered cohort-based data visualization training sessions, planned open discussions and office hours, and collected stakeholder feedback on the state ADVISER Dashboard and Analytics tools to inform future enhancements and improve use.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2022

ESTIMATED COST: Up to \$277,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Lottery Funds
- New or Renewal: Renewal (Amendment)
- If renewal, date of first approval: February 4, 2021

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Non-Competitive Negotiation
- Rationale for method of procurement: At the time of original contract execution, a public urgency or emergency existed. The nature of the source of funds (Lottery Funds) and the limited timeline associated with the work would not permit delays associated with competitive solicitation during a period of global pandemic. Competitive solicitation and potential award of contract to another entity now would put the timely execution of Data Visualization Network activities at risk.
- Rationale for contractor selection: Kitamba has extensive experience working with schools, districts, organizations, and state offices as a leading national expert. Kitamba has a background in working with individuals who utilize the resource and is uniquely qualified to complete this contract based on their knowledge base and previous work history. Kitamba has completed similar work for other organizations in recent years.

To: Jill Aurand and Kristin Yates, Office of Data, Research, and Evaluation, Nebraska DOE
From: Mark Viehman and Kate Brittain, MGT Kitamba Investor LLC
Date: Revised November 15, 2022
Re: **Nebraska Education Innovation Network Phase IV: Data Visualization & Use**
CONFIDENTIAL DRAFT FOR DISCUSSION

I. Project Summary, Goals

The Nebraska Department of Education (NDE) launched the Data Visualization and Use Education Innovation Network (the Network) with the goal of expanding and improving the use of critical education data among its districts through data visualization tools, including the student-level ADVISER data dashboard. Since January 2021, Kitamba partnered with the Nebraska Office of Data, Research, and Evaluation to create and engage a data innovation network of key district staff to discuss data visualization opportunities and best practices. Kitamba facilitated two series of data visualization learning sessions, planned open discussions and office hours, and collected feedback on the state ADVISER Dashboard and Analytics tools to inform future enhancements and improve use.

Kitamba proposes to **continue its partnership with NDE from January 2023 through December 2023**, to train a new cohort of Network participants, continue engaging regularly with the growing Network, providing support and gathering and prioritizing feedback on the ADVISER Dashboard, the new ADVISER Analytics, and other tools as needed. By continuing our work together, we will increase our capacity to improve equity of opportunity among Nebraska school districts and encourage data-driven strategic decision-making statewide.

II. Support Required

The Kitamba team will bring their experience designing data tools and facilitating learning networks to the ongoing work of facilitating the Data Visualization & Use Network. Kitamba will continue working with participants to determine which areas of discussion will be the most beneficial, facilitate community of practice discussions to elicit and build on the “wisdom in the room”, and capture the results of the engagement to create lasting value, including the improvement and broad adoption of the ADVISER Dashboard and ADVISER Analytics tools.

III. Overall Project Approach

As the Network continues into this next phase, Kitamba will continue to support the Nebraska Office of Data, Research, and Evaluation on **two workstreams**, as outlined below:

1. **Workstream 1:** First, we will continue our ongoing engagement with the Network broadly, facilitating **monthly Open Discussion Sessions** for the Network members to discuss strategies, share knowledge, and address common problems of practice in data use and visualization. Culmination of this activity will also include updates to the existing **prioritized feature backlog** for both the ADVISER Dashboard and ADVISER Analytics tools. Deliverables will include:
 - a. A monthly Kitamba-facilitated Network activity to support Network members' data work and knowledge sharing as well as garner insight on which updates to the ADVISER tools would be most broadly helpful for Nebraska educators (see below)
 - b. A feature backlog for the ADVISER Dashboard and Analytics tools, updated and prioritized according to input gleaned from the Network over the course of this engagement

Note: this activity may be extended for a full twelve months; see "Proposed Invoice Schedule: Optional Extension for Workstream 1" below.

2. **Workstream 2:** Second, we will **plan and facilitate Cohort 3 of the Data Visualization Network**, which will be similar in length and content to Cohorts 1 and 2 but with adjustments in emphasis and delivery based on lessons learned from previous phases. Deliverables will include:
 - a. Recruitment activities for Cohort 3, including identification of target audience, outreach materials, and a form to receive applications
 - b. An informational webinar to inform potential applicants about the Network and to generate interest
 - c. Six virtual learning sessions with Cohort 3, planned and facilitated by Kitamba, to include a mix of data visualization and use training and knowledge-sharing among participants. Specific topics to be determined based on lessons learned from Cohort 2, but likely similar to previous topics such as:
 - i. Data Use Fundamentals & Intro to ADVISER Dashboard
 - ii. Data Analysis Fundamentals
 - iii. Data Visualization Fundamentals
 - iv. Intro to Common Data Tools
 - v. Storytelling with Data
 - vi. Data for Improving Outcomes: Turning Data into Action
 - d. Producing and disseminating key lessons learned and best practices generated during the learning events, to inform the Nebraska education community more broadly

Proposed Deliverables Schedule

| Workstream 1 Deliverables | Workstream 2 Deliverables | Target Month |
|--|---|----------------|
| Monthly Kitamba-facilitated Network activity | Recruitment launch for Cohort 3 | January 2023 |
| Monthly Kitamba-facilitated Network activity | Informational webinar for new cohort participants | February 2023 |
| Monthly Kitamba-facilitated Network activity | Virtual learning sessions 1 & 2 | March 2023 |
| Monthly Kitamba-facilitated Network activity | Virtual learning sessions 3 & 4 | April 2023 |
| Monthly Kitamba-facilitated Network activity | Virtual learning sessions 5 & 6 | May 2023 |
| Monthly Kitamba-facilitated Network activity; Completion and delivery of interim updated ADVISER Tool Priority Roadmap | Completion and delivery of Lessons Learned report | June 2023 |
| Monthly Kitamba-facilitated Network activity | | July 2023 |
| Monthly Kitamba-facilitated Network activity | | August 2023 |
| Monthly Kitamba-facilitated Network activity | | September 2023 |
| Monthly Kitamba-facilitated Network activity | | October 2023 |
| Monthly Kitamba-facilitated Network activity | | November 2023 |
| Monthly Kitamba-facilitated Network activity; Completion and delivery of updated ADVISER Tool Priority Roadmap | | December 2023 |

IV. Proposed Staff and Budget

For the first half of the year, Kitamba will staff a team including a Senior Advisor, Project Manager, and two Business Analysts to support the dual-workstream deliverables.

Proposed Invoice Schedule January-June 2023

| Target Invoice Date | Invoice Amount |
|---------------------|----------------|
| Jan. 31, 2023 | \$30,000 |
| Feb. 28, 2023 | \$30,000 |
| Mar. 31, 2023 | \$35,000 |
| Apr. 30, 2023 | \$35,000 |
| May. 31, 2023 | \$35,000 |
| June. 30, 2023 | \$35,000 |

For the latter half of the year, staffing and pricing would adjust based on the lighter scope of work. For July through December 2023, Kitamba would staff a team including a Senior Advisor, Project Manager, and one Business Analyst.

The proposed total cost of the twelve-month project is \$272,000 plus reasonable, approved expenses of \$5,000 for a total cost not to exceed \$277,000 (expenses budget assumes all events will be virtual and no travel will be required).

Proposed Invoice Schedule July-December 2023

| Target Invoice Date | Invoice Amount |
|---------------------|----------------|
| July 31, 2023 | \$12,000 |
| Aug. 31, 2023 | \$12,000 |
| Sept. 30, 2023 | \$12,000 |
| Oct. 31, 2023 | \$12,000 |
| Nov. 30, 2023 | \$12,000 |
| Dec. 31, 2023 | \$12,000* |

**Final invoice will also include all project expenses from 12 months for reimbursement, if any.*



PROPOSED AGENDA ITEM RATIONALE

DATE: November 18, 2022

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Kristin Yates, Information Systems Officer
Jill Aurand, Administrator-Data, Research and Evaluation

PROPOSED AGENDA ITEM:

Authorize the Commissioner to amend contract with Student1 to continue implementation of the NDE Central Data Repository pursuant to 2019 Federal SLDS Grant terms and to maintain Level 4 technical support related to integration of Ed-Fi technologies.

RATIONALE/BACKGROUND INFORMATION:

NDE is currently undergoing a multi-year design and analysis project connected to the implementation of the Nebraska Central Data Repository and ADVISER. 2023-24 additional work will focus on additional technical work related to movement of data, improvement of user data validation capacity, data dictionary development and stakeholder engagement around topics related to development of a self-service data access portal for school districts. Level 4 technical customer support will also be continued. The current contract is being amended to add additional 2023-24 scope of work items and continue progress on uncompleted scope of work items approved for 2022-23. See appendix A for revised scope of work.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2022

ESTIMATED COST: Up to \$941,200 (\$660,450 from amendment 1 approved September 2022; up to \$280,750 additional funding authorized per this agenda item)

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal SLDS Grant, Federal ESSER Grants, General Funds
- New or Renewal: Renewal (Amendment)
- If renewal, date of first approval: January 7, 2022

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Competitive Negotiation (Level 4 Support); Non-Competitive Negotiation (Technical Services)
- Rationale for method of procurement: Level 4 supports services were originally obtained through use of an RFI process in November 2019. Non-competitive negotiation was utilized for the technical services portion of the contract. At the time of original contract execution, a public urgency or emergency existed. The nature of the source of funds (SLDS Grant) and the limited timeline associated with the work would not permit delays associated with competitive solicitation during a period of global pandemic. Competitive solicitation and potential award of contract to another entity now would put the timely execution of grant-related activities at risk.
- Rationale for contractor selection: There are a limited number of vendors that exist in the space of being able to provide support for statewide Ed-Fi implementations. Student1 has extensive experience with Ed-Fi implementations and is familiar with NDE Statewide Longitudinal Data System architecture and processes.

NDE IT Services and Central Data Repository (CDR) Implementation, 2023-2024

Amendment #2

This agreement amends the Contract effective January 14, 2022, between **Student1** (“Contractor”) and **Nebraska Department of Education** (“Client”). This amendment is effective January 14, 2023.

As provided for under the terms of this Contract, the Contractor and the Client agree to amend the contract to increase the total contract value by **\$275,750** to support continued Level 4 information technology support services for the NDE Ed-Fi implementation and expanded analysis and development of the Central Data Repository (CDR). This amendment removes selected deprioritized deliverables. The contract end date is extended to **January 14, 2024**.

The scope, timeline, and budget for the extension are included below.

Scope

The 2023-2024 activity period expands upon analysis and development work completed under prior related agreements. It includes three major lines of work: 1) Level 4 technical support services related to the existing Ed-Fi implementation, 2) analysis, development and implementation tasks for components of the Central Data Repository (CDR), and 3) additional deliverable-based small projects deemed necessary to the success of this effort.

Technical Support

Student1 will continue to offer Level 4 Ed-Fi expert technical support regarding issues documented and escalated via JitBit. Team members will act as an extension of NDE’s agile Ed-Fi team and provide a complementary set of skills and experience to the existing NDE support structure.

Student1 team members will follow the existing service level agreement (SLA) and comply with response timelines and update protocols based on issue severity. Senior team members will review the issue and offer guidance or a suggested response to NDE staff. If the NDE team determines that senior Ed-Fi personnel should complete the fix, change or enhancement, Student1 will continue to communicate regarding any issues or changes to the proposed timeline. If a fix is large enough or requires an expanded team, it will become a deliverable-based project.

CDR Components for Requirements, Development and Implementation Tasks

This agreement continues development and implementation of CDR components, as well as stakeholder engagement, analysis, and requirements gathering to inform future work.

CDR ETL

Based on analysis and technology selection work conducted under a prior agreement, the CDR ETL effort will include DataStage ETL to move data from source systems into single-year ODSs to populate the ADVISER Longitudinal Data Store (LDS) and/or a downstream data mart or data warehouse, as appropriate.

During this phase, Student1 and its subcontractors will create one or more ETL packages to move data from Finance, Grants Management, and Nutrition into the ADVISER LDS or into downstream data marts, as appropriate.¹

¹ ETL for Adult Education and the Nebraska Early Childhood Professional Record System (NECPRS) have been deprioritized and will no longer be completed under this agreement. NECPRS ODS mapping was also removed.

Generally, the ETL efforts will include:

- Development of one or more ETL packages to move data from the source into the ADVISER LDS (or, in selected cases, directly into the ADVISER DW) based on mappings in MappingEDU
- Confirmation by NDE that data were correctly moved from the source to the destination
- Remediation to correct identified issues
- Code review of the ETL packages, with an emphasis on packages related to active collections that will require maintenance by NDE staff

LDS Packaging and Documentation for Ed-Fi and SLDS

Student1 will work with the NDE team to prepare the ADVISER LDS code for submission and acceptance into the Ed-Fi Exchange. This task includes creation or expansion of appropriate documentation and support and troubleshooting during the review process. This line will also include tasks to share the code and documented approach with the SLDS community, as desired and practicable.

CDR Project and Release Plan

Student1 will develop a release plan to coordinate the development, promotion, and release of CDR components, especially related to the migration of components to the cloud and the availability of new source data in the LDS or downstream data marts.

CDR Data Dictionary Analysis

Student1 will support NDE's analysis and planning around a CDR data dictionary or data catalog, considering best practices from other statewide longitudinal data systems. The analysis will consider appropriate user groups and formats for both internal and public-facing documentation.

LDS Validation and Cross-year Check Requirements

Currently, district-facing validations are run on the year-specific ODS so districts may correct current-year records within their student information systems. Adding validations to the multi-year ADVISER LDS would allow NDE to expand available validations to provide historical context for data checks to inform districts as to whether submitted data is in line with prior years.

Student1 will develop suggested requirements for new validations based on available data, best practices from other states, and common submission issues.

Self-service Data Portal Stakeholder Engagement and Requirements

NDE has identified a potential need for a self-service data portal for districts and other selected users. Student1 will create a stakeholder engagement plan that prioritizes potential user groups and outlines a protocol for requirements gathering sessions. With the support of NDE, Student1 will use the plan to elicit feedback about stakeholders' intended uses of a self-service portal, desired report framing, and use of the resulting data. The analysis will make broad recommendations regarding technical alignment to other CDR components.

Deliverable-based Projects

As in the prior contract, NDE may elect to work with Student1 on deliverable-based projects under this agreement. Deliverable-based projects may include, but are not limited to, modifications or extensions to existing systems, new functionality, or architecture or operational design.

Proposed deliverable-based projects will be outlined in a short proposal including the scope of the desired enhancement or new functionality, available budget, timeline, and acceptance criteria. The feasibility of

the project will be reviewed based upon the resources and hours required to complete the work. Written approval from NDE and Student1 via email is required to initiate the work.

If the project requires an amendment to the current contract, work will not begin until the amendment is fully executed by NDE and Student1.

Deliverable Pricing

Costs for deliverable-based projects will be based on the development, testing, and business hours, as well as any travel or materials, required to fulfill initial high-level functionality requirements. Deliverables and associated timelines will be explicitly delineated in a contract attachment and will be tracked separately from support hours. Final user review and deliverable approval will be conducted by designated NDE staff.

Travel

Travel will be conducted as necessary to support requirements gathering, stakeholder engagement, or project planning. Travel expenses will be reimbursed based on actual costs and will follow NDE expense guidelines.

Budget and Invoicing

This support agreement will include a fixed monthly fee of \$5,000 to manage the project and monitor tickets. Level 4 support will be provided at an hourly rate based on the resource(s) required. Expert Ed-Fi Level 4 support resources will bill at \$180/hour.

All scoped deliverables will be billed on a fixed-fee basis according to the price chart provided below. Deliverable-based projects yet to be scoped will be billed on a fixed-fee basis as agreed upon by NDE and Student1. Changes may be made to the contract deliverables at any time during the contract term through the mutual written agreement of NDE and Student1, not to exceed the total contract amount.

Deliverable Pricing and Schedule, 2023-2024 Tasks

| Deliverable | Price | Target Delivery Month |
|--|------------------|------------------------------|
| Project Management and Level 4 Support | \$69,000 | |
| <i>Monthly Management Fee/Project Management (\$5,000/month)</i> | <i>\$60,000</i> | <i>Monthly</i> |
| <i>Expert Ed-Fi Resources (\$180/hour; 50 hours total)</i> | <i>\$9,000</i> | <i>As needed</i> |
| Projects | \$456,000 | |
| CDR ETL | \$161,000 | |
| <i>Finance ETL</i> | <i>\$48,000</i> | <i>February 2023</i> |
| <i>Grants Management System ETL</i> | <i>\$65,000</i> | <i>April 2023</i> |
| <i>Nutrition ETL</i> | <i>\$48,000</i> | <i>January 2024</i> |
| LDS Ed-Fi Exchange Packaging | \$65,000 | May 2023 |
| CDR Project Plan/Release Roadmap | \$50,000 | June 2023 |
| CDR Data Dictionary Analysis | \$30,000 | November 2024 |
| LDS Validation Requirements | \$20,000 | November 2024 |
| Self-Service Portal Requirements | \$80,000 | January 2024 |
| Deliverable-Based Projects | \$50,000 | January 2024 |
| Travel | \$5,000 | |
| Total 2023-2024 Task Value | \$530,000 | |
| <i>Total Unspent 2022-2023</i> | <i>\$254,250</i> | |
| <i>Total New Funding for 2023-2024</i> | <i>\$275,750</i> | |
| Total Contract Value #42314, Am. 2 | \$941,200 | |

Student1 will submit a single monthly invoice for all task lines with appropriate justification.



PROPOSED AGENDA ITEM RATIONALE

DATE: November 17, 2022

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

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

PROPOSED AGENDA ITEM: Contract agreement with Hayes & Associates for USDA Child and Adult Care Food Program audits of Proprietary Day Care Institutions (for-profit centers).

RATIONALE/BACKGROUND INFORMATION: As specified in 7 CFR 226.8, for-profit CACFP centers must have annual audits of their CACFP records to ensure program compliance. The audit agency, Hayes & Associates, will complete audits of the CACFP records to assigned sponsors in order to validate claims for meal reimbursement.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2022

ESTIMATED COST: \$51,200.00

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Child and Adult Care Food Program Audit Funds (USDA)
- New or Renewal: Renewal
- If renewal, date of first approval: 2019

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: RFP/competitive
- Rationale for method of procurement: Contract value
- Rationale for contractor selection: Lowest price



PROPOSED AGENDA ITEM RATIONALE

DATE: November 17, 2022

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

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

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

RATIONALE/BACKGROUND INFORMATION: The NDE received USDA Technology Innovation Grant with which enhancements and improvements have been and will continue to be made to the CNP system used for the Child Nutrition Programs (the CNP system collects and reports program data). This amendment seeks to increase the value of the contract in order to purchase a system enhancement to increase functionality of reporting available through the CNP system, and to improve the agency's ability to track and retain records related to the Summer Food Service Program compliance requirements including tracking and assigning reviews according to the USDA prescribed schedule, completing compliance review documentation, and retaining records related to compliance reviews completed by NDE staff.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2022

ESTIMATED COST: \$478,000.00

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: USDA State Administrative Expense funds
- New or Renewal: Renewal/amendment to existing contract approved August 2022
- If renewal, date of first approval: 1998

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

State Board of Education Work Session

Thursday, November 3, 2022

Lincoln Marriott Cornhusker Hotel, Yankee Hill III, 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 3, 2022, 2:00 p.m.

1. CALL TO ORDER

President Koch Johns called the meeting to order at 2:09 p.m.

1.1 Roll Call

Roll Call showed the following attendance:

Robin Stevens
Deborah Neary

Patsy Koch Johns
Kirk Penner

Patti Gubbels

Commissioner Blomstedt was absent due to a national meeting he is attending. Deputy Commissioner Deborah Frison was designated by the Commissioner to represent the Commissioner.

Absent: Maureen Nickels, Lisa Fricke, Jacquelyn Morrison

1.2. President Koch Johns led the Pledge of Allegiance.

1.3. President Koch Johns announced the placement of the Open Meetings Act.

1.4. Meeting Protocol

Deputy Commissioner Frison welcomed members of the public.

2. BOARD TRAINING

The State Board engaged in a work session with Board Member Patti Gubbels providing a report from the Ad Hoc Committee on Board Policy Manual Revision.

President Koch Johns called for a break at 2:53 p.m. The meeting resumed at 3:04 p.m.

3. ADJOURNMENT

President Koch Johns adjourned the meeting at 4:24 p.m.

The State Board of Education will reconvene Friday, November 4, 2022, at 9:00 a.m. at Lincoln Marriott Cornhusker Hotel, Yankee Hill III, 333 South 13th Street, Lincoln, NE 68508.

STATE BOARD OF EDUCATION MEETING, Friday, November 4, 2022, 9:00 a.m.

1. CALL TO ORDER – President Patsy Koch Johns called the meeting to order at 9:10 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Patti Gubbels

Robin Stevens

Patsy Koch Johns

Lisa Fricke

Kirk Penner

Deborah Neary

Jacquelyn Morrison

Commissioner Blomstedt was absent due to a national meeting he is attending. Deputy Commissioner Deborah Frison was designated by the Commissioner to represent the Commissioner.

Absent: Maureen Nickels

1.2. President Koch Johns led the Pledge of Allegiance.

1.3. President Koch Johns announced the placement of the Open Meetings Act.

1.4. Meeting Protocol

Deputy Commissioner Frison asked members of the public to be considerate of the proceedings of the meeting.

2. SPECIAL PRESENTATIONS

2.1. Omaha North's STEM Program and Pathways Program

Jacquelyn Morrison introduced Michelle Porter, Curriculum Specialist: Academic Lead; Amanda Gutierrez, Curriculum Specialist; Kobe McPhaull, Computer Science and Technology Academy Student; Jaily Gonzalez, Engineering and Design Academy Student; Sofia Acosta, Science and Research Academy Student who presented to the Board on the Omaha North's STEM Program and Pathways Program.

Jacquelyn Morrison left the meeting at 9:36 a.m., returned 9:38 a.m.

4. PRESIDENT'S REPORT

President Koch Johns delivered the President's Report.

3. COMMISSIONER'S REPORT

3.1. Agenda Overview and Consent Agenda Process

3.1. Agenda Overview and Consent Agenda Process

Deputy Commissioner Frison provided an overview of the Consent Agenda process

3.1.A. No Consent Agenda Items were requested to be removed.

5. CONSENT AGENDA

Motion by Patti Gubbels, second by Robin Stevens to approve the Consent Agenda.

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

Maureen Nickels: Absent
Robin Stevens: Yes
Patti Gubbels: Yes
Jacquelyn Morrison: Yes
Kirk Penner: Yes

The motion passed.

6. STANDING COMMITTEE REPORTS

6.1. Executive Committee – No Report

6.2. Budget and Finance Committee – Kirk Penner, Vice Chair, reported on the meeting of the Committee.

6.2.A. Monthly Board Travel Expense Report

There was no further discussion on this item

6.2.B. Review In-State Travel Authorization Reports

There was no further discussion on this item.

6.2.C Action Item: Authorize the Commissioner to enter into a contract with a selected qualified vendor to migrate the ADVISER System from the Nebraska Education Service Unit Coordinating Council (ESUCC) network to Microsoft Azure cloud platform

Motion by Kirk Penner, second by Lisa Fricke authorize the Commissioner to enter into a contract with a selected qualified vendor to migrate the ADVISER System from the Nebraska Education Service Unit Coordinating Council (ESUCC) network to Microsoft Azure cloud platform.

Lisa Fricke: Yes
Patsy Koch Johns: Yes
Deborah Neary: Yes
Maureen Nickels: Absent
Robin Stevens: Yes
Patti Gubbels: Yes
Jacquelyn Morrison: Yes
Kirk Penner: Yes

The motion passed.

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

Motion by Kirk Penner, second by Robin Stevens to approve a continuation grant to the Nebraska Children and Families Foundation to continue the Nurturing Healthy Behaviors/Rooted in Relationships program.

Lisa Fricke: Yes
Patsy Koch Johns: Yes
Deborah Neary: Yes
Maureen Nickels: Absent
Robin Stevens: Yes
Patti Gubbels: Yes

Jacquelyn Morrison: Yes
Kirk Penner Yes

The motion passed.

- 6.2.E. Action Item: Authorize the Commissioner to contract with the ESUCC to support schools and districts in implementing high-quality instructional materials

Motion by Kirk Penner, second by Patti Gubbels to contract with the ESUCC to support schools and districts in implementing high-quality instructional materials.

Lisa Fricke: Yes
Patsy Koch Johns: Yes
Deborah Neary: Yes
Maureen Nickels: Absent
Robin Stevens: Yes
Patti Gubbels: Yes
Jacquelyn Morrison: Yes
Kirk Penner Yes

The motion passed.

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

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

There was no further discussion on this item.

- 6.4. **Rules and Regulations Committee** – Lisa Fricke, Vice Chair reported on the meeting of the Committee.

- 6.4.A. Report on Rules

There is no action on rules.

- 6.4.B. Discussion Item: State Board’s Legislative and Regulatory Priorities

There was no further discussion on this item.

7. **SPECIAL COMMITTEE REPORTS**

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

8. **ADDITIONAL BUSINESS**

(NONE)

9. **INFORMATION ITEMS AND REPORTS**

- 9.1. President Koch Johns referred Board Members to review information items and reports.

9.4. Written Public Comment

Submitted written public comments are linked through SPARQ in Board Agenda item number 9.4., SBOE Written Public Comment November 2022.

10. **GOOD OF THE ORDER**

Patti Gubbels noted the Board Member representation at the NASB conference.

11. **ADJOURNMENT**

President Koch Johns adjourned the meeting at 10:04 a.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, December 2, 2022, at 9:00 a.m. in Lincoln, Nebraska.

DRAFT



PROPOSED AGENDA ITEM RATIONALE

DATE: November 18, 2022

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Lora Sypal, Coordinator, Nebraska Teacher of the Year Program

PROPOSED AGENDA ITEM: Receive monies for the Nebraska Teacher of the Year Activities

RATIONALE/BACKGROUND INFORMATION:

Annually, the Nebraska Teacher of the Year Coordinator reaches out to sponsors as an education partner in Nebraska. Support for the Nebraska Teacher of the Year program comes from various businesses and education partners in the form of stipends, clothing allowance, and other contributions. Support would be used as a monetary contribution to the program for the award recipient and could be used to off-set travel expenses, classroom supplies/opportunities, or as a personal monetary gift.

The National Teacher of the Year Program is run by the Council of Chief State School Officers, which serves as a training ground for state-identified teachers to hone their skills and powerfully advocate for what is best for children, schools and the teaching profession in policy or practice discussions. The National Teacher of the Year Program originated in 1952 and continues to recognize teachers on the local, state, and national levels. The Nebraska's Teacher of the Year becomes eligible for the National Teacher of the Year title.

The Nebraska Teacher of the Year program looks for a teacher who uses effective classroom teaching techniques, possesses the capability to inspire students of all backgrounds and abilities to learn, and exemplifies professionalism. These are the qualities the program recognizes and showcases. These are the educators who make a difference in our classrooms and in the lives of students across the state.

The 2023 Nebraska Teacher of the Year was announced in October, 2022 after an extensive review and selection process. The chosen educator exhibits the characteristics of quality teaching. This educator represents the kind of teacher that we want in the classrooms of our children and grandchildren.

The Nebraska Department of Education is receiving funds from Northwest Evaluation Association (NWEA) for Nebraska Teacher of the Year activities/sponsorship.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2022

ESTIMATED COST: The \$4,000 will be deposited in to the Nebraska Teacher of the Year Program funds (indirect costs).

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



PROPOSED AGENDA ITEM RATIONALE

DATE: November 8, 2022

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

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

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

RATIONALE/BACKGROUND INFORMATION: The DHHS, Division of Medicaid and Long-Term Care, Aged and Disabled Medicaid Waiver Program is renewing their current agreement with the Assistive Technology Partnership for the third of three years written into the original agreement.

The Assistive Technology Partnership (ATP) provides assessments to DHHS for consumers on the Aged and Disabled Waiver and recommends modifications or technology to assist the consumer with remaining independent. ATP finds a vendor or contractor to perform the work or provide the technology, authorizes the approved work to be done, and monitors and inspects the work. This is the current process for acquiring assistive technology through participating DHHS programs.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2022

ESTIMATED COST: \$1,343,680.74 of funds to be received by NDE

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Nebraska Department of Health and Human Services – Medicaid Aged and Disabled Wavier funds.
- New or Renewal: Renewal
- If renewal, date of first approval: 1/1/2018

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

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



STATE BOARD OF EDUCATION
BUDGET AND FINANCE COMMITTEE REPORT

Date: December 1, 2022

“The Committee on Budget and Finance reports that...

Committee members Maureen and Patti reviewed the two action items with NDE staff. At the direction of the two Committee members present, NDE staff summarized each of the action items and provided additional details as requested. Both action items were recommended to be brought forward to the full board by Maureen and Patti.

The two members of the Committee present also reviewed the monthly board expense report and in state travel authorizations and did not note any issues.

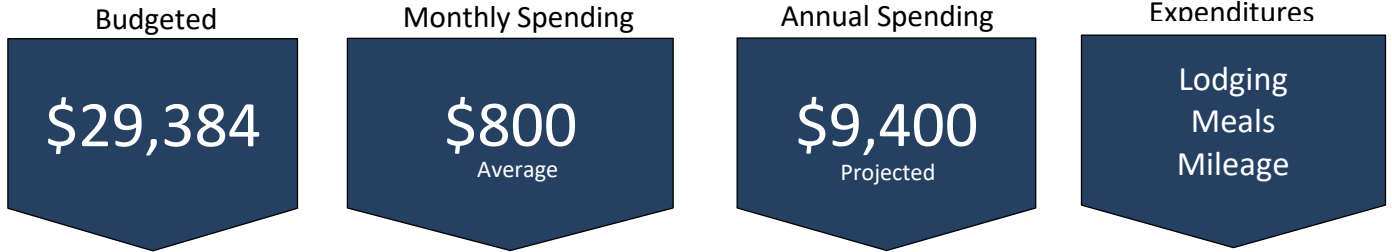
This concludes the Budget and Finance report.”

Maureen Nickels, Chair

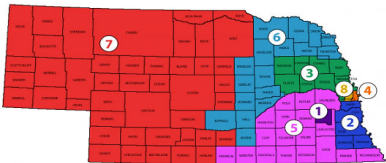


2022-2023 Board Travel

At-A-Glance



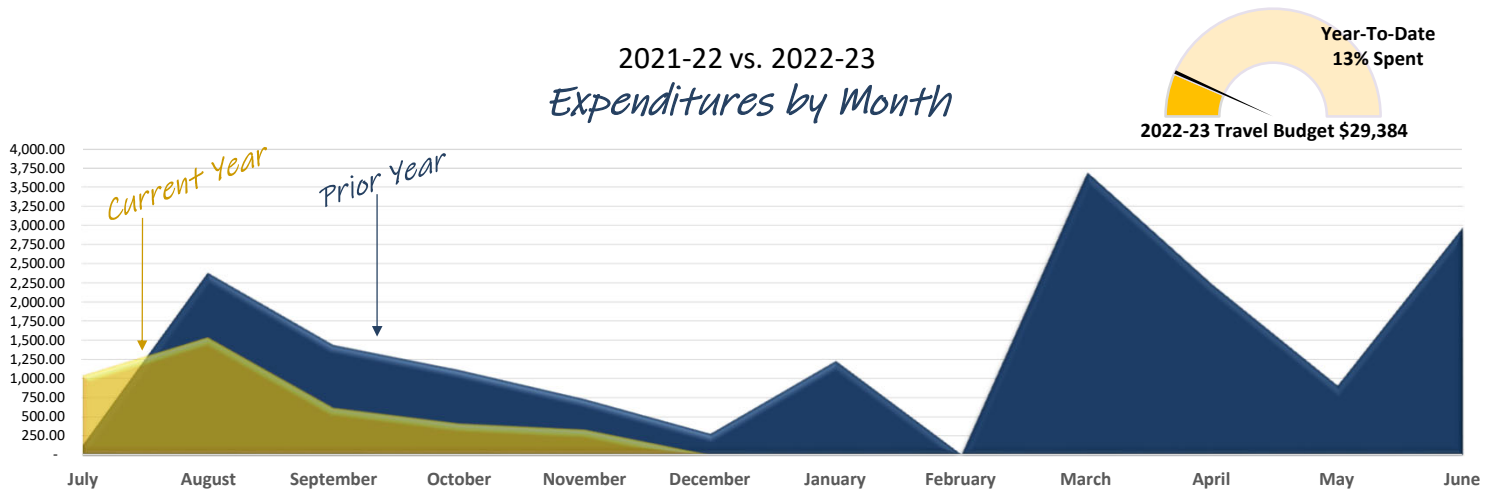
Even under pandemic conditions, the Nebraska Board of Education has retained the ability to attend meetings, conferences and conventions, sustain meaningful and dynamic work in addition to engaging in new opportunities provided through innovation and virtual technology during unexpected circumstances.



Board Member Activity

| District | Board Member | Current Year July 2022-June 2023 | | Prior Year July 2021-June 2022 | | Variance | |
|---------------------|---|-------------------------------------|------------------------------|-----------------------------------|------------------------------|----------------|------------------|
| | | November | Year-To-Date | November | Year-To-Date | November | Year-To-Date |
| 1 | Patsy Koch Johns, President | \$42 | \$397 | \$0 | \$380 | \$42 | \$18 |
| 2 | Lisa Fricke | \$42 | \$756 | \$0 | \$739 | \$42 | \$18 |
| 3 | Patti Gubbels <i>Appointed Jan. 2021</i> | \$42 | \$276 | \$245 | \$695 | -\$203 | -\$419 |
| 4 | Jacquelyn Morrison <i>Appointed Jan. 2021</i> | \$42 | \$763 | \$155 | \$997 | -\$113 | -\$233 |
| 5 | Kirk Penner <i>Appointed Dec. 2021</i> | \$42 | \$276 | \$0 | \$0 | \$42 | \$276 |
| 5 | Patricia Timm <i>Outgoing Nov. 2021</i> | \$0 | | \$0 | \$336 | \$0 | -\$336 |
| 6 | Maureen Nickels | \$42 | \$468 | \$0 | \$547 | \$42 | -\$78 |
| 7 | Robin Stevens, Vice President | \$42 | \$371 | \$321 | \$867 | -\$279 | -\$495 |
| 8 | Deborah Neary | \$42 | \$470 | \$6 | \$459 | \$36 | \$12 |
| | | \$332 | \$3,779 13% | \$726 | \$5,019 17% | (\$394) | (\$1,239) |
| Annual Budget | | | \$29,384 | | \$29,384 | | |
| Over/(Under) Budget | | | (\$25,605) 87% | | (\$24,365) 83% | | |

2021-22 vs. 2022-23
Expenditures by Month



Historical Annual Expenditures - FY2022 (\$17,026); FY2021 (\$11,000); FY2020 (\$35,000); FY2019 (\$48,500)

In-State Travel Authorization Reports - December (Updated)

| Name | Event Name | Date | Location | Board Bylaw B16 Code A-F |
|--------------------|----------------------------------|-------------|------------------------------|---------------------------------|
| Lisa Fricke | Commissioner Blomstedt Reception | 12/15/2022 | Strategic Air & Space Museum | E |
| Jacquelyn Morrison | (NONE) | | | |
| Deborah Neary | (NONE) | | | |
| Kirk Penner | (NONE) | | | |

In-State Travel Authorization Reports - December

| <u>Name</u> | <u>Event Name</u> | <u>Date</u> | <u>Location</u> | <u>Board Bylaw B16 Code A-F</u> |
|------------------|---|-------------|--------------------------------|---------------------------------|
| Patsy Koch Johns | | | | |
| Patti Gubbels | Commissioner Recognition for Student Excellence | 11/21/2022 | State Capitol Building Rodunda | E |
| Maureen Nickels | Commissioner Blomstedt Reception | 12/15/2022 | Strategic Air & Space Museum | E |
| Robin Stevens | | | | |



PROPOSED AGENDA ITEM RATIONALE

DATE: November 17, 2022

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Zainab Rida, Ph.D.

PROPOSED AGENDA ITEM: Grant authority to the NDE Office of Coordinated Student Support Services to hire a Contractor with an Employee/Employer relationship to serve as a Farm to School and Early Care Project Coordinator.

RATIONALE/BACKGROUND INFORMATION: The Nebraska Department of Education coordinates statewide farm to school efforts and will be expanding a farm to early childcare project. The Coordinator will support twenty-five sites by providing technical assistance for experiential education efforts and local food procurement, supporting the Nebraska Harvest of the Month for Early Childhood pilot program. Additionally, the Coordinator will support several current priority projects to grow NDE's Farm to School programs, including: the NDE's Team Nutrition project that supports local foods recipe development, taste testing and student feedback among twenty participating school districts; the FY22 USDA Farm to School Grant awarded to the NDE and our farm to school partners to support development of the Nebraska Farm to School Network; and USDA Formula Grant funds to support farm to school expansion in the state.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2022

ESTIMATED COST:

Total cost for a .75 FTE Contractor hired with an Employee/Employer relationship will be \$75,000.

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source:
 - USDA Food and Nutrition Service, Farm to School Grant Program, CFDA 10.575
 - USDA Food and Nutrition Service, Grants ARPA (Formula Grant), TEFAP OSEC AM RES, CFDA No. 10.645
 - 2021 Specialty Crop Block Grant Program, H.R. 133 Stimulus Funding CFDA 10.170
 - FY21 Team Nutrition, 10.574
- New or Renewal: New
- If renewal, date of first approval: Not applicable

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Competitive Negotiation
- Rationale for method of procurement: Procurement by competitive negotiation, defined in Administrative Memorandum 110, Appendix C, is normally conducted with NDE soliciting proposals from multiple potential contractors, and with more than one source submitting an offer, or in this case, submission of credentials, a CV, and a letter of interest. This contract will not require a sealed bid and the Small Purchase Procurement cannot be used because this contract will exceed \$50,000
- Rationale for contractor selection: The Contractor will be selected due to their expertise in supporting Farm to School efforts, early childhood experience, or K-12 experience as well as the ability to meet the needs of the projects and readiness to work with the intended population.



PROPOSED AGENDA ITEM RATIONALE

DATE: November 17, 2022

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Trudy K Clark, Assistant Director of Statewide Assessment

PROPOSED AGENDA ITEM: Action Item: Authorize the Commissioner to contract with ACS Ventures to conduct alignment studies for the Nebraska Student-Centered Assessment System (NSCAS) exams in science including the General Assessment (grades 5 & 8) and the Alternate Assessment (grades 5, 8, and 11).

RATIONALE/BACKGROUND INFORMATION: As part of peer review, the United States Department of Education requires a study to be completed that evaluates the alignment of each assessment to the standards (targets) each was designed to assess. ACS Ventures will conduct this alignment study.

PROPOSED BOARD MEETING (MONTH/YEAR): December/2022

ESTIMATED COST: \$78,300

FOR CONTRACTS AND GRANTS:

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

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:

- Indicate the method of procurement: Non-competitive negotiation

- Rationale for method of procurement: The other vendors who could do it on the timetable required provide the assessments. They are excluded for this reason.
- Rationale for contractor selection: The vendor facilitated the standard setting process for science. They are familiar with the standards and targets that need to be aligned.



STATE BOARD OF EDUCATION
Planning and Evaluation COMMITTEE REPORT
Date: Thursday, December 1, 2022

“The Committee on Planning and Evaluation reports that...

The committee considered one action item for the December 2, 2022 board meeting.

Section 79-760.03(2) requires the State Board to adopt a plan for an assessment and reporting system annually and submit that plan to the Governor, Clerk of the Legislature, and Chair of the Education Committee.

The committee reviewed the update to the annual assessment and reporting plan. Staff walked the committee through the specific updates made to the plan to be submitted to state officials in December. There was considerable dialogue about the assessment process and plan. The committee agreed to move the item forward as an action item at the December board meeting.

There were no discussions items.

An update on the Learning Community of Douglas and Sarpy Counties and the Community Achievement Plan (CAP) was provided. The Coordinating Council of the Learning Community of Douglas & Sarpy Counties requested additional changes be made to the revised Community Achievement Plan (CAP) plan. The revised plan is tentatively scheduled to be provided to the Coordinating Council at a future meeting for approval. So, the revised CAP will come before the SBOE Planning and Evaluation Committee either in February or March 2023.

The Learning Community did inform NDE of progress, successes, and potential revisions prior to the December 1st deadline. The deadline for submitting the revised CAP is March 15th in time for approval during the April Board meeting.

The committee had a luncheon meeting with NASCD following the committee meeting.

The committee meeting adjourned at 11:13a.m.

This concludes the Planning and Evaluation Committee report.”

Patti Gubbels, Chair

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

Summative Assessment Administration and Reporting Plan

The Nebraska Department of Education Summative Assessment Administration and Reporting Plan includes information for the Nebraska Student-Centered Assessment System (NSCAS) for the 2022-2023 school year.

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

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

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

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

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

Summative Assessment Administration and Reporting Plan

- Pages three and four cover two items:
 - NDE protects the confidentiality of student information.
 - NDE assures inclusion of all students in statewide summative assessments, including students with disabilities and English learners. Nebraska schools have high participation rates, easily meeting the 95% federal requirement with many schools at 100%. Participation rates dipped during the COVID-19 pandemic but returned to pre-pandemic levels for spring 2022 assessment administration.
- At the top of page six is a link to the Statewide Summative Assessment Technical Reports. These reports include hundreds of pages explaining item validity, reliability of scoring, use of universal design, and hundreds of other technical requirements of large-scale testing.
- Pages six and seven include tables showing how Nebraska students perform on assessments compared to national norms.

Summative Assessment Administration and Reporting Plan

| Nebraska Department of Education Summative Assessment Administration and Reporting Schedule 2022-2023 | | | | |
|--|--|--|---|--|
| Name of Summative Assessment | Grades Tested | Administration Dates | Performance Levels Reported | Released on Nebraska Education Profile |
| English Language Proficiency Assessment for the 21 st Century (ELPA21) | Kindergarten-12 | February 6- March 17, 2023 | Proficient Progressing Emerging | Fall 2023 |
| NSCAS Growth English Language Arts and Mathematics | 3-8 | April 3 - May 5, 2023 | Advanced On Track Developing | Fall 2023 |
| NSCAS Alternate English Language Arts and Mathematics | 3-8 and 11 (third-year cohort) | April 3 - May 5, 2023 | Advanced On Track Developing | Fall 2023 |
| NSCAS General Science | 5 and 8 | April 3 - May 5, 2023 | Advanced On Track Developing | Fall 2023 |
| NSCAS Alternate Science | 5, 8, and 11 (third-year cohort) | April 3 - May 5, 2023 | Advanced On Track Developing | Fall 2023 |
| NSCAS ACT English Language Arts Mathematics Science | 11 (third-year cohort) | March 21- April 27, 2022 Dependent on mode | ACT Benchmark On Track Developing | Fall 2023 |
| Nationally Norm-Referenced Assessment | At least one grade in each of the following two levels: grades 2-5; grades 6-8 | April 3 - May 5, 2023 | Percent of Students at or above the 50 th Percentile | Fall 2023 |

Summative Assessment Administration and Reporting Plan

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

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

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

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

Summative Assessment Administration and Reporting Plan

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

Technical Reports for Administration of Statewide Summative Assessment

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

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

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

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

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

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

| Nebraska Student Achievement as Determined by National Norms on MAP Growth Reading | | |
|---|---|------------------------|
| NSCAS Growth English Language Arts-Estimated RIT | | |
| GRADE | Percent of Students at or above the 50th Percentile | Number of Tests |
| 3 | 60.41% | 22,811 |
| 4 | 56.24% | 22,957 |
| 5 | 56.83% | 22,811 |
| 6 | 50.16% | 23,484 |
| 7 | 50.46% | 24,006 |
| 8 | 49.63% | 24,085 |

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

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

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

| Nebraska Student Achievement as Determined by National Norms on MAP Growth Mathematics | | |
|---|--|-----------------|
| | NSCAS Growth Mathematics-Estimated RIT | |
| GRADE | Percent of Students at or above the 50 th Percentile | Number of Tests |
| 3 | 60.01% | 22,806 |
| 4 | 55.66% | 22,952 |
| 5 | 55.29% | 22,805 |
| 6 | 54.85% | 23,473 |
| 7 | 51.37% | 23,996 |
| 8 | 53.58% | 24,073 |

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



STATE BOARD OF EDUCATION
RULES AND REGULATIONS COMMITTEE REPORT

Date: December 1, 2022

The Committee on Rules and Regulations reports on its Thursday, December 1, 2022, meeting.

The committee reviewed the Report on Rules. The report is attached in Sparq for board member review.

The committee reviewed the Legislative and Regulatory Priorities with NDE Staff. The Committee recommends adoption of the updated version of the priorities by the full Board. After Committee discussion, the updated version includes inserting homelessness as a cause of chronic absence.

The committee received a presentation from NDE Staff on Basic Skills Competency. The committee agrees with the Commissioner's recommendations and will discuss the timeline of revisions with the full Board.

This concludes the Rules and Regulations report.

Lisa Fricke, Vice Chair

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

MATTHEW L. BLOMSTEDT, PH.D., COMMISSIONER



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FAX 402.471.0117



P.O. Box 94987
Lincoln, NE 68509-4987



education.ne.gov



TO: Matthew L. Blomstedt, Ph.D.
Commissioner

FROM: Edie Schleiger, Legal Services

DATE: December 1, 2022

SUBJECT: Report on Rules

NO ACTION ON RULES AT THIS TIME



PROPOSED AGENDA ITEM RATIONALE

DATE: November 18, 2022

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

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

PROPOSED AGENDA ITEM: Approve the State Board's Legislative and Regulatory Priorities.

RATIONALE/BACKGROUND INFORMATION:

In 2019, the State Board established legislative and regulatory priorities focused on the below areas:

- Behavioral and Mental Health
- Early Childhood Education
- Equitable & Value Added and Alignment of Services and Supports
- School Finance & School Organization
- School Safety
- Workforce Development
- Approval, Accreditation, and Accountability (Regulatory Priority)
- Educator Preparation and Certification (Regulatory Priority)

After several months of discussion and review of current and proposed priorities, the board will discuss and approve six broad focus areas aligned to [LR335](#), and the legislative and regulatory priorities for each. Collectively, this policy agenda is known as Nebraska Ready.

PROPOSED BOARD MEETING (MONTH/YEAR): November 2022

ESTIMATED COST: 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



Nebraska Ready: PK-12 Policy Priorities

The mission of the Nebraska Department of Education is to lead and support the preparation of all Nebraskans for learning, earning, and living. This mission is directly aligned with the postsecondary attainment goal outlined in LR335 - for **70 percent of Nebraskans to have a postsecondary credential or degree by 2030**.

To achieve this attainment goal, the NDE is pursuing a bold policy vision for the next biennium called “Nebraska Ready.” These six broad priority areas will set the state on a path to reach the 70% attainment goal by 2030.

Priority 1: Increase Third Grade English Language Arts Proficiency to 75% by 2030

- **Rationale:** In 2021, 50% of Nebraska 3rd grade students were proficient in English Language Arts. Proficiency by 3rd grade is a key gateway to future success, including graduation rate and postsecondary enrollment and completion.
- **Legislative Priorities:**
 - **BIENNIAL BUDGET REQUEST:** Transform early literacy instruction in Nebraska through an annual \$10 million investment.
 - Support a statewide allocation for statewide family engagement centers (family literacy centers)
 - Achieve the full legislated special education funding/state contribution
 - **BIENNIAL BUDGET REQUEST:** Enhancements to Step Up to Quality.
 - Support efforts increasing the compensation for early childhood education providers
 - Create a legislative study group to unearth overlaps and opportunities in early childhood governance, funding, and accountability.
- **Regulatory & Agency Priorities**
 - Adapt Rule 20 to ensure the science of reading (e.g. phonemic awareness, phonics, vocabulary, comprehension, fluency, and background knowledge) is included as a requirement in educator preparation program accreditation

Priority 2: Half the Gap in 8th Grade Math Achievement for Each Student Group by 2030.

- **Rationale:** Algebra and 8th grade math are also considered “gateways” to success. Students need algebra skills to access higher level courses and succeed in high school. Unfortunately, significant achievement gaps in math exist by the 8th grade based on the state’s NSCAS Growth Assessment from 2021.
- **Legislative Priorities:**
 - **BIENNIAL BUDGET REQUEST:** Ensure the NDE has the requisite staff to support school improvement activities
 - Update core services statute, and secure additional state funding for ESUs
 - Address the “homework gap”
 - Support investments in tutoring and mentoring
- **Regulatory & Agency Priorities:**
 - Include high quality instructional materials (HQIM) in accreditation requirements for school districts.
 - Work collaboratively with ESUs to strengthen professional learning offerings to schools
 - Commit to a consistent assessment measure to ensure stability
 - Clarify “Alternative Administrative Structure” in the priority school statute

Priority 3: Increase the Number of High School CTE Concentrators to 50%.

- Rationale: A recent analysis of Nebraska students participating in career and technical education shows that students who concentrate (i.e. complete two courses at the intermediate or capstone level in a specific career cluster) are more likely to graduate from high school, 2) more likely to enroll in postsecondary, and 3) more likely to earn a postsecondary credential of any kind. While 80% of Nebraska high school students participate in CTE, only 29% of students are concentrators.
- Legislative Priorities:
 - BIENNIAL BUDGET REQUEST: Secure a state match for career and technical education (minimum \$8 million)
 - Create a statewide council for work based learning, internships, and apprenticeships that ensures all stakeholders are at the same table (DED, NDE, DOL)
- Regulatory & Agency Priorities:
 - Further develop the career specialist teaching program
 - Define postsecondary “credential/certificate of economic value” and engage higher education, workforce, and the Department of Labor

Priority 4: Reduce Chronic Absenteeism by Half by 2030.

- Rationale: A student is chronically absent when they miss 10% or more of their time in school attendance. Common sense and research both suggest that students who attend school at higher rates are more successful, not only in academic outcomes, but life outcomes. Chronic absence can be caused by many factors including physical and emotional health and safety, belonging and connection, academic challenge and engagement, and adult and student well-being.
- Legislative Priorities:
 - BIENNIAL BUDGET REQUEST: Secure funding to bolster non-academic supports surrounding mental health, including mental health first aid, additional licensed mental health practitioner (LMHP) capacity, and school psych and counselors
 - Work collaboratively with DHHS to ensure every school has access to school nurses
 - Secure funding for full-service community schools and expand the current pilot
 - BIENNIAL BUDGET REQUEST: Secure general funds for continuation of the Safe2Help hotline
 - Support recommendations from the School Safety Taskforce
 - Revise and update attendance statutes and encourage partnerships with probation, county attorneys, and others to prevent chronic school absence.
 - Support recommendations from the ventilation and achievement research study
- Regulatory & Agency Priorities:
 - Work with DHHS Medicaid Administration to ensure school psychologists are reimbursable by Medicaid.

Priority 5: For Youth who are Systems-Involved, Raise the High School Graduation Rate and/or High School Equivalency Attainment to 70%.

- Rationale: In the 2020-21 school year, children in the foster care system had a graduation rate of 42.7%. Each year, around 10,000 children are served by the child welfare system including foster care, and almost 9,000 youth arrested. At any stage across systems involvement, placement changes, creating challenges of continuity of learning and completion of high school and graduation.
- Legislative Priorities:
 - Support a study on the challenges and opportunities around data sharing among entities responsible for education, treatment, and rehabilitation of youth.
 - Support direct funding for the education of systems-involved youth.
- Regulatory & Agency Priorities:
 - Continue to strengthen relationships with Rule 18 schools, YRTCs, and Department of Corrections schools.

Priority 6: Eliminate the Special Education Staffing Vacancy and Cut the Educator Shortage in Half by 2030.

- Rationale:
 - One of the most consistently unfilled education positions in Nebraska is special educators. In the most recent year, 86 special education positions went unfilled across the state. With 15 percent of Nebraska's students having a disability, eliminating this vacancy is an essential element in postsecondary attainment for this student group.
- Legislative Priorities:
 - Advocate for the elimination of the basic skills competency requirement or provide other pathways to demonstrate basic skills
- Regulatory & Agency Priorities:
 - Create a written plan for addressing the teacher shortage (Including plan for Rules 20-24)
 - Combine the multiple NDE websites pertaining to recruitment, preparation, certification, and retention of teachers into a single, one-stop-shop
 - Pursue educator apprenticeship program in partnership with Nebraska Department of Labor and Nebraska Association of Colleges of Teacher Education



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PROPOSED AGENDA ITEM RATIONALE

DATE: November 17, 2022

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Brad Dirksen, Administrator – Office of Accountability, Accreditation, and Program Approval

PROPOSED AGENDA ITEM: Discussion Item: Basic Skills Competency

RATIONALE/BACKGROUND INFORMATION: The Nebraska Department of Education has attempted multiple revisions to the basic skills competency requirements in Rule 23 since 2018. With the recent passing of [LB 1218](#) (2022), intent language from the legislature reflected the need for basic skills competency to not be based solely on a single high-stakes examination. Similar feedback has been received from educator preparation program leaders, teachers, and school administrators at forums across the state (e.g. Nebraska Educator Shortage Summit and Nebraska Council on Teacher Education meetings).

The Rules and Regulations Committee has tasked the Department with coming up with multiple options to consider in their effort to determine the path forward with Rule revisions. Additionally, the Rules and Regulations Committee requested an analysis of what other states are requiring with respect to basic skills competency requirements for educator certification. The Rules and Regulations committee directed the Commissioner (who directed staff) to frame this within the context of a repeal of [Rule 23](#) (Regulations for the Basic Skills Competency Testing of Teachers and Administrators) and a revision to [Rule 21](#) (Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools). The committee specifically requested that no company is named within the regulation, test scores are not set within the rule, and ensuring that any accommodations/flexibilities currently in Rule 23 are retained with the revision of Rule 21.

Nebraska Revised State Statute [79-809](#) sets basic skills competency as a maximum requirement the State Board can set for certification, not a minimum requirement.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2022

ESTIMATED COST:

FOR CONTRACTS AND GRANTS:

FOR NEW CONTRACTS OR OTHER CONTRACTS REQUIRING PROCUREMENT:



Basic Skills Competency

Brad Dirksen, Administrator
Office of Accountability,
Accreditation, and Program Approval

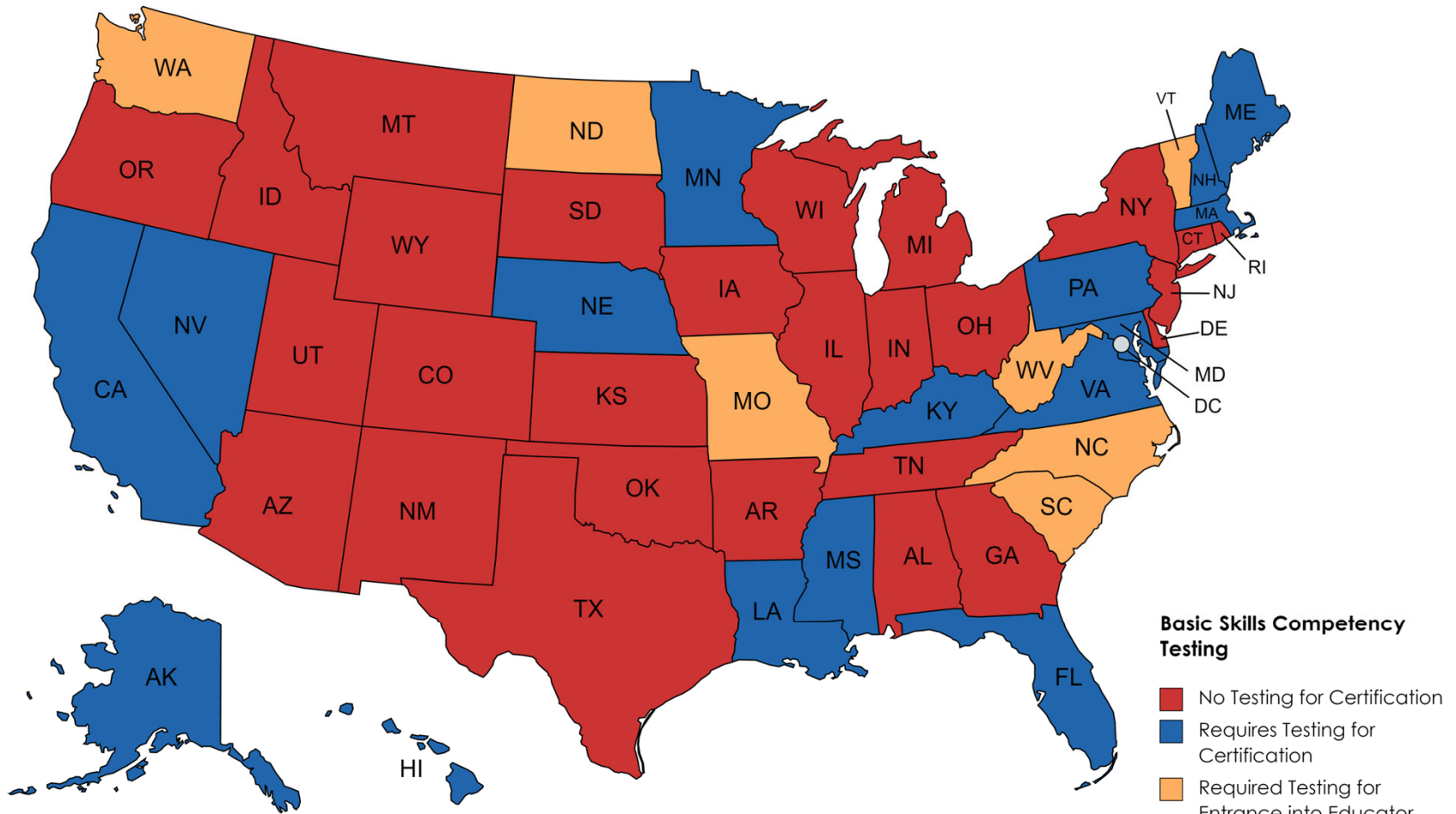
December 1, 2022

Agenda

- Overview of basic skills competency requirements in Nebraska
- State by state comparison
- Alternatives to consider

Overview

- Basic skills competency – a maximum requirement for certification – §79-809 – **NOT a minimum requirement**
- LB 1218 (2022)
 - State Board cannot require basic skills competency as an entrance requirement into an educator preparation program
 - Intent language in §79-806(c) “... A demonstration of basic skills competency should not be based solely on a single assessment high-stakes examination because such an examination does not accurately portray a teacher candidate's general knowledge in mathematics, reading, and writing when measured within such a testing environment...”

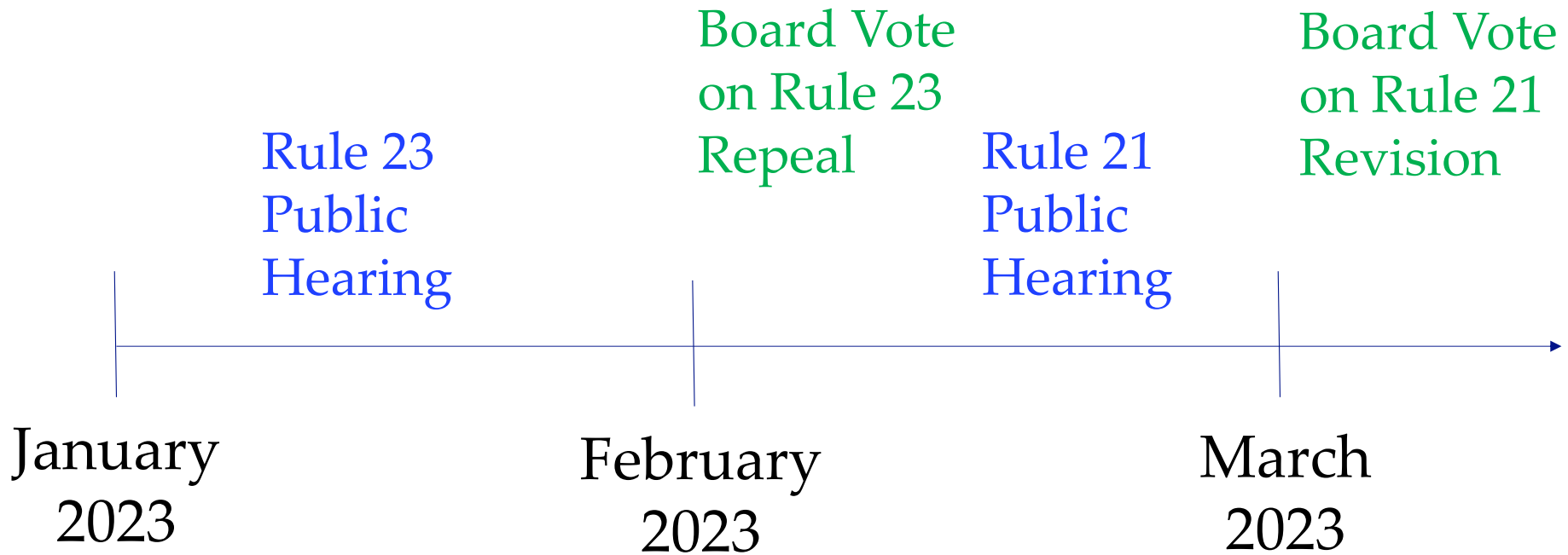


Alternatives to define basic skills competency in Rule 21

Options:

- Two years of successful full-time teaching experience on a certificate or permit (revise work experience definition in Rule 21)
- Combination of the basic skills examination and successful completion of reading, writing, or math college level coursework (3 credit hours per course)
- Complete a bachelor's degree with a 2.75 GPA
- Remove basic skills competency requirement
- Commissioner's Recommendation: repeal Rule 23, and subsequently remove basic skills competency in Rule 21

Timeline





Thank you!



STATE BOARD OF EDUCATION

Ad Hoc Committee on Board Policy Reference Manual Revision

Date(s): The committee has not met since our November board meeting, however, the committee members have communicated through email. Members are Patti Gubbels, Chair Kirk Penner, Ryan Foor, and Maureen Nickels

The committee received no board member suggestions or feedback following the November board work session about the proposed changes to the bylaws, board operational policies or agency management policies. Approval of the revised structure and bylaws and policies is on the agenda as an action item for today's meeting.

A legal, technical, and style review was conducted on the proposed bylaws and policies. The final versions of the bylaws, board operational policies, and agency management policies are posted in SPARQ Board Meeting Agenda item 7.1.A.

Wording changes from the existing bylaws and policies are underlined. Strikeouts represent existing information that has been omitted or moved. These are the same changes discussed at the November work session. Changes that resulted from the legal, technical, and style review are highlighted in green. Rationales provided at the November work session are highlighted in yellow.

In addition, there are two yellow highlights in BLW3 Board Meetings. Both are highlighted because they represent new wording from the original bylaws. The wording is the same as presented during the board work session in November.

Those two include:

1. Board Meetings-Consent Agenda-Procedure- refers to when board members can object to the inclusion of an item on the consent agenda. The original wording was "before adoption of the agenda" changed to "before a motion is made to adopt the consent agenda".
2. Board Meetings-Committee Meetings- refers to standing committees meeting in conjunction with regularly scheduled board meetings. The language was changed from "will" meet in conjunction to "may" meet in conjunction...

No substantive changes were made as part of the review; however, two corrections were made to errors found in the documents presented at the November work session.

The error corrections are as follows:

Bylaw 3-Board Meetings-Consent Agenda-Procedure-Item c- The consent agenda will be moved with(added the word **out**) discussion. This is not a change as the current bylaw indicates that the consent agenda will be moved without discussion.


Bylaw 3-Board Meetings-Meeting Agendas-Paragraph beginning “Following the mailing of the agenda, non-emergency items may only be added as long as the (deleted the request is made) added (items are added) at least 24 hours prior to the meeting. This change is made to be consistent with the Open Meetings Act which states that the agenda may not be altered later than 24 hours before the scheduled commencement of the public meeting.”

A recommendation has been made to eliminate the use of the term Policy Reference Manual and instead to reference, on the State Board webpage, State Board Bylaws and Policies that links to three documents: Bylaws, Board Operational Policies, and Agency Management Policies. Below the Bylaws and Policies link there will be links to Position Statements, Resolutions, and Model Policies on the NDE State Board Webpage.

That concludes the Ad Hoc Committee on the Board Policy Reference Manual Revision

Patti Gubbels, Chair

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


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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | Bylaw Number <u>1</u> | Page Number |
| <p>State Board Bylaw <u>1</u> <u>Definition and Application Development of Board</u> <u>Bylaws</u></p> | <p>Created: Reviewed: Approved:</p> | |

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

The State Board may adopt new bylaws at any time, on its own motion or upon recommendation by the Commissioner of Education. State Board bylaws are binding upon the Board.

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

Rationale: *Created to reflect the proposed structural revisions; taken in part from the current B12: Policy, Bylaw and Position Statement Development.*

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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p>Bylaw Number <u>2</u> B1 (formerly B3)</p> | <p>Page Number 1 of 2</p> |
| <p>State Board Bylaw <u>2</u> B1 (formerly B3) State Board Officers</p> | <p>Created: 1976 Last Revised: 2015 Reviewed: 1984; 1995; 2003; 2006; 2009; 2015; 2019 Approved: 03/08/2019</p> | |

The State Board of Education will organize reorganize itself and elect officers at the January meeting. The Commissioner will preside over the election of officers of the Board. Votes to organize the Board board will be taken by secret ballot, but the minutes must indicate how many votes each candidate received.

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

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

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

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

~~As Secretary of the State Board of Education, the~~ 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 State Board of Education 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 ~~print disseminate the minutes for dissemination.~~

~~By statute, the Commissioner of Education is Secretary of the Board and shall serve as the Executive Officer of the State Board and shall perform all duties required by law or by the State Board. The Commissioner shall not be a member of the State Board.~~

Rationale: *An introductory statement about officers is needed to identify when and how officers are elected. Bylaws are intended to be as general as possible to avoid reducing flexibility and making rules too restrictive. It is also important to make sure that while bylaws are consistent with state statute, they do not mimic the language of the law, because if they do and the laws change, the bylaws must be changed as well.*

Elections are often held by secret ballot as non-secret ballots make it difficult for individuals to vote for themselves in a public setting. The regular practice of the board has been the elect leadership using secret ballot.

Information on the Commissioner's specific duties as secretary of the board were moved from the current B15: Board Minutes.

Board Action History


- 12/10/76
Prior BBA (List of Officers),
Prior BBAA (Election of Officers),
Prior BBABA (President Duties),
Prior BBABB (Vice President Duties),
Prior BBABC (Secretary Duties).
- 12/7/84
Prior 9121 BOP (President Duties),
Prior 9122 BOP (Vice President Duties),
Prior 9123 (Secretary Duties).
(Renumbered same 1976 policies; BBA and BBAA deleted.)
- 12/8/95 – Prior B3
(Combined 1984 policies and added provision dealing with absence of both President and Vice-President.)
- 10/3/03 – Prior B3
(Added limit of 3 meetings remaining before reorganization for Vice-President to serve if presidency becomes vacant.)

Board Action History (cont'd)

- 9/7/06 – B3
(Text unchanged.)
- 10/08/09 – B3
(Clarified that the Commissioner is not a member of the State Board, consistent with LB 549 [Laws, 2009].)
- 04/03/2015
(Deleted language stating Vice President shall serve if presidency becomes vacant with three or fewer meetings remaining before January meeting.)
- 03/03/2017 – B3(B1)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B3 is now B1.)

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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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p>Bylaw Number <u>3</u></p> | <p>Page Number</p> |
| <p>State Board Bylaw <u>3</u> <u>Board Meetings</u></p> | <p>Created: Reviewed: Approved:</p> | |

Meeting Dates and Notifications

By statute, the State Board of Education shall meet regularly and at least four times annually in a calendar year. In January of each year, the State Board will meet on the first Thursday and Friday following the first Monday of the month. 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 Board President in consultation with the Commissioner of Education.

The State Board shall give reasonable advance publicized notice of the time and place of each meeting of the Board shall be given at least five days in advance of the meeting by the following methods:

1. A copy of the notice shall be published on the Department's 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 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 of Education in consultation with the Board President and will contain any item requested by individual a member of the Board members if submitted at least eight (8) days prior to the meeting.

The Commissioner of Education shall prepare and submit by e-mail to each member of the State 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.

Following the mailing of the agenda, non-emergency items may only be added so long as the request is made items are added at least 24 hours prior to the meeting. The Board President may approve adding non-emergency items to the agenda upon the request of the Commissioner of Education and. The Board President may approve adding non-emergency items to the agenda 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 remove an item from the consent agenda for individual consideration or 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 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

- a. 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.
- 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 and 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.

Board Meeting Minutes

The Board must record 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 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 of Education shall call such special meetings upon the individual written request of a majority of members of the State 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.

Rationale: Combines language of current B5: Board Meeting Notification for Regular Meetings, B6: Agendas/Meeting Materials for Regular Meetings, B7: Special Meetings, Emergency Meetings, Meetings Held by Videoconferencing, and B15: Board Minutes, into one bylaw.

Regarding meeting dates and notifications, eight days prior to the meeting gives the staff ample time to add items to the agenda, prior to the agenda being sent to board members. Having two members agree to adding a non-emergency item to the agenda encourages board members to confer with other board members to assure that there is some support for adding the item.

Existing language was reordered. Information on the consent agenda was moved to follow information about the agenda and amendments to the agenda.

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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p>Bylaw Number <u>4</u> B2</p> | <p>Page Number 1 of 5</p> |
| <p>State Board Bylaw <u>4</u> B2 Board Committees</p> | <p>Created: 1977 Last Revised: 2021 Reviewed: 1984, 1995, 2000, 2003, 2006, 2015, 2016, 2020, 2022 Approved: 01/07/2022</p> | |

The State Board of Education hereby establishes standing committees of Board members for the purpose of delegating specific issues or tasks for initial study, review, and recommendation.

~~Standing committees of the Board will 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, as set forth in board bylaw B6 (Agendas/Meeting Materials for Regular Meetings). Additionally, the committee chair or a committee member may add agenda items in consultation with the commissioner and board president.~~

~~Standing committees may also meet at the direction of the committee chair or on the request of a committee member. In addition, the board 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.~~

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

Upon completion of an assigned activity or task, the committee shall report ~~the to the full Board their~~ deliberations and recommendations of the committee to the Board. All recommendations of the committee are subject to the approval of the Board.

Board appointments to the standing committees will be made by the President ~~board president~~. Requests for membership on the committees may be made to the President by individual Board members. The committee chair and vice chair will be appointed by the President ~~board president~~ for each standing committee. The President and Vice President ~~board 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 be assigned Nebraska Department of Education have staff assigned by the Commissioner to assist and/or advise the committee. ~~The commissioner of education will assign staff.~~

In addition to standing committees, ad hoc committees may be formed by, and members appointed by the ~~President~~ president or the Board, as the need arises. Ad hoc committees are formed to carry out specified tasks. After ~~any ad hoc~~ the committee presents its final report to the Board, ~~that the~~ committee will disband unless the president or 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~~ commissioner.

The ~~President~~ president and ~~Vice President~~ vice president shall serve as chair and vice chair of the Executive Committee, respectively. The ~~President~~ 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

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

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

Rules and Regulations Committee

The Rules and Regulations Committee shall review and make recommendations to the Board on matters related to education policy, primarily in the form of administrative rules and the relationship to state and federal statutes.

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

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


Rationale: Information about standing committee meetings was moved to B3: Board Meetings. The statement on legislative proposals and position statements was moved from the end of the bylaw to earlier in the text before standing committee descriptions as it relates to all committees and needs to be included with other general committee information rather than following information specific to each committee.

Board Action History

- 8/19/77 – Prior BBC
(Discussed temporary committee appointments, actions not binding unless approved by Board, listed 3 committees.)
- 12/7/84 – Prior 9131 BOP
(Same text as BBC, renumbered.)
- 12/8/95 – Prior B5
(Same text as 9131 BOP, except for deletion of reference to 3 committees.)
- 5/12/00 – Prior B5
(Complete revision. Discussed and listed 5 standing committees and committee meeting procedures.)
- 10/3/03 – Prior B5
(Complete revision. Different list of 4 committees. Added space for cross-references and Legislative history.)
- 9/7/06 – B5
(Minor changes. Deleted Curriculum Committee from list.)
- 9/4/15 – B5
(Added language that any Board member may request a current copy of the appraisal instrument from Commissioner's Office.)
- 5/6/2016 – B5
(Added three standing committees – AQuESTT Teaching and Learning Domain/AQuESTT Student Success and Access Domain/Budget and Finance.)
- 12/2/2016 – B5
(Added the Strategic Planning, Performance and Improvement Standing Committee.)
- 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)

Cross-References

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

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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p>Bylaw Number <u>5</u> B8</p> | <p>Page Number 1 of 1</p> |
| <p>State Board Bylaw <u>5</u> B8 Parliamentary Procedure/Rules of Order</p> | <p>Created: 1979 Last Revised: 2021 Reviewed: 1984, 1995, 2003, 2006, 2013, 2017, 2021 Approved: 08/05/2021</p> | |

The **State** Board shall observe the current edition of Robert’s Rules of Order Newly Revised (RONR) except as otherwise provided by law, State Board regulations, statute, or policy, or suspension of RONR by the Board. ~~when suspended by majority vote of the Board at any time.~~ The motion to suspend the rules requires a majority vote of members present and voting.

Copies of Robert’s Rules of Order Newly Revised RONR may ~~will~~ be provided to all Board members.

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


Rationale: *Language on the motion to suspend the rules was edited for clarification. Recent practice has been to provide members with a copy of Robert’s Rules of Order Newly Revised (RONR), In Brief. Not all board members may want the full edition of RONR, thereby reducing expenses.*

Board Action History

- 3/20/79 – Prior BCBF
(No copies available of prior versions.)
- 12/7/84 – Prior 9325.3 BOP
(Changed Robert’s Rules version and added majority suspension.)
- 12/8/95 – Prior B14
(Changed Robert’s Rules version. Added copies for all members and rotating roll call votes.)
- 10/3/03 – Prior B14
(Changed version of Robert’s Rules.)
- 9/7/06 – B14
(Same Bylaw text)
- 3/03/2017 – 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)
- 8/5/2021 – B8
(Four-year review by Policy Committee, added new cross reference)


Cross-References

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

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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p>Bylaw Number <u>6</u></p> | <p>Page Number</p> |
| <p>State Board Bylaw <u>6</u> <u>Review and Amendment of Board Bylaws</u></p> | <p>Created: Reviewed: Approved:</p> | |

All State Board bylaws are to be reviewed by the Executive Committee and reaffirmed or amended at least every two years or as needed by the Executive Committee which shall provide a report to the Board. The State Board may change its existing bylaws on its own motion or upon recommendation by the Commissioner of Education. The Commissioner shall have legal counsel General Counsel is to review all bylaws annually for compliance with state law and provide a report of any changes needed or recommended to the Executive Committee. Proposed bylaw amendments require previous notice and at least a two-thirds affirmative vote of the members of the full board for them to be adopted. Board bylaws shall remain in full force and effect until amended or rescinded by the State Board of Education and are binding upon the Board until changed by the Board.

Rationale: Taken in part from the current B12: Policy, Bylaw and Position Statement Development. The committee believes that it is important to be consistent with the review schedule and that it makes sense for the review to be part of the Policy Reference Manual. In other words, the bylaws and policies are to be reviewed as one package at the same time. Bylaws are the guiding rules for the board and therefore do not change often. Because they set the foundation for the board's functioning, they are held to a higher standard. Therefore, to change a bylaw it requires a 2/3 affirmative vote of the full board. A comparison of 10 other state's bylaws revealed that if they speak to bylaws, they all include a 2/3 vote to amend them.

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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p>BOP <u>1.00</u></p> | <p>Page Number</p> |
| <p><u>Board Operating Policy 1.00</u> <u>Definition and Development of Policies</u></p> | <p>Created: Reviewed: Approved:</p> | |

The State Board's internal policies of the Board are used the State Board to direct or limit its actions of the Board in pursuit of long-term goals, and Policies can be used to guide decisions in achieving desired outcomes. State Board policies are delineated as Board Operational Policies, (designated by the letters "BOP") and Agency Management Policies, (designated by the letters "AMP").


Board Operational Policies (BOP) relate to and support the policymaking, rulemaking, and quasi-judicial responsibilities of the Board board, or They specify how board members are to conduct themselves and interact with individuals and external entities.

Agency Management Policies (AMP) define how the State Board intends the Department of Education to operate and conduct its actions and business and how the State Board itself may be involved in such matters.

The State Board may adopt new policies at any time upon recommendation of standing committees, ad hoc committees, or individual board members to the board through its own motion or upon recommendation by the Commissioner. Board policies shall remain in full force and effect until amended or rescinded by the State Board of Education.

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

Rationale: *(Taken in part from current B12.) The committee believes that the policy development policy needs to specify who recommends policies.*

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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p>BOP <u>1.01</u></p> | <p>Page Number</p> |
| <p><u>Board Operating Policy 1.01</u> <u>Position Statements, Resolutions, and Model Policies</u></p> | <p>Created: Reviewed: Approved:</p> | |

From time to time, the State Board of Education adopts Position Statements, Resolutions, and Model Policies which, ~~Because these documents are not State Board of Education Policies, they reside outside the Policy Reference Manual.~~

Position Statements (PS)

State Board Position Statements, designated (PS), are aligned and reside with the board's legislative and regulatory priorities. Position Statements are advisory in nature to let the public and educators know where the Nebraska State Board of Education stands on a topic, concern, or educational issue. Position Statements may be used to share the board's vision or beliefs of the Board, offer explanations or justifications, or make recommendations for a course of action to other institutions schools, educators, and/or Department of Education staff personnel. ~~Position Statements are advisory because they are not rules or regulations.~~ The State 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 State Board prior to expiration. ~~The General Counsel-Commissioner may direct legal counsel to review all Board position statements annually for compliance with state law.~~


Resolutions (RS)

State Board Resolutions, designated (RS), are formal public statements of the Board as to its opinion on a matter or as to an individual. All State 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 State Board of Education when requested or required by law state statute, are templates for local school boards to use to develop legislatively mandated policies. The Nebraska Department of Education makes model policies shall be made available to local school boards through the Nebraska Department of Education website.

Rationale: (Taken in part from current B12.)

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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p><u>Bylaw Number</u> <u>B3 (formerly B21)</u> <u>BOP 1.02</u></p> | <p>Page Number 1 of 4</p> |
| <p><u>State Board Bylaw B3 (formerly B21)</u> <u>Board Operating Policies 1.02</u></p> <p>State Board Member Code of Conduct</p> | <p>Created: 2004 Last Revised: 2018 Reviewed: 2014, 2018 Approved: 5/4/2018</p> | |

Attendance/Participation

State Board members should:

- Attend all regularly scheduled meetings insofar as possible; and
- Inform the 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; 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 and staff with kindness, civility, respect, patience and honesty;
- Make policy decisions based on available facts, individual judgment and the best interests of the state;
- 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 State Board Policy B17 regarding public statements by Board Members; and
- 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 decisions on contested cases and other quasi-judicial matters coming before the Board and in policy making decisions.

Governance

State Board Members should:

- Understand the State Board’s role under Neb. Rev. Stat. 79-301(2) to be the policy-forming, planning, and evaluative body for the state school system 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.

Continuing Education

State Board 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).

Board Action History

- 6/9/04 – Prior B21
(NEW)
- 9/7/06 – B21
(Added Appendix A and several wording changes on page 1.)
- 03/03/2017 – B21(B3)
(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)

Cross-References

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| • 79-301(2) R.R.S. – Board role. | • State Board Policies P2, P9 and P11 |
| • 79-301(3) R.R.S.– Commissioner’s role. | • 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 (HIPPA)*)
- 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*)

APPENDIX A (cont’d)

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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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p>Bylaw Number</p> <p>B17 <u>BOP 1.03</u></p> | <p>Page Number</p> <p>1 of 1</p> |
| <p>State Board Bylaw B17 <u>Board Operating Policy 1.03</u> Public Statements by Board Members</p> | <p>Created: 1979 Last Revised: 2015 Reviewed: 1984, 1995, 2006, 2015, 2019 Reaffirmed: 04/05/2019</p> | |


Board members 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 Board member's personal views and not those of the State Board of Education. When directed by the full Board, or as directed by Board President, they may speak on behalf of the Board.

Board Action History

- 7/2/79 – Prior BBB
(Board not bound by statements or actions of members, except as delegated by policy or majority vote)
- 12/7/84 – Prior 9020 BOP
(Renumbered, but text unchanged)
- 12/8/95 – Prior B2
(Renumbered and rewritten – same as 9/7/06 text)
- 9/7/06 – B2
(Text unchanged)
- 5/8/2015 – B2
(Revised to add a reference to Board Members' written communications and to encourage use of a disclaimer.)
- 3/03/2017 – 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).
- 04/05/2019 – B17
The State Board reviewed and reaffirmed.

Cross-References

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

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p>Internal Policy Directive Number</p> <p>P2 <u>BOP 1.04</u></p> | <p>Page Number</p> <p>1 of 1</p> |
| <p>State Board Internal Policy P2 Board Operating Policy 1.04</p> <p>Board and Staff Relations</p> | <p>Created: 1979 Reviewed: 1984, 1995, 2006, 2011, 2015, 2019 Approved: 05/03/2019</p> | |

Board & Staff Relations


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

Board Action History

- 11/15/79 – Prior CD
(Included delegation to Commissioner and Commissioner to staff, right of Board to overrule decisions, and staff relationship)
- 12/7/84 – Prior 2121 DO
(Retained only staff relationship section. Other sections in D3.)
- 12/8/95 – Prior D2
(Same, except “Assistant Commissioners” and “Division Heads” replaced with “Leadership Council Members”)
- 11/3/06 – 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.)

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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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p>Bylaw Number</p> <p>B14 <u>BOP 1.05</u></p> | <p>Page Number</p> <p>1 of 2</p> |
| <p>State Board Bylaw B14 <u>Board Operating Policy 1.05</u></p> <p>Staff Research and Assistance/Legal Assistance</p> | <p>Created: 1995 Last Revised: 2015 Reviewed: 1998, 2006, 2016, 2020 Approved: 08/07/2020</p> | |

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 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.

Board Action History

- 12/8/95 – Prior B19
(Requests for research go through Commissioner with copies of research provided to all members.)
- 4/10/98 – Prior B19
(Completely revised)
- 9/7/06 – B19
(Same Bylaw text)
- 4/3/16 – 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.)

Cross-References

- State Board Policies P2 and-B3

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Bylaw Number</p> <p style="text-align: center;">B9 <u>BOP 1.06</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 3</p> |
| <p style="text-align: center;">State Board Bylaw B9 Board Operating Policy 1.06</p> <p style="text-align: center;">Public Participation at Board Meetings</p> | <p>Created: 1981 Last Revised: 2020 Reviewed: 1984, 1995, 2006, 2013, 2014, 2016, 2017, 2020, 2022 Approved: 01/07/2022</p> | |

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 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 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.

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.

Board Action History


- 11/15/81 – Prior BCBI
(No copies of prior version.)
- 12/7/84 – Prior 9322 BOP
(Same text as BCBI, except for deletion of statute references.)
- 12/8/95 – 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.)
- 9/7/06 – B12
(Added majority vote option for extending public comment period.)
- 3/5/2013 – B12
(Changed wording regarding the Public Comment Period.)
- 1/7/2014 – B12
(Changed wording regarding the Public Comment Period.)
- 5/6/2016 – B12
(Added language for special appearances.)
- 03/03/2017 – B12
(Align language with B5 (formerly B11) regarding dates of Board Meetings.)
- 3/03/2017 – 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.)

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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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Bylaw Number</p> <p style="text-align: center;">B16 <u>BOP 1.07</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 4</p> |
| <p style="text-align: center;">State Board Bylaw B16 <u>Board Operating Policy 1.07</u></p> <p style="text-align: center;">Reimbursement for Expenses</p> | <p>Created: 1979 Last Revised: 2019 Reviewed: 1984, 1999, 2006, 2012, 2019, 2021 Approved: 03/05/2021 Effective: 03/06/2021</p> | |

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 meetings.

- 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 per calendar year unless they are serving in a leadership role representing the State Board 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 meetings of the State Board of NDE or another location in Lincoln that occur over the course of two or more consecutive days, including associated committee meetings, are considered a "Board duty requirement" and reimbursement for lodging is considered authorized for Board members living inside of 50 miles from the meeting location but outside of Lancaster County.

4. Meal expenses: Meal expenses incurred during travel shall be reimbursed on a per diem basis pursuant to Section 81-1174 R.R.S., based on the destination of the travel, in accordance with the rules and procedures established by the DAS for state officials. Receipts are not required and should not be submitted. Board members attending one day events per this policy are approved to 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 pre-paid by the Nebraska Department of Education.
7. Reimbursement for other actual and essential expenses: Reimbursement for other actual and essential expenses is authorized for: phone, postage, car rental, and other expenses incurred in connection with statutory duties as a Board member. An itemized statement (e.g., receipts) must accompany every request for reimbursement for items equal to or greater than ten dollars (\$10.00).

8. Timeframe for submission of requests for reimbursement

In accordance with Sections 79-317(3) and 81-1174 R.R.S., Board members need to submit requests for reimbursement together with the necessary documentation to NDE 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.

Board Action History


- 7/2/79 – Prior BBBE
(Listed 7 categories of in-state expenses, using DAS rules, and required Board approval for out- of-state expense.)
- 12/7/84 – Prior 9250 BOP
(Renumbered BBBE, no text changes.)
- 6/11/99 – Prior B7
(Contained references to NASBE meetings, meeting reports, and publications/equipment owned by NDE.)
- 9/7/06 – 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.)
- 3/03/2017 – B7(B16)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B7 is now B16)

Board Action History (cont'd)

- 09/06/2019 – 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.)
- 03/05/2021 – B16
(Added language pursuant to LB 381 from the 2020 Legislative session regarding reimbursement for state officials.)

Cross-References

- 79-317(3) R.R.S. – Reimbursement of State Board members' expenses
- Nebraska Constitution, Article VII, Section 3.
- State Board Policy P9, Ethics/Accountability & Disclosure
- 81-1174 – 81-1177 R.R. S.

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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p>Bylaw Number B20 BOP 1.08</p> | <p>Page Number 1 of 1</p> |
| <p>State Board Bylaw B20 <u>Board Operating Policy 1.08</u> School Boards Associations</p> | <p>Created: 1976 Last Revised: 2006 Reviewed: 1984, 1995, 2006, 2013, 2022 Approved: 09/07/2006 Reaffirmed: 05/06/2022</p> | |


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.

Board Action History

- 12/10/76 – Prior BGA
(NEW)
- 12/7/84 – Prior 9340 BOP
(Renumbered)
- 12/8/95 – Prior B16
(Renumbered)
- 9/7/06 – B16
(Added other organizations reference)
- 3/03/2017 – B16(B20)
(Reorganized Board Policy Reference Manual with new designated 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.)

Cross-References

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p>Bylaw Number</p> <p>B4 <u>BOP 1.09</u></p> | <p>Page Number</p> <p>1 of 2</p> |
| <p>State Board Bylaw B4 <u>Board Operating Policy 1.09</u></p> <p>Task Forces and Advisory Committees or Councils</p> | <p>Created: 1980 Last Revised: 2006 Reviewed: 1984, 1995, 1997, 2006, 2011, 2015, 2019 Reaffirmed: 04/05/2019</p> | |

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

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

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. The Commissioner is also responsible for monitoring the work of these bodies and for reporting on their progress to the Board at regular intervals.

The Board shall review the role, functions and responsibilities of all task forces and advisory committees or councils 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 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.

Board Action History

- 10/1/80 – Prior BBF
(Specified creation and expense procedures and listed 11 required committees.)
- 12/7/84 – Prior 9133 BOP
(Revised and renumbered BBF. Deleted text restating statutes and references to vocational advisory council. Listed 15 committees.)
- 12/8/95 – Prior B6
(Major revision and abbreviation, provided for 2-year committee reviews and added reference to committees appointed by Commissioner.)
- 11/7/97 – Prior B6
(Partial revision. Provided for State Board review prior to publication of proposals and recommendations. Added specific charges to task forces/committees.)
- 9/7/06 – B6
(Revision and rewording. Deleted references to pre-publication review and Commissioner's committees.)
- 03/03/2017 – B6(B4)
(Reorganized Board Policy Reference Manual with new designated 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.)

Cross-References

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

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Bylaw Number</p> <p style="text-align: center;">B10 <u>BOP 1.10</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 1</p> |
| <p style="text-align: center;">State Board Bylaw B10 <u>Board Operating Policy 1.10</u></p> <p style="text-align: center;">Hearing Officers</p> | <p>Created: 1976 Last Revised: 2021 Reviewed: 1984, 1990, 1995, 2006, 2017, 2021 Approved: 08/05/2021</p> | |

Hearing Officers

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


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

Board Action History

- 12/10/76 – Prior BCAE
(Board may delegate authority to Commissioner or member to conduct rule hearings.)
- 12/7/84 – Prior BCAE
(Rescinded upon adoption of revised manual.)
- 10/12/90 – Prior 8001 BOP
(Option enrollment hearing officers)
- 12/8/95 – Prior B17
(Replaced 8001 BOP – Covers all types of contested case hearing officers)
- 9/7/06 – B17
(Same Bylaw text)
- 3/03/2017 – B17(B10)
(Reorganized Board Policy Reference Manual with new designated 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.)

Cross-References

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

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Bylaw Number</p> <p style="text-align: center;">B13 <u>BOP 1.11</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 2</p> |
| <p style="text-align: center;">State Board Bylaw B13 <u>Board Operating Policy 1.11</u> Rule Development</p> | <p>Created: 1976 Last Revised: 2015 Reviewed: 1978, 1984, 1995, 2006, 2015, 2019, 2022 Approved: 08/05/2022</p> | |

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

The Committee shall review each rule of the Department 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.

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


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

Board Action History

- 12/10/76
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
- 8/21/78 – Prior BDA – 1
(Rule development system policy.)
- 12/7/84 – Prior 9313 BOP
(Replaced prior policies – required 5-year review and legislative format drafts.)
- 12/8/95 – Prior B9
(Added rule hearing officials and rule dockets.)
- 9/7/06 – B9
(Added authority for Commissioner to approve rules and appoint hearing officers.)
- 9/4/15 – B9
(Added language that Commissioner shall review and approval hearing drafts of rule.)
- 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 – Revised language including the duties of the State Board Rule and Regulation Committee.

Cross-References

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

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p>Bylaw Number</p> <p>B18 <u>BOP 1.12</u></p> | <p>Page Number</p> <p>1 of 1</p> |
| <p>State Board Bylaw B18 <u>Board Operating Policy 1.12</u></p> <p>Political Activity/Use of Resources/Accountability & Disclosure</p> | <p>Created: 1981 Last Revised: 2009 Reviewed: 1984, 1995, 2006, 2009, 2014, 2018 Approved: 10/08/2009</p> | |

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

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

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

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


Board Action History

- 6/1/81 – Prior KIA
(Prohibited uses of resources and votes of censure. Prior versions not available.)
- 12/7/84 – Prior 1311.1 DO
(Same as KIA)
- 12/8/95 – Prior B18
(Same as 1311.1 DO, but only applies to Board members, not staff.)
- 9/7/06 – B18
(Revision of entire text except for last paragraph.)
- 10/8/09 – B18
(Clarified that incidental or de minimus use of state resources is not a violation of Policy B18, consistent with LB 626 [Laws, 2009])
- 3/03/2017 – B18
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S].)

Cross-References

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| <ul style="list-style-type: none"> • 49-14,101.01 R.R.S. • 49-14,101.02 R.R.S. | <ul style="list-style-type: none"> • 49-14,101.03 R.R.S. • State Board Policy P9 |
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- State Board Bylaws B19 and B3

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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p>Bylaw Number B19 (formerly B20) <u>BOP 1.13</u></p> | <p>Page Number 1 of 3</p> |
| <p>State Board Bylaw B19 (formerly B20) <u>Board Operating Policy 1.13</u></p> <p>Computer Equipment/Internet Access and Electronic Mail Acceptable Use</p> | <p>Created: 2000 Last Revised: 2014 Reviewed: 2006, 2009, 2014, 2018 Approved: 06/08/2018</p> | |

Purpose

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 NDE computer equipment, Internet access and electronic mail.

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 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 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.

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

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

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

1. Violation of the privacy of other users and their data. For example, Board members shall not intentionally seek information on/obtain copies of/or modify files, other data or passwords belonging to other users, or represent themselves as another user unless explicitly authorized to do so by that user, and such authorization is appropriate.
2. To violate copyright and licensing laws applied to programs and data.
3. To install software without prior authorization from Network, Education & Technology Services. Use of all such software must comply with the applicable license agreement provisions.
4. To violate the integrity of computing systems. For example, Board members shall not develop or use programs that harass other users or infiltrate a computer or computing system and/or damage or alter the software components of a computer or computing system.

5. To use NDE computer equipment/Internet access/electronic mail for fund-raising or public relations activities unrelated to a Board member's duties and responsibilities to the State of Nebraska.
6. To campaign for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question as provided in Neb. Rev. Stat Sec. 49-14,101.02. This includes a Board member's campaign for their own election to the State Board.
7. To transmit material in violation of any local, state or federal law or regulation. It is prohibited to transmit or knowingly receive threatening, obscene, or harassing material. Harassing material includes material that is derogatory towards a group or individual based upon race, sex, sexual orientation, color, religion, disability, age, or national origin.
8. To use NDE computer equipment/Internet access/electronic mail or any attached network in a malicious or disruptive manner that precludes or significantly hampers its use by others. Disruptions include, but are not limited to, distribution of *unsolicited advertising*, propagation of computer worms or viruses, and use of NDE 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 NDE computer equipment/Internet access/electronic mail for recreational games or personal shopping.
11. To use 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. Misrepresentation of one's self, an agency, or the State of Nebraska when using NDE computer equipment/Internet access/electronic mail.

Security Safeguards

Board members are prohibited from allowing non-employees to use NDE computer equipment/Internet access/electronic mail.

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

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

Enforcement

NDE reserves the right to monitor use of all 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 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.


Board Action History

- 4/7/00 – Prior B20
(NEW)

- 9/7/06 – B20
(Same Bylaw text)
- 10/8/09 – 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)
- 3/03/2017 – 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)
- 6/08/2018 – B19
(Revised to add language regarding campaign activity.)

Cross-References

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

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|  <p>Nebraska Department of Education Policy and Reference Manual</p> | <p>BOP <u>1.14</u></p> | <p>Page Number</p> |
| <p><u>Board Operating Policy 1.14</u> <u>Revision and Amendment of Board Policies</u></p> | <p>Created: Reviewed: Approved:</p> | |

The State Board of Education Policy Reference Manual, as a body of work, including the bylaws and policies, will be reviewed and reaffirmed or amended by the Executive Committee and approved by the board on a two-year cycle with the review occurring during non-election years. The Policy Reference Manual review will be completed prior to years the end of the calendar year to be approved and take effect in January.

The State Board may, adopt new policies at any time 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 individual board members to the board through its own motion or upon recommendation by the Commissioner. Board policies shall remain in full force and effect until amended or rescinded by a majority vote of the State Board of Education.

The State Board may change its existing policies or adopt new policies at any time, on its own motion or upon recommendation by the Commissioner. The General Counsel will Commissioner may direct legal counsel to review all Board policies annually for compliance with state law. Board policies shall remain in effect until amended or rescinded by the State Board.


State Board policies are binding upon the Board, Commissioner, and Department staff until changed by the Board. All State Board policies shall be included on the State Board's webpage.

Rationale: The Executive Committee is charged with policy revision responsibilities. Reviewing policies in a piecemeal fashion opens the opportunity for changes to be made to one policy that impacts other policies not under review. The result is having policies that are inconsistent with each other. In addition, because the board does not have numerous bylaws or policies (30) it is manageable to review them in one setting.

Non-election years was selected for the review cycle because it provides new board members with an opportunity to serve for a time before being asked to approve the Policy Reference Manual. In election years, new members to the board are typically overwhelmed with other important information they need to absorb to be able to function as novice board members.

The working before years-end enables the Executive Committee to determine when during the year they review the Policy Reference Manual. It could be a work session during the summer or a fall special Executive Committee meeting, for example. Approval prior to year's end enables the existing Executive Committee to present the Policy Reference Manual to the board for recommended approval in January when board members are organizing for the year. It reminds board members of the rules we live by and the policies we have in place or identifies how bylaws and/or policies will be different if approved. None of these structured reviews limit the board from making policy or bylaw changes as needed.

Note: The second paragraph was inserted from Draft BOP 1.00.

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Internal Policy Directive Number</p> <p style="text-align: center;">P3 <u>AMP 2.00</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 2</p> |
| <p style="text-align: center;">State Board Internal Policy P3 Agency Management Policy 2.00</p> <p style="text-align: center;">Delegation to Commissioner</p> | <p>Created: 1979 Reviewed: 1984, 1995, 2006, 2009, 2011, 2015, 2019 Approved: 08/09/2019</p> | |

Delegation to Commissioner

All administrative functions are the responsibility of the Commissioner who may delegate certain functions to members of the state staff. The Commissioner, or his or her designee, is responsible for faithfully executing the policies and directives of the State Board or seeing that they are executed by the staff.

When any law or regulation specifies that something is to be done by the State Board, the State Board may not delegate that 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 provides something is to be done “by the Department,” the Board may delegate that authority to the Commissioner, such as through a regulation. Example: 79-1065 R.R.S. states that “the State Department of Education shall adjust [state aid] payments provided under Chapter 79...” By regulation (NDE Rule 8), the State Board delegated that function to “the Commissioner or his her designee(s).”

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.

Board Action History

- 11/15/79 – Prior CD
(Included one section now in D2, as well as delegation and right to overrule decisions.)
- 12/7/84 – 2131 DO
(Transferred one section to what is now D2 and added state government relations.)
- 12/8/95 – Prior D3
(Shortened)
- 11/3/06 – D3
(One word change)
- 10/8/09 – 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.)

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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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Internal Policy Directive Number</p> <p style="text-align: center;">P4 <u>AMP 2.01</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 3</p> |
| <p style="text-align: center;"><u>State Board Internal Policy P4</u> <u>Agency Management Policy 2.01</u></p> <p style="text-align: center;"><u>Personnel Policies/State School</u> <u>Policies/Administrative Memos</u> <u>Human Resources Policies</u></p> | <p>Created: 1977 Reviewed: 1978, 1979, 1984, 1995, 2006, 2009, 2012, 2016, 2020 Approved: 09/04/2020</p> | |

Personnel Policies and Administrative Memoranda

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

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

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

Professional Personnel Hiring

Section 79-318(3) R.R.S. provides that the State Board shall, upon the recommendation of the Commissioner of Education, appoint and fix the compensation of all new professional positions in the Department, including any Deputy Commissioner. A new professional position 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.

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

Labor Negotiations

The Commissioner shall act as representative of the Board in all labor negotiations and shall appoint the bargaining team and chief negotiator. He or she 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

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.

Board Action History

- 3/11/77 – Prior BIB
(Mentioned statute authorizing system of personnel administration in list of Commissioner's duties)
- 7/7/78 – Prior HAE
(Board appoints negotiating team and chief spokesman)
- 7/2/79 – Prior GAAA
(Equal Opportunity Employment)
- 12/7/84 – Prior 2231 DO
(Referenced personnel statute as in former BIB, and covered personnel policies, administrative memorandums, and State school policy manual)


- 12/7/84 – Prior 4135.3 DO
(Same as former HAE)

Board Action History (cont'd)

- 12/7/84 – Prior 4118.11 DO
(Same as GAAA, without statute references)
- 12/8/95 – 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.)
- 11/3/06 – D4
(Deleted reference to State school policy manual and Personnel manual and added 48-004 R.R.S. reference.)
- 10/08/09 – D4
(Amended to include Subsection (4) of 48-1004 R.R.S., which prohibits retaliation.)
- 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]. 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.)

Cross-References

- 79-306 R.R.S.
- 48-1004 R.R.S.
- 48-1104 R.R.S.
- 93 NAC 1-16

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Internal Policy Directive Number</p> <p style="text-align: center;">P5 (formerly D6) <u>AMP 2.02</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 1</p> |
| <p style="text-align: center;">State Board Internal Policy P5 (formerly D6) <u>Agency Management Policy 2.02</u></p> <p style="text-align: center;">Contracts, Grants and Purchases</p> | <p>Created: 1976 Reviewed: 1984, 1995, 2006, 2016, 2017, <u>2021</u> Approved: 09/08/2017</p> | |

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.

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.

Board Action History

- 12/10/76 – Prior DFF
($\$10,000$ or more Board approval and less than $\$10,000$ periodic list from Commissioner)
- 12/7/84 – Prior 3324.1 DO
(SAME)
- 12/8/95 – Prior D6
(SAME)
- 9/7/06 – D6
(Board approval increased to $\$25,000$ and added monthly list of $\$10,000$ to $\$25,000$)
- 12/2/2016 – 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)
- 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.)

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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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Internal Policy Directive Number</p> <p style="text-align: center;">P8 <u>2.03</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 2</p> |
| <p style="text-align: center;">State Board Internal Policy P8 <u>Agency Management Policy 2.03</u></p> <p style="text-align: center;">Trust Funds</p> | <p>Created: 1976 Reviewed: 1977, 1984, 1995, 1999, 2002, 2004, 2006, 2013, 2016, 2020 Approved: 11/03/2006 Reaffirmed: 12/11/2020</p> | |

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.

Board Action History

- 12/10/76 – Prior KHE
(Donations)
- 819/77 – Prior AI
(NSVH policies, including Trusts)
- 8/19/77 – Prior AH
(NSD policies, including Trusts)
- 12/7/84 – Prior 6172.4 DO
(Replaced prior policies)
- 12/8/95 – Prior D11
(Renumbered and deleted labor sections)
- 6/11/99 – Prior D11
(Reduced to just approval of receipts, and expenditures over \$500)
- 6/7/02 – Prior D11
(Corrected typo)
- 2/6/04 – Prior D11
(Deleted \$500 or more expenditure approval and added two paragraphs regarding Trust budgets)


- 11/3/06 – D11
(One wording change)

Board Action History (cont'd)

- 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)

Cross-References

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

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Internal Policy Directive Number</p> <p style="text-align: center;">P10 <u>AMP 2.04</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 1</p> |
| <p style="text-align: center;">State Board Internal Policy P10 Agency Management Policy 2.04</p> <p>Audits of the Nebraska Department of Education</p> | <p>Created: 2003 Reviewed: 2006, 2014, 2016, 2020 Approved: 12/2/2016 Reaffirmed: 12/11/2020</p> | |

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.

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 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.

Board Action History

- 10/3/03 – Prior D13
(NEW)
- 11/3/06 – D13
(Date change)
- 12/2/2016 – 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)

Cross-References

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

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Internal Policy Directive Number</p> <p style="text-align: center;">P7 (formerly D8) <u>AMP 2.05</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 2</p> |
| <p style="text-align: center;">State Board Internal Policy P7 (formerly D8) <u>AMP 2.05</u></p> <p style="text-align: center;">Teaching Certificates <u>Certification Complaints and Investigations</u></p> | <p>Created: 1980 Reviewed: 1991, 1995, 2006, 2013, 2017 Approved: 11/09/2017</p> | |

Teaching Certificates

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.


Board Action History

- 10/1/80 – Prior GBU
(Commissioner duties to file teacher complaints)
- 6/7/91 – Prior 4112.21 DO
(Revised to reflect change in law and regulations)
- 12/8/95 – Prior D8
(Added draft order references)
- 11/3/06 – 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.

Cross-References

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

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Internal Policy Directive Number</p> <p style="text-align: center;">P9 (formerly D12) <u>AMP 2.06</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 5</p> |
| <p style="text-align: center;">State Board Internal Policy P9 (formerly D12) <u>Agency Management Policy 2.06</u></p> <p style="text-align: center;">Ethics/Accountability & Disclosure</p> | <p>Created: 1995 Reviewed: 2006, 2009, 2014, 2018 Approved: 08/03/2018</p> | |

Ethics/Accountability & Disclosure

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

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

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

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

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

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

(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. . . .

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

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

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

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

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

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

[Subsection 5 does not apply to NDE contracts]

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

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

Additional Board Policies

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

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

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.

Board Action History

- 12/8/95 – Prior D12
(NEW)
- 11/3/06 – D12
(Revised statute changes)
- 10/08/09 – 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)
- 08/03/2018 – P9
(Added clarifying information regarding Board members seeking opinions from the Accountability and Disclosure Commission.)

Cross-References

- 49-1401 et seq. R.R.S.
- 49-1499.02 R.R.S.
- 49-14,100 R.R.S.
- 49-14,101.01 R.R.S.
- 49-14,102 R.R.S.
- State Board Bylaw B14 (formerly B19)

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Internal Policy Directive Number</p> <p style="text-align: center;">P1 <u>AMP 2.07</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 2</p> |
| <p style="text-align: center;">State Board Internal Policy P1 <u>Agency Management Policy 2.07</u></p> <p style="text-align: center;">Political Activities/Use of Resources</p> | <p>Created: 1977 Reviewed: 1981, 1984, 1995, 2006, 2009, 2011, 2015, 2019 Approved: 10/08/2009 Reaffirmed: 11/08/2019</p> | |

Political Activities/Use of Resources

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.

Board Action History

- 8/19/77 – Prior GAHB
(Reference to statute prohibiting political activity during office hours.)
- 6/1/81 – Prior KIA
(Use of resources and votes of censure)
- 12/7/84 – Prior 1311.1 DO
(Same as KIA; GAHB not included in 1984 revisions)
- 12/8/95 – 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)
- 11/3/06 – D1
(Complete revision)
- 10/8/09 – D1
(Amended to permit certain political activities consistent with LB 626 [Laws, 2009].)
- 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.

Cross-References

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

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|  <p style="text-align: center;">Nebraska Department of Education Policy and Reference Manual</p> | <p style="text-align: center;">Internal Policy Directive Number</p> <p style="text-align: center;">P11 (formerly G22) <u>AMP 2.08</u></p> | <p style="text-align: center;">Page Number</p> <p style="text-align: center;">1 of 3</p> |
| <p style="text-align: center;">State Board Internal Policy P11 (formerly G22) <u>Agency Management Policy 2.08</u></p> <p style="text-align: center;">Data <u>Records</u> Access and Use</p> | <p>Created: 11/3/2010 Reviewed: 2013, 2017 Approved: 09/08/2017</p> | |

State Board Policy on Data 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 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.

Board Action History

- New Policy 11/3/2010
- 1/7/2014 – 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.)

Cross-References

- 84-712 through 84-712.09 R.R.S.
- 20 U.S.C. 1232g
- 34 C.F.R. 99
- 79-776 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 to 300.627
- 42 U.S.C. 1758

- 7 C.F.R. 245.8
- 34 C.F.R. Part 361

Nebraska State Board of Education Written Public Comment December 2022

Nebraska State Board of Education

Pursuant to State Board of Education Bylaw B9 - 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 *

Alexis

Last name *

Vosnos

City *

Omaha

State *

Nebraska

Written Comment

There is a limit of 750 words.

Written Comments *

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

I would like to propose an adjustment to the Nebraska Board of Education anti-bullying policy. The no tolerance policy is not enough, and the mental health of students are suffering due to the lack of protection of vulnerable groups in public schools and procedures in place to support any victims of bullying/harassment. I would like to propose an addition, or enumeration, of specific groups that should be protected from bullying and harassment that may occur in and around public school grounds including age, color, creed, nation of origin, sexual orientation, gender identification, physical attributes, disability, mental health, and other groups the board may find appropriate. This change in policy shows our students our intentional protection and concern of their wellbeing so they can focus on their education. I am also proposing mental health supports from school counselors/social workers for students that have been bullied and there being a plan in place for them so the situation does not happen for them again and they continue to feel supported and heard. As of right now, the anti-bullying policy is severely lacking and unfortunately, bullying is something our students deal with in 2022. Enumeration of sexual orientation and gender identity is increasingly the focus of discussion about enumerated anti-bullying policies given that lesbian, gay, bisexual and transgender (LGBT) students are more likely to be bullied at school than their heterosexual and cisgender peers (CDC, 2022). Some studies have found that enumerating sexual orientation and gender identity in anti-bullying policies is associated with less bullying and better health outcomes for LGBT youth. Our students deserve the best and this adjustment in our policy can make Nebraska Public Schools a safer place for everyone. Thank you for your time and consideration.

Signature

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

Signed,

First name *

Alexis

Last name *

Vosnos

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

Google Forms

Nebraska State Board of Education Written Public Comment December 2022

Nebraska State Board of Education

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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 *

Kathy

Last name *

Adams

City *

Kearney

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.)

The 2022 election is over, three new Nebraska State Board Members will be seated in January and the other current board member that will continue on the board won narrowly. Just because she won the race does not mean that she is the right person for the job. Ms. Neary is so hardened, calloused, arrogant, and narcissistic that I am afraid her stance on things will never change. There are the other four board members that have two years left and with three of those four there are glimmers of hope that they will listen to reason and work on getting our schools back to where they need to be, our Department of Education back on track, be real stewards of the People's money and listen to the majority of the People (constituents) instead of special interest groups. I am praying with everything that is in me for all of you including Ms. Neary – especially her because I feel she is dangerous for our children and will stop at nothing to get her own way to please those she feels are knowledgeable and experts, to stay in their good graces, to have their attention. Believe me, she is looking to the wrong ones for grace. I am praying that there will be change in Ms. Neary and God will change her heart. I am praying that you 4 that have two more years will really listen to the new board members because they have the constituents trust and hearts for doing what is right. Praying that you will also truly look for what is right as they have done. I also hope you will take time to really research and look at the candidates for Commissioner and for traits of integrity – pick some one who does the right things all the time even when not being watched.

Sincerely,

Kathy Adams

Kearney Nebraska 68845

Signature

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

Signed,

First name *

Kathy

Last name *

Adams

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

Google Forms

TO: MATTHEW L. BLOMSTEDT, PH.D.
FROM: BRYCE WILSON, DENISE THEGE
DATE: December 2, 2022
SUBJECT: MONTHLY LIST OF CONTRACTS \$10,000 TO \$50,000
RATIONALE: As stated in the Nebraska State Board of Education Policy Manual P5 the Commissioner shall provide the Board each month with a list of contracts between \$10,000 and \$50,000.

1. Contractor(s): Kevin Coughlin
Contract Amount: \$46,000
Funding Source: Federal
Scope of Services: Medical consultant services.
Date of Contract: 11/1/22-6/30/23
Contact Person: Krysti Michl
2. Contractor(s): Sara Voss
Contract Amount: \$35,000
Funding Source: Federal
Scope of Services: Coaching, training and completing program quality observations.
Date of Contract: 12/1/22-11/30/23
Contact Person: Melody Hobson
3. Contractor(s): Nebraska Children & Families Foundation
Contract Amount: \$20,000
Funding Source: Federal
Scope of Services: The Nebraska Children and Families Foundation (NCF) will partner with the Children's Funding Project (CFP) to map public federal, state, and local funding available for children in the state of Nebraska. This will enable state and local partners to strategically leverage public funding sources before spending private resources.
Date of Contract: 11/14/22-11/13/23
Contact Person: Zainab Rida
4. Contractor(s): National Association of State Head Injury Administration
Contract Amount: \$18,480
Funding Source: Federal
Scope of Services: Plan & host summit.
Date of Contract: 11/14/22-4/15/23
Contact Person: Lindy Foley
5. Contractor(s): Mary Osterloh
Contract Amount: \$32,000
Funding Source: Federal
Scope of Services: Serve as PBIS Regional Coach.
Date of Contract: 1/1/23-12/31/23
Contact Person: Amy Rhone

6. Contractor(s): Catherine Barmettler
Contract Amount: \$27,000
Funding Source: Federal
Scope of Services: Serve a PBIS Regional Coach.
Date of Contract: 1/1/23-12/31/23
Contact Person: Amy Rhone
7. Contractor(s): Linda Clavel
Contract Amount: \$27,000
Funding Source: Federal
Scope of Services: Serve a PBIS Regional Coach.
Date of Contract: 1/1/23-12/31/23
Contact Person: Amy Rhone
8. Contractor(s): Nancy Woodhams
Contract Amount: \$30,000
Funding Source: Federal
Scope of Services: Serve a PBIS Regional Coach.
Date of Contract: 1/1/23-12/31/23
Contact Person: Amy Rhone
9. Contractor(s): Catie Limbach
Contract Amount: \$21,400
Funding Source: Federal/General
Scope of Services: Training and complete program observations.
Date of Contract: 12/15/22-12/14/23
Contact Person: Melody Hobson
10. Contractor(s): Kimberly Sanderson
Contract Amount: \$15,000
Funding Source: Federal/General
Scope of Services: Coaching and training services.
Date of Contract: 1/15/23-1/14/24
Contact Person: Melody Hobson
11. Contractor(s): Laurie Miller
Contract Amount: \$23,000
Funding Source: Federal/General
Scope of Services: Complete program observations and training services.
Date of Contract: 1/1/23-12/31/23
Contact Person: Melody Hobson
12. Contractor(s): Cindy Molina
Contract Amount: \$20,000
Funding Source: Federal/General
Scope of Services: Coaching and training services.
Date of Contract: 1/1/23-12/31/23
Contact Person: Melody Hobson
13. Contractor(s): Susan Wiggins
Contract Amount: \$30,000
Funding Source: Federal
Scope of Services: Serve a PBIS Regional Coach.
Date of Contract: 1/1/23-12/31/23
Contact Person: Amy Rhone

14. Contractor(s): Renee Jones
Contract Amount: \$12,000
Funding Source: Federal
Scope of Services: Nebraska Teacher of the Year.
Date of Contract: 12/1/22-1/5/2024
Contact Person: Deborah Frison

CONTESTED CASES ACTIVE DURING 2022
(EXCLUDING SPECIAL EDUCATION)

NOVEMBER 15, 2022

| CASE NO. | TYPE | DATE FILED | PETITIONER | RESPONDENT | ATTORNEYS FOR PARTIES | STATE BOARD ATTORNEY | HEARING OFFICER | STATUS |
|-----------------|------------------|-------------------|---|--------------------------|------------------------------|-----------------------------|------------------------|--------------------------------|
| 21-16 | Personnel | 7/15/2021 | G.D. | Commissioner | Hubly/Roman | Donley | Bartle | Final Order Entered 1n/22 |
| 22-01 | PPC | 1/14/2022 | Commissioner | Jadlowski | Halstead/Bartling | Donley | PPC | Final Order Entered 2/22/22 |
| 22-02 | PPC | 1/14/2022 | Commissioner | Waster | Halstead/ | Donley | PPC | Final Order Entered 3/10/22 |
| 22-03 | Option | 1/24/2022 | Ritter | Northwest Public Schools | / | Roman | Titus | Final Order Entered 3/4/22 |
| 22-04 | PPC (SA) | 2/16/2022 | Commissioner | Reinmuth | Roman/ | Donley | PPC | Final Order Entered 2/22/22 |
| 22-05 | PPC (SA) | 3/7/2022 | Commissioner | Moore | Roman/Kirkpatrick | Donley | PPC | Final Order Entered 3/10/22 |
| 22-06 | Option | 4/8/2022 | Pignotti | Elkhorn Public Schools | /Knight | Roman | Titus | Final Order Entered 5/3/22 |
| 22-07 | Nutrition | 4/15/2022 | Next Generation Child Care & Preschool | NOE | Place/Roman | N/A | Tegtmeier | Final Order Entered 6/28/22 |
| 22-08 | PPC | 4/19/2022 | Commissioner | Ellen Wagner | Roman/ | Donley | PPC | Final Order Entered 5/3/22 |
| 22-09 | PPC | 4/19/2022 | Commissioner | Treva Nutter | Roman/Welding | Donley | PPC | Final Order Entered 5/3/22 |
| 22-10 | PPC | 4/19/2022 | Commissioner | Ben Veilleux | Roman/Welding | Donley | PPC | Final Order Entered 5/3/22 |
| 22-11 | Nutrition | 4/28/2022 | Next Generation Child Care and Preschool | NDE | Place/Roman | NA | Burton | PENDING |
| 22-12 | Nutrition | 5/3/2022 | Next Generation Child Care and Preschool | NDE | Place/Roman | NA | Tegtmeier | PENDING |
| 22-13 | ESU Boundary | 5/11/2022 | (Not a Contested APA Case) | | | | | Final Order Entered 5/3/22 |
| 22-14 | Option | 5/11/2022 | Kubik | Ponca Public Schools | / | Roman | Titus | PENDING |
| 22-15 | St. Teach | 5/25/2022 | Fernau | Commissioner | /Roman | Donley | Titus | PENDING |
| 22-16 | PPC | 7/19/2022 | Commissioner | Kirsten Sessions | Roman/ | Donley | PPC | PENDING |
| 22-17VR | Rule 71NR | 7/21/2022 | C. S. | NDENR | /Walz | NA | Bartle | PENDING |
| 22-18 | T.Cert | 7/22/2022 | Robert Wilson | Commissioner | Hunzeker/Roman | Donley | | PENDING |

