



NEBRASKA DEPARTMENT OF EDUCATION

TO: Roger Breed, Ed.D.
Commissioner of Education

FROM: Margaret Worth, General Counsel

SUBJECT: Policy Review Information Item

Proposed Board Action:

State Board Policy B9 for review.

Background Information:

Pursuant to the review schedule implemented by the State Board's Policy Committee, State Board Policy B9 is submitted for review.

If the Commissioner, Board President or any Board member believes that action or referral to the Policy Committee is necessary in connection with this Policy, an appropriate motion may be placed on the Agenda for the April Board meeting.

Policy B9 will remain in effect indefinitely until revised or rescinded.

Estimated Cost:

N/A

Supporting Documentation Included:

Board Policy B9.

For Additional Information on this item:

Call Margaret Worth (402) 471-0310 or email Margaret.Worth@nebraska.gov

Rule Development

Each rule or regulation of the Department will be reviewed at least every five years, although failure to conduct such a review shall not affect the validity or enforceability of any existing rule.

All rule drafts submitted to the State Board for review 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 may authorize the Commissioner to review and approve hearing drafts of rules. The State Board must give final approval to all rules and rule changes.

The State Board may designate staff members, the Commissioner, or individual Board members to conduct rules hearings. The State Board may also authorize the Commissioner to designate a staff member to conduct rule hearings. In such cases, the person or persons designated to conduct the hearing shall provide a written summary of all hearing testimony to the full Board.

The rule dockets that are required to be maintained under the Administrative Procedures Act shall be maintained by the General Counsel's 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.)

Cross-References

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