STATE OF NEBRASKA
DEPARTMENT OF EDUCATION

STATE BOARD POLICY REFERENCE MANUAL

INTRODUCTION TO STATE BOARD POLICIES AND DEFINITIONS OF POLICIES

The Nebraska State Board of Education Policy Reference Manual is a collection of three different types of policies. Each page is identified in the upper right-hand corner by type of policy in the following manner:

B - Procedural Policies of the State Board regarding its own operations and meetings

D - Internal policy directives of the State Board regarding department operations, which provide direction and/or authority to the Commissioner

G - General policy statements regarding education in Nebraska that are not included in state regulations or state plans or agreements filed with the federal government

The State Board of Education has authority to adopt policies governing its own Board meetings and the internal operations of the Department. B and D pages include these types of procedural policies and policy directives, which are binding upon the Board, Commissioner, and Department staff until changed by the Board.

The Board may also issue general statements of policy regarding education issues in Nebraska. G pages contain such general educational policy statements and are purely advisory, since they are not state rules or regulations.

BOARD OPERATIONS

Topic	Number	Date
(Reserved for future use)	B1	-------
Public Statements by Board Members	B2	05/08/15
Board Officers	B3	04/03/15
Legal Assistance	B4	11/06/15
Board Committees	B5	05/06/16
Task Forces and Advisory Committees	B6	09/07/06
Board Member Expenses	B7	06/03/16
Policy Development	B8	04/13/12
Rule Development	B9	09/04/15
Special Meetings, Emergency Meetings And All Meetings Held by Videoconferencing	B10	09/07/06
Board Meeting Notification for Regular Meetings	B11	04/08/14
Public Participation at Board Meetings	B12	05/06/16
Agendas/Meeting Materials for Regular Meetings	B13	09/07/06
Parliamentary Procedure/Rules of Order	B14	09/07/06
Board Minutes	B15	09/07/06
School Boards Association	B16	09/07/06
Hearing Officers	B17	09/07/06
Political Activity/Use of Resources/Accountability & Disclosure	B18	10/08/09
Staff Research and Assistance	B19	04/08/16

BOARD OPERATIONS

Topic	Number	Date
Computer Equipment/Internet Access and Electronic Mail Acceptable Use	B20	08/08/14
State Board Member Code of Conduct	B21	09/07/06

Public Statements

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.)

Cross-References

- State Board Bylaw B21.
- 79-301(2) – State Board acts as a unit.

Bylaw: Board Officers

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 reorganize itself in January, the Board shall elect a successor at its next regularly scheduled meeting.

The members present shall determine 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.

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.

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.)

Cross-References

- 79-301(3) – Commissioner as Executive Officer.

- 79-315 – State Board's power to organize itself, Commissioner as Secretary of the Board.

- 79-310 – State Board of Education, members

Legal Assistance

The State Board may request legal opinions from the Attorney General and/or the General Counsel's 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 General Counsel. The Commissioner shall provide all Board members with copies of the request. Any written opinion provided by the Attorney General or General Counsel's Office as a result of a question by the Board shall be provided by the Commissioner to all of the members of the Board.

The General Counsel's Office represents the Department and not individual Board members or staff members. The General Counsel or one of his or her assistant attorneys shall serve as legal advisor to the Board and Commissioner at State Board meetings. When the General Counsel's Office will be representing the Commissioner of Education in a contested case in which the Board is the decision maker, the Commissioner will notify the Board President and Attorney General, so that the 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 General Counsel's Office shall be to provide day-to-day legal assistance to the Department, including the Board, Commissioner and staff. The Commissioner and General Counsel are responsible for making certain that the Board is fully informed of all pending legal matters and legal issues affecting the Department.

Individual Board members may obtain general legal information directly from the General Counsel's Office. The Commissioner will be kept informed of the essence of conversations between Board members and General Counsel's staff, except when such staff is representing the Board in a contested case in which the Commissioner is party, or as otherwise directed by the Board. When requested, the General Counsel's Office will outline the strongest legal arguments on each side of an issue before the Board for any Board member.

Board Action History

- 12/10/76 – Prior LDCC
  (Attorney General Relations)
- 12/7/84 – Prior 9125 BOP
  (Renumbered LDCC, text unchanged.)
- 12/8/95 – Prior B4
  (Complete revision, adding details about Attorney General opinion requests and role of General Counsel's Office.)
- 5/12/00 – Prior B4
  (Added additional details about Attorney General opinion requests.)
- 9/7/06 – B4
  (Replaced Agency Legal Counsel title with General Counsel.)
- 11/06/2015 – B4
  (Attorney General's position of issuing opinions on questions posed by the entire Board, not from Individual Board members.)

Cross-References

- 84-205 – Attorney General Opinions.

Bylaw: Board Committees

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/or recommendation. Standing Committees of the Board will 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 Commissioner of Education may request an opinion from a Standing Committee regarding a proposal he is preparing for recommendation to the State Board. Committees shall undertake specific tasks upon approval of the State Board or the Board President. Committees may present proposals to the Board or the Board President to be designated as priority activities for their committee.

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

Board appointments to the Standing Committees will be made by the Board President. Requests for membership on the committees may be made by individual Board members. The Committee chair will be appointed by the Board President. The Board President serves as an ex-officio member to all committees. Each standing committee shall be assigned Nebraska Department of Education staff to assist and/or advise the committee. The Commissioner of Education will assign staff.

Policy Committee

The Policy Committee may be directed to review proposed policies, bylaws or position statements of the Board and report their review or make recommendations for revisions to the Board. The Committee may be requested to develop policy, bylaw or position statement proposals for consideration by the Board.

The Policy Committee shall be given the additional responsibility to review the budgets for the NDE Trust Funds. The proposed budget for the Trust Funds shall be approved by the Board.

The Policy Committee develops recommendations related to strategic planning and State Board development activities.

Legislative Committee

The Legislative Committee shall be given the specific responsibility of reviewing legislative proposals and making recommendations to the Board for possible action. The Committee shall also be charged with advising the Commissioner on legislative matters at times when the Board is unable to meet or when emergency issues arise.

Commissioner's Appraisal

The Appraisal Committee shall, when directed by the Board or the Board President, review or recommend policies and procedures for the review of performance of the Commissioner of Education. Proposals for procedures and instruments to review the performance of the Commissioner of Education shall be approved by the Board. Any Board Member may request a copy of the current appraisal instrument from the Commissioner's Office.

AQuESTT Teaching and Learning Domain Committee	The AQuESST Teaching and Learning Domain Committee may be directed to advise and make recommendations to the Board for possible action in connection with College and Career Readiness, Assessment, and Educator Effectiveness tenets.
AQuESST Student Success and Access Domain Committee	The AQuESST Student Success and Access Domain Committee may be directed to advise and make recommendations to the Board for possible action in connection with Positive Partnerships, Relationships and Student Success; Transitions; and Educational Opportunities and Access tenets.
Budget and Finance Committee	The Budget and Finance Committee may be directed to advise and make recommendations to the Board for possible action in connection with the Department budget and finance proposals.

Ad Hoc Committee

Ad hoc committees may be appointed by the President or by the Board, as the need arises. Ad hoc committees are formed to carry out specified tasks. After the committee presents its final report to the Board, the committee will disband unless the President and/or Board gives new direction.

Board Action History

- 8/19/77 – Prior BBC
  (Discussed temporary committee appointments, actions not biding 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.)

Cross-References

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

Task Forces and Advisory Committees or Councils

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

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

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.)

Cross-References

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

Reimbursement For Expenses

Actual and essential 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 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:
   Actual and essential 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 should be limited to two (2) Board members at any one national meeting. Additional members may attend if their expenses are covered by NASBE or another organization, or if there are circumstances that warrant permitting additional members to attend and such attendance is approved by the Board.

   C. Attendance at any out-of-state event must be approved by the Board. Actual and essential expenses for authorized trips that have been approved by the Board will be reimbursed. For any out-of-state 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.

G. Board members living less than 50 miles away from a one-day meeting or event may not receive reimbursement for lodging unless there are extenuating circumstances such as weather or health reasons.

H. Actual and essential expenses and mileage will be reimbursed.

3. Reimbursement for other actual and essential expenses: Reimbursement for other expenses is authorized for: phone, postage and other expenses incurred in connection with statutory duties as a Board member. An itemized statement must accompany every request for reimbursement.

4. Reimbursement amounts will be based on I.R.S. Guidelines at www.gsa.gov. and in so far as practicable on the Department's Administrative Memo #205. I.R.S. Reimbursement Guidelines may be exceeded with a written explanation and approval of the Board President. No reimbursement will be made for alcoholic beverages or for entertainment.

5. Reporting Expenses:
Monthly the Board will receive an itemized report on all expenses, except for Board meetings.

6. Board Member Reports
   Board members will provide a brief report to the Board on meetings that they have attended.

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

8. 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.)

Cross-References

- 79-317(3) – Reimbursement of State Board members' expenses.
- State Board Policy D12, Ethics/Accountability & Disclosure

Policy, Bylaw, and Position Statement Development

The State Board may change its existing policies, bylaws or position statements or adopt new policies, bylaws, or position statements at any time, on its own motion or upon recommendation by the Commissioner.

All State Board policies, bylaws and position statements shall be included on the State board's webpage.

All State Board policies, bylaws and position statement are to be reviewed by the Board every four years and the Commissioner will recommend a subsequent review date when each new policy is proposed.

The State Board's general education policies or position statements (designated by the letter "G") shall expire four years after their adoption, revision, or reaffirmation unless revised, reaffirmed, or rescinded by the State Board prior to expiration.

The State Board's procedural bylaws (designated by the letter "B") and the State Board's internal policy directives (designated by the letter "D") shall remain in full force and effect until amended or rescinded by the State board.

The General Counsel will review all Board policies, bylaws and position statements annually for compliance with state law.

All State Board resolutions, except those honoring an individual, shall contain an expiration date.

Board Action History

- 12/10/76
  Prior BD-1 (Statement of Board authority and foremost consideration.)
  Prior BDA-2 (Systematic procedures for policy adoption.)
  Prior BDE-2 (Annual policy review.)

- 12/7/84 – Prior 9311 BOP
  (Replace 1976 policies with statement that Board can change or adopt policies at any time.)

- 12/8/95 – Prior B8
  (Added 5-vote requirement and 3-year minimum review.)

- 6/7/02 – Prior B8
  (5-vote requirement deleted.)

- 9/7/06 – B8
  (Added references to bylaws and position statements, changed 3 to 2 year reviews, added annual General Counsel law review.)

- 10/6/10 – B8
  (Changed 2 to 4 year reviews and clarified expiration dates of policies, bylaws and position statements approved by the State Board.)

- 04/13/12 – B8
  (Added references to revision, reaffirmation and rescinding a current policy, bylaw or position statement.)

Cross-References

- 79-301(2) – The State Board's duty to form policy.

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

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.

Bylaw: Special Meetings, Emergency Meetings and Any Meetings Held by Videoconferencing

Special meetings of the Board may be called by the President upon written notice as provided in B11, 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 meeting 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.

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 provisions of 84-1411(2) when meeting by means of videoconferencing. No more than one-half of the State Board's meetings in a calendar year may held by videoconferencing.

Board Action History

- 12/10/76 – Prior BCAC
  (Special meetings)
- 3/11/77 – Prior BC
  (Meeting statutes)
- 3/1/78 – Prior BCBB
  (Meeting notification)
- 7/2/79 – Prior BCAF
  (Work sessions)
- 12/7/84 – Prior 9320 BOP
  (Replaced prior policies and covered special meetings and work sessions.)

Board Action History (cont'd)

- 12/8/95 – Prior B10
  (Dropped work session references and added Board will comply with Public Meetings Law.)
- 6/7/02 – Prior B10
  (Added emergency meeting reference.)
- 10/3/02 – Prior B10
  (Added videoconferencing references.)
- 9/7/06 – B10
  (No text change.)

Cross-References

- 84-1407 to 84-1414 – Open Meetings Act.
- 79-317(1) – Special Meetings.

Bylaw: Board Meeting Notification for Regular Meetings

By statute, the State Board shall meet regularly and periodically in the office of the State Department of Education at least four times annually. The State Board will hold regular meetings on the first Thursday and Friday of each month except the months of July and January. In January the State Board will meet on the first Thursday and Friday following the first Monday of the month. The State Board will not hold a regular meeting in July. The time of meetings will be set by the Board President.

The State Board shall give reasonable advance publicized notice of the time and place of each meeting 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 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.

In addition to regular meetings, special and emergency meetings may be held as provided in B10.

Board Action History

- 12/10/76 – Prior BCBA
  (Cited statutes)
- 12/10/76 – Prior BCBJ
  (Notice distribution)
- 3/11/77 – Prior BCAB
  (Cited statutes)
- 3/1/78 – Prior BCBB
  (Notice distribution)
- 12/7/84 – 9321 BOP
  (Cited statute requirement; rescinded earlier policies.)

Board Action History (cont'd)

- 12/8/95 – Prior B11
  (Added methods of notice)

- 6/7/02 – Prior B11
  (Added 5-day advance notice for regular meetings, changed newspaper to website notice, and referenced B10 for emergency and special meetings.)

- 10/3/03 – Prior B11
  (Changed time of year for setting meeting. Added additional notice distribution provision.)

- 9/7/06 – B11
  (Added November meeting requirement)

- 10/8/09 – B11
  (Removed requirement that the State Board meet the first week of June and December each year, consistent with LB 549 [Laws, 2009].)

- 4/8/14 – B11
  (Specific regular meeting schedule established.)

Cross-References

- 79-1336(4) and (5) – At its November meeting the State Board must hear appeals relating to school district and ESU reimbursements and repayments for distance education equipment.

- 79-317 – State Board Meetings.

Public Participation at Board Meetings

The State Board of Education recognizes its obligation to help citizens of the state 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 citizen participation in the meetings of the Board.

The published agenda of every regular meeting 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.

Each individual speaking to the Board will be required to complete a "Sign-in" card to identify him or herself. Persons speaking to the Board during Public Comment may hand out printed materials to the Board but may not use any other form of media. Each person may address the Board for up to five minutes.

Any citizen or spokesperson for a group of citizens may request a 10 minute special appearance before the State Board of Education to take place on the first or second day of any regular meeting of the Board except when the Board declares itself to be in executive session. Requests for special appearances must be made in writing to the Commissioner of Education or a Board members and received no later than 5:00 p.m. Central Time at least three business days prior to the first day of the meeting in order to permit such appearance to be placed on the published agenda. Pursuant to Board Policy B11, the first day of the Board's regular meetings occurs on the first Thursday of each month except for the months of July and January. In January the first day of the Board's regular meeting occurs on the first Thursday after the first Monday of the month. The Board does not hold a regular meeting in July. Requests for special appearances may be granted or denied at the sole discretion of the Commissioner. Individuals whose requests for special appearances are denied may instead speak during Public Comment Period as provided in this Policy.

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 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. Anyone refusing to be identified will be prohibited from speaking.

A Board member may request of the Chair a point of clarification in regard to a speaker's comments.

The Board President may designate agenda items where public comment may be taken on that agenda item. Fifteen minutes may be allowed for such comment on each designated item.

The Board President may also choose to allow public comment at any time during a meeting. A majority of members present and voting may also choose to allow, terminate or reduce the time for public comment at any time.

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.)

Cross-References

- 84-1412 – Public participation.
- 79-317(2) – Public participation.
- State Board Policy B11, " Board Meeting Notification for Regular Meetings"

Bylaw: Agenda/Meeting Material For Regular Meetings

The agenda is developed by the Commissioner in consultation with the Board President and will contain any item requested by individual Board members.

The Commissioner of Education shall prepare and submit by e-mail to each member of the State Board prior to each meeting of the State Board an advance copy of the agenda, outlining matters to be considered by the State Board and such other materials as members have requested be included for consideration.

Consent Agenda

1. Purpose

   a. To group routine non-controversial items that do not need discussion for single 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 contracts of $25,000 or more and to review contracts with public employees of $2,000 or more.

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 adoption of the agenda. The item will then be considered independently and after the approval of the consent agenda. If a work session is held, time will be provided to identify items for removal from 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.

Agenda Amendment

The agenda will be e-mailed at least seven calendar days prior to the meeting. Following the mailing of the agenda, the Board President may approve adding non-emergency items to the agenda upon the request of the Commissioner or any Board member, so long as the addition is made at least 24 hours prior to the meeting. The Commissioner's Office shall maintain an updated agenda available to the public and shall attempt to mail or fax such changes to the Board. 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.

Board Action History

- 12/10/76 – Prior BBABA
  (Agenda development)
- 6/1/79 – Prior BCBD
  (Agenda preparation and consent agenda – No copy available of prior version.)
- 12/7/84 – Prior 9121 BOP
  (Renumbered BBABA)
- 12/7/84 – Prior 9323 BOP
  (Renumbered BCBD and added reference to emergency items and contract approval.)
- 12/8/95 – Prior B13
  (Combined prior policies, added ¾ members present approval for adding emergency items allowed by state law, and addition of non-emergency items up to 24 hours before meeting.)
- 5/7/99 – Prior B13
  (Added 2-stage consent agenda approval and changed to majority present approval for emergency additions.)
- 6/7/02 – Prior B13
  (Title change, regular meetings)
- 12/5/03 – Prior B13
  (Deleted 2-stage consent agenda process)
- 9/7/06 – B13
  (Increased contract review from $10,000 to $25,000. Minor wording changes.)

Cross-References

- 49-14,102 – Contracts of $2000 or more.
- 84-1411 – Agenda.
- D6

Bylaw: Parliamentary Procedure/Rules of Order

The State Board shall observe the current edition of Robert's Rules of Order Newly Revised except as otherwise provided by State Board regulations, statute, or policy, or when suspended by majority vote of the Board at any time.

Copies will be provided to all Board members.

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

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)

Cross-References

- 84-1413(2) – Roll call vote.

Bylaw: Minutes

The Board must record the minutes of all meetings. 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. Board members making a statement to be recorded in the minutes shall include the words "for the record." Votes to organize the Board may be taken by secret ballot, but the minutes must indicate how many votes each candidate received. All Board minutes are public records and must be open for public inspection on the NDE website during normal business hours. Minutes shall be written and available for inspection within ten working days, or prior to the next convened meeting, whichever occurs earlier.

Secretary of the Board

As Secretary of the State Board of Education, the Commissioner of Education 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 the minutes for dissemination.

The Commissioner shall ensure that minutes record accurately 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 purposes 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 records a copy of the meeting agenda, support materials, and items distributed at the meeting.

Board Action History

- 7/1/80 – Prior BCBH
  (No copies available of prior version)
- 12/7/84 – Prior 9326 BOP
  (Renumbered)
- 12/8/95 – Prior B15
  (Renumbered)
- 2/2/01 – Prior B15
  (Changed provision for member statements and added secretary section.)
- 10/3/03 – Prior B15
  (Added website reference)
- 9/7/06 – B15
  (Same Bylaw text)

Cross-References

- 84-1413 – Minutes.

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)

Cross-References

Hearing Officers

When a contested case is of such anticipated length or complexity that the use of a hearing officer by the Board is advisable, a recommendation for the appointment of a hearing officer shall 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.

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)

Cross-References

- 84-901(5)

Political Activities/Use of Resources

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])

Cross-References

- 49-14,101.01
- 49-14,101.02
- 49-14,101.03
- State Board Policy D12 and Bylaws B20 and B21

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.

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.)

Cross-References

- State Board Policies D2 and B21

Computer Equipment/Internet Access and Electronic Mail Acceptable Use

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 other state agencies, units of government, citizens, advisory committees or professional associations related to the Board member's duties and responsibilities.

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 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.

7. 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.

8. To advertise a product or services on behalf of self or others.

9. To use NDE computer equipment/Internet access/electronic mail for recreational games or personal shopping.

10. 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.

11. 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)

Cross-References

- 49-14,101.01(2)
- 49-14,101.01(3)
- State Board Policy D12 and Bylaws B18 and B21

Bylaw: State Board Member Code of Conduct

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 B19; and respect the line and staff relations of Department employees as specified in Policy D2;
- 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 B2 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 B20 regarding acceptable use of Department computer equipment, Internet access and electronic mail; Policy B7 regarding Board Member expenses; and Policy D12 regarding ethics and accountability and disclosure.

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 B7, 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.)

Cross-References

- 79-301(2) – Board role.
- 79-301(3) – Commissioner's role.
- State Board Bylaws B2, B7, B18, B19 and B20
- State Board Policies D2 and D12

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 B21) 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)*

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.

DEPARTMENT OPERATIONS

Topic	Number	Date
Political Activities/Use of Resources	D1	10/08/09
Line and Staff Relations	D2	11/3/06
Delegation to Commissioner	D3	10/08/09
Personnel Policies/State School Policies/Administrative Memos	D4	10/08/09
(Reserved for Future Use)	D5	--------
Contracts, Grants, and Purchases	D6	9/07/06
Professional Personnel Hiring	D7	10/08/09
Teaching Certificates	D8	11/3/06
(Reserved for Future Use)	D9	--------
(Reserved for Future Use)	D10	--------
Trust Funds	D11	11/3/06
Ethics/Accountability & Disclosure	D12	09/05/14
Audits of the Nebraska Department of Education	D13	11/3/06

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].)

Cross-References

- 49-14,101.01
- 49-14,101.02

Line & Staff Relations

Professional staff members have no direct administrative relations with the State Board. The relationships of the Deputy Commissioner and the staff with the State Board are through the Commissioner. Staff members report first to their Leadership Council member, then to the Commissioner, and then 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)

Cross-References

- 79-301
- 79-305
- 79-306
- 79-318

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.

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].)

Cross-References

- 79-301
- 79-305
- 79-306
- 79-318

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.

The State 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.

Labor Negotiations

The Commissioner shall act as representative of the State 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 Unit 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.

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.)

Cross-References

- 79-306
- 48-1004
- 48-1104
- 93 NAC 1-16

Contracts, Grants and Purchases

The State Board shall review and approve any contract, purchase, or competitive grant of $25,000 or more.

The Commissioner of Education shall periodically provide the Board with a list of competitive grants and contracts of less than $10,000. Each month the Commissioner shall provide the Board with a list of contracts between $10,000 and $25,000 approved the preceding month.

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)

Cross-References

- 79-301
- 79-305
- 79-306
- 79-318
- 79-319

Professional Personnel Hiring

The State Board shall, upon the recommendation of the Commissioner of Education, appoint and fix the compensation of all professional staff members, as provided in Section 79-318(3) R.R.S.

The Commissioner may approve employment of persons hired as replacements in the interim between Board meetings. These appointments are still subject to Board approval at the subsequent Board meeting.

Board Action History

- 12/10/76 – Prior GBD
  (First paragraph only)
- 12/7/84 – Prior 4112 DO
  (Added 2nd paragraph)
- 12/8/95 – Prior D7
  (Added statute reference to 1st paragraph)
- 6/11/99 – Prior D7
  (Statute number changed)
- 11/3/06 – D7
  (No text change)
- 10/08/09 – D7
  (Amended to include additional requirement in 79-318(3) that the State Board also fix the professional staff members' compensation. The Board follows the practice; but the requirement was not included in policy.)

Cross-References

- 79-305
- 79-306
- 79-318(3)

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, the Commissioner of Education shall proceed to file or to have filed 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, a draft order consistent with the recommendation of the PPC to the Board shall be submitted. The Commissioner and respondent may also submit orders reflecting their individual recommendations.

In non-public certificate cases in which the Board has appointed a hearing officer, the hearing officer shall submit a draft 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")

Cross-References

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

Policy: 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)

Cross-References

- 79-318(15)

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, the Commissioner, and staff shall seek 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 General Counsel's Office.

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 it he 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 monitory 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)

Cross-References

- 49-1401 et seq.
- 49-1499.02
- 49-14,100
- 49-14,101.01
- 49-14,102
- State Board Bylaw B20

Policy: Audits of the Nebraska Department of Education

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:

- 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)

Cross-References

- 79-301
- 79-305
- 79-306
- 79-318

GENERAL EDUCATION POLICY STATEMENTS

Topic	Number	Date of Adoption/Revision/ Reaffirmation	Date of Expiration
Nondiscrimination and Equal Educational Opportunity in Schools	G1	03/06/15	03/06/19
Accountability for a Quality Education System, for Today and Tomorrow (AQuESTT)	G2	10/02/15	10/02/19
Reading/Writing	G4	04/03/15	04/03/19
Policy for School Counseling	G5	10/02/15	10/02/19
Policy for Virtual Education	G6	11/09/12	11/09/16
Expanded Learning Opportunities	G7	09/06/13	09/06/17
Policy for Developing Global Competence	G8	11/06/15	11/06/19
Anti-Bullying	G11	12/04/15	12/04/19
American Sign Language	G18	10/02/15	10/02/19
Standards, Assessment, and Accountability (SAA) Belief Statements	G19	11/09/12	11/09/16
Model Policy to Prevent Dating Violence	G20	06/07/13	06/07/17
Policy for Coordinated School Health	G21	04/09/13	04/09/17
Policy on Data Access and Use	G22	01/07/14	01/07/18

Nondiscrimination and Equal Educational Opportunity in Schools

The State Board believes that all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, sex, or national origin. The same policy has been adopted by the Congress of the United States at 20 U.S.C. 1701. In addition, the Nebraska Legislature has declared, at Section 79-2,116 R.R.S., that it shall be an unfair or discriminatory practice for any educational institution (as defined in Section 79-2,115 R.R.S.) to discriminate on the basis of sex in any program or activity.

The State Board further believes that all resident children with disabilities are entitled to special education programs and transportation. The Nebraska Legislature, at Section 79-1127 R.R.S., requires the board of education of every school district to provide or contract for such programs.

Board Action History

- 12/10/76 – Prior JA
  (Equal educational opportunity for students statement mentoring: race, color, creed, place of residence, or physical or mental handicaps.)
- 12/7/84 – Prior 0521GP
  (Renumbered)
- 12/8/95 – G1
  (Revised to reference federal law section.)
- 09/05/2008 – G1
  (Revised)
- 03/06/2012 – G1
  (Reaffirmed 3/6/2012)
- 03/06/2015 – G1
  (Reaffirmed 3/6/2015)

Cross-References

- 20 U.S.C. 1701
- 79-2,116
- 79-1127

Policy for Nebraska State Board of Education Accountability for a Quality Education System, for Today and Tomorrow (AQuESTT)

Since 1953, the State Board of Education, acting as a unit, has been the policy-forming, planning, and evaluative body for the state school program (Neb. Rev. Stat. §79-301-(2)). Although the Nebraska Legislature has over the past sixty years set forth numerous duties for the State Board to act, it is still the responsibility of the State Board to take each of those prescribed duties and set forth policy, planning and evaluation systems to ensure that Nebraska's school program is the best it can be.

Building an Accountability System is literally, the least we can do. The State Board believes that the opportunity to integrate components of accountability, assessment, accreditation, career education, and data into a system of school improvement and support is imperative for the good of Nebraska students and for the state to have a vibrant and economically successful future. It is upon this foundation that the policy of Accountability for a Quality Education System, Today and Tomorrow (AQuESTT) is created.

The State Board believes that AQuESTT include tenets that ensure:

- Every student upon completion of the secondary education shall be prepared for post-secondary education opportunities and to pursue their career goals;
- Results of multiple assessment sources (national, state, and classroom-based) should be used to measure student achievement of college and career ready standards and be used as an integral part of the instructional process;
- Student engagement through positive partnerships and relationships are fundamental to successful school and districts, and the State Board seeks to support schools and districts to implement best practices in student, parent/guardian and community engagement to enhance educational experiences and opportunities;
- Students be surrounded by effective educators throughout their learning experiences such that school and districts develop effective teachers and leaders that establish a culture of success;
- Quality educational opportunities focus on supports for students transitioning between grade levels, programs, schools, districts, and ultimately college and careers; and
- All students should have access to comprehensive instructional opportunities to be prepared for postsecondary education and career goals.

AQuESTT will serve as a blueprint of continuous improvement for each school and district as they are annually recognized and classified as Excellent, Great, Good, and Needs Improvement based on identified statutory criteria, and other evidence of activities of schools and districts to improve student achievement. AQuESTT must be fair, transparent, sensitive to change, and be able to support improvement in schools, districts, and the Nebraska Department of Education to increase achievement for all Nebraska Students.

Board Action History

- 10/2/2015 – State Board adopts policy

Cross References

- 92 NAC 10 (Rule 10)

State Board of Education Policy on Reading and Writing

Effective reading and writing skills are essential to success in school and success in life. Therefore, the State Board of Education supports and encourages state and local efforts to help all students become successful readers and writers. The Board encourages persons closest to the child, including parents, teachers, and other educators, to assume responsibility for creating conditions to support successful readers and writers. The Board encourages local school districts to establish policies that are mindful of the critical role of reading and writing instruction.

The Board further encourages local school districts to establish a policy that recognizes the importance of providing children with reading and writing skills based both on the structure of language and the meaning of language in context. Establishing an early foundation for effective reading and writing is one of the most important functions of schools. Schools should teach systematic phonics in grades K-2. In addition, schools should teach knowledge of print, word analysis, fluency, vocabulary, comprehension, and the writing process including spelling, grammar, punctuation and capitalization. Students should read and write extensively across all content areas to develop and apply their reading and writing skills through grade 12. Local policy should encourage approaches that are based on the needs of the student and should include emphasis on appropriate strategies that recognize the developing skills of the student.

The Board supports teacher training and ongoing professional development in the core components of reading and writing instruction including systematic phonics and the use of a variety of skills and techniques for teaching children to read and write. The Board will promote state level efforts that help schools meet standards for reading and writing.

Board Action History

- 6/7/02 – G4 (NEW)
  (Based on policy statement adopted 10/11/97.)
- Policy statement revised 10/06/11
- Policy statement revised 04/03/2015

Cross-References

- 92 NAC 10
- 92 NAC 14
- 92 NAC 24

Policy for School Counseling in Nebraska

The State Board of Education encourages schools to implement a system wide K-12 developmentally appropriate school counseling program to help establish positive learning environments for all students. The program supports social/emotional development and teaches the knowledge, skills and behaviors essential for student academic and career achievement.

The Board further encourages programs be directly based on ASCA-American School Counselor Association national model, informed by data, and aligned to the Nebraska Career Readiness standards. As students progress from grade to grade, programs provide leadership to deliver a planned sequence college and career counseling and advisement opportunities for all students which engages parents, district faculty, and the community. Counseling and advisement includes career exploration, understanding of postsecondary options, developing individual learning plans plus additional evidence-based strategies to increase student access to higher education and increase successful student transitions to college and careers.

The Board supports professional development for school counselor to use data and measure student results of an effective school counseling program. Specific training on college and career counseling and advising is highly encouraged as our economy, labor market information and career preparation is in constant change.

The role of the professional school counselor should be to:

Design and implement a comprehensive school counseling program for all students including college and career counseling and advisement;
Teach, monitor student data and plan closing-the-gap activities for increased achievement of all students;
Provide leadership to accomplish the school district's mission and school improvement plan; and
Report and interpret students' results in achievement, attendance and behavior; and
Provide responsive services, including small group or individual counseling as necessary.

The State Board of Education emphasizes that school counselors are bound by the same requirements for confidentiality and parental access to, and the same restrictions on release of, student information that apply to other school personnel. These restrictions and requirements include those contained in the Family Educational Rights and Privacy Act, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and Nebraska Revised Statute 79-2,104.

Board Action History

- 2/10/80 – PRIOR JE
  (Previous Student Guidance Program Policy repealed when 1984 Policy Manual was adopted.)
- 6/7/02 – G5 (NEW)
  (Based on policy statement adopted 10/8/99)
- 5/5/2011 – Board reaffirmed policy
- 5/8/2015 – Board reaffirmed policy
- 10/2/2015 – Board revised and adopted

Cross-References

- 92 NAC 10
- 92 NAC 14
- 92 NAC 21
- 92 NAC 24
- 92 NAC 51
- G6
- 34 CFR 99 (FERPA)
- 34 CFR 104.36 (§504)
- 34 CFR 300.610 – 300.627 (IDEA)
- Neb.Rev.Stat. 79-2,104

AQuESST Tenets

- Positive Partnerships, Relationships, and Student Success
- Transitions
- Educational Opportunities and Access
- College and Career Ready
- Effective Educators

Policy for Nebraska Virtual Education

The State Board of Education believes that the use of virtual education can provide quality learning opportunities for all Nebraska students.

For the purposes of this Policy, the State Board defines "virtual education" as those courses and related activities which are realized or carried out chiefly in an electronic medium with access to learners regardless of location and which are broadly available through synchronous, asynchronous or blended delivery models.

The State Board of Education supports the development and implementation of a statewide system coordinating virtual education offered by and through school systems that promotes effective instructional and assessment practices and creates an environment resulting in high quality educational achievement. The State Board of Education also supports the development and implementation of effective virtual education courses that meet accreditation and graduation requirements. In order for such development and implementation to occur, the State Board believes that the following access and quality elements need to be in place:

ACCESS ELEMENTS

- A statewide clearinghouse of courses and learning resources to make options known to school systems and learners.
- The technology and infrastructure required to support effective virtual education offered by and through school systems.
- A range of courses that provide affordable access to instructional programs that otherwise would not be available or can be provided on a more cost effective basis.
- Incentives that encourage Nebraska school systems and certificated teachers to develop and deliver high-quality courses which meet the needs of Nebraska's learners.

QUALITY ELEMENTS

- Quality course content determined and maintained through:
    - Statewide leadership working collaboratively with stakeholders to implement effective and research-based instructional designs for course creation and delivery.
    - The involvement of educators who are qualified in accordance with Nebraska statutes and regulations and who align rigorous expectations with Nebraska content standards, graduation requirements, and accreditation and accountability requirements.
    - Individual course review completed by a local committee as required in Nebraska Department of Education Rule 10 (Section 004.04D2b), or by a statewide committee for approved courses maintained in a statewide clearinghouse.

- Quality teaching promoted and maintained through:
  - The development of Nebraska Virtual Education Standards (NVES), which define effective virtual educational pedagogy and instructional practices.
  - A system of pre-service and in-service educator development based upon the NVES to develop knowledge and skills for effective virtual instruction.
  - A procedure to document educator knowledge and skills related to effective teaching in virtual environments.

Board Action History

- Policy statement adopted 11/09/2012

Cross References

- 92 NAC 10 (Section 004.04D2b)

Policy for Expanded Learning Opportunities

The Nebraska State Board of Education believes that in order to help prepare future generations of Nebraska youth for success in life, Nebraska's schools, families and communities must work together to provide multiple opportunities for healthy growth, development and academic success.

The Nebraska State Board of Education recognizes that the traditional school calendar does not fit all students' needs. The typical school day may not provide adequate time for students needing additional educational and enrichment opportunities in order to experience academic success; particularly students who are limited English proficient, live in poverty, or those who may start the school year learning below their grade level. Quality Expanded Learning Opportunities (ELO) programs build on, support, and enhance learning during times when students are not in school (before and after school, weekends, and summer) are, therefore, a critical component of Nebraska's educational landscape and one that should be intentionally supported and developed in communities across our state.

Quality expanded learning principles include the following:

- School-community partnerships and resource sharing
- Engaged learning
- Family engagement
- Intentional programming aligned with the school day program
- Diverse, prepared staff including certificated educators
- Participation and access
- Safety, health, and wellness
- Ongoing assessment and improvement

Elements adapted from Afterschool Alliance
www.afterschoolalliance.org

The Board, therefore, encourages Nebraska school district partnerships with community stakeholders to adopt a vision for quality expanded learning opportunities.

Board Action History

- Policy statement adopted by the State Board 9/6/2013

Nebraska State Board of Education Policy Statement for Developing Global Competence

Global competence is the capacity, knowledge, skills, and disposition to understand, analyze, and act on global opportunities and challenges. The educational objectives for Nebraska students should include global competence to better understand the cultural, economic, and military interaction and interdependence among people, states, and nations. It is imperative for students to have a current and historical knowledge of the civilizations and cultures of the world. Through a better understanding of themselves and others, with respect for and recognition of the values and heritage of the United States, students will be prepared for successful participation in an interconnected world.

Board Action History

- Policy statement adopted 8/10/2012
- 11/06/2015 – G8
  (Revised language and added AQuESST references.)

Cross-Reference

- AQuESST Tenets: Positive Partnerships, Relationships & Student Success
  Educational Opportunities and Access
  College and Career Ready
  Educator Effectiveness

Nebraska State Board of Education Policy: Anti-Bullying

The State Board of Education believes that Nebraska schools should provide physically safe and emotionally secure environments for all students and staff sustained through relationship building among staff, students, and community. It is the goal of the State Board of Education, through this policy, to support behavior leading to positive learning and teaching environments.

The State Board defines positive behaviors as those which promote respect, cooperation, empathy, tolerance, courtesy, self-regulation, non-violence, and relationship building, toward all students and staff in the learning and teaching environment.

Bullying, as per Nebraska Statute §79-2,137(2) means ". . . any on-going pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events." The Board further emphasizes bullying as any written, verbal, physical, and/or electronic action that is repetitive, involves an imbalance of power, and has intent to harm physically or emotionally.

The State Board of Education supports annual reviews of established local prevention policies including strategies to emphasize respect, responsibility, relationships, empathy, and boundaries as positive behaviors that promote a safe and secure learning environments. Local school policies for the prevention of bullying/cyberbullying, intimidation, or harassment should include the following information for students and staff.

- signs and symptoms exhibited by recipients;
- awareness of the positive or negative influence of bystanders;
- strategies to support recipients;
- methods of responding to recipients and instigators;
- tactics to de-escalate incidents; and,
- application of positive behavior to influence incidents.

The Department of Education will continue to make information available in regard to evidence-based strategies and practices for the advancement and implementation from model policies to local policies. The Department will also disseminate information that promotes state level efforts to assist schools in achieving positive environments.

Board Action History

- Policy statement adopted 2/7/2003 and reaffirmed 12/9/05
- Board reaffirmed policy 9/8/2011
- Board reaffirmed policy 9/4/2015
- Board revised and adopted 12/4/2015

Cross-References

- 92 NAC 10
- Neb. Rev. Stat. 79-2,137
- Neb. Rev. Stat. 79-267(8)
- Neb. Rev. Stat. 79-2,144(10)
- Neb. Rev. Stat. 79-725
- Neb. Rev. Stat. 79-726
- AQuESST Tenets: Positive Partnerships, Relationships & Student Success
  Educator Effectiveness

Nebraska State Board of Education Policy on American Sign Language

American Sign Language (ASL) is a visual/spatial language with its own specific organization, structure, and grammar. ASL is used as the primary mode of communication for many people who are Deaf or hard of hearing and is part of a rich and distinctive Deaf culture that has its own history, arts, and customs. Therefore, the Nebraska State Board of Education supports the recognition of ASL as a national language.

There are many benefits to offering American Sign Language to our students. Students develop both expressive and receptive competency, allowing them to better communicate with others who use ASL. Increased exposure to ASL encourages integration of the deaf and hearing communities and stimulates interest in careers involving deafness, specifically sign language interpreting and deaf education.

The Department of Education will continue to ensure that local school districts understand that ASL is recognized as a national language in Nebraska. Therefore, students taking ASL courses may receive world language credit. Students may be able to fulfill language requirements for admission to postsecondary institutions through ASL courses subject to and in accordance with the requirements of those institutions.

The Department will continue to offer an appropriate endorsement in ASL to prepare teachers to provide instruction in that language. The Department also encourages collaboration with postsecondary institutions to develop or enhance programs to offer the necessary coursework.

Board Action History

- Policy statement adopted 6/7/06.
- 03/06/2012 – G18
  (Revised)
- 10/02/2015 – G18
  Reaffirmed

Cross-References

- 92 NAC 10
- 92 NAC 24

Standards, Assessment, and Accountability (SAA) Belief Statements

The Nebraska State Board of Education believes:

1. The primary purpose of standards, assessment, and accountability is to improve learning for all students.
2. The engagement, professionalism, and expertise of administrators and teachers are critical to building standards, assessment, and accountability systems.
3. Standards define what all students should know and be able to do at specified grade levels as a result of instruction.
4. Standards provide equity by defining the knowledge and skills that all students will master.
5. Standards represent both content mastery and the application of higher order thinking skills.* Assessments measure both content mastery and the application of these skills.
6. Student mastery of the state standards forms the basis for determining progress in student achievement.
7. The results of multiple assessment sources (national, state, and classroom-based) should be used to measure student achievement and be used as an integral part of the instructional process.
8. Districts will conduct an annual analysis of student achievement and the district process for continuous improvement.
9. As annual report of student achievement should be shared in a collaborative conversation with parents, community, and all stakeholders with accurate, complete and easily understandable explanations and interpretation of results.
10. Districts will be involved in a continuous improvement process to improve learning for all students.
11. The continuous improvement process should include professional development for all staff members, administrators, and school board members that are focused on curriculum, instruction, assessment and accountability.
12. Districts will be accountable for improving student learning.
13. A state comprehensive accountability system will include student performance information and school and community-based indicators that directly support and impact student performance.
14. Accountability systems will be improved and refined over time.

*Higher order thinking skills include but are not limited to problem solving, and accessing, analyzing, synthesizing and communicating information.

Additional Notes: Standards are numbered for purposes of discussion and are not prioritized. The intended audience for these belief statements includes the State Board, the Department of Education, Schools Districts, and the public

Board Action History

- Policy statement adopted 9/2/2009
- Policy statement reaffirmed 11/9/2012

Cross-References

- 92 NAC 10

Nebraska State Board of Education Model Policy to Prevent Dating Violence

(School District Name), provides physically safe and emotionally secure environments for all students and staff. Positive behaviors are encouraged in the educational program and are required of all students and staff. Inappropriate behaviors, including but not limited to, dating violence, will not be tolerated and must be avoided by all students and staff.

Pursuant to Section 79-2,140, the Legislature has defined (a) "dating violence" to mean a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner; and (b) "dating partner" to mean any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or long term.

Strategies and practices are implemented to reinforce positive behaviors and to discourage and protect others prom inappropriate behaviors. Dating violence training, as defined by Section 79-2,141(4), shall be provided to staff deemed appropriate by the administration. The administration will be responsible for reviewing the school district's Student Code of Conduct to insure that this policy is reflected therein.

Board Action History

- Policy model adopted 2/1/2010
- Policy reaffirmed by State Board 6/7/2013

Cross-References

- 92 NAC 10
- 79-2,140
- 79-141(4)

Nebraska State Board of Education Policy for Coordinated School Health

The Nebraska State Board of Education believes that education and health are inextricably intertwined. Healthy children learn better; children must be healthy mentally, physically, and socially. To achieve maximum success schools, families and communities must work together. A coordinated school health approach, designed to coordinate services and emphasize partnerships, will promote the physical, social, and cognitive development of children leading to increased academic success.

Preventable health risk behaviors formed in childhood persist into adulthood and are frequently interrelated. The Nebraska State Board of Education believes that the education system, in partnership with families and communities, should work together to address these health risk behaviors which, if left unattended, can lead to serious health problems and disabilities that are costly on families and the entire state of Nebraska.

The Board believes coordinated school health positively impacts student academic achievement and empowers students with knowledge, skills, and judgment essential to help them make healthy and responsible choices in life. The Board, therefore, encourages each Nebraska school district/building to adopt its own vision for student health and to plan, adopt, implement, evaluate, and periodically re-examine the effectiveness of coordinated school health within their district/school.

The Board encourages the following:

I. **Each school district/school develop, adopt, and implement a comprehensive plan for coordinated school health based on the federal Center for Disease Control and Prevention model for coordinated school health. Components of coordinated school health should include, but not be limited to, health education; physical education; nutrition services; health services; healthy school environment; school counseling, psychological, and social services; staff health and wellness; and family and community involvement.**

II. **Each school district establish a School Health Council and each school building establish a School Healthy Team that meets four times a year. In the alternative, a district may assign these activities to existing councils, committees or teams.**

III. **Each district/school designate a School Health Coordinator to assist with implementing and evaluating coordinated school health.**

Board Action History

- Policy statement adopted 3/2/2010
- Policy statement reaffirmed 4/9/2013

Cross-References

- 92 NAC 10

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) and its 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.

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 as permitted by FERPA 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.

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.

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]

Board Action History

- New Policy
- 1/7/2014 – G22
  Reaffirmed by State Board of Education

Cross-References

- Neb. Rev. Stat. 84-712 through 84-712.09
- 20 U.S.C. 1232g
- 34 C.F.R. 99
- Neb. Rev. Stat. 79-776
- 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