 <p>Nebraska Department of Education Policy and Reference Manual</p>	<p>Bylaw Number  B13</p>	<p>Page Number  1 of 2</p>
<p>State Board Bylaw B13 Rule Development</p>	<p>Created: 1976 Last Revised: 2015 Reviewed: 1978, 1984, 1995, 2006, 2015, 2019, 2022 Approved: 08/05/2022</p>	


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

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

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

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

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

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### Board Action History

- 12/10/76  
Prior BCAE (Rule-making hearings)  
Prior BD-1 (5-Year Review)  
Prior BDBD-1 (Optional student rule review)  
Prior BDC-1 (APA Rules)  
Prior Form BCAE-E  
Prior Form BDD-E-1
- 8/21/78 – Prior BDA – 1  
(Rule development system policy.)
- 12/7/84 – Prior 9313 BOP  
(Replaced prior policies – required 5-year review and legislative format drafts.)
- 12/8/95 – Prior B9  
(Added rule hearing officials and rule dockets.)
- 9/7/06 – B9  
(Added authority for Commissioner to approve rules and appoint hearing officers.)
- 9/4/15 – B9  
(Added language that Commissioner shall review and approval hearing drafts of rule.)
- 03/03/2017 – B9(B13)  
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B9 is now B13.)
- 06/07/2019 – B13 Reaffirmed.
- 08/05/2022 – Revised language including the duties of the State Board Rule and Regulation Committee.

### Cross-References

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