



Nebraska State Board of Education

Bylaws

Adopted ~~December 2, 2022~~

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BLW 1

Definition and Application of Board Bylaws

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

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

Revision History

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

Board Action History

- 12/02/2022 – BLW 1
(NEW)

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BLW 2

State Board Officers

The Board will organize and elect a President and Vice President ~~officers~~ at the January meeting. The Commissioner of Education (Commissioner) will preside over the election of officers of the Board. Votes to elect officers ~~organize the Board~~ will be taken by secret ballot, but the minutes must indicate how many votes each candidate received. A majority vote of the members of the Board is required to elect a President and Vice President.

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

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

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

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

The Commissioner of ~~Education~~, as the Executive Officer, shall be the Secretary of the Board and is responsible for the accurate recording and maintenance of Board meeting minutes. The Commissioner shall designate a staff member to act as the recording secretary to record minutes during the meetings of the Board, record votes and disseminate the minutes.

Revision History

- Created: 1976

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- Last Revised: 2022
- Reviewed: 1984; 1995; 2003; 2006; 2009; 2015; 2019; 2022
- Approved: 12/02/2022

Board Action History

- 12/10/1976
 - Prior BBA (List of Officers),
 - Prior BBAA (Election of Officers),
 - Prior BBABA (President Duties),
 - Prior BBABB (Vice President Duties),
 - Prior BBABC (Secretary Duties).
- 12/07/1984
 - Prior 9121 BOP (President Duties),
 - Prior 9122 BOP (Vice President Duties),
 - Prior 9123 (Secretary Duties).

(Renumbered same 1976 policies; BBA and BBAA deleted.)
- 12/08/1995 – Prior B3
 - (Combined 1984 policies and added provision dealing with absence of both President and Vice-President.)
- 10/03/2003 – Prior B3
 - (Added limit of 3 meetings remaining before reorganization for Vice-President to serve if presidency becomes vacant.)
- 09/07/2006 – B3
 - (Text unchanged.)
- 10/08/2009 – B3
 - (Clarified that the Commissioner is not a member of the State Board, consistent with LB 549 [Laws, 2009].)
- 04/03/2015
 - (Deleted language stating Vice President shall serve if presidency becomes vacant with three or fewer meetings remaining before January meeting.)
- 03/03/2017 – B3(B1)

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

- 12/02/2022 – B1

(Transferred language from prior B15 about Commissioner’s specific duties as secretary of the Board)

Board Action History (cont’d)

- 12/02/2022 – B1(BLW 2)

(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B1 is now BLW 2.)

Cross-References

- 79-301(3) R.R.S. – Commissioner as Executive Officer.
- 79-315 R.R.S. – State Board’s power to organize itself, Commissioner as Secretary of the Board.
- 79-310 R.R.S. – State Board of Education, members

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BLW 3

Board Meetings

The Board will comply with all applicable requirements of the Open Meetings Act when any meeting of the Board is to be conducted.

Meeting Dates and Notifications

The Board shall meet regularly at least four times in a calendar year. In January of each year, the Board will meet on the first Thursday and Friday following the first Monday. When the Board meets in other months, the meetings will be held on the first Thursday and Friday of the month or as determined by a majority vote of the Board. The time and place of meetings will be set by the President in consultation with the Commissioner.

Publicized notice of the time and place of each meeting of the Board shall be given at least five days in advance by the following methods:

1. A copy of the notice shall be published on the website of the Department ~~on the Internet.~~
2. The Commissioner shall e-mail a copy of the notice to each member of the news media requesting notification.
3. Each agenda shall contain ~~not only~~ the time and place of the next regularly scheduled meeting, ~~but also the anticipated time and place of the next following scheduled meeting.~~
4. Each set of minutes will reflect the next scheduled meeting date.

Meeting Agendas

~~The agenda is developed by the Commissioner in consultation with the President and will contain any item requested by a member of the Board if submitted at least eight (8) days prior to the meeting.~~

~~The Commissioner shall prepare and submit by e-mail to each member of the Board at least seven (7) calendar days prior to the meeting, the agenda, or a link to the agenda, outlining matters to be considered by the State Board and such other materials as members have requested be included for consideration.~~

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~~Following the mailing of the agenda, non-emergency items may only be added so long as the items are added at least 24 hours prior to the meeting. The President may approve adding non-emergency items to the agenda upon the request of the Commissioner and upon the written request of a board member with the written support of another board member. The Commissioner's Office shall maintain an updated agenda available to the public. The agenda may be altered at any time by a majority of the members present and voting to add emergency items as provided by state law.~~

Consent Agenda

~~1. Purpose~~

- ~~1. To group together routine non-controversial items that do not need separate and individual discussion and action by the Board.~~
- ~~2. To expedite the work of the Board and to provide additional time for more substantive items.~~
- ~~3. To provide a method for the Board to review and approve renewals of contracts of \$50,000 (first-time contracts of \$50,000 or more are placed on the agenda as a regular action item and renewals of such contracts may only be a consent agenda item for five consecutive times thereafter).~~

~~2. Procedure~~

- ~~1. The President of the Nebraska State Board of Education and the Commissioner of Education will confer prior to the Board meeting to identify items for the consent agenda.~~
- ~~2. Any member of the Board may object to the placement of an item on the consent agenda by informing the President before a motion is made to adopt the consent agenda. The item will then be considered independently and after the approval of the consent agenda.~~
- ~~3. The consent agenda will be moved by a single motion without discussion. A majority vote shall approve the items contained therein.~~

Board Meeting Minutes

~~The minutes of all Board meetings must be recorded. The minutes must contain the meeting time and place, members present and absent, and the substance of and actions taken on all matters discussed. All votes must be recorded showing how each member voted on each issue or if the Board member was~~

~~absent or not voting. A Board member making a statement that they wish to be recorded in the minutes shall include the words, "for the record" prior to making the statement. All Board minutes are public records and must be open for public inspection on the NDE website and in the NDE office during normal business hours. Minutes shall be written and available for inspection within ten (10) working days after a meeting, or prior to the next convened meeting, whichever occurs earlier.~~

~~The Commissioner shall ensure that the minutes record accurate attendance of the Board members, meeting participants, times and dates, motions and votes, and other actions of the Board as required by statute.~~

~~Whenever required for the purpose of clarity, minutes shall include attachments of proposed documents and/or notations that clarify all actions of the Board. In addition to the minutes, the Department shall also permanently retain in its record a copy of the meeting agenda, support materials, and items distributed at the meeting.~~

~~When the Board meets or is functioning in a quasi-judicial capacity to decide a contested case or recommended decision from the Professional Practices Commission, no minutes as described above are necessary, but all votes must be recorded showing how each member voted and the same shall appear on the Board's Final Order.~~

Committee Meetings

~~Standing committees of the Board may meet in conjunction with regularly scheduled board meetings to review and make recommendations on agenda items for the current or future board meetings. The agenda for regularly scheduled committee meetings will be determined by the upcoming board meeting agenda. Additionally, the committee chair or a committee member may add agenda items in consultation with the Commissioner of Education and Board President.~~

~~Standing committees may also meet at the direction of the committee chair or on the request of a committee member. In addition, the President board president may request a committee to meet and deliberate on a specific topic or activity. The agenda for these additional meetings of a standing committee may be determined by the committee chair, the Board President, or both. Committee~~

~~members may add agenda items for these additional committee meetings in consultation with the committee chair.~~

Special Meetings, Emergency Meetings, Meetings Held by Video Conferencing

Special meetings of the Board may be called by the President upon written notice, given at least five days preceding the meeting, or, in the absence of such call by the President, the Commissioner shall call such special meetings upon the ~~individual~~ written request signed by of a majority of members of the Board.

~~Emergency meetings may be called by the President in accordance with the provisions of section 84-1411(5) of the Revised Statutes of Nebraska (R.R.S.).~~

~~The Board will comply with the applicable provisions of the Open Meetings Act (84-1407 to 84-1414 R.R.S.) for all regular, special and emergency meetings.~~

~~The agenda for any special or emergency meeting shall be prepared by the Commissioner in consultation with the Board President.~~

~~Meetings may be held by means of videoconferencing. The Board will comply with all the provision of 84-1411(2) R.R.S. when meeting by means of videoconferencing. No more than one half of the State Board's meetings in a calendar year may be held by videoconferencing.~~

Revision History

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

Board Action History

- 12/02/2022
Prior B5
Prior B7
Prior B15
(Transferred language of B5, B7, and B15 into one bylaw. Existing language was reordered.)

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BLW 4

Board Committees

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

Executive Committee

The Executive Committee is responsible for reviewing and recommending policies and procedures for the review of performance of the Commissioner; advising the Commissioner on legislative matters while the state legislature is in session; making recommendations to the Board on the position of the Department on specific bills and legislative resolutions; and reviewing Board policies, including the bylaws, and recommending to the Board changes to Board policy. The Executive Committee shall serve as a consultant group for the Commissioner.

The President and Vice President shall serve as chair and vice chair of the Executive Committee, respectively. The President shall appoint two other members who do not serve as chair of another standing committee.

Budget and Finance Committee

The Budget and Finance Committee shall advise and make recommendations to the Board for possible action in

connection with the Department budget and finance proposals.

The Budget and Finance Committee shall be given the additional responsibility to review the budgets for the Trust Funds of the Department and make recommendations to the Board for approval.

Planning and Evaluation Committee

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

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

Rules and Regulations Committee

The Rules and Regulations Committee shall review and make recommendations to the Board on matters related to education policy, primarily in the form of administrative

rules and the relationship to state and federal statutes.

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

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

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

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

Committee chairs shall provide a report, including committee recommendations at regular Board meetings. A vote by the Board is required to adopt any committee recommendations.

Board appointments to the standing committees will be made by the President in consultation with the Vice President. Requests for membership on the committees may be made to the President by individual Board members. The chair and vice chair will be appointed by the President for each standing committee. The President and Vice President shall not serve as chair or vice chair of a standing committee, except for the Executive Committee, ~~as described below~~. The committee chair is responsible for presiding over committee meetings. The committee vice chair shall act in the absence of the chair ~~and should be consulted by the chair regarding committee matters as the need arises~~. Each standing committee shall have staff assigned by the Commissioner to assist ~~and/or~~ advise the committee.

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

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

Executive Committee

~~The Executive Committee is responsible for reviewing and recommending policies and procedures for the review of performance of the commissioner; advising the commissioner on legislative matters while the state legislature is in session; making recommendations to the Board on the NDE's position on specific bills and legislative resolutions; and reviewing board policies, including the bylaws, and recommending to the Board changes to board policy. The Executive Committee shall serve as a consultant group for the Commissioner.~~

~~The President and Vice President shall serve as chair and vice chair of the Executive Committee, respectively. The President shall appoint two other members who do not serve as chair of another standing committee.~~

~~Budget and Finance Committee~~

~~The Budget and Finance shall advise and make recommendations to the Board for possible action in connection with the Department budget and finance proposals.~~

~~The Budget and Finance Committee shall be given the additional responsibility to review the budgets for the NDE Trust Funds and make recommendations to the Board for approval.~~

~~Planning and Evaluation Committee~~

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

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

~~Rules and Regulations Committee~~

~~The Rules and Regulations Committee shall review and make recommendations to the Board on~~

~~matters related to education policy, primarily in the form of administrative rules and the relationship to state and federal statutes.~~

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

Revision History

- Created: 1977
- Last Revised: 2022
- Reviewed: 1984, 1995, 2000, 2003, 2006, 2015, 2016, 2020, 2022
- Approved: 12/02/2022

Board Action History

- 08/19/1977 – Prior BBC
(Discussed temporary committee appointments, actions not binding unless approved by Board, listed 3 committees.)
- 12/07/1984 – Prior 9131 BOP
(Same text as BBC, renumbered.)
- 12/08/1995 – Prior B5
(Same text as 9131 BOP, except for deletion of reference to 3 committees.)
- 05/12/2000 – Prior B5

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(Complete revision. Discussed and listed 5 standing committees and committee meeting procedures.)

- 10/03/2003 – Prior B5

(Complete revision. Different list of 4 committees. Added space for cross-references and Legislative history.)

- 09/07/2006 – B5

(Minor changes. Deleted Curriculum Committee from list.)

- 09/04/2015 – B5

(Added language that any Board member may request a current copy of the appraisal instrument from Commissioner's Office.)

- 05/06/2016 – B5

(Added three standing committees – AQuESTT Teaching and Learning Domain/AQuESTT Student Success and Access Domain/Budget and Finance.)

- 12/02/2016 – B5

(Added the Strategic Planning, Performance and Improvement Standing Committee.)

Board Action History (cont'd)

- 03/03/2017 – B2(B5)

(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B5 is now B2.)

- 03/05/2021 – B2

(Added clarifying language to Legislative Committee and Strategic Planning, Performance and Improvement Committee descriptions.)

- 01/07/2022 – B2

(Board reorganized committees into four committees rather than seven)

- 12/02/2022 – B2

(Information about standing committee meetings was moved to BLW 3. Existing language reordered so statement on legislative priorities and position statements was earlier in the text.)

- 12/02/2022 – B2(BLW 4)

(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B2 is now BLW 4.)

Cross-References

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

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BLW 5

Parliamentary Authority ~~Procedure~~/Rules of Order

The Board shall observe the current edition of Robert's Rules of Order Newly Revised (RONR) except as otherwise provided by law, Board policy, or suspension of RONR by the Board. Votes will be conducted by roll call, with the order of members called rotated with each vote. The motion to suspend the rules requires a majority vote of members present and voting.

~~Copies of RONR may be provided to all Board members.~~

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

Revision History

- Created: 1979
- Last Revised: 2022
- Reviewed: 1984, 1995, 2003, 2006, 2013, 2017, 2021, 2022
- Approved: 12/02/2022

Board Action History

- 03/20/1979 – Prior BCBF
(No copies available of prior versions.)
- 12/07/1984 – Prior 9325.3 BOP
(Changed Robert's Rules version and added majority suspension.)
- 12/08/1995 – Prior B14
(Changed Robert's Rules version. Added copies for all members and rotating roll call votes.)
- 10/03/2003 – Prior B14
(Changed version of Robert's Rules.)
- 09/07/2006 – B14
(Same Bylaw text)

Board Action History (cont'd)

- 03/03/2017 – B14(B8)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B14 is now B8)
- 08/05/2021 – B8
(Four-year review by Policy Committee, added new cross reference)
- 12/02/2022 – B8
(Language on motion to suspend the rules was edited for clarification. Not all Board members want full copy of the rules.)
- 12/02/2022 – B8(BLW 5)
(Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B8 is now BLW 5.)

Cross-References

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

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BLW 6

Review and Amendment of Board Bylaws

All Board bylaws are to be reviewed by the Executive Committee during odd-numbered calendar years with a report to the Board by the last regular meeting of that year. ~~at least every two years or as needed by the Executive Committee which shall provide a report to the Board.~~ The Commissioner shall have legal counsel review all bylaws annually for compliance with law and provide a report of any changes needed or recommended to the Executive Committee. Proposed bylaw amendments require ~~previous~~ notice at the previous meeting and at least a two-thirds affirmative vote of the members of the ~~Board board~~ to be adopted. Board bylaws shall remain in full force and effect until amended or rescinded by the Board and are binding upon the Board until changed by the Board.

Revision History

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

Board Action History

- 12/02/2022 – Prior B12
(Language transferred from prior B12 to set review and amendment guidelines. Added language for concurrent reviews of bylaws and policies every two years.)

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