Nebraska State Board of Education

Agency Management Policies

Adopted January 5, 2024

Revisions Adopted December 5, 2025

Table of Contents

AMP 2.00: Delegation to Commissioner ..... pg. 3

AMP 2.01: Human Resources Policies ..... pg. 5

AMP 2.02: Contracts, Grants, and Purchases ..... pg. 8

AMP 2.03: Trust Funds ..... pg. 10

AMP 2.04: Audits ..... pg. 12

AMP 2.05: Ethics/Accountability & Disclosure ..... pg. 14

AMP 2.06: Political Activities/Use of Resources ..... pg. 17

AMP 2.07: Records Access and Use ..... pg. 19

Link to return to Table of Contents can be found at the end of each AMP

AMP 2.00

Delegation to Commissioner

The Commissioner is responsible for faithfully executing the policies and directives of the Board. All administrative functions are the responsibility of the Commissioner who may delegate certain functions to members of the Department staff. The Commissioner, in consultation with the President, is responsible for providing an orientation for new Board members, and for providing an annual Board orientation.

When any law specifies that the Board is responsible for a duty, the Board may not delegate that duty to the Commissioner alone.

When any law specifies that the Department is responsible for a duty, the Board may delegate that authority to the Commissioner. In these instances, the Board reserves the right to overrule the decisions of the Commissioner.

Revision History

- Created: 1979
- Reviewed: 1984, 1995, 2006, 2009, 2011, 2015, 2019, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 11/15/1979 – Prior CD
  (Included one section now in D2, as well as delegation and right to overrule decisions.)
- 12/07/1984 – 2131 DO
  (Transferred one section to what is now D2 and added state government relations.)
- 12/08/1995 – Prior D3
  (Shortened)
- 11/03/2006 – D3
  (One word change)

Board Action History (cont'd)

- 10/08/2009 – D3
  (Language added addressing the Commissioner's obligation to carry out both the policies and the directives of the State Board, consistent with LB 549 [Laws, 2009].)
- 03/03/2017 – D3(P3)
  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D3 is now P3.)
- 08/09/2019 – P3
  (Language added to clarify when an action is committed by law or regulation to the Board and when it is committed to the Department as-a-whole and may be delegated to the Commissioner's decision.)
- 12/02/2022 – P3(AMP 2.00)
  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P3 is now AMP 2.00.)
- 01/05/2024 – AMP 2.00
  (Added language to give Commissioner authority to provide orientation for new Board members and provide an annual Board orientation; removed language referencing state statutes verbatim; removed sentence related to Commissioner keeping Board apprised of legislation in State Legislature; rearranged sentences for clarity; revised to include consistent language throughout the document.)

Cross-References

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

Return to Table of Contents

AMP 2.01

Human Resources Policies

Personnel Policies and Internal Operating Policies

The Commissioner is the administrative head of the Department 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. The Department Personnel Rules for employees exempt from the Bargaining Agreement shall be approved by the Board as these are subject to the Nebraska Administrative Procedures Act.

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

Professional Personnel Hiring

The Board shall, upon the recommendation of the Commissioner of Education, appoint and fix the compensation of all new professional positions in the Department, including any Deputy Commissioner. A new professional position is defined as one that requires specialized knowledge and intensive academic preparation and was not previously part of the organization of the agency.

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

Labor Negotiations

The Commissioner shall act as representative of the Board in all labor negotiations and shall appoint the bargaining team and chief negotiator. The Commissioner shall advise the Board prior to, and on a regular basis, during negotiations. Bargaining Agreements shall be approved by the Board.

Equal Opportunity Employment and Nondiscrimination

The Board prohibits employment practices by the Department that are a violation of state and federal law.

Revision History

- Created: 1977
- Reviewed: 1978, 1979, 1984, 1995, 2006, 2009, 2012, 2016, 2020, 2022, 2023, 2025
- Approved: 12/05/2025

Board Action History

- 03/11/1977 – Prior BIB
  (Mentioned statute authorizing system of personnel administration in list of Commissioner's duties.)
- 07/07/1978 – Prior HAE
  (Board appoints negotiating team and chief spokesman)
- 07/02/1979 – Prior GAAA
  (Equal Opportunity Employment)
- 12/07/1984 – Prior 2231 DO
  (Referenced personnel statute as in former BIB, and covered personnel policies, administrative memorandums, and State school policy manual)
- 12/07/1984 – Prior 4135.3 DO
  (Same as former HAE)
- 12/07/1984 – 4118.11 DO
  (Same as GAAA, without statute references)
- 12/08/1995 – 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.)
- 11/03/2006 – D4
  (Deleted reference to State school policy manual and Personnel manual and added 48-004 R.R.S. reference.)
- 10/08/2009 – D4
  (Amended to include Subsection (4) of 48-1004 R.R.S., which prohibits retaliation.)

Board Action History (cont'd)

- 03/03/2017 – D4(P4)

  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D4 is now P4.)
- 09/04/2020 – P4

  (Revisions providing further clarification to existing language that aligns with the Board's approval of the NDE Personnel Rules and also an addition that makes reference to the Department following not only state law concerning employment discrimination, but also Federal Law.)
- 12/02/2022 – P4

  (Combined prior P6 with P4.)
- 12/02/2022 – P4(AMP 2.01)

  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P4 is now AMP 2.01.)
- 01/05/2024 – AMP 2.01

  (Removed language deemed unnecessary; clarified definition of new professional position; clarified replacement Deputy Commissioner or new professional position hires are subject to approval at subsequent Board meetings; removed language referencing state statutes verbatim related to employment practices; revised to include consistent language throughout the document.)
- 12/05/2025 – AMP 2.01

  (Revised language to use the term "Internal Operating Policies" instead of "Administrative Memoranda" to reflect current NDE practice.)

Cross-References

- 79-306 R.R.S.
- 48-1004 R.R.S.
- 49-1104 R.R.S.
- 93 NAC 1-16

Return to Table of Contents

AMP 2.02

Contracts, Grants, and Purchases

The Board shall review and approve contracts and purchases of $50,000 or more. The Board shall also review and approve the submission, receipt, or distribution of grants of $50,000 or more. The duration of Board approval of any grant or contract shall not exceed a four (4) year time period. The Board shall approve all contracts directly related to the work of the Board, except contracts for less than $5,000 may be approved by the President.

Each month the Commissioner of Education shall provide the Board with a list of contracts and grants between $10,000 and less than $50,000 approved the preceding month. The Commissioner shall periodically provide the Board with a list of contracts and grants less than $10,000.

Any federally-funded grants with a formula-based distribution to the Department or its sub-recipients are excluded from these requirements.

Revision History

- Created: 1976
- Reviewed: 1984, 1995, 2006, 2016, 2017, 2021, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 12/10/1976 – Prior DDF
  ($10,000 or more Board approval and less than $10,000 periodic list from Commissioner)
- 12/07/1984 – Prior 3324.1 DO
  (SAME)
- 12/08/1995 – Prior D6
  (SAME)
- 09/07/2006 – D6
  (Board approval increased to $25,000 and added monthly list of $10,000 to $25,000)
- 12/02/2016 – D6
  (Board approval increased to $50,000 and added monthly list of $10,000 to $50,000)

Board Action History (cont'd)

- 03/03/2017 – D6(P5)
  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D6 is now P5.)
- 09/08/2017 – P5
  (New language opens submission to the Board of their approval or review of all grants issued by NDE except for those federally funded and have a regulated formula component to awarding them to the sub recipients.)
- 12/02/2022 – P5(AMP 2.02)
  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P5 is now AMP 2.02.)
- 01/05/2024 – AMP 2.02
  (Added opportunity for contract approval up to four years; added stipulation that Board approves all contracts that procure goods or services that are directly related to the work of the Board and that the President may approve contracts of this nature up to $5,000; revised to include consistent language throughout the document.)

Cross-References

- 79-301 R.R.S.
- 79-305 R.R.S.
- 79-306 R.R.S.
- 79-318 R.R.S.
- 79-319 R.R.S.

Return to Table of Contents

AMP 2.03

Trust Funds

The 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 Board shall annually approve the 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 Board.

Revision History

- Created: 1976
- Reviewed: 1977, 1984, 1995, 1999, 2002, 2004, 2006, 2013, 2016, 2020, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 12/10/1976 – Prior KHE
  (Donations)
- 08/19/1977 – Prior AI
  (NSVH policies, including Trusts)
- 08/19/1977 – Prior AH
  (NSD policies, including Trusts)
- 12/07/1984 – Prior 6172.4 DO
  (Replaced prior policies)
- 12/08/1995 – Prior D11
  (Renumbered and deleted labor sections)
- 06/11/1999 – Prior D11
  (Reduced to just approval of receipts, and expenditures over $500)

Board Action History (cont'd)

- 06/07/2002 – Prior D11
  (Corrected typo)
- 02/06/2004 – Prior D11
  (Deleted $500 or more expenditure approval and added two paragraphs regarding Trust budgets)
- 11/03/2006 – D11
  (One wording change)
- 03/03/2017 – D11(P8)
  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D11 is now P8.)
- 12/11/2020 – P8
  (Reaffirmed by Board)
- 12/02/2022 – P8(AMP 2.03)
  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P8 is now AMP 2.03.)
- 01/05/2024 – AMP 2.03
  (Removed "Department" as Board would not approve any other budgets for trusts; revised to include consistent language throughout the document.)

Cross-References

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

Return to Table of Contents

AMP 2.04

Audits

The Commissioner is responsible for the performance of the Nebraska Department of Education. Financial audits of the Department and its various programs are instrumental to the efficient and effective operation of the Department.

The Commissioner shall take the following steps in response to financial audits of the Department and its various programs:

- The Budget and Finance Committee will review the audit and report their deliberations and recommendations to the Board.
- Provide the Board with copies of audit reports from audits of the Department and its various programs, descriptions of the plans and actions by the Department 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, 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.

Revision History

- Created: 2003
- Reviewed: 2006, 2014, 2016, 2020, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 10/03/2003 – Prior D13
  (NEW)

Board Action History (cont'd)

- 11/03/2006 – D13
  (Date change)
- 12/02/2016 – D13
  (Added language that audits will be reviewed by the Budget and Finance Committee before going to the Board.)
- 03/03/2017 – D13(P10)
  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D13 is now P10.)
- 12/11/2020 – P10
  (Reaffirmed by Board)
- 12/02/2022 – P10(AMP 2.04)
  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P10 is now AMP 2.04.)
- 01/05/2024 – AMP 2.04
  (Revised to include consistent language throughout the documents.)

Cross-References

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

Return to Table of Contents

AMP 2.05

Ethics/Accountability & Disclosure

Board members, the Commissioner and Department staff are all subject to the provisions of the Nebraska Political Accountability and Disclosure Act. 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:

Occasionally the Board is requested to appoint staff or Board members as Board of Directors members for non-profit corporate boards that may, or may not, eventually have financial dealings with the Department or may take positions on the regulatory operations of the Department. Absent specific statutory directive, the Board has no authority to appoint Board of Directors members for any corporation. If regular contact with the entity would be in the best interests of the Department, and is within the Constitutional and statutory authority granted to the Department, the Board may choose to assign Board members, the Commissioner, or staff to serve as regular liaisons with such organizations or corporations. Such liaisons may convey information and monitor and coordinate joint activities, but shall take no role in managing the affairs of the private entity.

The Board encourages opportunities to cooperate with other agencies and associations involved in education. The Commissioner, or designee, is directed to represent the Board when such representation is appropriate. The 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.

Revision History

- Created: 1995
- Reviewed: 2006, 2009, 2014, 2018, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 12/08/1995 – Prior D12
  (NEW)
- 11/03/2006 – D12
  (Revised statute changes)
- 10/08/2009 – D12
  (Amended to add language to specifically permit the use of certain state communication resources for essential personal business and to require reimbursement, consistent with LB 626 [Laws, 2009].)
- 09/05/2014 – D12
  (Revised statute changes)
- 03/03/2017 – D12(P9)
  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D12 is now P9.)
- 11/09/2017 – P9
  (Added clarifying information regarding Board members seeking options from the Accountability and Disclosure Commission.)
- 12/02/2022 – P9(AMP 2.06)
  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P9 is now AMP 2.06.)
- 01/05/2024 – AMP 2.05
  (Ethics/Accountability & Disclosure is now AMP 2.05, was 2.06; deleted entire policy AMP 2.05 – Certification Complaints and Investigations; removed language from state statute except to reference the law and to include information of interest to the Board; revised to include consistent language throughout the document.)

Cross-References

- 49-1401 et seq. R.R.S.
- 49-1499.02 R.R.S.
- 49-14,100 R.R.S.

Return to Table of Contents

AMP 2.06

Political Activities/Use of Resources

The Commissioner and Department staff 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 the Nebraska Political Accountability and Disclosure Act and this policy. "Department resources" means personnel, property, resources, or funds under the official care or control of the Commissioner or Department staff. The Commissioner and Department staff 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. This policy does not prohibit the Commissioner or Department staff from identifying themselves by their official titles.

Revision History

- Created: 1977
- Reviewed: 1981, 1984, 1995, 2006, 2009, 2011, 2015, 2019, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 08/19/1977 – Prior GAHB
  (Reference to statute prohibiting political activity during office hours)
- 06/01/1981 – Prior KIA
  (Use of resources and votes of censure)
- 12/07/1984 – Prior 1311.1 DO
  (Same as KIA; GAHB not included in 1984 revisions)
- 12/08/1995 – 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)
- 11/03/2006 – D1
  (Complete revision)
- 10/08/2009 – D1
  (Amended to permit certain political activities consistent with LB 626 [Laws, 2009].)

Board Action History (Cont'd)

- 03/03/2017 – D1(P1)
  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D1 is now P1.)
- 11/08/2019 – P1
  (After four-year review, Policy Committee recommended policy to be reaffirmed.)
- 12/02/2022 – P1(AMP 2.07)
  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P1 is now AMP 2.07.)
- 01/05/2024 – AMP 2.06
  (Political Activities/Use of Resources is now AMP 2.06, was AMP 2.07; removed paragraphs on public inquiries on ballot questions and use of resources related to ballot questions, individual rights, and personal gain; revised to include consistent language throughout the document.)

Cross-References

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

Return to Table of Contents

AMP 2.07

Records Access and Use

Pursuant to the Nebraska public records laws, the Department will provide access to or copies of Department 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 Commissioner chooses to withhold the record as permitted by law.

Pursuant to the federal Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA) and implementing regulations, the Department will provide access to education records it maintains relating to an individual student to the student's parents or to the student if he or she qualifies as an "eligible student" under the Act. Access to such records will not be provided to others without the consent of the student's parents or of the eligible student, except as provided below.

The Department 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 Department may disclose personally identifiable information from student records without the consent of a parent, guardian or eligible student permitted by FERPA and/or the IDEA subject to all other applicable privacy laws.

The Department will share individual student information as a member of the Nebraska Statewide Workforce and Education Reporting System Act 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 Commissioner should protect the confidentiality of all individuals' information by, at a minimum, masking data cells containing fewer than 10 individuals or

100% of individuals (except as may be otherwise provided or allowed by law, regulation or interpretation of the United States Department of Education).

The Board does believe that, to the extent permitted by and in accordance with all requirements of law and regulation, the Commissioner should share student data, including when appropriate personally identifiable student information, with other public agencies and non-governmental entities when it determines such entities are conducting useful studies for or on behalf of educational agencies or institutions to (i) develop, validate or administer predictive tests; (ii) administer student aid programs; or (iii) improve instruction in Nebraska.

Individuals' social security numbers will be collected and maintained only as permitted by Section 7 of the federal Privacy Act.

Information on students with disabilities will be maintained and protected as required by the Individuals with Disabilities Education Act and implementing regulations.

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.

Records containing personal information regarding Vocational Rehabilitation (VR) Program clients and applicants for services shall be protected, used and maintained in accordance with federal VR program regulations. Similarly, the Disabilities Determinations Service (DDS) office and the Assistive Technology Partnership (ATP) program shall comply with all requirements regarding confidentiality, use and access to personal information concerning clients and consumers.

Revision History

- Created: 2010
- Reviewed: 2013, 2017, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 11/03/2010
  (NEW)
- 01/07/2014 – G22
  (Reaffirmed by State Board of Education.)
- 03/03/2017 – G22(P11)
  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. G22 is now P11.)
- 09/08/2017 – P11
  (Added more specific language regarding how NDE should handle personally identifiable information regarding students that NDE may possess and come into contact with.)
- 12/02/2022 – P11(AMP 2.08)
  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P11 is now AMP 2.08.)
- 01/05/2024 – AMP 2.07
  (Records Access and Use is now AMP 2.07, was AMP 2.08; updated statutory reference and wording; added the Commissioner shall also consider in any matter under this AMP to be inclusive statement; changed NDE to Commissioner based on authority related to disclosure of information and data; revised to include consistent language throughout the document.)

Cross-References

- 84-712 through 84-712.09 R.R.S.
- 20 U.S.C. 1232g
- 34 C.F.R. 99
- 79-766 R.R.S.

Cross-References (cont'd)

- 79-2,104(4) R.R.S.
- 5 U.S.C. 552a
- 20 U.S.C. 1412(a) (8) and 1417(c)
- 34 C.F.R. 300.123
- 34 C.F.R. 300.610 and 300.627
- 42 U.S.C. 1758
- 7 C.F.R. 245.8
- 34 C.F.R. Part 361

Return to Table of Contents