Nebraska State Board of Education

Board Operating Policies

Adopted January 5, 2024

Revisions Adopted December 5, 2025

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BOP 1.00

Definition of Policies

Board policies are delineated as Board Operating Policies (BOP) and Agency Management Policies (AMP).

Board Operating Policies relate to and support the policymaking, rule-making, and quasi-judicial duties of the Board, along with the role and responsibilities of Board members.

Agency Management Policies define how the Board intends for the Department to operate.

All Board policies shall be included on the webpage of the Board.

Revision History

- Created: 12/02/2022
- Last Revised: 2024
- Reviewed: 2023
- Approved: 01/05/2024

Board Action History

- 12/02/2022 – BOP 1.00
  (NEW. Adopted language from prior B12.)
- 01/05/2024 – BOP 1.00
  (Removed introductory sentence and sentence on conduct; clarified language and definitions.)

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BOP 1.01

Position Statements, Resolutions, and Model Policies

From time to time, the Board adopts Position Statements, Resolutions, and Model Policies which are not Board Policies.

Position Statements (PS)

Position Statements (PS) are advisory in nature to let the public and educators know where the Board stands on a topic, concern, or educational issue. Position Statements may be used to share the vision or beliefs of the Board, offer explanations or justifications, or make recommendations for a course of action to schools, educators, and/or Department staff. The Board may adopt or revise Position Statements at any time, on its own motion, or upon recommendation by the Commissioner. Position Statements shall expire four years after their adoption, revision, or reaffirmation, unless revised, reaffirmed, or rescinded by the Board prior to expiration. The Commissioner may direct legal counsel to review all Board position statements annually for compliance with state law.

Resolutions (RS)

Resolutions (RS) are formal public statements of the Board as to its opinion on a matter or as to an individual. All Board resolutions, except those honoring an individual, shall contain an expiration date. The Board may adopt resolutions at any time, on its own motion, or upon recommendation by the Commissioner.

Model Policies (MP)

Model Policies (MP), adopted by the Board, are templates for school boards to use to develop legislatively mandated policies. The model policies shall be made available to school boards through the Department website.

Revision History

- Created: 12/02/2022
- Last Revised: 2024
- Reviewed: 2023
- Approved: 01/05/2024

Board Action History

- 12/02/2022–BOP 1.01

  (NEW)
- 01/05/2024 – BOP 1.01

  (Clarified position statements are not all aligned with legislative and regulatory priorities; revised to include consistent language throughout the document.)

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BOP 1.02

Board Member Code of Conduct

Attendance/Participation

Board members should:

- Attend all Board and committee meetings insofar as possible; and
- Inform the President, Commissioner, or committee chair if a member knows he or she will be late or unable to attend a meeting.

Preparation

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

Board members should:

- Actively participate in decision-making;
- Encourage the free expression of opinion by all Board members;
- Treat fellow members, staff, and stakeholders with professionalism, kindness, civility, respect, patience and honesty;
- Make policy decisions based on available facts, individual judgment and the best interests of the state for matters within the authority of the Board;
- Support actions and positions approved or adopted by the Board;
- Comply with Board bylaws and policies; and
- Apply and follow the rule of law in making quasi-judicial decisions and in policy making decisions.

Governance

Board members should:

- Understand the role of the Board to be the policy-forming, planning, and evaluative body for the state school system; and
- Understand the responsibility of the Commissioner for carrying out the requirements of law and of Board policy, standards, rules and regulations, and for providing the educational leadership and services determined necessary by the Board for the proper conduct of the state school program.

Continuing Education

Board members should:

- Stay informed on current educational issues by individual study and by attending conferences specifically related to Board functions.

Accountability

Board members may be reprimanded or censured for violation of state statutes, Board policies, or bylaws.

A reprimand is a formal statement of the Board officially disapproving the conduct of one of its members. It is directed to a particular member of the Board based on a particular action or set of actions that is determined to be in violation of state statute, Board policies, or bylaws. When a concern is expressed by a member of the Board that an individual Board member has violated a state statute, Board policy, or bylaw, the Board President will notify the individual Board member of the allegation, and if appropriate, request compliance. If the violation persists, a resolution of reprimand may be proposed by any Board member. A resolution of reprimand requires a majority vote of Board members to pass and is adopted in the same manner as all Board resolutions. A reprimand is distinguished from censure in that sanctions are not imposed on the particular Board member.

A censure is a formal statement of disapproval by the Board officially disciplining one of its members. It is a punitive action, which serves as a sanction imposed for violating a state statute, Board policy, or bylaw. A censure is accomplished by a motion of any Board member and must be approved by a majority vote of Board members. Any censure shall reflect the specific reasoning for the censure, indicate the sanctions imposed against the censured Board member, and be recorded in the minutes.

Sanctions may include but are not limited to removal from committee assignments, removal from officer position, or any other appropriate action determined by the Board Executive Committee or majority vote of the Board.

Revision History

- Created: 2004
- Last Revised: 2024
- Reviewed: 2014, 2018, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 06/09/2004 – Prior B21
  (NEW)
- 09/07/2006 – B21
  (Added Appendix A and several wording changes on page 1.)
- 03/03/2017 – B21(B3)
  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B21 is now B3.)
- 05/04/2018 – B3
  (Added reference to follow and apply rule of law in making decisions on contested cases.)
- 12/02/2022 – B3(BOP 1.02)
  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B3 is now BOP 1.02.)
- 01/05/2024 – BOP 1.02
  (Added section on Board Member Accountability; removed Appendix A-Confidentiality and the State Board to become BOP 1.05; specified that policy decisions are related to matters within the authority of the board; revised to include consistent language throughout the document.)

Cross References

- 79-301(2) R.R.S. – Board Role.

Cross-References (cont'd)

- 79-301(3) R.R.S. – Commissioner's role.
- State Board Policies P2, P9, and P11
- State Board Bylaws B17, B16, B18, B19, and B19

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BOP 1.03

Public Statements by Board Members

Board members when speaking or writing are responsible for conveying that the communication belongs to that Board member and does not represent the Board. Board members should add a disclaimer to written communication indicating that their statements represent the personal views of the Board member and not those of the Board. When directed by the full Board, or as directed by Board President, a Board member may speak on behalf of the Board.

Revision History

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

Board Action History

- 07/02/1979 – Prior BBB
  (Board not bound by statements or actions of members, except as delegated by policy or majority vote)
- 12/07/1984 – Prior 9020 BOP
  (Renumbered, but text unchanged)
- 12/08/1995 – Prior B2
  (Renumbered and rewritten – same as 9/7/06 text)
- 09/07/2006 – B2
  (Text unchanged)
- 05/08/2015 – B2
  (Revised to add a reference to Board Members' written communications and to encourage use of a disclaimer.)
- 03/03/2017 – B2(B17)
  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B2 is now B17).

Board Action History (cont'd)

- 04/05/2019 – B17

  (The State Board reviewed and reaffirmed.)
- 12/02/2022 – B17(BOP 1.03)

  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B17 is now BOP 1.03.)
- 01/05/2024 – BOP 1.03

  (Revised to include active rather than passive language; revised to include consistent language throughout the document.)

Cross-References

- State Board Bylaw B3
- 79-301(2) R.R.S. – State Board acts as a unit.

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BOP 1.04

Board and Staff Relations; Staff Research and Assistance

Board members have no direct supervisory or administrative authority over Department staff members. Department staff members report through their supervisory chain of command, which ultimately is to the Commissioner, who reports to the Board.

Staff Assistance

In cases where a Board member has an inquiry related to committee business, the Board member may contact the staff lead of the relevant committee. Requests by Board members for research or other assistance by staff should be routed through the Office of the Commissioner, including requests for assistance with constituent inquiries. 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 routed through the Office of the Commissioner. The Commissioner may consult with the President when a request for staff assistance by a Board member is unclear, outside the authority of the Board, or would require extensive work by the Department staff.

Legal Assistance

The Board recognizes that the Office of the Attorney General represents the State of Nebraska, and therefore represents the Board and the Department in legal matters. The Commissioner can employ Department staff attorneys to provide legal advice with the knowledge that the Office of the Attorney General ultimately represents the Board and Department. A Department staff attorney may serve as legal advisor to the Board and Commissioner. In matters that involve the Commissioner or when the Commissioner is a party in any matter for which the Board is acting in its quasi-judicial capacity, then the Office of the Attorney General represents the Board. The Commissioner is responsible for making certain that the Board is fully informed of all pending legal matters and legal issues affecting the Department.

The Board may request legal opinions from the Attorney General and/or the Legal Services 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 Legal Services Office. The Commissioner shall provide all Board members with copies of the

request. Any written opinion provided by the Attorney General or Legal Services Office as a result of a question by the Board shall be provided by the Commissioner to all members of the Board.

Revision History

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

Board Action History

- 11/15/1979 – Prior CD
  (Included delegation to Commissioner and Commissioner to staff, right of Board to overrule decisions, and staff relationship)
- 12/07/1984 – Prior 2121 DO
  (Retained only staff relationship section. Other sections in D3.)
- 12/08/1995 – Prior D2
  (Same, except “Assistant Commissioners” and “Division Heads” replaced with “Leadership Council Members”)
- 11/03/2006 – D2
  (Same, with minor wording changes)
- 03/03/2017 – D2(P2)
  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. D2 is now P2)
- 05/03/2019 – P2
  (Non-substantive changes clarifying language.)
- 12/02/2022 – P2(BOP 1.04)
  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. P2 is now BOP 1.04.)
- 01/05/2024 – BOP 1.04
  (Added Staff Research and Assistance information (updated) from BOP 1.05; clarified language to reflect how board member inquiries for research or assistance are to be routed; updated legal

assistance language; included information related to legal assistance from Appendix A Confidentiality and the Board in BOP 1.04; 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.

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BOP 1.05

Confidentiality and the Board

The Board is a public body. Generally, the meetings and records of the Board are open and available to the public under state law (the Open Meetings Act and the Public Records Statutes). However, there are certain important exceptions. These exceptions are stated below.

Closed Sessions

When the Board meets in closed 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.

Attorney-Client Privilege

When Board members talk to, or exchange documents with any of the attorneys for the Board or Department 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 documents are confidential and shall not be disclosed. The privilege is waived if a member of the Board reveals the conversation or gives the documents to another person. If 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 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);
- Individually identifiable health information of employees (the Health Insurance Portability and Accountability Act [HIPAA]);
- Personally identifiable information about Vocational Rehabilitation Consumers (the Rehabilitation Act);

- Information contained in the personnel records of the Department that is considered confidential (Department Personnel Rules); and
- 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 Statutes

Certain documents belonging to the Department need not be made available under the Public Records Statutes. The policy of the Department 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.

Revision History

- Created: 1995
- Last Revised: 2024
- Reviewed: 1998, 2006, 2016, 2020, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 12/08/1995 – Prior B19
  (Requests for research go through Commissioner with copies of research provided to all members.)

Board Action History (cont'd)

- 04/10/1998 – Prior B19

  (Completely revised)
- 09/07/2006 – B19

  (Same Bylaw text)
- 04/03/2016 – B19

  (Removed sentence saying Commissioner shall provide reports to the full Board of the requests made of staff.)
- 03/03/2017 – B19(B14)

  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B19 is now B14)
- 08/07/2020 – B14

  (Combined State Board Bylaws B11 and B14 into one Bylaw.)
- 12/02/2022 – B14(BOP 1.05)

  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B14 is now BOP 1.05.)
- 01/05/2024 – BOP 1.05

  (Removed BOP 1.05 A – Staff Research and Assistance/Legal Assistance and added section to BOP 1.04; revised to include consistent language throughout the document; changed "Executive" session to "Closed" session.)

Cross-References

- State Board Policies P2 and B3

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BOP 1.06

Public Participation at Board Meetings

The Board establishes the following procedures with regard to public participation in the meetings of the Board.

The published agenda of meetings of the Board shall contain an item identified as public comment period. This period may be available to any person who wishes to address the Board on any matter that is on the agenda or within the Board's authority to act. Up to ninety minutes will be allowed for public comment period. A majority of members present and voting may take action to extend the total amount of time allowed for the public comment period. A majority of members present and voting may also take action to allow or terminate public comment at any time during a meeting. Each person may address the Board for up to five minutes. A majority of members present and voting may take action to reduce or extend the amount of individual time allotted to all speakers. 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 or threatening in language or behavior, it shall be the responsibility of the President to refuse permission to continue to address the Board.

Each individual speaking to the Board will be required to complete a "Sign-in" card for identification of oneself. Individuals are required to include on the Sign-In card their name, address, name of any organization represented, and agenda item or topic that is within the Board's authority to act. Individuals may be prohibited to speak in public comment if the Sign-In card does not include the required information. Persons speaking to the Board during public comment should state their name, city, and state at the beginning of their allotted time and may submit printed materials for the Board but may not use any other form of media. Anyone refusing to be identified will be prohibited from speaking.

Generally, Board members will not engage in dialogue during the public comment period. A Board member may request from the President to ask a clarifying question of a public comment speaker for

the purpose of understanding a point or statement made by the speaker. Asking a clarifying question should not result in extended dialogue.

Persons may address the Board for public comment purposes by written submission in lieu of live testimony. Such written submissions must be provided 24 hours prior to the start of the public meeting where public comment is scheduled, or by close of business of the Thursday prior to any meeting scheduled for a Monday and is limited to 750 words. Written public comments submitted in accordance with these requirements will be provided to the Board members and become part of the record of the meeting, but will not be read aloud during the meeting.

Revision History

- Created: 1981
- Last Revised: 2025
- Reviewed: 1984, 1995, 2006, 2013, 2014, 2016, 2017, 2020, 2022, 2023, 2024, 2025
- Approved: 12/05/2025

Board Action History

- 11/15/1981 – Prior BCBI
  (No copies of prior version.)
- 12/07/1984 – Prior 9322 BOP
  (Same text as BCBI, except for deletion of statute references.)
- 12/08/1995 – 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.)
- 09/07/2006 – B12
  (Added majority vote option for extending public comment period.)
- 03/05/2013 – B12
  (Changed wording regarding the Public Comment Period.)

Board Action History (cont'd)

- 01/07/2014 – B12
  (Changed wording regarding the Public Comment Period.)
- 05/06/2016 – B12
  (Added language for special appearances.)
- 03/03/2017 – B12
  (Align language with B5 (formerly B11) regarding dates of Board Meetings.)
- 03/03/2017 – B12(B9)
  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B12 is now B9)
- 12/11/2020 – B9
  (Four-year review. Added language to reflect current approaches providing public participation in remote audio video/audio technologies at Board meetings.)
- 01/07/2022 - B9
  (Changed wording regarding the Public Comment Period.)
- 12/02/2022 – B9(BOP 1.06)
  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B9 is now BOP 1.06.)
- 01/05/2024 – BOP 1.06
  (Reordered information to organize like information together; deleted pandemic-specific paragraph; deleted opening paragraph and paragraph on contested cases; revised to include consistent language throughout the document.)
- 08/02/2024 – BOP 1.06
  (Revised wording regarding the Public Comment Period required for all meetings per statutory revision; speakers shall state name, city, and state at beginning of public comment; reduced Public Comment Period from two hours to ninety minutes.)
- 12/05/2025 – BOP 1.06
  (Added language related to Public Participation to clarify the topic matter to be addressed in public comment.)

Cross-References

- 84-1412 R.R.S.– Public participation.
- 79-317(2) R.R.S. – Public participation.
- State Board Policy B5, “Board Meeting Notification for Regular Meetings”

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BOP 1.07

Reimbursement for Expenses

Expenses for Board members incurred in attending meetings or incurred in the performance of their duties as directed by the Board shall be paid according to rules and procedures established by the Department of Administrative Services (DAS) for state officials.

In determining proper expense items for members of the Board, the Board has adopted the following policy.

1. Out-of-state travel and conference expenses:

   Expenses incurred in attending meetings shall be construed to cover all reasonable expenses for such out-of-state meeting.

   A. Each Board member is limited to two (2) out-of-state events or conferences that serve a direct purpose associated with the Board or Department, or their expenses are covered by the National Association of State Boards of Education (NASBE) or another organization.
   B. Attendance at any out-of-state event must be approved by the Board. For any 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.
   D. Meetings of advisory committees to the board.
   E. Meetings and conferences that are Department sponsored events or that are held by organizations that have a direct relationship to the work of the Board and the Department 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.

3. Lodging expenses: Actual expenses shall be paid for lodging specifically related to Board functions. Business telephone calls and parking charges incurred at the lodging site may be included on the lodging bill. Lodging expenses may either be directly billed to the Department or claimed on an expense reimbursement. If claimed on an expense reimbursement, detailed receipts for lodging are required to be filed with the claim. Meals should not be charged to a hotel room and will only be reimbursed through the per diem process.

   Generally, Board members living less than 50 miles away from a one-day meeting or event may not receive reimbursement for lodging. There may be reasons to pay for lodging for distances less than fifty (50) miles. Such reasons include, but are not limited to Board duty requirements, medical conditions or weather; in those instances, the reason must be clearly stated on the disbursement document. Regular public meetings of the Board in Lincoln that occur over the course of two or more consecutive days, including associated committee meetings, are considered a "Board duty requirement" and reimbursement for lodging is considered authorized for Board members living inside of 50 miles from the meeting location but outside of Lancaster County.

4. Meal expenses: Meal expenses incurred during travel shall be reimbursed on a per diem basis, based on the destination of the travel, in accordance with the rules and procedures established by the DAS for state officials. Receipts are not required and should not be submitted. Board members attending one day events per this policy are approved for one-day travel meal expenses.

5. Mileage expenses: Reimbursement for use of a personal vehicle will be at the prevailing standard rate as established by the Internal Revenue Service through its Revenue Procedures.

6. Air travel expenses: Air travel expenses may be reimbursed when it is more economical than surface transportation. Reimbursement for commercial air travel will be limited to "coach" fare, if such seating is available at the time of ticket purchase. For out-of-state travel, Board members may have air travel prepaid by the Department.

7. Reimbursement for other actual and essential expenses: Reimbursement for other actual and essential expenses is authorized for: phone, postage, car rental, and other expenses incurred in connection with statutory duties as a Board member. An itemized statement (e.g., receipts) must accompany every request for reimbursement for items equal to or greater than ten dollars ($10.00).

8. Timeframe for submission of requests for reimbursement: Board members need to submit requests for reimbursement together with the necessary documentation to Department staff within 45 days after the final day on which the expenses were incurred or which reimbursement is sought.

9. Reporting expenses: At regular meetings, the Board will receive a summary report on all Board member expenses.

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

11. Publications/Equipment: Any publications or equipment purchased for Board members' use is property of the Department.

Revision History

- Created: 1979
- Last Revised: 2024
- Reviewed: 1984, 1999, 2006, 2012, 2019, 2021, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 7/2/1979 – Prior BBBE
  (Listed 7 categories of in-state expenses, using DAS rules, and required Board approval for out-of-state expense.)

Board Action History (cont'd)

- 12/7/1984 – Prior 9250 BOP
  (Renumbered BBBE, no text changes.)
- 6/11/1999 – Prior B7
  (Contained references to NASBE meetings, meeting reports, and publications/equipment owned by NDE.)
- 9/7/2006 – 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.)
- 3/3/2017 – B7(B16)
  (Reorganized Board Policy Reference Manual with new designed letters for categories of policy [P], bylaws [B] and position statements [S]. B7 is now B16.)
- 9/6/2019 – B16
  (Added language regarding submitting expenses no later than 60 days after the incurrence of expense and travel related expenses should generally be within the per diem rate by GSA.)
- 3/5/2021 – B16
  (Added language pursuant to LB 381 from the 2020 Legislative session regarding reimbursement for state officials.)
- 12/02/2022 – B16(BOP 1.07)
  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B16 is now BOP 1.07.)
- 01/05/2024 – BOP 1.07
  (Removed direct references to State Statutes as the policies define the statutory expectations; revised to include consistent language throughout the document.)

Cross-References

- 79-317(3) R.R.S. – Reimbursement of State Board members' expenses
- Nebraska Constitution, Article VII, Section 3.
- State Board Policy P9, Ethics/Accountability & Disclosure

Cross-References (cont'd)

- 81-1174 – 81-1177 R.R.S.

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BOP 1.08

Board Membership in Associations

Membership in Associations

The 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 Board deems appropriate. Such membership shall be reviewed on an annual basis.

Revision History

- Created: 1976
- Last Revised: 2024
- Reviewed: 1984, 1995, 2006, 2013, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 12/10/1976 – Prior GBA
  (NEW)
- 12/07/1984 – Prior 9340 BOP
  (Renumbered)
- 12/08/1995 – Prior B16
  (Renumbered)
- 09/07/2006 – B16
  (Added other organizations reference.)
- 03/03/2017 – B7(B16)
  (Reorganized Board Policy Reference Manual with new designed letters for categories of policy [P], bylaws [B] and position statements [S]. B16 is now B20.)
- 05/06/2022 – B20
  (Reaffirmed by the State Board.)
- 12/02/2022 – B20(BOP 1.08)
  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B20 is now BOP 1.08.)

Board Action History (cont'd)

- 01/05/2024 – BOP 1.08

  (Changed title from "School Boards Association" to "Board Membership in Associations"; omitted heading; revised to include consistent language throughout the documents.)

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BOP 1.09

Task Forces and Advisory Committees or Councils

By formal action, the 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 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 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 charges determined by the Board. The Commissioner is also responsible for monitoring the work of these bodies and for reporting on their progress to the Board at regular intervals.

Every two years, the Board shall review the role, functions and responsibilities of task forces and advisory committees or councils established by the Board, 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 to inform the work of the Department or to inform recommendations to the Board.

Revision History

- Created: 1980
- Last Revised: 2024
- Reviewed: 1984, 1995, 1997, 2006, 2011, 2015, 2019, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 10/01/1980 – Prior BBF
  (Specified creation and expense procedures and listed 11 required committees.)
- 12/07/1984 – Prior 9133 BOP
  (Revised and renumbered BBF. Deleted text restating statutes and references to vocational advisory council. Listed 15 committees.)
- 12/08/1995 – Prior B6
  (Major revision and abbreviation, provided for 2-year committee reviews and added reference to committees appointed by Commissioner.)
- 11/07/1997 – B6
  (Partial revision. Provided for State Board review prior to publication of proposals and recommendations. Added specific charges to task forces/committees.)
- 09/07/2006 – B6
  (Revision and rewording. Deleted references to pre-publication review and Commissioner's committees.)
- 03/03/2017 – B6(B4)
  (Reorganized Board Policy Reference Manual with new designed letters for categories of policy [P], bylaws [B] and position statements [S]. B6 is now B4.)
- 04/05/2019 – B4
  (State Board reviewed and reaffirmed.)

Board Action History (cont'd)

- 12/02/2022 – B4(BOP 1.09)

  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B4 is now BOP 1.09.)
- 01/05/2024 – BOP 1.09

  (Clarified the purpose of Commissioner appointed task forces and advisory committees or councils; added accountability measure for two-year Board review of role, functions, and responsibilities of task forces and advisory committees or councils; revised to include consistent language throughout the documents.)

Cross-References

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

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BOP 1.10

Hearing Officers

When a contested case is properly filed under law before the Board, a hearing officer will be appointed by the Board President from the list of hearing officers, unless the law specifies otherwise.

When a contested case involves the Enrollment Option Program the Commissioner shall appoint a hearing officer from the list of hearing officers approved by the Board within five (5) days after the filing of such petition and an expedited hearing shall be set so that the case can be decided by the Board within sixty (60) days after the filing of such petition or as soon thereafter as is practicable.

Hearing officers appointed under this policy shall be admitted to practice law in the State of Nebraska. The Legal Services Office shall maintain a list of such attorneys who have indicated a willingness to serve as hearing officers that is annually approved by the board.

Revision History

- Created: 1976
- Last Revised: 2024
- Reviewed: 1984, 1990, 1995, 2006, 2017, 2021, 2022, 2023, 2024
- Approved: 08/02/2024

Board Action History

- 12/10/1976 – Prior BCAF
  (Board may delegate authority to Commissioner or member to conduct rule hearings.)
- 12/07/1984 – Prior BCAF
  (Rescinded upon adoption of revised manual.)
- 10/12/1990 – Prior 8001 BOP
  (Option enrollment hearing officers.)
- 12/08/1995 – Prior B17
  (Replaced 8001 BOP – Covers all types of contested case hearing officers.)

Board Action History (cont'd)

- 09/07/2006 – B17

  (Same bylaw text.)
- 03/03/2017 – B17(B10)

  (Reorganized Board Policy Reference Manual with new designed letters for categories of policy [P], bylaws [B] and position statements [S]. B17 is now B10.)
- 06/02/2017 – B10

  (Added language to have Commissioner appoint a hearing officer within five days of NDE receiving an Enrollment Option petition, instead of Board, to expedite the process of having a decision before the Board within sixty days of the filing of the petition.)
- 08/05/2021 – B10

  (Four year review of Policy Committee, language added to specify hearing officers are to be licensed attorneys in the State of Nebraska.)
- 12/02/2022 – B10(BOP 1.10)

  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B10 is now BOP 1.10.)
- 01/05/2024 – BOP 1.10

  (Rearranged paragraph for clarity related to option enrollment cases; removed direct reference to state statute to rephrase contested case petitions for Option Enrollment Program; revised to include consistent language throughout the document.)
- 08/02/2024 – BOP 1.10

  (Hearing Officers selection revised to be appointed by the Board President from a list of attorneys annually approved by the Board.)

Cross-References

- 84-901(5) R.R.S.
- 92 NAC 19 (Rule 19)
- 79-239 R.R.S.

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BOP 1.11

Rule Development

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 Board. 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 Board 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.

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.

All rules submitted to the 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 Board must approve all rules and rule changes.

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

Revision History

- Created: 1976
- Last Revised: 2024

- Reviewed: 1978, 1984, 1990, 1995, 2006, 2015, 2019, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 12/10/1976

  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
- 08/21/1978 – Prior BDA-1

  (Rule development system policy.)
- 12/07/1984 – Prior 9313 BOP

  (Replaced prior policies- required 5-year review and legislative format drafts.)
- 12/08/1995 – Prior B9

  (Added rule hearing officials and rule dockets.)
- 09/07/2006 – B9

  (Added authority for Commissioner to approve rules and appoint hearing officers.)
- 09/04/2015 – B9

  (Added language that Commissioner shall review and approve hearing drafts of rules.)
- 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 – B13

  (Revised language including the duties of the State Board Rule and Regulation Committee.)
- 12/02/2022 – B13(BOP 1.11)

  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B13 is now BOP 1.11.)

Board Action History (cont'd)

- 01/05/2024 – BOP 1.11

  (Reorganized paragraph on hearings and associated communication before information on legislative format; simplified language on rules and regulations the Committee oversees; revised to include consistent language throughout the document.)

Cross-References

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

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BOP 1.12

Political Activity/Use of Resources/Accountability & Disclosure

No member of the Board 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 Board member which is incidental or de minimus shall not constitute a violation of this policy.

No member of the Board 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 the Nebraska Political Accountability and Disclosure Act.

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.

Revision History

- Created: 1981
- Last Revised: 2024
- Reviewed: 1984, 1995, 2006, 2009, 2014, 2018, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 06/01/1981 – Prior KIA
  (Prohibited uses of resources and votes of censure. Prior versions not available.)
- 12/07/1984 – Prior 1311.1 DO
  (Same as KIA)

Board Action History (cont'd)

- 12/08/1995 – Prior B18

  (Same as 1311.1 DO, but only applies to Board members, not staff.)
- 09/07/2006 – B18

  (Revision of entire text except for last paragraph.)
- 10/08/2009 – B18

  (Clarified that incidental or de minimus use of state resources is not a violation of Policy B18, consistent with LB 626 [Laws, 2009])
- 03/03/2017 – B18

  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S].)
- 12/02/2022 – B18(BOP 1.12)

  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B18 is now BOP 1.12.)
- 01/05/2024 – BOP 1.12

  (Revised to include consistent language throughout the document.)

Cross-References

- 49-14,101.01 R.R.S.
- 49-14,101.02 R.R.S.
- 49-14,101.03 R.R.S.
- State Board Bylaws B19 and B3
- State Board Policy P9

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BOP 1.13

Computer Equipment/Internet Access and Electronic Mail Acceptable Use

Purpose

The Board establishes the following standards for Board member acceptable use of Department computer equipment, Internet access and electronic mail. These standards apply to Board member use of Department computer equipment, Internet access and electronic mail.

Department computer equipment, Internet access and electronic mail are public resources provided to Board members for the conduct of state business. In addition, the Department 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 Department 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. Board members, to the extent possible, should use the email address provided by the State of Nebraska to conduct Board business. If a personal email account must be used, the communication should be forwarded to the email address provided by the State of Nebraska.

Acceptable Uses of Department Computer Equipment/Internet Access/Electronic Mail:

1. To communicate when 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 Department Computer Equipment/Internet Access/Electronic Mail:

1. To violate 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 the Department. 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 Department 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 campaign for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question as provided in the Nebraska Political Accountability and Disclosure Act. This includes a Board member's campaign for their own election to the Board.
7. 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.
8. To use Department 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 Department computer equipment/Internet access/electronic mail to make unauthorized entry to any other machine accessible via the network.
9. To advertise a product or services on behalf of self or others.
10. To use Department computer equipment/Internet access/electronic mail for recreational games or personal shopping.
11. To use Department computer equipment/Internet access/electronic mail to conduct private business activities or for private financial gain, including but not limited to, stock trading.
12. To misrepresent oneself, an agency, or the State of Nebraska when using Department computer equipment/Internet access/electronic mail.

Security Safeguards

Only Board members and Department staff are allowed to use Department computer equipment/Internet access/electronic mail.

Board members are prohibited from sharing passwords to any Department computer system.

Board members are responsible for taking reasonable steps to safeguard the integrity of the Department computer system.

Enforcement

The Department reserves the right to monitor use of all Department 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 Department computer equipment, Internet access, and electronic mail.

The 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.

Revision History

- Created: 2000
- Last Revised: 2024
- Reviewed: 2006, 2009, 2014, 2018, 2022, 2023
- Approved: 01/05/2024

Board Action History

- 04/07/2000 – Prior B20
  (NEW)

Board Action History (cont'd)

- 09/07/2006 – Prior B20

  (Same Bylaw text)
- 10/08/2009 – 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)
- 03/03/2017 – B20(B19)

  (Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. B20 is now B19.)
- 06/08/2018 – B19

  (Revised to add language regarding campaign activity.)
- 12/02/2022 – B19(BOP 1.13)

  (Reorganized Board bylaws and policies with new designated letters for categories of bylaws [BLW], board operating policies [BOP] and agency management policies [AMP]. B19 is now BOP 1.13.)
- 01/05/2024 – BOP 1.13

  (Added language to indicate Board members use government email to conduct Board business; revised to include positive language to identify who is allowed to use department computer equipment, internet access, and electronic mail; revised reference to state statute to be referred to as Nebraska Political Accountability and Disclosure Act; revised to include consistent language throughout the document.)

Cross-References

- 49-14,101.01(2) R.R.S.
- 49-14,101.01(3) R.R.S.
- 49-14,101.02 R.R.S.
- State Board Bylaws B18 and B3
- State Board Policy P9

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BOP 1.14

Meeting Agendas and Minutes

Board Meeting Agendas

The Board meeting agenda is developed by the Commissioner in consultation with the President. The Commissioner shall prepare and submit by email 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 Board and such other materials as members have requested be included for consideration.

The agenda will contain any item within the authority of the Board, requested by a member of the Board, if submitted at least eight (8) calendar days prior to the meeting. Upon the written request of a member of the Board or the Commissioner, an agenda item may be added within seven (7) calendar days before the meeting if approved by the President, so long as the item can be added at least 24 hours prior to the meeting.

The Office of the Commissioner 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
    a. To group together routine non-controversial items that do not need separate and individual discussion and 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 to review and approve, no more than three consecutive times, any renewal of a contract or grant after initial approval by the Board.
2. Procedure
    a. The President of the Board and the Commissioner 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 a motion is made to adopt the consent

agenda. The item will then be considered independently after the approval of 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.

Committee Meeting Agendas

The agenda for regularly scheduled committee meetings will be determined by the upcoming board meeting agenda. Additionally, a committee chair, committee members, or any Board member may add items to a regularly scheduled committee meeting agenda in accordance with the responsibilities of the committee, following the timeline outlined above for the addition of Board meeting agenda items. The committee chair shall notify the President and the Commissioner of additions to the committee agenda.

The agenda for additional meetings of a standing committee may be determined by the committee chair, the President, or both. Committee members may add agenda items for these additional committee meetings with approval of the committee chair.

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 Department website and in the Department 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, 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 Final Order of the Board.

Revision History

- Created: 12/02/2022
- Last Revised: 2024
- Reviewed: 2023
- Approved: 01/05/2024

Board Action History

- 12/02/2022 – BOP 1.14
  (NEW)
- 01/05/2024 – BOP 1.14
  (Added information from BLW 3-Board Meetings that addresses agendas, consent agendas, and minutes; added language to explain how agenda items may be added; added consent agenda contract renewals only on consent agenda for three consecutive times thereafter.)

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BOP 1.15

Revision and Amendment of Board Policies

The Board policies 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. The Board may, upon recommendation of a Board member, standing committee, ad hoc committee, or the Commissioner, propose new policies or amend existing policies to be adopted by the Board.

To be adopted, any proposed change to the Board policies require notice at the previous meeting and a majority vote of the members of the Board. Board policies shall remain in full force and effect until amended or rescinded by the Board.

The Commissioner may direct legal counsel to review all Board policies annually for compliance with state law.

Board policies are binding upon the Board, Commissioner, and Department staff until changed by the Board.

Revision History

- Created: 01/05/2024
- Approved: 01/05/2024

Board Action History

- 01/05/2024 – BOP 1.15
  (NEW, language from previous BOP 1.14; changed wording describing when board policies are reviewed and reported to the Board; added language that Board members may make recommendations for policy change; included language to specify how policies are adopted and to be consistent with language on bylaw revisions.)

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