

**NEBRASKA DEPARTMENT
OF EDUCATION**

RULE 63

PETITIONING FOR RULEMAKING

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 63**

**EFFECTIVE DATE
AUGUST 22, 1995
(REVISED)**

**State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509**



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001 General information.

Application of these Rules. Pursuant to Neb. Laws 1994, LB 446, the Attorney General shall promulgate model rules of procedure appropriate for use by as many agencies as possible. For rules of procedure adopted on or after August 1, 1994, each agency shall adopt as many of the model rules as is practicable under the circumstances. Agencies may adopt regulations which vary from the model rules; however, any agency adopting a rule of procedure that differs from the model rule shall include in the agency's explanatory statement the reasons why the relevant portions of the Attorney General's model rules are impracticable under the circumstances. This chapter is based upon the Attorney General's model rules.

002 Rulemaking Petition.

- 002.01 Petition. Any person may petition the State Board requesting the promulgation, amendment, or repeal of a rule or regulation.
- 002.02 Form. The petition shall:
- 002.02A. Be clearly designated as a petition for a rules change;
- 002.02B. In the case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety;
- 002.02C. In the case of a petition for the repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by Board rule number;
- 002.02D. Describe the reason for the rules change
- 002.02E. Include an address and telephone where the petitioner can be reached during regular work hours; and
- 002.02F. Be signed by:

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002.02F(1). The petitioner or his or her attorney in which case the attorney shall also state his or her address and telephone number;

002.02F(2). A duly authorized officer of the petitioner, if petitioner is a corporation or other legal entity.

003 Petition Consideration and Disposition.

003.01 Within sixty (60) days after submission of a petition, the State Board shall:

003.01A. Deny the petition in writing, stating its reasons therefor;

003.01B. Initiate rulemaking or regulationmaking proceedings in accordance with the Administrative Procedure Act;

003.01C. If otherwise lawful, adopt a rule or regulation.