

 <p>Nebraska Department of Education Policy and Reference Manual</p>	<p>Bylaw Number  B10</p>	<p>Page Number  1 of 1</p>
<p>State Board Bylaw B10  Hearing Officers</p>	<p>Created: 1976 Last Revised: 2021 Reviewed: 1984, 1990, 1995, 2006, 2017, 2021 Approved: 08/05/2021</p>	

### Hearing Officers

When a contested case is properly filed before the State Board, except in rare circumstances when advised otherwise by Legal Counsel, the use of a hearing officer by the Board is advisable and a recommendation for the appointment of a hearing officer will be placed on the consent agenda by the Commissioner, or, in cases in which the Commissioner is a party, by the attorney serving as the Board’s legal advisor in the case.

When a contested case involves the Enrollment Option Program with a petition being filed pursuant to Section 79-239 R.R.S., then the Commissioner shall appoint a hearing officer within five (5) days after the filing of such petition and an expedited hearing shall be set by the hearing officer so that the case can be decided by the State Board within sixty (60) days or as soon thereafter as is practicable after the filing of such petition.

Hearing Officers appointed under this Bylaw shall be admitted to practice law in the State of Nebraska. The Department’s Office of Legal Services shall maintain a list of such attorneys who have indicated a willingness to serve as hearing officers.

### Board Action History

- 12/10/76 – Prior BCAE  
(Board may delegate authority to Commissioner or member to conduct rule hearings.)
- 12/7/84 – Prior BCAE  
(Rescinded upon adoption of revised manual.)
- 10/12/90 – Prior 8001 BOP  
(Option enrollment hearing officers)
- 12/8/95 – Prior B17  
(Replaced 8001 BOP – Covers all types of contested case hearing officers)
- 9/7/06 – B17  
(Same Bylaw text)
- 3/03/2017 – B17(B10)  
(Reorganized Board Policy Reference Manual with new designated 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.)

### Cross-References

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