

**Nebraska Statewide Workforce & Educational Reporting System (NSWERS)
Executive Council Business Meeting Notification and Agenda**

January 25, 2021 2:30 p.m.

ZOOM: <https://nebraska.zoom.us/j/92128942261>

AGENDA

1. CALL TO ORDER

1.1 Roll Call

1.2 Announcement of the placement of the Open Meetings Act information

Attachments available online www.NSWERS.org:

EO 21-02 – COVID 19 Public Meetings Requirement Limited Waiver

Attorney General Guidance of Executive Order 20-36

Open Meetings Act 2020

2. PUBLIC COMMENT PERIOD

2.1 Public Comment (5 minutes)

3. PRESIDENT'S REPORT

3.1 Additions or Corrections to Agenda

4. EXECUTIVE DIRECTOR'S REPORT

5. COMMITTEE REPORTS

6. EXECUTIVE SESSION

6.1 Receive, review, and discuss legal advice from the organization's attorney regarding proposed amendments to the bylaws.

7. ACTION ITEMS

7.1 Approve Minutes of NSWERS Business Meeting, December 21, 2020

7.2 Discuss, consider, and take all necessary action regarding proposed amendments to the bylaws intended to reflect the role of the Executive Director in the day-to-day management of the organization, and to restructure the advisory committees so that they report to and advise the Executive Director rather than the Executive Council.

7.3 Discuss, consider and take all necessary action with regard to the delegation of authority to the Executive Director of the Nebraska Statewide Workforce and Educational Reporting System (“NSWERS”) to execute all contracts and other documents related to the operations of NSWERS below \$200,000 and all other contracts upon approval of such action or actions by the Executive Council of NSWERS.

7.4 Approve a contract for services with the University of Nebraska related to data storage and security for the NSWERS POC project

7.5 Approve a contract for Cyber, Director, Officer and General Liability Insurance

7.6 Approve a contract for Research Consulting support

8. **ADDITIONAL BUSINESS**
9. **SPECIAL PRESENTATIONS AND DISCUSSIONS**
10. **INFORMATION ITEMS AND REPORTS**
11. **ADJOURNMENT**

**Nebraska Statewide Workforce & Educational Reporting System (NSWERS)
Executive Council Business Meeting Notification and Agenda
December 21, 2020 1:30 p.m. via ZOOM**

Publicized notice of the Executive Council meeting was given by posting the date, time, and location on the NSWERS.org website.

1. CALL TO ORDER – President Dr. Susan Fritz called the meeting to order at 1:30 p.m.

1.1 Roll Call

Roll Call showed the following NSWERS members in attendance:

Dr. Susan Fritz, President
Dr. Matthew Blomstedt, Secretary/Treasurer
Dr. Paul Turman, Vice President
Dr. Paul Illich, Member

1.2 Announcement of the placement of the Open Meetings Act information

President Fritz announced that information regarding the Open Meetings Act is available on the NSWERS.org website.

2. PUBLIC COMMENT PERIOD

No one connected to ZOOM for public comment.

3. PRESIDENT'S REPORT

3.1 Additions or corrections to agenda

No agenda items were removed, added or corrected.

Approval of the agenda as presented passed with a motion by Dr. Paul Turman, second by Dr. Paul Illich.

Dr. Paul Illich	Yea
Dr. Matthew Blomstedt	Yea
Dr. Paul Turman	Yea
Dr. Susan Fritz	Yea

4. EXECUTIVE DIRECTOR'S REPORT

Dr. Matthew Hastings, Executive Director, NSWERS made a presentation on behalf of himself and the Management Team.

Dr. Hastings presented an update to the Executive Council members. Dr. Hastings encouraged feedback from the Council members as he is reporting out. (Please see attached power point presentation.)

Strategy (Core approach to accomplishing our goals.) – Communications: NSWERS has a logo! Dr. Hastings conveyed his appreciation to NDE in assisting NSWERS in creating this logo. NSWERS will also focus on a redesign of the NSWERS.org website to incorporate modern functionality. *Strategic Approach:* Executive Council members will be asked to adopt the final draft of this document today and includes Legislative Direction; Vision; Mission; Guiding Principles; Organizational Scope and Goals.

The Legislative Direction language comes directly from LB 1160, which also states that a Legislative Report is due by December 1, 2021. With that in mind it is reasonable to begin working on the report concurrently with discussions regarding the NSWERS budget FY2021 (July 1- June 30).

Dr. Blomstedt suggested that Dr. Hastings meet with Dr. Fritz and himself regarding the budget and budget requests and report to the full Council in January or March 2021. Several items that should be considered: allocation of funds; NSWERS need to ask for additional funds from Legislature; line item language to know where to put the money; how does this look from an interlocal standpoint; consult with NSWERS legal counsel; start to build a foundation with Legislature by means of open communication with same.

Drs. Turman and Illich agreed that starting the development of a budget and funding request was the logical starting point, NSWERS would have a better sense of where they are at and what their needs are. If NSWERS were to receive direct appropriations to manage, it would be sensible for clear language for the allocations to be allocated to an entity with the intent for the funds to be appropriated to NSWERS. NDE would be the logical place to allocate IF it had to be that way. As NSWERS considers personnel in the budget, will want to have the flexibility of opting for contractual services versus the expenditure of a fulltime position.

Dr. Hastings indicated that along with the budget discussions the establishment of procuring auditing services should take place, which will include how often; who; scope of how aggressive. Dr. Hastings will discuss with legal counsel and Council members as the budget is prepared.

Dr. Hastings reported on the cash balance available at the NU Foundation and keeping funders advised of progress through submitted reports to same.

Dr. Hastings reported that, as expressed in the Service Agreement, NSWERS is obligated to acquire insurance for general liability, directors and officers and cyber liability. An application for cyber liability has been submitted and he and legal counsel are working on the other insurance obligations. It has also been recommended by legal counsel for NSWERS to look at business property coverage as well as commercial umbrella/excess liability coverage when applicable. The cost of these would also be considered part of the NSWERS budget. Along with the insurance matters it is imperative that technical safeguards and procedures are in place.

Structure (How our work is situated and coordinated.) – The NSWERS Executive Council Business Meeting have been scheduled through the end of the fiscal year (June 30, 2021). The Council is currently meeting every six weeks and ultimately hope to get to a quarterly meeting schedule.

Dr. Hastings reported that in accordance with the NSWERS bylaws an Advisory Committee will be assembled from a list of individuals recommended and provided by each institution. This Committee will report and advise the Executive Council members. Council Members agree that before meeting with an Advisory Committee, the POC, Strategic Plan and budget should be in place to engage suitable conversations with the Advisory Committee. Dr. Hastings stated that individuals are anxious to be a part of the process and agrees that POC and other core pieces of plan should be in place first before meeting with the Advisory Committee. The consensus of the Executive Council was that a biannual schedule of meeting with the Advisory Committee would suffice.

Dr. Blomstedt would like legal counsel consulted regarding Open Meeting requirements of the Advisory Committee.

Dr. Hastings indicated that he and the Management Council have been meeting weekly and will be backing off to bimonthly and then monthly by Q2 (18 month matrix). After January 1 the Council will focus on strategic plan and policies/procedures. Dr. Hastings praised the work the Management Council has done and his appreciation for their time and expertise is getting NSWERS launched and meeting timelines and goals established.

Dr. Fritz indicated her appreciation of the good work that has been done in the past three months with Dr. Hastings and the Management Council. Other Executive Council members concurred.

As with the Management Council, Dr. Hastings has been working with the Data and Technology Committee this past month, which comprises of individuals from each institution. This Committee provided insights for data elements and workflow for the POC as well as establishing a NSWERS Data Warehouse. Dr. Hastings appreciates the institutions providing these individuals and is very impressed with the professionalism and expertise these individuals possess.

Dr. Hastings stated that he is available to make presentations or meet with NSWERS Partners. He has met with the Community College presidents and is scheduled to meet with the NU Executive Council in January 2021. As Executive Director Dr. Hastings considers it is one of his duties to keep partners aware of NSWERS and the activities of same. If the Executive Council wants or hears of any institution that would like for him to make a presentation, please let him know and he would happily do so.

Dr. Hastings discussed NSWERS Interlocal Phases. There are two phases: 1) Development and 2) Implementation. These two have the same power but the implementation is triggered when your institution signs off on the Appendix B part of the Interlocal Agreement, a distinction without a difference if you will. It was recommended by Executive Council to present moving into Phase 2 in the scope of NSWERS Strategic Plan by meeting certain objectives, benchmarks, etc. Dr. Hastings will work with the Management Council on this.

System (Processes used to add value.) – Dr. Hastings reported that he and Management Council are working on completing Data Sharing Agreements with institutions. Dr. Hastings did make it clear that no data transfer for the POC will take place until all data sharing agreements and cyber liability plan are finalized. It was a goal to have all of this in place by January 1, 2021, but that timeline will have to be stretched out as all of the data sharing agreements nor the insurance have been completed to date.

Dr. Turman queried if during the timeframe of waiting for all agreements to be signed and insurance to begin, can institutions ask what they can do now as far as what data will be shared so those institutions can be ready? Dr. Hastings indicated that, yes, that can be done but with limitations as no cohort yet.

Dr. Hastings gave a status update of the Data Warehouse and Research Agenda. Currently the status of the Data Warehouse is that currently v0.01 was created to support POC and v1.0 is scheduled to be ready in Q2 once key information is attained. The Research Agenda is scheduled to be developed in Q1 and by June 30, 2021 have something published and ready to go; have some key inputs identified to get this done.

Dr. Hastings reported that he and the Management Council have a draft of the Responsibility Matrix and will present to Executive Council at the January 2021 business meeting for approval. They are also working on Board Policies regarding Executive Director, Data Governance, Strategic Planning, Budget & Finance as well as Standard Operating Procedures (SOP) for public meetings, data access and data governance. Dr. Hastings provided the Executive Council with a draft NSWERS Data Request Decision Matrix.

Skills (The capabilities of our organization.) – Dr. Hastings presented a proposed organizational structure for NSWERS, which includes a three-tiered hiring process and defined each tier and timelines for same. Dr. Fritz inquired if this proposal meets with the 9.7 FTE originally established. Dr. Hastings indicated that it does and concurred with Dr.

Blomstedt that if a full time position was not justified, contractual employment would be sought.

Executive Council members were very impressed with Dr. Hastings and the Management Council achievements at the close of this calendar year; the fiscal year midpoint all in the 3.5 months he has been Executive Director.

5. COMMITTEE REPORTS

6. EXECUTIVE SESSION (if needed)

No Executive Session held.

7. ACTION ITEMS

7.1 Approve Minutes of NSWERS business meeting, November 23, 2020

Motion to approve the minutes of the November 23, 2020 NSWERS Business meeting passed with a motion by Dr. Matthew Blomstedt, second by Dr. Paul Illich.

Dr. Susan Fritz	Yea
Dr. Paul Turman	Yea
Dr. Matthew Blomstedt	Yea
Dr. Paul Illich	Yea

7.2 Approve the NSWERS Strategic Approach

Discussion: Dr. Turman was appreciative of using Continuous Improvement in lieu of the word Kaizen based on Management Council feedback.

Motion to approve the NSWERS Strategic Approach passed with a motion by Dr. Matthew Blomstedt, second by Dr. Paul Turman.

Dr. Paul Turman	Yea
Dr. Susan Fritz	Yea
Dr. Paul Illich	Yea
Dr. Matthew Blomstedt	Yea

8. ADDITIONAL BUSINESS

No additional business.

9. SPECIAL PRESENTATIONS AND DISCUSSIONS

No special presentations and discussion.

10. INFORMATION ITEMS AND REPORT

No information items and reports.

8. ADJOURNMENT

Motion to adjourn the NSWERS Executive Council Business Meeting passed with a motion from Dr. Paul Turman, second by Dr. Paul Illich.

Dr. Susan Fritz	Yea
Dr. Paul Turman	Yea
Dr. Matthew Blomstedt	Yea
Dr. Paul Illich	Yea

President Fritz adjourned the meeting at 2:47 p.m.

A NSWERS Executive Council Meeting will be held on Monday, January 25, 2021 at a time and place to be determined.

Executive Director's Report

Matt Hastings, Ph.D.

December 21, 2020



nswers



Strategy

Core approach to accomplishing our goals.

Communications

- Contract with NE Dept. of Education for:
 - Preliminary Communications Strategy
 - Designed to support the NSWERS Strategic Approach and the launch of an NSWERS early data product POC
 - Products and Services
 - A package of products and services to advance the communications strategy above (e.g. logo)
- Website Development
 - Redesign www.nswers.org to incorporate modern functionality, user interface design considerations, and responsiveness across all platforms



Strategic Approach

- Final draft presented for your approval today
- Components:
 - Legislative Direction
 - Vision
 - Mission
 - Guiding Principals
 - Organizational Scope
 - Goals



Legislative Direction

- The Nebraska Statewide Workforce and Education[al] Reporting System is envisioned as **a comprehensive, sustainable, and robust lifelong learning and workforce longitudinal data system** to allow for the **targeting of resources, and focus data analysis** on assessing workforce development and employment success in order to enable the training of tomorrow's workforce.
 - From Legislative Bill 1160



Vision

We aspire to...

- Create a data-informed decision culture to support successful pathways of learning and earning for the people of Nebraska.



Mission

We exist to...

- Integrate and organize Nebraska's workforce and education data to inform decision making.



Guiding Principles

We value...

- Quality
- Excellence
- Collaboration
- Continuous Improvement
- Integrity



Organizational Scope

- **As a Data System:** organize all elements and functions necessary for a comprehensive, sustainable, and robust lifelong learning and workforce longitudinal data system.
- **As an Administrative Entity:** manage all matters related to the creation, communication, operation, security, maintenance, expansion, and use of the NSWERS data system.



Goals

We are successful if we...

1. Establish NSWERS data system for sustainable insights
2. Evaluate the efficacy of Nebraska's education and workforce training systems



Legislative Report

- LB 1160, Section 4. (2):
 - The Nebraska Statewide Workforce and Education Reporting System shall issue a report electronically to the Clerk of the Legislature **on or before December 1, 2021**. Such report **shall make recommendations** on the planning and development of the Nebraska Statewide Workforce and Education Reporting System, including, but not limited to, **additional data and stakeholder needs and potential future funding.**



NSWERS Budget & Finance

- 2021 Budget
 - NSWERS Fiscal Year (July 1 – June 30)
 - As identified in the NSWERS Bylaws
 - Conversations about budgeting and strategy for legislative request for continuous future funding
- Establish audit services for NSWERS



Philanthropy

- As of September 30, 2020:
 - Cash balance at NU Foundation of \$1.6M
- Submit reports to funders, as required:
 - Sherwood Foundation – 12/31/2020



Risk Management

- Insurance
 - General Liability
 - Directors & Officers
 - Cyber Liability*
- For consideration:
 - Business Property Coverage
 - Commercial Umbrella / Excess Liability Coverage



Risk Management (cont.)

- Technology & Information Management
 - Network Design
 - Infrastructure Security
 - Identity Management
 - Data Encryption
- Process & Procedure
 - Data Governance
 - Data Access & Use
 - Annual Privacy and Security Training





Structure

How our work is situated and coordinated.

Executive Council

- Meeting Dates and Times
 - Monday, January 25 @ 2:30 – 4:00
 - Monday, March 8 @ 2:30 – 4:00
 - Monday, April 26 @ 2:30 – 4:00
 - Wednesday, June 9 @ 2:30 – 4:00



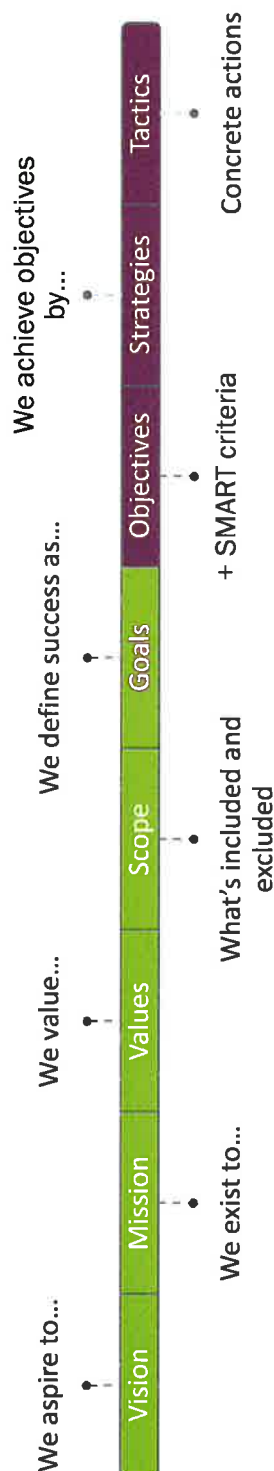
Advisory Committee

- Purpose:
 - Review progress and provide input to emerging reports, research agenda, and processes associated with the management of NSWERS
 - Extend participation and visibility to a larger stakeholder community - potential users of the NSWERS research or have interest in the initiative
- Meeting Dates
 - Periodicity?
 - Quarterly or Biannually



Management Council

- Meeting Dates
 - Weekly – Q4 2020
 - Bimonthly – Q1 2021
 - Monthly - Q2 2021
- Key Focus
 - Strategic Plan and Policies/Procedures



Data & Technology Committee

- Meetings:
 - NSWERS Data Elements and Collection Workflow
 - 11/20
 - 11/30
- Upcoming
 - Data transfer considerations related to the POC
 - Establishment of v1.0 NSWERS Data Warehouse



NSWERS Partner Meetings

- Community College Presidents – 9/18/20
- NU Executive Council – 1/5/21
- Others as needed
 - NSWERS awareness with Partner Structures



NSWERS Interlocal Phases

- Two Phases:
 - Development
 - Implementation
- What do these mean, exactly?
 - In practice, a distinction without a difference
- Implementation Phase:
 - A “Coming of Age” for NSWERS



Implementation Phase

- Criteria for Consideration:
 1. Successful release of POC
 2. Adopt core package of Executive Council Policies
 3. Adopt core package of NSWERS Standard Operating Procedures
 4. Onboard Tier-One NSWERS Staff
 5. Complete Strategic Plan and Research Agenda
- Timeline
 - Approximately Q2 2021?





System

Process used to add value.

Data Visualization POC

- Status Update
 - Data Sharing Agreements
 - Completed:
 - Central Community College
 - Western Nebraska Community College
 - Northeast Community College
 - Nebraska State Colleges System
 - NSWERS Insurance
 - Cyber Liability Application submitted
- **Note: no data transfer for POC until data sharing agreements + insurance in place**



Data Warehouse

- Status Update
 - v0.1 created to support POC
 - v1.0 - Q2 2021
- Key Inputs Needed:
 - Strategic Plan
 - Research Agenda
 - Stakeholder engagement feedback
 - Advisory Committee
 - Data & Technical Committee
 - Consulting support



Research Agenda

- Status Update
 - Develop - Q1 2021
 - Publish - Q2 2021
- Key Inputs:
 - Stakeholder engagement feedback
 - Advisory Committee
 - Data & Technical Committee
 - Your Organization?
 - Consulting support



Responsibility Matrix

- Draft in progress with Management Council
- Items for consideration:
 - Budget & Finance
 - Personnel
 - Policy and Procedure
 - Data Elements, Use and Requests
 - Research Agenda
 - Contracts
 - Communications



Board Policies

- Executive Director
 - Authorities
 - Performance and Appraisal
- Data Governance
 - Data Access and Use
 - Data Sharing
- Strategic Planning
 - Timelines for review
- Budget & Finance
 - Timelines



Standard Operating Procedures

- Draft in progress:
 - Public Meetings & Agenda
 - Data Access & Use
 - Data Governance



NSWERS Data Request Decision Matrix

Data Request Characteristics			Data Request Determination			
Requestor	Student Relationship	Data Use Classification	Source Directory Information	NSWERS Approval	IRB Approval	Financial Access
NSWERS Partner	Yes	Level 1 - Highly Restricted-Use	Yes	Approve	Not Required	No Cost Export
			No	Executive Council	Not Required	No Cost Online
		Level 2 - Restricted-Use	Yes	Approve	Not Required	No Cost Export
	No	Level 3 - Public-Use	No	Approve	Not Required	No Cost Export
			-	Approve	Not Required	No Cost Export
		Level 1 - Highly Restricted-Use	Yes	Executive Council	At Processing	No Cost Online
NSWERS Affiliate	Yes	Level 2 - Restricted-Use	No	Executive Council	At Processing	No Cost Online
			Yes	Approve	At Processing	No Cost Online
		Level 3 - Public-Use	No	Research Review Committee	At Processing	No Cost Online
	No	Level 1 - Highly Restricted-Use	-	Approve	Not Required	No Cost Export
			Yes	Reject	-	-
		Level 2 - Restricted-Use	No	Reject	-	-
External	Yes	Level 3 - Public-Use	Yes	Approve	At Processing	No Cost Export
			No	Approve	Not Required	No Cost Export
		Level 1 - Highly Restricted-Use	Yes	Reject	-	-
	No	Level 2 - Restricted-Use	No	Reject	-	-
			Yes	Approve	At Submission	Charge Fee Online
		Level 3 - Public-Use	No	Research Review Committee	At Submission	Charge Fee Online
External	Yes	Level 1 - Highly Restricted-Use	-	Approve	Not Required	Charge Fee Export
			Yes	Reject	-	-
		Level 2 - Restricted-Use	No	Reject	-	-
	No	Level 3 - Public-Use	Yes	Approve	At Submission	Charge Fee Online
			No	Research Review Committee	At Submission	Charge Fee Online
		Level 1 - Highly Restricted-Use	-	Approve	Not Required	Charge Fee Export
External	Yes	Level 2 - Restricted-Use	Yes	Reject	-	-
			No	Reject	-	-
		Level 3 - Public-Use	Yes	Approve	At Submission	Charge Fee Online
	No	Level 1 - Highly Restricted-Use	No	Research Review Committee	At Submission	Charge Fee Online
			Yes	Approve	Not Required	Charge Fee Export
		Level 2 - Restricted-Use	No	Reject	-	-
External	Yes	Level 3 - Public-Use	Yes	Approve	At Submission	Charge Fee Online
			No	Research Review Committee	At Submission	Charge Fee Online
		Level 1 - Highly Restricted-Use	-	Approve	Not Required	Charge Fee Export
	No	Level 2 - Restricted-Use	Yes	Reject	-	-
			No	Reject	-	-
		Level 3 - Public-Use	Yes	Approve	At Submission	Charge Fee Online

*NOTE: Review 18 months following approval, fee structure to be reviewed each June for an effective rate of July 1 of the following year.



Skills

The capabilities of our organization.

NSWERS Positions

- Three-tiered hiring process
 - Allow time to:
 - Establish clear sense of critical skillsets
 - Complete 'housekeeping' items necessary to ensure 'shovel-ready' tasks at onboarding
 - Tier-One Hires:
 - Posted: <https://careers.nebraska.edu/postings/search>
 - Applications Development
 - ETL/Database Development
 - Communications

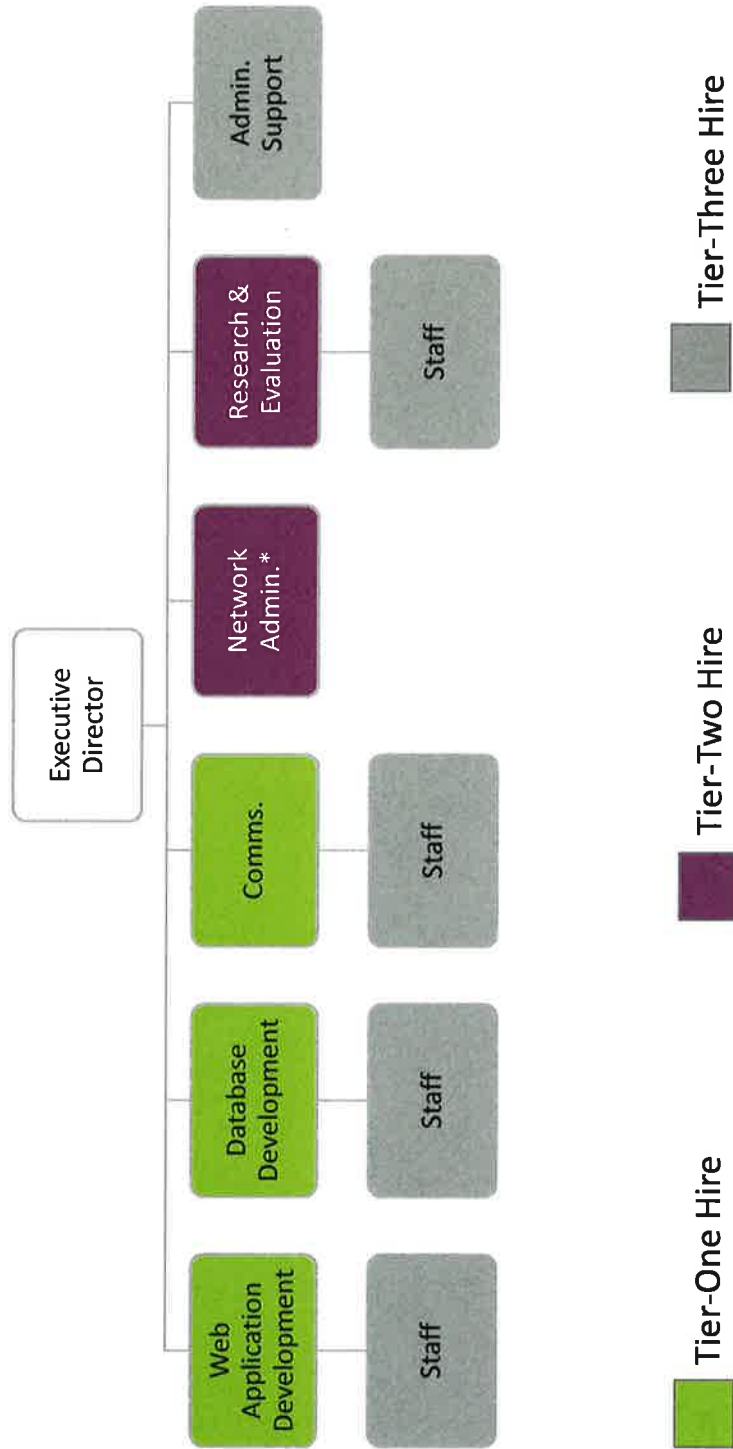


NSWERS Positions (cont.)

- Tier-Two Hires:
 - Research & Evaluation
 - Network Administration*
- Tier-Three Hires:
 - Line Staff
 - IT Web Development
 - Database Development
 - Research & Evaluation
 - Communications (Data Literacy)
 - Administrative Support



Organizational Structure (proposed)





Thank You

Close of Calendar Year – Fiscal Year Midpoint – 3.5 Months Staffed

NEBRASKA P-20W

NEBRASKA STATEWIDE WORKFORCE & EDUCATIONAL REPORTING SYSTEM (NSWERS)

NSWERS BYLAWS

ARTICLE I

ESTABLISHMENT OF JOINT ENTITY

Section 1.1. Establishment and Name. LB 1071 (2010) required the Nebraska State Board of Education, Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the board of governors of each community college area to enter into a Memorandum of Understanding to adopt a policy to share student data. LB1071 is codified in the Nebraska Revised Statutes (§85-110 (University of Nebraska); §85-309 (Nebraska State College System); §79-776 (Nebraska Department of Education); §85-1511 (Nebraska Community Colleges)). The resulting 2010 Memorandum of Understanding for Sharing of Student Data between the Nebraska Department of Education, the University of Nebraska, the Nebraska State Colleges, and the Nebraska Community Colleges (herein the “MOU”) established an agreement “to share student data for the purposes of evaluation of and research related to public pre-kindergarten, elementary, secondary, and postsecondary education to improve education in Nebraska” as authorized by the Family Educational Rights and Privacy Act (FERPA) (see 20 U.S.C. §1232g(b)(1)(F) and 34 CFR §99.31(a)(6)). The data governing council created herein shall operate under the name of the Nebraska Statewide Workforce & Educational Reporting System (NSWERS). The MOU was replaced by the NSWERS AGREEMENT (herein the “AGREEMENT”) in October 2019.

Section 1.2. Definitions.

Section 1.2.1 “Executive Council” shall mean the NSWERS governance body of four (4) representative members comprised of the Commissioner of Education or their designee, President of the University of Nebraska or their designee, Chancellor of the Nebraska State College System or their designee, and a President of one of the Nebraska Community Colleges (herein the “Executive Council”) as established pursuant to Section 2.1 herein.

Section 1.2.2 “President” shall mean the President of NSWERS as elected pursuant to Section 4.2 herein.

Section 1.2.3 “Vice President” shall mean the Vice President of NSWERS as elected pursuant of Section 4.3 herein.

Section 1.2.4 “Secretary-Treasurer” shall mean the Secretary-Treasurer of NSWERS as elected pursuant to Section 4.4 herein.

Section 1.3. Members of NSWERS. The membership of NSWERS shall include signatories to the AGREEMENT (herein the “Participating Agencies”). The initial membership of NSWERS is identified on Exhibit “A” attached hereto.

Section 1.4. New Members. Prospective members of NSWERS may be nominated by any Participating Agency, and new members will be added with unanimous approval by NSWERS Executive Council.

Section 1.5. Powers and Duties. NSWERS shall make decisions related to the creation, operations, maintenance, and reporting of student data from the prekindergarten through postsecondary and workforce data warehouses. NSWERS shall further define, and may expand upon, the data to be shared and establish appropriate guidance.

Section 1.6. Principal Office. The principal office of NSWERS is the University of Nebraska Central Administration, 3835 Holdrege Street, Lincoln, Nebraska 68583-0743. Meetings shall be conducted at the President of NSWERS’ institutional offices or as the Executive Council members may designate from time to time.

ARTICLE II

EXECUTIVE COUNCIL, DIRECTOR, AND COMMITTEES

Section 2.1. Executive Council Membership. The Participating Agencies shall be represented by a council of four (4) representative members comprised of the Commissioner of Education or their designee, President of the University of Nebraska or their designee, Chancellor of the Nebraska State College System or their designee, and a President of one of the Nebraska Community Colleges (herein the “Executive Council”) or their designee. Any such delegation of authority by the named principal

to another to serve as the NSWERS Executive Council member for a participating agency shall be delivered in writing to all other Executive Council members. Written delegations of authority so executed shall remain in force unless and until revoked in writing by the principal with notice to all other Executive Council members. The representative for the Nebraska Community Colleges shall be elected by majority vote of the Presidents of participating Nebraska Community Colleges signatory to the AGREEMENT.

Section 2.2. Duties. Subject to Section 3.5 hereinafter elaborated, the Executive Council shall define and prioritize the high-level objectives, policies and operating parameters of NSWERS. Specific duties include: maintain overall responsibility and authority over NSWERS; designate a President, Vice-President and Secretary-Treasurer; secure funding, resources and support for the NSWERS system and staff; approve the budget and annual plan for NSWERS; approve NSWERS policies and procedures; establish expectations and priorities for the research agenda; solicit and organize non-voting members of the Advisory Committee; and appoint representatives.

Section 2.3. Term. Each Executive Council member shall hold membership until their successor is designated, elected or appointed by their respective Participating Agency or Agencies.

Section 2.4. Removal and Vacancies. Executive Council members may only be removed by their respective Participating Agency or Agencies. Any vacancies shall be promptly filled by designation, election or appointment of the respective Participating Agencies.

Section 2.5. Compensation. The Executive Council members shall not be compensated for their services.

Section 2.6. Executive Director. NSWERS, by resolution of the majority of the Executive Council members at which a quorum is present, may appoint or remove an Executive Director. The Executive Director may be an employee on loan to NSWERS from a participating agency or other contractor. The Executive Director shall act as the principal executive agent of NSWERS and to conduct business on behalf of NSWERS. The Executive Director shall be responsible for the day-to-day administration of NSWERS consistent with the directives of the Executive Council and the purposes for which NSWERS was formed, and shall perform all other duties as assigned by the Executive Council. The Executive Director will report to the

Executive Council at all regular and special meetings and shall keep the Executive Council appraised of all information necessary for the Executive Council to conduct its business.

Section 2.7. Committees of Established by the Executive Council. NSWERS, by resolution of the majority of the Executive Council members at which a quorum is present, may establish committees that may exercise specific duties of NSWERS. ~~Unless otherwise directed by the Executive Council, such committees that shall report to the Executive Director and may exercise specific duties of NSWERS.~~ The Executive director shall be responsible for reporting to the Executive Council regarding the work and advice of these committees reporting to him or her. Such committees shall not report directly to the Executive Council except upon matters discussed or acted upon by the committee in compliance with the Open Meetings Act (Nebraska Revised Statutes §§84-1407 to 84-1414). ~~Such However, the conduct of such~~ committees shall at all times be subject to the direction and control of the Executive Council and shall be consistent with the directives of the Executive Council. Committee members shall be appointed by the affirmative vote of a majority of the Executive Council members present. A majority of members of any committee shall constitute a quorum for the transaction of business at a meeting of such committee. ~~In other matters of procedure, the provisions of these Bylaws shall apply to committees and members thereof to the same extent they apply to the Executive Council.~~ The designation of any committee and the delegation thereto of authority shall not operate to relieve NSWERS of any responsibility of NSWERS or the Executive Director of any responsibility delegated by the Executive Council.

Section 2.67.1 Advisory Committee. NSWERS shall have a standing advisory committee of stakeholders comprised of membership selected from outside of the Participating Agencies to make recommendations to inform NSWERS' objectives (herein the "Advisory Committee"). The Advisory Committee shall be subject to the provisions of Section 2.67 above.

Section 2.67.2 Management Committee. NSWERS shall have a standing management committee comprised of representative members of NSWERS responsible for operational management and advancing NSWERS' agenda and initiatives at the direction of the Executive Council (herein the "Management Committee"). The Management Committee shall be subject to the provisions of Section 2.67 above.

Section 2.67.3 Technology Committee. NSWERS shall have a standing technology committee responsible for architecting and governing the data warehouse and the connection to data sources at the direction of the Management Committee (herein the "Technology Committee"). The Technology Committee shall be subject to the provisions of Section 2.67 above.

Section 2.67.4 Research Review Committee. NSWERS shall have a standing research review committee responsible for reviewing research requests within the context of the research agenda at the direction of the Management Committee (herein the "Research Review Committee"). The Research Review Committee shall be subject to the provisions of Section 2.67 above.

Section 2.67.5 Other Committees. Additional committees having and exercising the authority of NSWERS may be established by the Executive Council as set forth in Section 2.67.

ARTICLE III MEETINGS OF NSWERS

Section 3.1. First Meeting. The President of the University of Nebraska or their designee shall convene the first meeting of the Executive Council.

Section 3.2. Regular Meetings. The Executive Council shall meet at least two times annually. Meetings shall be held at the President's institutional offices or at such other place the Executive Council may designate.

Section 3.3. Special Meetings. Special meetings may be called from time to time with the approval of the President and Vice President of NSWERS.

Section 3.4. Notice of Meetings. Notice of the time and place of regular and special Executive Council meetings will be given to the membership by electronic mail and published on NSWERS' web page. NSWERS will comply with the applicable provision of the Open Meetings Act (Nebraska Revised Statutes §§84-1407 to 84-1414) for all Executive Council regular or special meetings.

Section 3.5. Quorum. A majority of the Executive Council shall constitute a quorum for the transaction of business of any meeting of the Executive Council. An affirmative vote of a majority of all members of the Executive Council qualified to

serve and vote at said time shall be required for the adoption of any resolution unless otherwise provided by law or these Bylaws. In all other matters a majority of those present at the meeting shall control action of NSWERS.

Section 3.6. Acts of NSWERS. Except as otherwise required by Nebraska law or specified in these Bylaws, NSWERS shall take action by the affirmative vote of the majority of the Executive Council, who shall be entitled to one (1) vote on each matter submitted to a vote.

Section 3.7. Presumption of Assent. A member of the Executive Council who is present at a meeting of the Executive Council at which action on any matter is taken shall be presumed to have assented to the action taken unless their dissent is entered in the minutes of the meeting or unless they file a written dissent with the President.

ARTICLE IV OFFICERS OF NSWERS

Section 4.1. Number. The officers of NSWERS shall be a President, Vice President, and Secretary-Treasurer, and such other officers as the Executive Council may deem appropriate.

Section 4.2. President of NSWERS. There shall be a President of NSWERS who shall serve for two years and rotate among the Nebraska Department of Education, the University of Nebraska, the Nebraska State Colleges, and the Nebraska Community Colleges. The President shall be the principal executive officer of NSWERS and shall preside at all meetings of the Executive Council.

Section 4.3. Vice President. The Vice President shall be the member who will serve as President in the next two-year term. In the absence of the President, or in the event of his or her refusal to act, the Vice President shall perform the duties of the President and, in general perform all the duties incident to the office of Vice President as the Executive Council may assign.

Section 4.4. Secretary-Treasurer. The Secretary-Treasurer shall maintain minutes of the proceedings of the Executive Council; see that all notices are given in accordance with these Bylaws or as required by law; shall be the custodian of all books, records, papers, and property of NSWERS; shall have charge of custody and be responsible for all funds of NSWERS; and in general shall perform all the duties

incident to the office of Secretary-Treasurer and such other duties as the Executive Council may assign. The Secretary-Treasurer may assign tasks to a designee to accomplish these duties at his/her discretion.

Section 4.5. Election of Officers. The initial officers of NSWERS shall be elected at the first meeting of the Executive Council. Officers shall thereafter be elected by the Executive Council at its annual meeting, as applicable. Establishment of the order of rotation for officers shall be conducted in accordance with Sections 3.5 and 3.6 herein.

Section 4.6. Term of Service. The President, Vice President and Secretary-Treasurer of NSWERS shall serve two year terms. The member elected Vice President shall be the member who will serve as President in the next two-year term.

Section 4.7. Removal of Officers. Officers may be removed by a three-fourths (3/4) vote of the Executive Council for cause or whenever in the Executive Council's judgment the best interest of NSWERS will be served thereby.

Section 4.8. Compensation. Officers of NSWERS shall not be compensated for their service.

ARTICLE V CONTRACTS, CHECKS, AND DEPOSITS

Section 5.1. Contracts. The Executive Council may authorize any officer or agent of NSWERS to enter into any contract or execute and deliver any instrument in the name of and on behalf of NSWERS, and such authority may be general or confined to specific instances.

Section 5.2. Checks, Drafts, and Orders for the Payment of Money. All checks, drafts, or orders for payment of money, notes or other evidences of indebtedness issued in the name of NSWERS shall be signed by such officer or officers, agent or agents of NSWERS and in such a manner as shall from time to time be determined by resolution of the Executive Council. In the absence of such determination by the Executive Council, such instruments shall be signed by the President of NSWERS or the Executive Director.

Section 5.3. Deposits. All funds of NSWERS shall be deposited and be secured in the same manner as public funds to the credit of the NSWERS in such banks or banks as the Executive Council may select.

ARTICLE VI LIABILITY PROTECTION

Section 6.1. Indemnification. NSWERS shall indemnify, defend, and hold harmless its Participating Agencies, representative members of the Executive Council, Officers, employees, and agents from and against any and all liabilities, claims, actions, proceedings and judgments, including without limitation, amounts paid in settlement, attorney fees and costs incurred in connection with the defense of any claim, action or proceeding, whether civil, criminal, administrative or other, in which any such Participating Agency, representative member of the Executive Council, Officer, employee or agent be named or involved in by virtue of having the status of a present or former Participating Agency, representative member of the Executive Council, Officer, employee, or agent thereof. The right of indemnification conferred by these Bylaws shall be extended to any threatened action, suit or proceeding, and the failure to institute it shall be deemed its final determination. The foregoing rights shall be in addition to and shall not be deemed exclusive of any other rights to which any Participating Agency, representative member of the Executive Council, Officer, employee, or agent may be entitled under any other law, agreement, or otherwise.

Section 6.2. Advances for Expenses. NSWERS may pay for or reimburse the reasonable expenses incurred by a Participating Agency, representative member of the Executive Council, Officer, employee, or agent who is a party to a proceeding in advance of final disposition of the proceeding.

Section 6.3. Insurance. NSWERS (directly, or indirectly through a Participating Agency) may purchase and maintain insurance on behalf of an individual who is or was a representative member of the Executive Council, Officer, employee, or agent of NSWERS or who, while a representative member of the Executive Council, Officer, employee, or agent of NSWERS, is or was serving at the request of NSWERS as a director, officer, partner, trustee, employee, or agent of another foreign or domestic business or nonprofit corporation, partnership, joint venture, trust, employee benefit plan, or other enterprise, against liability asserted against or incurred by him or her in that capacity or arising from his or her status as a director, officer, employee, or agent, whether or not NSWERS would have power to indemnify the person against

the same liability. Participating agencies shall be named as co-insureds under such policies.

ARTICLE VII GENERAL PROVISIONS

Section 7.1. Amendments. These Bylaws may be amended or repealed and new Bylaws may be adopted by the affirmative vote of the majority of the Executive Council at any regular or special meeting, provided that at least ten (10) days written notice is given of the intention to adopt new Bylaws or alter, amend or repeal the existing Bylaws at such meeting.

Section 7.2. Records. NSWERS shall keep records (books, records, paper and property) and minutes of the proceedings of the meetings and actions of the Executive Council and of the committees of the Executive Council. The minutes of each meeting shall be reviewed and approved at each regular meeting of the Executive Council. If a special meeting occurs, minutes of that meeting shall be reviewed and approved at the next regular meeting of the Executive Council. The records and minutes of the Executive Council shall be available on NSWERS' web page.

Section 7.3. Fiscal Year. The fiscal year of NSWERS will begin on the first day of July and end on the last day of June of each year.

Approved and adopted by unanimous action of the NSWERS Executive Council present on ~~June 3, 2020~~ January 25, 2021.

NSWERS

Commissioner of Education

University of Nebraska,
Executive Vice President and
Provost

Nebraska State College System,
Chancellor

Nebraska Community College
Representative

EXHIBIT A
**MEMBERS OF THE NEBRASKA STATEWIDE WORKFORCE &
EDUCATIONAL REPORTING SYSTEM (NSWERS)**

Nebraska Department of Education

University of Nebraska

Nebraska State College System

Central Community College

Metropolitan Community College

Mid-Plains Community College

Northeast Community College

Southeast Community College

Western Nebraska Community College

Motion

Motion made by _____, seconded by _____ that the Executive Council of the Nebraska Statewide Workforce and Educational Reporting System (“NSWERS”) should and does hereby delegate to the Executive Director of NSWERS the authority to execute all contracts and other documents related to the operations of NSWERS below \$200,000 and all other contracts upon approval of such action or actions by the Executive Council of NSWERS unless the Executive Council specifically provides otherwise in its approval of such contracts or other documents. This delegation of authority shall be reevaluated in two years.

The foregoing motion having been read in its entirety, and after discussion on roll call vote the following members voted in favor of passage and adoption of the motion:

_____.

The following members voted against the same:

_____.

The following members were absent or not voting:

_____.

The above motion having been voted on by more than a majority of the members of the Executive Council at a duly held and lawfully convened meeting in full compliance with the Nebraska Open Meetings Law was declared as:

☐ passed and adopted

☐ not passed and not adopted

DATED this 25th day of January, 2021.

*Executive Council of the Nebraska
Statewide Workforce and
Educational Reporting System*

BY: _____
President

Secretary-Treasurer

NSWERS Research Agenda Development Research Consulting Support Statement of Work

Introduction

The Nebraska Statewide Workforce and Educational Reporting System (NSWERS) is a P-20W longitudinal data system designed to provide information about students in the Nebraska educational system from preschool through post-graduate degree attainment and entry into the workforce. NSWERS is a collaboration among the University of Nebraska, the Nebraska Department of Education, the Nebraska State College system, the six Nebraska community colleges (the “NSWERS partners”) and colleagues at the Nebraska Department of Labor.

NSWERS aspires to create a data-informed decision culture that supports successful pathways of learning and earning for the people of Nebraska. Further, NSWERS exists to integrate and organize Nebraska’s education and workforce data to inform decision making. Prior stakeholder engagement activities identified 13 initial use cases for the NSWERS Data System. However, the focus of that early stakeholder engagement process was limited to considerations of preexisting datasets and that analysis is now almost a half-decade old. This engagement will provide research consulting support to develop a codified NSWERS Research Agenda in alignment with the newly released NSWERS Strategic Approach and to inform parameterization of Version 1 of the NSWERS Data Warehouse.

Scope

The scope of this effort includes production of an NSWERS Research Agenda and a series of related artifacts and processes, include:

- **Research Scan, Expert Interview & Literature Review**
- **Facilitate and Collect Stakeholder Feedback**
- **Draft and Final versions of the NSWERS Research Agenda**
- **Best-Practice Approach for Management & Maintenance of Research Agenda**
- **Documentation of Core Data Elements**

To successfully complete the effort outlined by the scope above, NSWERS will collaborate with a Research Consultant to complete the following tasks:

Tasks

1. **Perform research scan, expert interviews and literature review.** Collaborate with NSWERS to perform scan of research agendas of NSWERS-like entities across the nation, conduct expert interviews with key personnel from other P20W data systems, and a perform a literature review for scholarship that might contribute to the development of the NSWERS Research Agenda.
2. **Define framework and slate of initial research questions/topics.** Leveraging the information gathered in Task 1 and the newly developed NSWERS Strategic Approach, collaborate with NSWERS to define an initial framework and slate of research

questions/topics for use in the NSWERS Research Agenda. As part of this effort, begin to establish to prioritization for identified questions/topics.

3. **Facilitate and collect feedback from NSWERS Partners/Affiliates, the NSWERS Advisory Committee, and the Nebraska Legislature.** Collaborate with NSWERS to design, collect and facilitate feedback from NSWERS Partners, members of the NSWERS Advisory Committee, and the Nebraska Unicameral for the research questions/topics identified in Task 2.
4. **Refine slate of research questions and topics.** Capture, and where appropriate, integrate feedback and additional research questions/topics generated during Task 3 activities into the framework and slate of research questions/topics for use in the NSWERS Research Agenda created in Task 2.
5. **Prioritize and codify slate of research questions and topics into a draft NSWERS Research Agenda.** Collaborate with NSWERS to transform the refined framework and slate of research questions/topics completed in Task 4 into a draft NSWERS Research Agenda codified. The draft agenda should include some indicator of the priority order of each research question/topic.
6. **Refine draft Research Agenda into a final NSWERS Research Agenda.** Incorporating final reactions and feedback from the NSWERS Executive Council to the draft NSWERS Research Agenda generated in Task 5, create a final NSWERS Research Agenda for adoption and publication at nswers.org.
7. **Design an approach for the ongoing maintenance and management of the NSWERS Research Agenda.** Collaborate with NSWERS to design and develop an approach for the ongoing maintenance and management of the NSWERS Research Agenda adopted in Task 6. This approach should outline a process for implementing best practices for updating, editing, and revising the NSWERS Research Agenda in a manner responsive to the feedback of key stakeholders and congruent with the NSWERS Strategic Approach.
8. **Identify core data elements necessary to support operationalization.** Collaborate with NSWERS and NSWERS contract Technical Consultants to define the specific data elements necessary to operationalize research and evaluation activities for each question/topic included in the final NSWERS Research Agenda created in Task 6. This activity should include the identification of core data elements and related para/metadata. This information will be used to inform the parameterization of the v.1 NSWERS Data Warehouse.

The effort is scoped to start as soon as all relevant terms are met, but no later than February 15, 2021 and be completed by June 30, 2021.

Estimates and Schedule

The effort is proposed as a fixed price effort of \$70,000. Invoices for completed tasks will be submitted monthly.

Task	Scheduled Completion	Price
1. Perform Research Scan, Expert Interviews & Literature Review	3/1/2021	\$5,500
2. Define Framework and Slate of Research Questions/Topics	3/15/2021	\$4,500

3. Facilitate Feedback from NSWERS Partners/Affiliates, the NSWERS Advisory Committee, and the Nebraska Unicameral	4/15/2021	\$21,250
4. Refine Slate of Research Questions & Topics	4/30/2021	\$3,500
5. Prioritize and Codify Research Questions and Topics into a Draft NSWERS Research Agenda	5/15/2021	\$3,500
6. Refine Draft NSWERS Research Agenda into a Final Research Agenda	5/30/2021	\$3,500
7. Design an Approach for the Ongoing Maintenance and Management of the NSWERS Research Agenda	6/30/2021	\$5,250
8. Identify Core Data Elements Necessary to Support Operationalization.	6/30/2021	\$23,000