

NEBRASKA BRAIN INJURY ADVISORY COUNCIL

OPERATING PROCEDURES

ENGAGE. INTEGRATE. INSPIRE.

The mission of the BIAC is to engage, integrate and inspire brain injury stakeholders to help achieve the Statewide Vision for Brain Injury Policies and Services



Please address questions about these procedures or responsibilities to Nebraska VR and the BIAC by email at vr.infobiac@nebraska.gov or by writing to us at Nebraska VR/BIAC, 315 W 60th Street, Ste 400, Kearney, NE 68845.

This BIAC is supported by Nebraska VR, in part by a grant from the U.S. Administration for Community Living, Department of Health and Human Services, Washington, D.C. 20201. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration for Community Living policy.

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OPERATING PROCEDURES:

ARTICLE I. NAME; MISSION and PURPOSE; and DEFINITIONS

A. Name

1. The name of this Council shall be the Nebraska Brain Injury Advisory Council. Hereinafter referred to as the "BIAC" or "Council".

B. Mission and Purpose

1. The mission of the BIAC is to engage, integrate and inspire brain injury stakeholders to help achieve the Statewide Vision for Brain Injury Policies and Services.

2. It shall be the purpose of the BIAC to act as an energetic and dynamic group of people who shall provide their time and expertise in the areas of leadership and implementation to pursue the (Voice-Generated) Statewide Vision for Brain Injury Policies and Services. The BIAC shall advise the Nebraska Department of Education, Office of Vocational Rehabilitation, the lead state agency in the realm of brain injury, on matters that include, but are not limited to, implementation of the Annual Brain Injury State Plan and the federal traumatic brain injury (TBI) grant.

3. Nebraska VR is the final authority in all things related to the BIAC, and the members of the BIAC serve in an advisory capacity only, with no legal or fiduciary authority or responsibility. Nebraska VR empowers the BIAC to engage and reflect the voices of individuals with brain injury, family members and other stakeholders in implementing activities in pursuit of the Statewide Vision for Brain Injury Policies and Services. Federal requirements for the BIAC (advisory boards) are established in Section 1253 of the Public Health Service Act (42 U.S.C. 300d-52).

C. Definitions

The following definitions shall apply:

1. Council or BIAC shall refer to the Nebraska Brain Injury Advisory Council appointed by the Nebraska VR Director and the Commissioner of Education.

2. The Vision or Statewide Vision for Brain Injury Policies and Services shall refer to the Voice Generated Statewide Vision for Brain Injury Policies and Services, created in 2017 with 225 support group members. The Vision is a living document, expected to undergo revision from time to time. The current Vision is attached to this document as an Appendix.

3. The State Plan shall refer to the Nebraska Annual Brain Injury State Plan

4. The State Board shall refer to the Nebraska State Board of Education.

5. The Commissioner shall refer to the Nebraska Commissioner of Education.

6. NDE shall refer to the Nebraska Department of Education, which includes the Offices of Special Education and Vocational Rehabilitation (Nebraska VR).

7. DHHS refers to the Nebraska Department of Health and Human Services, Division of Medicaid and Long Term Care.

8. Lead state agency shall refer to Nebraska VR.

9. State shall refer to the State of Nebraska.

10. TBI grant shall refer to the Traumatic Brain Injury State Partnership Program grant, administered by the federal Administration for Community Living, Department of Health and Human Services, Washington, D.C.

ARTICLE II. MEMBERSHIP; ATTENDANCE; and OFFICERS

Members are appointed to the BIAC by the Nebraska VR Director and the Commissioner of Education. The Membership Committee shall recruit and recommend applicants for appointment to the BIAC in accordance with the established membership make-up, below. Individuals shall be required to disclose all employment and organizational affiliations as part of the application process. Applications from individuals may be reviewed, recommended and held for future membership if there is no current opening for that representative.

A. Membership

The BIAC voting members shall include in so far as practicable:

1. The Director of the Division of Medicaid and Long Term Care, or his or her representative
2. The Director of Nebraska VR or his or her representative
3. The Director of Special Education or his or her representative
4. One (1) member of an organization or foundation representing individuals with brain injury in the state
5. One (1) representative of Nebraska's Injury Prevention and Control Program
6. One (1) representative of the Protection and Advocacy organization in the state
7. One (1) representative of a Center for Independent Living or the Statewide Independent Living Council
8. One (1) representative of the Aging and Disability Resource Center
9. The state's Long-Term Care Ombudsman (DHHS)
10. Up to four (4) public members, including but not limited to, representatives of public or private health-related organizations or community-based service provider organizations serving individuals with brain injury
11. One (1) representative of a disability advisory or planning group
12. One (1) representative of a statewide information and referral agency
13. Up to four (4) family members of individuals with brain injury
14. Remaining positions shall be filled by individuals with brain injury to achieve 50% or more of the total membership at all times. An individual with brain injury serving in another BIAC representative role may be included in this count if 1.) he or she is willing to serve in dual roles, and 2.) no other individual with brain injury representing that geographic region has applied and been recommended for appointment. Members with brain injury shall be selected so as to represent the western, central, and eastern regions of the State as practicable.

For BIAC membership purposes, "representative" means an owner, partner, director, employee, or board of directors member in an agency, business or organization.

The Brain Injury Advisory Council Mission Statement and Member Duties is attached to this document as an Appendix.

B. Terms of Membership

1. Appointments to the BIAC shall be by the Nebraska VR Director and the NDE Commissioner and shall be for a term of three (3) years.
2. Terms shall be staggered over a three year period.
3. The BIAC Executive Committee shall consider and recommend to the Nebraska VR Director and the NDE Commissioner whether each member shall be appointed for an additional consecutive term or shall be asked to vacate his or her membership at the end of the term. Upon consideration of the Executive

Committee's recommendation, one quarter prior to the end of each member's third year of appointment, Nebraska VR shall either invite the member whose term is expiring to begin a consecutive term, or inform that member that his or her service on the BIAC shall end when the current term is completed.

4. Resignation by any member must be in writing and submitted to the BIAC Chairperson & Nebraska VR.

5. A new member, appointed by Nebraska VR to replace a resigning member whose term has not ended, shall complete the resigning member's remaining term, and may be appointed for an additional consecutive term as previously described in #3.

6. In consultation with the BIAC Executive Committee, Nebraska VR may end a member's service on the BIAC for failure to remain in active pursuit of the Vision, absenteeism from the BIAC and/or its committee meetings, or any other reason when the BIAC is negatively impacted by that member.

C. Attendance

1. Council members shall report to the BIAC Recorder of their planned attendance/non-attendance at a regular or special Council meeting.

2. If any member misses two scheduled meetings in a given year, the Executive Committee may forward a recommendation to Nebraska VR that the member be replaced.

3. Upon recommendation of the Executive Committee, Nebraska VR shall remove an appointee to the Council if he or she no longer qualifies as an appointee in the category for which he or she was selected.

D. Officers

1. The officers of the BIAC shall be the Chairperson and Vice-Chairperson. All officers shall serve for terms of three (3) years, and may serve an additional consecutive term.

2. The Chairperson shall be recruited from the BIAC membership and appointed by the Nebraska VR Director and the NDE Commissioner and shall be an individual with brain injury. Additional criteria for selection and appointment include (but are not limited to): absence of conflicts or dualities of interest, demonstrated leadership capabilities, previous active involvement in committee work, statements from references, and recommendations from the Executive Committee. The duties of the Chairperson shall be to ensure effective operation of the BIAC and build leadership capacity in BIAC members. He or she shall conduct all meetings of the BIAC and the Executive Committee, represent the BIAC at public meetings and events, and serve on statewide advisory committees as requested to represent the needs and concerns of individuals with brain injury related to public services, policies and procedures. He or she shall proactively plan quarterly BIAC meetings and develop meeting agendas in collaboration with the BIAC Executive Committee and Nebraska VR. The Chairperson shall ensure that meetings are planned effectively, conducted according to the BIAC bylaws, and that matters are dealt with in an orderly, efficient manner. He or she shall conduct meetings generally in accordance with the Nebraska Open Meetings Act (Neb. Rev. Stat. §84-1407 through 84-1414) and Roberts Rules of Order (Revised Edition). He or she shall call special meetings as needed and in coordination with Nebraska VR staff. The Chairperson shall recommend BIAC members to standing committees and ad hoc committees. He or she shall notify Nebraska VR staff of BIAC member resignations and collaborate with Nebraska VR and the BIAC to fill member vacancies.

3. The Vice-Chairperson shall be elected by the BIAC membership and shall be an individual with brain injury. The Membership Committee shall nominate one or more BIAC members for election by written ballot at a quarterly BIAC meeting. Nominees shall be given the opportunity to speak to the BIAC members about their qualifications for the office prior to the election. The duties of the Vice-Chairperson

shall be to conduct meetings of the BIAC and the Executive Committee in the event the Chairperson is not available. The Vice-Chairperson shall be responsible for regularly interfacing with the Committee Chairpersons to ensure that they are supported in their duties. He or she is to perform such other duties as may be delegated.

4. Each officer, when transitioning from the office, shall, in a timely fashion, turn over to their successor all books, papers, and other records pertaining to their office.

5. A Recorder shall be assigned by Nebraska VR and shall also serve as the recorder for the Executive Committee.

E. Executive Committee

1. An Executive Committee shall consist of the BIAC officers and the Committee Chairpersons. The Nebraska VR Program Director and Recorder shall also attend Executive Committee meetings.

F. Standing Committees

1. The BIAC shall have standing committees for Membership and Public Policy to aid in its operation.

G. Ad Hoc Committees or Task Forces

1. When necessary, the BIAC shall be aided in its operation by ad hoc committees or task forces. Membership of these committees shall consist of appropriate persons recommended by the BIAC Chairperson or the Executive Committee. Ad Hoc Committees or Task Forces shall review issues as recommended by the Executive Committee, the BIAC, Nebraska VR or NDE and shall report results to the BIAC.

ARTICLE III. MEETINGS

A. Meeting Rules

1. BIAC meetings shall generally operate in accordance with the Nebraska Open Meetings Act (Neb. Rev. Stat. §84-1407 through 84-1414). This includes using the NDE website to provide advance public notice of meetings. However, it is the position of the BIAC that it is not a “public body” under Neb. Rev. Stat. §84-1409. BIAC meetings shall also generally follow Roberts Rules of Order (Revised Edition).

2. A quorum shall be constituted by a simple majority of the BIAC membership, and shall be required for all matters of official business. In the absence of a quorum, no official recommendations or counsel can be offered in the BIAC’s name, although discussion may still occur to provide useful insights and guidance to those members seeking it.

3. In the absence of the Chairperson, the Vice-Chairperson shall preside at the meeting.

4. Written notice stating the place, day and hour of any meeting shall be delivered personally, by email, or by mail to the last known address of each member not less than ten calendar days before the date of such meeting by Council staff. The ten-day notice provision notice is waived if the Executive Committee determines that the Council shall meet within less than ten days of the last meeting. Notice to BIAC members shall be provided in electronic form whenever possible to reduce the cost of copies and postage.

5. Any member unable to attend a regular meeting is encouraged to send a substitute who may be recognized by the Chairperson in representing the absentee member. A substitute shall not be permitted voting privileges. Substitutes shall meet the same criteria for selection and represent the same constituency as the BIAC member being replaced for that meeting.

6. Expenses incurred to attend meetings shall be reimbursed for BIAAC members. Expenses for substitutes shall not be reimbursed. Expense reimbursement procedures are described in the attached Appendix.

B. Meeting Schedule

1. The BIAAC shall meet quarterly or more frequently as the BIAAC may decide. Meetings may be conducted in person or via a technological platform.

2. Special meetings may be held if necessary at the call of the Executive Committee or Chairperson.

3. The meeting dates for the next year shall be established as a matter of BIAAC business at the last meeting of each calendar year.

4. Nebraska VR, upon the recommendation of the Chairperson or Executive Committee, may call additional meetings necessary to transact the business of the BIAAC.

5. In the event a quorum shall not be present, as identified in advance of the meeting, the Chairperson in consultation with Nebraska VR staff shall cancel the meeting and notify the Executive Committee to discuss rescheduling.

6. In the event of forecasted inclement weather, Nebraska VR staff shall contact the Chairperson and a decision shall be made as to whether to cancel the meeting the day before the meeting. Nebraska VR staff shall notify the BIAAC of this decision and shall notify the Chairperson and Executive Committee to discuss rescheduling.

C. Meeting Procedures

1. All appointed members may vote on a motion before the BIAAC.

2. Formal voting of the BIAAC shall be conducted by Roberts Rules of Order, Revised Edition. Each BIAAC member shall have one (1) vote. The BIAAC may conduct email votes when necessary. All formal email votes shall be collected and entered into the most recent meeting minutes as an amendment.

3. Informal action shall be conducted by a voice vote or a show of hands. Motions receiving a majority of votes of members present shall prevail.

4. The BIAAC shall limit discussion to items on the proposed agenda. However, additional items may be submitted by a majority vote of the BIAAC during the acceptance of the agenda at the beginning of each meeting.

5. Proposed agenda items shall be transmitted by BIAAC members to the Chairperson or Nebraska VR staff fourteen (14) calendar days prior to the scheduled meetings. The Executive Committee shall then determine a tentative agenda.

6. Persons or organizations desiring to address the BIAAC may be placed on the agenda by making a request in writing to the Chairperson or Nebraska VR staff at least fourteen (14) days prior to the scheduled meeting.

7. Support materials and reports for the agenda items shall be in written form and shall be mailed or emailed to the membership along with the agenda prior to the meeting whenever possible.

8. Members of the public not scheduled as part of the proposed agenda may be heard by the BIAAC during the portion of the agenda designated as "Public Comment." The Chairperson or Nebraska VR staff shall establish a specific length of time for such presentations.

9. All meeting sites must be barrier free and accessible for persons with disabilities including any necessary accommodations.

ARTICLE IV. CONFLICT/DUALITY OF INTEREST

A conflict/duality of interest is defined as a situation in which an individual decision-maker has any impediment to being impartial and loyal, such as: (1) a personal, professional, business or volunteer position, responsibility, or interest; or 2) a conflicting duty to another entity where the individual's allegiance may be split between the BIAC and another organization. An apparent conflict/duality is defined as a situation or relationship that may cause an observer to question whether there is an impediment to impartiality.

Nebraska VR and the BIAC recognize that members have diverse professional and financial interests. Because of these interests, the BIAC has adopted a policy whereby all members must disclose all situations and relationships which may influence the way members carry out their responsibilities. It is essential that all members adhere to this policy in order to protect the reputation and integrity of the BIAC. Failure to adhere to this policy could result in a real or apparent conflict/duality of interest, including personal financial gain if members have significant relationships with not-for-profit or for-profit organizations or enterprises whose products, services or businesses are related to the goals of the BIAC or of the federal TBI grant.

1. Individuals applying for membership on the BIAC shall be required to disclose all such situations and relationships, including but not limited to, employment, volunteer positions and organizational affiliations as part of the application process.
2. BIAC members shall disclose all situations and relationships of which they are aware which may result in a real or apparent conflict/duality of interest at the first meeting of each calendar year, or at any time such a relationship is formed. These disclosures shall be recorded in the meeting minutes. Disclosures that occur between meetings shall be reported to the BIAC Chairperson and Nebraska VR. The disclosure shall be amended to the most recent meeting minutes.
3. A BIAC member with a real or apparent conflict/duality of interest on an agenda item shall refrain from participating in the discussion, other than to offer information or to answer questions. When a vote is taken, the member shall leave the room during the vote and until the votes are tabulated. The minutes shall reflect that the member was "not present" for the vote.
4. Any BIAC member who is unsure whether a situation or relationship results in a real or apparent conflict/duality of interest may contact the BIAC Chairperson and Nebraska VR to discuss the relationship before disclosing it to the BIAC.

ARTICLE V: AMENDMENTS

1. These operating procedures may be amended by Nebraska VR at any time to reflect the best interests of Nebraska's brain injury stakeholders, BIAC's Mission and Purpose, and the pursuit of the Vision.

APPENDICES

Statewide Vision for Brain Injury Policies and Services (December 2017)

In the next 5-7 years, the future of brain injury in Nebraska will have evolved such that the following statements will accurately characterize the realm of brain injury:

- Nebraskans with a brain injury, regardless of geographic location or financial means, will have access to the necessary resources that they require to pursue their recovery journey.
- The Voice of people with a brain injury and their family members will exist as a unified Voice of solidarity and advocacy, and will be engaged to shape policies and programs.
- All stakeholders in the brain injury realm will understand their unique role as well as how they complement each other towards making the future of brain injury better; subsequently, people with a brain injury will have an easier time navigating available resources with the help of specialized assistance from Peer Support Resource Navigators.
- The Nebraska Legislature will be informed about the nature of brain injury and its ongoing impact on Nebraskans, and will be supportive of funding and policies to support the necessary statewide resources for those with brain injury.
- The complex nature of an injured brain and the recovery journey will be understood by everyone, such that stigma will be eliminated and the public will be more supportive of efforts to improve overall brain injury support and resources.

Brain Injury Advisory Council Mission Statement and Member Duties Adopted on September 22, 2017

Mission Statement for the BIAC:

The mission of the BIAC is to engage, integrate and inspire brain injury stakeholders to help achieve the Statewide Vision for Brain Injury Policies and Services.

BIAC Job Description, Including Roles and Responsibilities

(...Being intentional as a Council)

General Role of BIAC Council and Its Members:

1. Be a representative for Nebraskans with BI and you represent their interests.
2. Be actively involved in Council initiatives and activities.
3. Attend all quarterly meetings.
4. Adhere to the Conflict of Interest Policy
5. Maintain a broad view of and the willingness to learn about BI and the service options needed by and available to individuals with BI and their families.
6. Serve as an advisory body to the Nebraska Department of Education (Special Education, Nebraska VR) and the Nebraska Department of Health and Human Services, Division of Medicaid and Long Term Care.
7. Gather concerns from and to report back to organizations or constituencies (liaison role).
8. Provide grant program oversight related to the TBI Grant.
9. Review current and pertinent research and information.
10. Make recommendations for training for educators, service providers, state agencies, individuals with BI and their family members and other identified stakeholders and entities.

Other Specific Roles and Responsibilities:

What is it advising on?

1. Advise BI stakeholders as to the development of a Statewide BI Vision, and participate in the creation of this Vision.
2. Once the Vision is documented... Advise all BI stakeholders as to what the Statewide Vision for BI is, the current status towards achieving the Vision, current roadblocks or challenges to the Vision, and the roles and initiatives that stakeholders must play and deliver to help achieve the Vision.

To whom?

1. As an information hub for everything regarding the Vision, convene the BI stakeholders, facilitate their discussion and information sharing, collect and disseminate information, and seek to build consensus to overcome challenges and capitalize on opportunities.
2. Arrive at advisements and recommendations related to the achievement of the Vision, and provide these to the stakeholders.

How?

1. The BIAC will interface often with the organization that is the home of the Voice, so as to have a thorough and constant understanding of what is on the minds and in the hearts of Survivors and their Family Members.
2. The BIAC will meet on a regular basis to the extent needed to fulfill its role.
3. The BIAC will determine a mechanism to engage stakeholders regionally/locally so as to build and sustain momentum for achieving the Vision at a statewide level.
4. The BIAC will maintain its own operational strategy and work plan for each of its Vision components to ensure that those components are being accomplished; these work plans will be managed by Committees and reviewed at each meeting.

5. The BIAC will use a robust website to support its integration initiative.
6. BIAC meetings will be facilitated by the Council Chairperson.
7. The Council meeting agenda will be designed to push the envelope in constructive ways.
8. The BIAC will be supported by VR as it currently is.
9. The BIAC will have developed channels of communication through which it can disseminate its insights, recommendations, advice and position statements.
10. The BIAC will provide constant oversight of the Statewide Vision, assessing projects and initiatives at each meeting and serving as a resource broker and collaboration-builder to support the pursuit of the Vision.
11. The BIAC will form its own Committees to complete work that is specific to the BIAC, and these Committees may meet more often.
12. There may be conference call meetings during the non-meeting months.
13. The BIAC may conduct webinars to share information and to help conduct networking, needs assessments, surveys, etc.

Credible and timely?

1. The BIAC will make presentations and collaborate with the organization that is the home of the Voice, and ensure that the Voice is always a key driver of discussions and content creation.
2. The BIAC will be responsive to its stakeholders.
3. The BIAC will provide documentation of its discussions and rationale, and it will brand itself as trustworthy and credible by disseminating well-supported, thoroughly-vetted conclusions, insights, advisements, recommendations, etc.
4. The BIAC will preempt the discussion by thinking proactively and providing information to stakeholders and decision makers before they knew they needed it.
5. The BIAC's website will be consistently refreshed.
6. The BIAC will provide leadership whenever it can, and seek to empower all stakeholders with education, facts and compassionate perspectives.
7. The BIAC will walk the walk, not just talk the talk—Council members will attend events, and speak on behalf of the Council using clear and uniform messaging designed by the Council.
8. The BIAC will strive for collaboration, and will seek to achieve a branding status of being a fair, trustworthy, invigorating and effective venue for integration and collaboration.

Meeting Materials

1. Prior to each scheduled meeting BIAAC members should expect to receive an email message that includes:

- Agenda
- Minutes from the previous meeting
- Agenda Support Items (when appropriate or available)
- Committee Reports (when available)

2. Upon receipt of the agenda, email the Council Recorder whether or not you will attend as a quorum must be determined.

3. Review the agenda. The agenda shall be arranged in approximately the same order for each meeting. The Executive Committee communicates prior to every BI Advisory Council meeting to assist the Council in its operation. Draft responses or motions for the Committee to consider may be provided to help use meeting time more effectively and efficiently.

4. Take time to review the support materials. If you have questions, comments or concerns contact Keri Bennett, 308-224-7571 or keri.bennett@nebraska.gov. There may be a need to alter the agenda or the Executive Committee may need to consider your question, comment or concern.

Taking Action

1. When the BIAAC is making recommendations, the desired goal is a consensus. If consensus cannot be reached, the Council Recorder will take a roll call vote and a motion will pass based on a majority of members present.

2. The responses are “yes,” “no,” or “abstain.”

3. Abstain is typically used if there is a conflict of interest, when choosing not to vote, or for approval of past minutes if the member was not present at the meeting in question. Roll call votes are routinely used if a motion is made.

Reaching Consensus

1. Consensus is a decision each person:

- Can live with; and
- Can agree not to sabotage; and
- Has an opportunity to voice an opinion about

2. When a motion is being considered, there are ground rules for discussion:

- Respect others' ideas and viewpoints
- Participate and give others the opportunity to do so
- Be brief
- Listen carefully
- If you don't understand, ask for clarification
- Seek a decision you can support

Robert's Rules of Order

1. The BIAAC typically uses Robert's Rules of Order to propose motions, discuss motions, and vote. Noted exceptions are the informal confirmation of the agenda for the day at the beginning of the meeting and the motion to adjourn. The confirmation at the beginning of the day is usually conducted by voiced vote. The adjournment motion vote is usually a voiced vote.

2. If you are not ready to vote yet, but you can't think of any more questions, you can make one of the following motions which must be seconded and voted on by the membership:

- Refer the question to the Executive Committee or another appropriate committee
- Move to table the motion until a specified time
- Amend to add certain provisions, or conditions under which it would be acceptable
- Move to postpone indefinitely

3. If you want to end the discussion and speed up action, you can make one of the following motions, which must be seconded and voted on by the membership:

- Move to limit debate
- Call the question
- Move to close debate

Expense Reimbursement

1. BIAAC members serve on a voluntary basis and receive no compensation. The Nebraska Department of Education (NDE) shall reimburse BIAAC members for expenses incurred to attend meetings at current state reimbursement rates (<https://www.gsa.gov/travel/plan-book/per-diem-rates>). Please discuss all anticipated expenses with Nebraska VR in advance of the meeting to confirm they can be reimbursed. Expenses for substitutes attending in place of BIAAC members shall not be reimbursed. Substitutes must contact Nebraska VR in advance of the meeting to make arrangements.

2. Reimbursed expenses may include:

- The cost of hotel accommodations when traveling over 60 miles one way (receipt required)
- Mileage, based on current approved state rate (other than local travel)
- Parking
- Meals during travel, not provided as part of the meeting (if eligible, not to exceed approved state rate)
- Child care, where appropriate and with prior approval by Nebraska VR, (receipt required)
- For BIAAC members who are teachers, the cost of a substitute teacher where appropriate, and with prior approval by Nebraska VR, (receipt required.)

3. The Council Recorder may assist with completion of the reimbursement request. For lodging reservations, contact Nebraska VR to make your reservation and have it direct-billed to NDE.