



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
ATTORNEY GENERAL

BEN KINNISON
ASSISTANT ATTORNEY GENERAL

October 29, 2025

Via email at: [REDACTED]
Gary Hilkemann
[REDACTED]

RE: *Public Records and Open Meetings Matters Involving Pierce Public Schools*
Our File No. 20251120

Dear Mr. Hilkemann:

This letter is in response to your public records petition and open meetings complaint received by this office on October 14, 2025. You have requested assistance in obtaining 2025-2026 budget records from Pierce Public Schools (PPS). Additionally, you allege that PPS's Board of Education (Board) violates the public's right to speak at its meetings through restrictive meeting protocols. We have considered your petition, the complaint, the attached documentation, the Board's published meeting minutes and agendas, and information provided to us by PPS's attorney Bobby Truhe, in accordance with the Nebraska Public Record Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2024), and the Open Meetings Act (OMA), Neb. Rev. Stat. §§ 84-1407 through 84-1414 (2024), as amended 2025 Neb. Laws LB 521, § 82. We have completed our review, and our findings are detailed below.

PUBLIC RECORDS MATTER

On September 23, 2025, you contacted PPS's Superintendent Kendall Steffensen and requested "an electronic version of the budget the School Board passed last night." Two days later, Mr. Steffensen sent you a seven-page packet containing documents related to the Board's meeting, along with a budget summary spreadsheet. According to PPS, these records were electronic copies of the exact documents approved by the Board at its meeting.

On September 25, 2025, you requested additional information regarding the budget, including “a copy of [the] complete breakdown as to what makes up each account.” In response, you claim you received a copy of PPS’s most recent audit and a four-page spreadsheet containing a budget statement. You acknowledge that the spreadsheet “breaks down the general fund.” However, it did not provide the level of detail sought.

On September 26, 2025, you explained to Superintendent Steffensen that you were seeking “the supporting documentation for each line item for all funds” referenced in the previously provided budget spreadsheets. Superintendent Steffensen responded by providing context for some of the referenced budget figures.

According to Mr. Truhe, you did not simply receive a copy of its most recent audit in response to your September 25 request. Rather, you received ninety-nine pages of information from several authorities detailing the sources of the various budget accounts and funds. Mr. Truhe represents that this packet of documents included a 2023-2024 audit, 2024-2025 expenditure records, 2024-2025 receipts, budget worksheets provided by the Nebraska Department of Education, and the estimates for the 2025-2026 school year used by PPS to create the aggregate numbers cited in the budget. Mr. Truhe asserts these supporting documents were used to create the line item numbers in the budget documents you reviewed.

“Any person denied any rights granted by [the NPRS] may ... [p]etition the Attorney General to review the matter to determine whether a record may be withheld from public inspection or whether the public body that is custodian of such record has otherwise failed to comply with such sections....” Neb. Rev. Stat. § 84-712.03. Based on our review, you have not been denied access to public records. First, PPS provided you with electronic versions of all budget documents passed at its September 22 meeting. It then provided you with supporting documents used to generate the final budget figures.

PPS contends it has provided you with its records responsive to your requests. We agree. In your petition to our office, you indicate that you are seeking to understand why an increased tax is necessary and what specific items in the school district require maintenance. If that information has not already been provided to you, further requests to PPS may be necessary. However, we conclude that PPS promptly provided you with copies of the records you requested and thus did not deny you any rights granted under the NPRS.

OPEN MEETINGS MATTER

In your complaint, you question whether the attached meeting protocol, established February 7, 2013, violates Neb. Rev. Stat. § 84-1412 by limiting the public’s ability to “address the Board of Education during the communication and correspondence

from the public section of the meeting” and limiting public comment to a single, fifteen-minute period.

Under the OMA, “the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body ... may be videotaped, televised, photographed, broadcast, or recorded” Neb. Rev. Stat. § 84-1412(1). In addition, “[i]t shall not be a violation of [Neb. Rev. Stat. § 84-1412(1)] for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings” Neb. Rev. Stat. § 84-1412(2).

With the enactment of 2024 Neb. Laws LB 43, § 21, a public body must allow members of the public an opportunity to speak at each meeting. However, members of the public have no absolute right to speak at any time or for any amount of time during a meeting. Such limitations are examples of the reasonable rules and regulations regarding the conduct of people speaking at meetings that are permitted under the OMA. The Board’s meeting protocol does not, on its face, violate Neb. Rev. Stat. § 84-1412.

Finally, you point to a Board policy entitled “2009 Public Participation at Board Meetings” as further evidence of violations of Neb. Rev. Stat. § 84-1412. This policy states, in part, that “[t]he board is not required to allow citizens to speak at each meeting, but it will provide the opportunity for public participation at least four times per year.” This policy, if enforced today, would violate the public’s right to speak at each meeting of the public body. However, PPS updated this policy on July 8, 2024. Under its current policy (attached for your reference), the public has an opportunity to speak at each meeting, except for closed sessions. Until it received your petition, PPS’s outdated policy was still posted on its website, potentially causing this confusion. Regardless, a review of the Board’s past meeting minutes and agendas shows that the public has been granted an opportunity to speak at every meeting in 2025. And you have provided us no evidence that members of the public have been denied the right to speak at any Board meeting.

CONCLUSION

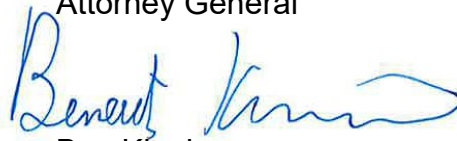
PPS has not denied you access to public records. Further, none of PPS’s current public meeting policies or procedures violate the OMA. We find no evidence that PPS violated your or the public’s rights under the NPRS or the OMA. Accordingly, our office declines to take any further action, and we are closing your file. If you disagree with the

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conclusion reached above, you may wish to discuss this matter with a private attorney to determine what additional remedies, if any, are available to you.

Sincerely,

MIKE HILGERS
Attorney General

A handwritten signature in blue ink, appearing to read "Ben Kinnison", is written over the printed name.

Ben Kinnison
Assistant Attorney General

c: Bobby Truhe (via email only)
Kendall Steffensen (via email only)

37-034

2009
Public Participation at Board Meetings

The board of education shall conduct its meetings in accordance with the Nebraska Open Meetings Act.

The board shall make reasonable efforts to accommodate the public's right to hear the discussions and testimony presented at its meetings. The board shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed in open session of the meeting.

Except for closed sessions, the board will allow members of the public an opportunity to speak at each meeting. The board may make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, photographing, or recording its meetings.

The board shall not require members of the public to identify themselves as a condition for admission to the meeting, nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. However, the board shall require members of the public desiring to address the board to identify themselves, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

Adopted on: July 8, 2024

2009

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The board is not required to allow citizens to speak at each meeting, but it will provide the opportunity for public participation at least four times per year. The board may make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, photographing, or recording its meetings.

The board shall not require members of the public to identify themselves as a condition for admission to the meeting, nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. However, the board shall require members of the public desiring to address the board to identify themselves, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

Adopted on: December 13, 2021

Exhibit D