



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
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RYAN D. BAKER
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March 17, 2026

Via email: [REDACTED]

Loan Eby
[REDACTED]

RE: *Open Meetings Matter Involving the State Board of Education*
Our File No. 20261014

Dear Ms. Eby:

This letter is in response to your complaint received by our office on February 9, 2026, in which you allege violations of the Open Meetings Act ("Act"), Neb. Rev. Stat. §§ 84-1407 to 84-1414 (2024, Supp. 2025), by the State Board of Education ("Board"). Your complaint alleges violations of the Act by the Board during a meeting held on February 6, 2026, concerning materials and public comments you wished to give at the meeting. Having fully considered your complaint, our conclusions are set forth below.

You state in your complaint that at the February 6, 2026, meeting, you submitted a form and handout for public comment concerning "certificate holders who have been arrested or convicted of child sexual assaults" During a recess period, you were approached by Board president Elizabeth Tegtmeier and Board counsel Ami Huff, who informed you that you would not be allowed to give public comment relating to your handout. During the public comment portion of the meeting, you expressed concerns to the Board regarding the actions of Ms. Tegtmeier and Ms. Huff.

The Board constitutes a "public body" defined by § 84-1409(1)(a), and all meetings of such public bodies must provide an opportunity for public comment pursuant to § 84-1412(1). However, notwithstanding that requirement, § 84-1412(2) permits a public body to "make and enforce reasonable rules and regulations regarding the conduct of persons

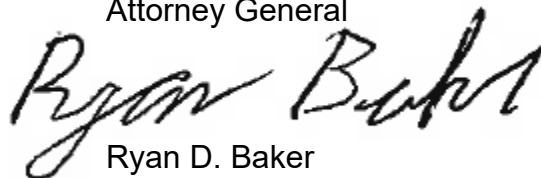
attending [or] speaking at . . . its meetings.” Ms. Huff indicated to our office that the Board’s Operating Policy 1.06 limits public comment at a given meeting to matters placed on the agenda.¹ Ms. Huff further represented that the subject matter of your intended public comment was not on the Board’s agenda and therefore not permitted under the Board’s policies. Based on the statutory language of § 84-1412(2) and our office’s prior dispositions, we agree with Ms. Huff that the Board may limit public comment to items on the agenda. *See File No. 2023-1098 Papio-Missouri River NRD Board of Directors; Kenneth Beckstrom, Complainant* (July 20, 2023).²

Moreover, we reject your claim that the conversation between you, Ms. Tegtmeier and Ms. Huff “constitute[d] an informal closed session conducted without a vote or the involvement of other Board members” This conversation cannot be considered an improper closed session under the Act since no quorum of the Board was present, and the conversation did not implicate business before the Board or any formal action that the Board may have taken or would take.

Finally, you allege that your constitutional rights were violated when you were not allowed to speak regarding the certificate holders. Our office is neither charged nor authorized to address constitutional allegations in connection with our enforcement duty under the Open Meetings Act. If you believe the Board violated your constitutional rights, you may wish to seek the advice of private counsel.

Sincerely,

MIKE HILGERS
Attorney General



Ryan D. Baker
Assistant Attorney General

c: Ami Huff

55-118

¹ See *a/so* Nebraska State Board of Education Board Operating Policies, § 1.06 (December 5, 2025), accessible at https://www.education.ne.gov/wp-content/uploads/2025/12/BOP-Final-Documents_revised-December-2025.pdf.

² A copy of this disposition is available on the Attorney General’s website at <https://ago.nebraska.gov/disposition-letters>.