

MINUTES
State Board of Education Work Session
June 2, 2016 2:00 PM
State Board Meeting Room - State Office Building
Lincoln, Nebraska
[Link to June 2, 2016, Work Session Agenda and Attachments](#)

1. CALL TO ORDER

1.1. Roll Call - Attendance Taken at 2:01 PM:

Present Board Members:

Glen Flint
Lillie Larsen
Patrick McPherson
Patricia Timm
Rachel Wise
John Witzel

Absent Board Members:

Maureen Nickels
Molly O'Holleran

Commissioner Blomstedt was also present.

1.2. President Wise announced the placement of the Open Meetings Act information

2. BOARD REPORTS, DATES AND DISCUSSIONS ITEMS

2.1. Meeting participation and joint meetings with policy partners. Board members discussed meeting participation in May.

2.2. Discuss requests for meeting attendance. Board members were reminded to submit requests for meeting attendance to meetings and conferences.

2.3. Monthly Board Travel Expense Report. Board members were reminded to review the travel expense report.

3. COMMISSIONER'S REPORT AND AGENDA OVERVIEW

3.1. Consent Agenda process. Commissioner Blomstedt reminded Board Members of the process for Consent Agenda items.

- 3.2. Report on Rules. Commissioner Blomstedt reviewed the status of Rules that are being revised.
- 3.3. Update on Rule 4 progress. Commissioner Blomstedt provided an update on the progress of Rule 4.
- 3.4. Board Priorities and Policy Research. Donlynn Rice, Department of Education representative, provided an update on the Strategic Plan process with FSB.
- 3.5. Background on Title IX. Scott Summers, Agency Legal Counsel, provided an overview of Title IX regulations.
- 3.6. Attorney General Presentation. Attorney General Doug Peterson presented to the Board about the efforts for presence of the Attorney General's office in Nebraska public schools and the issues most addressed in the schools (marijuana, human trafficking and Title IX guidance issued 6/13/16 by the U.S. Department of Education).

4. DISCUSSION OF ACTION ITEMS

- 4.1. Discuss the proposed revisions to Rule 25 (92 NAC 25), Regulations Governing the Excellence in Teaching Act. Sharon Katt and Karen Buller, Department of Education representatives, discussed the proposed revisions to Rule 25.
- 4.2. Discuss revisions in the attached Special Purpose Agreements for the accredited special purpose schools having waivers under the provisions of Rule 10-013.04. Freida Lange, Department of Education representative, discussed the Special Purpose Agreements.
- 4.3. Discuss accreditation of schools for the 2016-2017 school year in accordance with the provisions of Rule 10, (92 NAC 10), Regulations and Procedures for the Accreditation of Schools. Freida Lange, Department of Education representative, discussed the accreditation of schools for 2016-17 school year.
- 4.4. Discuss accreditation of the schools currently classified as approved schools, to operate as accredited in the 2016-2017 school year in accordance with the provisions of Rule 10, (92 NAC 10), Regulations and Procedures for the Accreditation of Schools. Freida Lange, Department of Education representative, discussed the accreditation of schools currently classified as approved schools.
- 4.5. Board Member Request for Resolution on Title IX. Board Member, Patrick McPherson, proposed adoption of a Board resolution regarding Title IX guidance issued by the U.S. Department of Education on 6/13/16.

5. COMMITTEE REPORTS AND OTHER ITEMS FOR DISCUSSION

5.1. AQuESTT. Commissioner Blomstedt provided an update on the work with Priority Schools.

5.2. TEACHING AND LEARNING REPORTS

5.2.A. Assessment Tenet Report. Rachel Wise, in the absence of Maureen Nickels, reported on the Assessment Tenet discussion.

5.2.A.1 Discuss the Data Recognition Contract for 2016-2017.

Commissioner Blomstedt and Valorie Foy, Department of Education representative, discussed the DRC contract regarding standardized testing.

5.2.A.2 Discuss a 3-year contract with the Regents of the University of California to gain access to and deliver the English Language Proficiency Assessment for the 21st Century (ELPA21) to meet federal and state English learner assessment requirements. Diane Stuehmer and Terri Schuster, Department of Education representatives, discussed the contract with the Regents.

5.3. STUDENT SUCCESS AND ACCESS REPORTS

5.3.A. Review Framework of Recommendations for School Safety Standards. Freida Lange and Jolene Palmer, Department of Education representatives, discussed the school safety standards.

5.4. DATA AND CONTINUOUS IMPROVEMENT REPORT

Board Member Glen Flint updated the Board on the Data and Continuous Improvement study group.

5.5. STRATEGIC PLANNING REPORT

Donlynn Rice, Department of Education representative, provided an update on the Strategic Planning process.

5.6. POLICY

5.6.1 Policy Committee Report

5.6.1.1 Discuss the proposed revisions to State Board Policy B7, "Reimbursement for Expenses". Board Member Patricia Timm reported on the Policy Committee meeting.

5.7. LEGISLATION

5.7.1 Legislative Committee Report. Board member, Lillie Larsen, discussed the work of the Legislative Committee.

5.7.1.1 Proposed ESSA Regulations. Brian Halstead, Department of Education representative, discussed proposed ESSA regulations.

6. ADJOURNMENT

At 4:32 p.m., President Wise adjourned the Work Session. The next regularly scheduled meeting of the State Board of Education will be June 3, 2016, at 9:00 a.m.

MINUTES State Board of Education Meeting Notification and Agenda

June 3, 2016 9:00 AM
State Board Meeting Room
State Office Building
Lincoln, Nebraska

[Link to June 3, 2016, Agenda and Attachments](#)

1. CALL TO ORDER

1.1. Roll Call - Attendance Taken at 9:01 AM:

Present Board Members:

Glen Flint
Lillie Larsen
Patrick McPherson
Patricia Timm
Rachel Wise
John Witzel

Absent Board Members:

Maureen Nickels
Molly O'Holleran

Commissioner Blomstedt was also present.

1.2. Pledge of Allegiance

1.3. Announcement of the placement of the Open Meetings Act information

2. APPROVAL OF THE MINUTES

2.1. Approve the minutes of the May 5-6, 2016, State Board of Education meeting as published

Motion Passed: Approval of the minutes of the May 5-6, 2016, State Board of Education meeting passed with a motion by John Witzel and a second by Patricia Timm.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

3. APPROVAL OF AGENDA

3.1. Commissioner's recommendations and items to be removed from consent agenda

Motion Passed: Motion to approve the agenda with the removal of Item 9 regarding the Early Childhood Evaluation of Step Up to Quality and the removal of Consent Agenda Items 8.5.D. and 8.4.E passed with a motion by Patrick McPherson and a second by Lillie Larsen.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

4. PUBLIC COMMENT PERIOD

4.1. REQUEST FOR APPEARANCE

4.1.A. Matters relating to employment at Vocational Rehabilitation field office (REQUEST POSTPONED)

4.1.B. Henry Burke spoke to Recent Title IX Guidance issued by the U.S. Department of Education.

4.2. OTHER PUBLIC COMMENT

- Gina Miller, speaking to local control
- Tyler Richard, speaking to Title IX
- Vic Stevenart, speaking to concern about federal mandates
- Eris Koleszar, speaking to Title IX guidance
- Maris Beutley, speaking to Title IX guidance
- Jay A. Irwin, speaking to Title IX resolution
- Gwen Easter, speaking to childcare, safe Haven Service, comprehensive transgender issue
- Eli Rigatuso, speaking to Title IX resolution
- Rachel Pinkerton, speaking to Title IX guidance
- Amber Parker, speaking to Title IX guidance
- Barbara Gard, speaking to title IX guidance
- John Carl Deykovich, speaking to federal Title IX guidance resolution
- Paul Meyer, speaking to CSE
- Deb Andrews, speaking to Title IX guidance
- Lucas Peterson, speaking to Title IX guidance

5. HEARINGS (NONE)

7. ACTION ITEMS

7.1. Approve proposed revisions to STATE BOARD POLICY B7, "Reimbursement for Expenses"

Motion Passed: Approve proposed revisions to STATE BOARD POLICY B7, "Reimbursement for Expenses" passed with a motion by Rachel Wise and a second by Patrick McPherson.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

7.2. Adopt proposed revisions to Rule 25 (92 NAC 25), Regulations Governing the Excellence in Teaching Act

Motion Passed: Adopt proposed revisions to Rule 25 (92 NAC 25), Regulations Governing the Excellence in Teaching Act passed with a motion by John Witzel and a second by Lillie Larsen.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

7.3. Approve the Data Recognition Contract for 2016-2017

Motion Passed: Grant the Commissioner the authority to contract with Data Recognition Corporation for delivery of statewide assessment for 2016-2017 as presented for grades 3-8 NeSA reading/English language arts, math and science and to exclude options for NeSA-Writing at grades 4, 8 and 11 and NeSA-RMS at grade 11 passed with a motion by Lillie Larsen and a second by Patricia Timm.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

7.4. Grant the Commissioner the authority to approve a 3-year contract with the Regents of the University of California to gain access to and deliver the English Language Proficiency Assessment for the 21st Century (ELPA21) to meet federal and state English learner assessment requirements

Motion Passed: Grant the Commissioner authority to approve a 3-year contract with the Regents of the University of California to gain access to and deliver the English Language Proficiency Assessment for the 21st Century (ELPA21) to meet federal and state English learner assessment requirements passed with a motion by John Witzel and a second by Patricia Timm.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

7.5. Grant the Commissioner the authority to approve revisions in the attached Special Purpose Agreements for the accredited special purpose schools having waivers under the provisions of Rule 10-013.04

Motion Passed: Grant the Commissioner the authority to approve revisions in the attached Special Purpose Agreements for the accredited special purpose schools having waivers under the provisions of Rule 10-013.04 passed with a motion by Glen Flint and a second by Patrick McPherson.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

7.6. Grant the Commissioner the authority to approve accreditation of schools for the 2016-2017 school year in accordance with the provisions of Rule 10, (92 NAC 10), Regulations and Procedures for the Accreditation of Schools

Motion Passed: Grant the Commissioner the authority to approve accreditation of schools for the 2016-2017 school year in accordance with the provisions of Rule 10, (92 NAC 10), Regulations and Procedures for the Accreditation of Schools passed with a motion by Glen Flint and a second by Lillie Larsen.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

7.7. Grant the Commissioner the authority to approve accreditation of the schools currently classified as approved schools, to operate as accredited in the 2016-2017 school year in accordance with the provisions of Rule 10, (92 NAC 10), Regulations and Procedures for the Accreditation of Schools

Motion Passed: Grant the Commissioner the authority to approve accreditation of the schools listed below, currently classified as approved schools, to operate as accredited in the 2016-2017 school year in accordance with the provisions of Rule 10, (92 NAC 10), Regulations and Procedures for the Accreditation of Schools passed with a motion by Patrick McPherson and a second by Patricia Timm.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

7.8. Accept Framework of Recommendations for School Safety Standards

Motion Passed: Acceptance of the framework of recommendations for School Safety Standards passed with a motion by Lillie Larsen and a second by John Witzel.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

6. EXECUTIVE SESSION

Motion Passed: Motion to move into Executive Session for executive session to receive advice from Legal Counsel on contested cases at 11:14 a.m. passed with a motion by Lillie Larsen and a second by Patricia Timm.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

Motion Passed: Motion to return to the regular business of the board meeting at 11:36 a.m. passed with a motion by Lillie Larsen and a second by John Witzel.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

7.9. Consider the Hearing Officer's Recommended Decision in Option Enrollment Case No. 16-01, Shada v. Pierce Public Schools

Motion Passed: State Board adopt the Hearing Officer's proposed findings of fact, recommended conclusions of law and the recommended decision affirming the Respondent school district's decision to deny the Petitioner's option enrollment application in NDE Case No. 16-01, Shada v. Pierce Public Schools and adopt proposed order prepared by Legal Counsel passed with a motion by Patrick McPherson and a second by Lillie Larsen.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

7.10. Approve Board Member Request for Resolution on Title IX

Subsidiary Motion Failed: To send the Resolution to the Policy Committee for review failed with a motion by Patricia Timm and a second by Lillie Larsen.

Glen Flint	No
Lillie Larsen	Yes
Patrick McPherson	No
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	No

Motion Failed: Approval of a Board Member Request for Resolution on Title IX failed with a motion by Patrick McPherson and a second by Glen Flint.

Glen Flint	Yes
Lillie Larsen	No
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	No
Rachel Wise	No
John Witzel	Yes

8. APPROVAL OF CONSENT AGENDA

8.1. Identify items for separate vote

Motion Passed: Placing Consent Agenda Items 8.4.E and 8.5.D back on the Consent Agenda passed with a motion by Glen Flint and a second by Patrick McPherson.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

8.2. Approve consent agenda

Motion Passed: Approval of the Consent Agenda as amended passed with a motion by Lillie Larsen and a second by Patricia Timm.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

9. SPECIAL PRESENTATIONS AND DISCUSSIONS

President Wise acknowledged the retirement of Margaret Worth with the reading of a Resolution.

President Wise acknowledged the retirement of Pat Bracken with the reading of a Resolution.

9.1. Early Childhood - Evaluation of Step Up to Quality (POSTPONED)

10. BOARD REPORTS, DATES AND DISCUSSION ITEMS

10.1. Meeting participation

Motion Passed: Approval of Board meeting participation and travel passed with a motion by John Witzel and a second by Patricia Timm.

Glen Flint	Yes
Lillie Larsen	Yes
Patrick McPherson	Yes
Maureen Nickels	Absent
Molly O'Holleran	Absent
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

12. ADJOURNMENT - President Wise adjourned the meeting of the State Board of Education at 11:54 a.m. The next work session of the State Board will be held Thursday, August 4, 2016, at 2:00 p.m. and a Board Meeting will be held on Friday, August 5, 15 9:00 a.m. at the Nebraska Department of Education State Board Meeting Room.