State Board of Education Meeting
August 3-4, 2017
State Board Meeting Room, State Office Building, Lincoln, Nebraska
Link to Agenda and Attachments
Link to Video of Meeting

Publicized notice of the work session and business meeting was given by posting notice on the Department’s website; emailed to news media requesting notification, and posting a copy of the agenda in the Office of the Commissioner of Education, which gave the date, time, and location of the meeting.

STATE BOARD OF EDUCATION – WORK SESSION – August 3, 2017, 2:00 p.m.

1. CALL TO ORDER. President Timm called the work session to order at 2:07 p.m.

1.1. Roll Call

Lisa Fricke: Present
Patsy Koch Johns: Present
Patrick McPherson: Present
Maureen Nickels: Present
Molly O’Holleran: Present
Patricia Timm: Present
Rachel Wise: Present
John Witzel: Present
Commissioner Blomstedt: Present

1.2. President Timm announced the placement of the Open Meetings Act.

2. BOARD REPORTS, DATES AND DISCUSSIONS ITEMS

2.1. Meeting participation and joint meetings with policy partners. President Timm asked for updates from Board Members on meetings and events attended since the June meeting.

2.2. Discuss requests for meeting attendance. President Timm reminded Board Members to work with Ryan Foor and Lora Sypal in any future events requiring travel on behalf of the Board. These will be approved by the Board during the Business meeting on Friday, August 4.

2.3. President Timm reminded Board Members to review the Monthly Board Travel Expense Report.
3. **COMMISSIONER’ REPORT AND AGENDA OVERVIEW**

3.1 Consent Agenda process. Commissioner Blomstedt explained the process for seeking additional information on the Consent Agenda items.

3.2 Report on Rules. Commissioner Blomstedt reported that hearings were held in July for Vocational Rehabilitation Rules 71 and 72. Personnel Rules and Rules 21 and 24 have been approved by the Governor and Secretary of State.

Board Member, Patrick McPherson made note of the Governor’s initiative to reduce the number of new rules enacted by State Agencies. He clarified that these are existing rules within the Department of Education and were merely updated.

3.3. Board Priorities and Policy Research. Ryan Foor, Executive Director of State Board, noted the following:

- acknowledged state FFA officers in the audience and that they were attending to see how a Board operates
- assured the Board that the implementation of the Strategic Plan is in progress and that CCSSO will be assisting with next steps during the week of August 14
- will continue to keep the Board updated on activities during the month
- will be working with performance management and connecting it to the strategic plan
- Attended the NASBE new member forum with Patsy Koch Johns and Lisa Fricke

4. **STANDING COMMITTEE REPORTS**

4.1. **AQuESTT - Teaching and Learning Domain Committee**

4.1.A. College, Career, and Civic Ready

4.1.A.1 Discussion Item: Presentation of Nebraska's College and Career Ready Standards for Science

Cory Epler and Sara Cooper, Department of Education representatives, provided an update on the timeline and process with the science standards. The Board will take action on the science standards in September pending approval of the recommendation from the Commissioner to the Board.

Chair Maureen Nickels noted that the Committee recommends the science standards come before the Board for adoption in September.
4.1.A.2 Action Item: Approve submission of grant application for the High School Career & Technical Education Teacher Pathway Initiative

Chair Maureen Nickels noted that the Committee recommends the Board approve the grant application for submission on Friday, August 4.

President Timm called for a break at 3:12 p.m. The meeting resumed at 3:25 p.m.

4.1.B. Assessment

4.1.B.1 Action Item: Authorize the Commissioner to set statewide assessment cut scores for: NeSA-English Language Arts Grades 3-8; Alternate Assessments for English Language Arts; and ACT

Jeremy Heneger and Cory Epler, Department of Education representatives, presented on setting statewide assessment cut scores.

Following discussion, it was recommended by Chair Maureen Nickels, on behalf of the Committee to approve the ELA General Cut Scores and Alternate Cut Scores as presented at the business meeting on Friday, August 4. It was also recommended that the Commissioner continue developing a recommendation on the ACT cut scores to be considered at a later meeting of the Board.

4.2 AQuESTT - Student Success and Access Domain Committee

4.2.A. Transitions

4.2.A.1 Action Item: Authorize the Commissioner to approve early childhood education programs established by public school districts and Educational Service Units in accordance with the provisions of Rule 11 (92 NAC 11), Regulations for The Approval of Prekindergarten Programs Established by School Boards or Educational Service Units and for the Issuance of Early Childhood Education Grants

Committee Chair, Molly O'Holleran, reported that the Committee recommends approval of this item during the business meeting of the Board on Friday, August 4.

4.2.A.2 Action Item: Authorize the Commissioner to approve Ashland-Greenwood Public Schools to offer fewer than 450 instructional hours for the purpose of receiving TEEOSA for their qualified Early Childhood Education Program due to severe winter weather during the 2016-17 school year

Committee Chair, Molly O'Holleran, reported that the Committee recommends approval of this item during the business meeting of the Board on Friday, August 4.
4.2.A.3 Action Item: Authorize the Commissioner to grant conditional approval under Rule 14 (Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools) for applicant nonpublic schools to operate in the 2017-18 school year.

Freida Lange, Department of Education representative, explained the language of Rule 14.

Committee Chair, Molly O’Holleran, reported that the Committee recommends approval of this item during the business meeting of the Board on Friday, August 4.

4.2.A.4 Action Item: Authorize the Commissioner to contract for assistance with implementation of Early Childhood Special Education through the Office of Special Education policies and procedures that align federal regulations and Results Driven Accountability (RDA).

Committee Chair, Molly O’Holleran, reported that the Committee recommends approval of this item during the business meeting of the Board on Friday, August 4.

Steve Milliken, Department of Education representative, provided information on the funding for this program.

Board Member Patrick McPherson asked that when looking at expenditures by the state, that the funding source is included.

4.2.B. Educational Opportunities and Access

4.2.B.1 Action Item: Approve revisions to Title 92, Nebraska Administrative Code, Chapter 71 (92 NAC 71), Procedures for Formal Review of Vocational Rehabilitation Determinations.

Committee Chair, Molly O’Holleran, reported that the Committee recommends approval of this item during the business meeting of the Board on Friday, August 4.

Vicki Rasmussen, Department of Education representative, provided additional information on the program. The rules are being updated to align with federal regulations.

4.2.B.2 Action Item: Approve Revisions to Title 92, Nebraska Administrative Code, Chapter 72 (92 NAC 72), Cost Sharing and Cost Containment Rule for Vocational Rehabilitation Services.

Committee Chair, Molly O’Holleran, reported that the Committee recommends approval of this item during the business meeting of the Board on Friday, August 4.

Cheryl Ferree, Department of Education representative, provided information on the updates to a current rule to align with the federal regulations.

4.3 Policy Committee
4.3.A Action Item: Approve proposed revisions to State Board Policy B8, Parliamentary Procedures/Rules of Order

Patricia Timm, Chair, reported on the revisions to Board Policy B8. A copy of Roberts’ Rules and a summary sheet of motions can be provided at Board member’s request. The Committee recommended that the Board approve the revisions during the business meeting on Friday, August 4.

4.3.B. Action Item: Approve proposed revisions to State Board Policy B15, Board Minutes

Patricia Timm, Chair, reported on the revisions to Board Policy B15, regarding recording votes and for the record statements.

The Committee recommended that the Board approve the revisions during the business meeting on Friday, August 4.


Scott Summers, Department of Education representative, reported on the Reference Manual being reorganized and available online.

4.3.D. Discussion Item: Discuss proposed revisions to P5 (formerly D6), Contracts, Grants and Purchases

Scott Summers and Shane Rhian, Department of Education representatives, explained the revisions regarding authority for contracts, grants, and purchases.

4.3.E. Discussion Item: Discuss Position Statement for Nebraska Virtual/Digital Education

Cory Epler and Doreann Avey, Department of Education representatives, explained the work on the policy to include a clear definition of digital education.

4.3.F. Discussion Item: Discuss Position Statement for Assessment

Cory Epler, Department of Education representative, discussed the new position statement on Assessment for Learning for all grades and content levels.

4.3.B Discussion Item: Discuss Policy on Data Access and Use

Scott Summers, Department of Education representative, provided information on Policy P11 on Data Access and Use. This would be direction from the Board to staff internally on how our staff should handle personally identifiable information. This will include Vocational Rehabilitation and Disability Determinations Service programs.
4.4 Legislative Committee

Rachel Wise, Chair, reported on the Legislative Committee. The Committee reviewed information on LB 651 and will continue discussion in September. The Committee also reviewed the Governor’s executive order regarding regulatory reform. In September, the Committee will begin looking at key concepts for the 2018 Legislative Agenda.

4.5 Strategic Planning, Performance and Improvement Committee

4.5.A. Action Item: Authorize the Commissioner to submit to the Secretary of Education a consolidated state plan for Nebraska under the Every Student Succeeds Act.

Commissioner Blomstedt expressed appreciation for the work of the ESSA Team. The plan is to continue gathering information and minor edits to provide to the Board at the September meeting. The draft will be submitted to the Governor. The Commissioner recommends the item be removed from the August agenda and placed on the September Agenda.

4.5.B. Action Item: Approve the recommendation for Druid Hill to exit Priority School status

Commissioner Blomstedt discussed the removal of Druid Hill from priority status and will continue to sustain and work with them on their sustainability plan. The Committee reiterated that this is not abandoning Druid Hill, but will continue to support as needed.

The Committee recommends that Druid Hill be removed from Priority School status.

4.6 Budget and Finance Committee

John Witzel, Chair, did not have any items to report.

5. ADJOURNMENT. President Timm adjourned the work session at 5:05 p.m. The next meeting of the Board will begin at 9:00 a.m. on August 4, 2017.
1. CALL TO ORDER

1.1 Roll Call

Lisa Fricke Present
Patsy Koch Johns Present
Patrick McPherson Present
Maureen Nickels Present
Molly O'Holleran Present
Patricia Timm Present
Rachel Wise Present
John Witzel Present
Commissioner Blomstedt Present

1.2 President Timm led the Pledge of Allegiance.

1.3. President Timm Announced the placement of the Open Meetings Act information.

2. APPROVAL OF THE MINUTES

2.1 Approval of the minutes of the June 1-2, 2017 State Board of Education meeting as published passed with a motion by John Witzel and a second by Patrick McPherson.

Patricia Timm: Abstain (absent in June)
Lisa Fricke: Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Rachel Wise: Yea
John Witzel: Yea
3. **APPROVAL OF AGENDA**

Commissioner recommended that Action Item 7.2.B.1 apply only to NeSA-English Language Arts Grades 3-8 and Alternate Assessments for English Language Arts with three performance levels and the recommended cut scores. Action to be delayed on setting cut scores for ACT. He also recommended that Action Item 7.5.A. be removed from the Agenda.

Motion to approve the revised Agenda as recommended by the Commissioner passed with a motion by Patrick McPherson and a second by Rachel Wise.

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4. **PUBLIC COMMENT PERIOD**

4.1 Request for Appearance - None

4.2 Other Public Comment

Commissioner Blomstedt welcomed the audience noting the Board Room was at capacity and another meeting room was being used for public seating.

President Timm asked for a motion that speakers would each get 3 minutes to speak in light of the number of speakers present ensuring that all who are wanting to speak are given the opportunity.

Motion according to Board Policy B12, that persons addressing the board in public comment be limited to 3 minutes passed with a motion by John Witzel and a second by Patsy Koch Johns.

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Patrick McPherson stated for the record: *I am not here to worry about the time I’m spending here, I want to hear what these folks have to say and I think limiting it to 3 minutes because it fits into our time frame is not good business sense.*

- David Harwood, speaking in support of Nebraska science standards  
- Michael Fryda, high school teacher, speaking in support of science standards  
- Amy Mancini, Grand Island Public Schools, speaking in support of science standards  
- Tricia Parker, educator, speaking in support of science standards  
- Mary Jane Truemper, speaking to the science standards and the need for basics and knowledge  
- Carol Peterson, Liberty Ladies, speaking to science and the importance to nursing programs.  
- Amber Parker, speaking to giving teachers freedom to teach without opinion to encourage thinking, sharing and problem-solving  
- C.J. Bessey, speaking to students needing facts and the goal to truly educate student minds  
- Lois Kenkel, provided written comments concerning climate change  
- Doug Kegan, Taxpayers for Freedom, speaking to science standards and climate change curriculum urging consideration of other options  
- Kathy Holkaober, speaking to the responsibility of parental involvement  
- Barbara Gard, speaking to performance based science standards and need to be measurable  
- Julie Thomas, speaking to science standards making science real for students  
- Jay Sears, NSEA., speaking in support of the high school career and technical education teacher pathway initiative grant; in support of the ESSA plan; in support of science standards  
- Nancy Wojcik, speaking to higher standards for children and concern students are not ready for college level education  
- Clay Ferris Naff, speaking in support of science standards, science is not facts, politics, or religion  
- Bill Prange, speaking to what you want children to come away with; group projects help everyone work together; science does not contradict parents  
- Carole Julian, Leap, speaking to exemplary state standards are needed; Nebraska standards are not fact based or grade level specific  
- Julie McQuillen, speaking in support of science standards  
- LouAnn Linehan, appreciating getting input from Legislature and Governor on ESSA plan; needing understanding the metrics used to remove from needs improvement status; and Board’s decision to decide on ratings of schools and release of them every year  
- Rev. Helen Greer, speaking to science education and study of climate change; in strong support of the science standards that engage children  
- Jeff Cole, Beyond School Bells, speaking in support of reaffirming the ELO policy; and the
rating of the science standards by Thomas Fordham Institute that is not worried about Nebraska kids

- Vick Stevenart, speaking to science standards and facts being the most important thing
- Paul Meyer, speaking to eliminating science standards
- Dr. Paul Von Behren, speaking to science standards and asking are we teaching students how to think or what to think
- Vicki Hahn, speaking to deterioration of students over the years at college level, lack of critical thinking skills, teachers needing to quit scaring our children
- John Atkinson, speaking to the science standards and climate change and the importance of getting it right; Don’t avoid the tough issues, teach reality and best assessments
- Larry Storer, speaking to special education issues and transitions; giving caregivers rights to play a part in the child’s life
- Susan Hester provided written comments on science standards

At 10:40 a.m., President Timm called for a break. The meeting resumed at 10:53 a.m.

5. **HEARINGS**

5.1 Hearing in NDE Case No. 17-06, Commissioner v. Jacob Cartwright

President Timm called the hearing to order at 10:55 a.m. in the above matter. Kelly Muthersbaugh, representing the Nebraska Professional Practices Commission offered the recommendation to suspend the Respondent's certificate for a period of one year.

Sara Hulac, appearing on behalf of the Petitioner, supported the recommendation for a one-year suspension of the Respondent's certificate.

The Respondent was not present nor represented by counsel.

President Timm closed the hearing at 10:57 a.m.

6. **EXECUTIVE SESSION**

Motion to move the State Board into Executive Session to deliberate and receive advice from Legal Counsel on contested cases at 10:57 a.m. passed with a motion by John Witzel and a second by Maureen Nickels.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

At 10:57 a.m., the Board moved into Executive Session to deliberate and receive advice from Legal Counsel on contested cases.

Motion to adjourn the Executive Session and return to the business meeting of the Board at 11:01 a.m. passed with a motion by John Witzel and a second by Maureen Nickels.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

At 11:01 a.m., the Board returned to the business meeting.

7. ACTION ITEMS

7.1 Full Board

7.1.A. Consider the PPC's Recommended Decision in NDE Case No. 17-06, Commissioner v. Jacob Cartwright

A motion in Commissioner v. Jacob Cartwright, NDE Case No. 17-06, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, suspending Respondent's teaching certificate for one year, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Maureen Nickels and a second by Molly O'Holleran.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel:      Yea

9. SPECIAL PRESENTATIONS AND DISCUSSIONS

9.1 Presentation by the Nebraska National Guard

Vice President, John Witzel, introduced the representatives of the Nebraska National Guard—Brigadier General Kevin Lyons, Lieutenant Colonel William Prusia, Major Joseph Eggen, and Mr. Glynn Holmes.

Representatives of the Nebraska National Guard presented information concerning benefits of the National Guard, the HEAR program for anti-bullying, various uses of the ASVAB aptitude survey, and working with educators across the state.

President Timm called for a break at 11:55 a.m. The meeting resumed at 12:02 p.m.

7. ACTION ITEMS

7.2 AQuESTT - Teaching and Learning Domain Committee

7.2.A.1 Motion to approve submission of grant application for the High School Career & Technical Education Teacher Pathway Initiative passed with a motion by Maureen Nickels and a second by Molly O'Holleran.

Lisa Fricke:      Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels:  Yea
Molly O'Holleran: Yea
Patricia Timm:    Yea
Rachel Wise:      Yea
John Witzel       Yea

7.2.B.1 Motion to authorize the Commissioner to set statewide assessment cut scores for NeSA-English Language Arts Grades 3-8; and the Alternate Assessments for English Language Arts with three performance levels and the recommended cut scores passed with a motion by Maureen Nickels and a second by Lisa Fricke.

Lisa Fricke:      Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

7.3  AQuESTT - Student Success and Access Domain Committee

7.3.A.1. Motion to authorize the Commissioner to approve public school districts and Educational Service Units that have established early childhood education programs in accordance with the provisions of Rule 11 (92 NAC 11), Regulations for The Approval of Prekindergarten Programs Established by School Boards or Educational Service Units and for the Issuance of Early Childhood Education Grants passed with a motion by Molly O'Holleran and a second by Patsy Koch Johns.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

7.3.A.2. Motion to authorize the Commissioner to approve Ashland-Greenwood Public Schools to offer fewer than 450 instructional hours for the purpose of receiving TEEOSA for their qualified Early Childhood Education Program due to severe winter weather during the 2016-17 school year passed with a motion by Molly O'Holleran and a second by Patrick McPherson.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea
7.3.A.3. Motion to authorize the Commissioner to grant conditional approval under Rule 14, Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools, for applicant nonpublic schools to operate in the 2017-18 school year Passed with a motion by Molly O'Holleran and a second by Patrick McPherson.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

7.3.A.4. Motion to authorize the Commissioner to contract for assistance with implementation of Early Childhood Special Education through the Office of Special Education policies and procedures that align federal regulations and Results Driven Accountability (RDA) passed with a motion by Molly O'Holleran and a second by Lisa Fricke.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

7.3.B.1. Motion to approve revisions to Title 92, Nebraska Administrative Code, Chapter 71, (92 NAC 71), Procedures for Formal Review of Vocational Rehabilitation Determinations passed with a motion by Molly O'Holleran and a second by John Witzel.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea
7.3.B.2. Approve Revisions to Title 92, *Nebraska Administrative Code*, Chapter 72, (92 NAC 72), Cost Sharing and Cost Containment Rule for Vocational Rehabilitation passed with a motion by Molly O'Holleran and a second by Rachel Wise.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

7.4 Policy Committee

7.4.A. Motion to approve proposed revisions to State Board Policy B8, Parliamentary Procedures/Rules of Order passed with a motion by John Witzel and a second by Patsy Koch Johns.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

7.4.B. Approval of proposed revisions to State Board Policy B15, Board Minutes passed with a motion by John Witzel and a second by Molly O'Holleran.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Patrick McPherson: Yea
Maureen Nickels: Yea
Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea
7.5 **Strategic Planning, Performance, and Improvement Committee**

7.5.A. This item was removed from the Agenda.

Authorize the Commissioner to submit to the Secretary of Education a consolidated state plan for Nebraska under the Every Student Succeeds Act

7.5.B. Approval of the recommendation for Druid Hill to exit priority schools status passed with a motion by John Witzel and a second by Molly O’Holleran.

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8. **APPROVAL OF CONSENT AGENDA**

8.2.2. Approval of the Consent Agenda as published passed with a motion by Patrick McPherson and a second by Rachel Wise.

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10. **BOARD REPORTS, DATES AND DISCUSSION ITEMS**

10.1 Approval of the requests for travel listed on Revision 3 passed with a motion by Rachel Wise and a second by Molly O’Holleran.

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Molly O'Holleran: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

11. INFORMATION ITEMS/WRITTEN REPORTS

President Timm reminded Board Members of the information items and written reports.

12. ADJOURNMENT

President Timm adjourned the meeting at 12:27 p.m. The next meeting of the State Board of Education will be held on Friday, September 8, 2017, at 9:00 a.m. at the Nebraska State Office Building, Lincoln, Nebraska.