

[State Board of Education Work Session Meeting](#)

(click on link to view **Agenda and support documents for Agenda items**)

February 2, 2017 2:00 p.m.

State Board Meeting Room, State Office Building, Lincoln, Nebraska

[Video Archive](#)

**1. CALL TO ORDER**

**1.1. Roll Call - Attendance Taken at 2:00 p.m.**

Present Board Members:

Patricia Timm

Rachel Wise

Maureen Nickels

Patrick McPherson

Molly O'Holleran

John Witzel

Lisa Fricke

Patsy Koch Johns

Others Present:

Commissioner Blomstedt

1.2. President Timm 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 reported on various meetings and conferences attended since January 2017.

**2.2. Discuss requests for meeting attendance**

Board members discussed requests for attendance at upcoming meetings and conferences.

**2.3. Monthly Board Travel Expense Report**

The Board Travel Expense Report provides Board members information on expenses incurred for Board travel.

**3. COMMISSIONER'S REPORT AND AGENDA OVERVIEW**

**3.1. Consent Agenda process**

Commissioner Blomstedt reviewed the process for questions and information regarding Consent Agenda items.

**3.2. Report on Rules**

Commissioner Blomstedt reported on the status of revisions to Department rules.

**3.3. Board Priorities and Policy Research**

Donlynn Rice, Department of Education representative, provided information on upcoming events for Board participation.

**3.4. Every Student Succeeds Act (ESSA) update**

Commissioner Blomstedt updated the Board on the process and status of Department efforts in preparing the ESSA application.

**4. STANDING COMMITTEE REPORTS**

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

**4.1.A. Action Item: Adopt proposed revisions to Rule 24 (92 NAC 24), "Regulations for Certificate Endorsements"**

Pat Madsen, Department of Education representative for Adult Education, discussed changes to Rule 24. Maureen Nickels, Chair, reported that the Committee recommends adopting Rule 24 revisions.

**4.2. AQuESTT - Student Success and Access Domain Committee**

**4.2.A. Action Item: Adopt proposed revisions to Rule 19 (92 NAC 19), "Regulations Regarding School Enrollment"**

Molly O'Holleran, Chair, reported that the Committee recommends adopting the proposed revisions.

**4.2.B. Action Item: Approve a contract with Educational Service Unit (ESU) 10 to provide an Instructional Coach/Facilitator for Loup County Schools**

Molly O'Holleran, Chair, reported that the Committee recommends approval of the contract with ESU 10.

**4.3. Policy Committee**

Patricia Timm, Chair, reported on the discussions of the Committee.

**4.4. Legislative Committee**

**4.4.A. Review 2017 Proposed State Legislation and Take Action on Board Positions**

Rachel Wise, Chair, reported on the meeting of the Committee. Brian Halstead, Department of Education represented, reviewed the proposed actions from the Committee.

**4.5. Strategic Planning, Performance and Improvement Committee**

President Timm reported on the first meeting of the Committee. Discussions will continue to determine the role meeting option.

**4.6. Budget and Finance Committee**

**4.6.A. Action Item: Award Innovation Grants to recommended applicants for the 2016-17 Innovation Grant Fund Program**

John Witzel, Chair, reported on the meeting of the Committee. Dean Folkers, Department of Education representative, provided information on the grants.

**5. ADJOURNMENT**

President Timm adjourned the work session at 4:37 p.m.

**State Board of Education Meeting**

February 3, 2017, 9:00 a.m.,

State Board Meeting Room, State Office Building, Lincoln, Nebraska

**1. CALL TO ORDER**

**1.1. Roll Call - Attendance Taken at 8:59 a.m.**

Present Board Members:

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

Also Present:

Commissioner Blomstedt

**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. Motion Passed:** Approval of the minutes of the January 5-6, 2017 State Board of Education meeting as published passed with a motion by Patrick McPherson and a second by Rachel Wise.

Patricia Timm	Yes
Rachel Wise	Yes
Maureen Nickels	Yes
Patrick McPherson	Yes

Molly O'Holleran	Yes
John Witzel	Yes
Lisa Fricke	Yes
Patsy Koch Johns	Yes

- 2.2. Motion Passed:** Approval of the minutes of the January 23, 2017, State Board of Education Legislative Retreat as published passed with a motion by Rachel Wise and a second by Patrick McPherson.

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

**3. APPROVAL OF AGENDA**

Commissioner Blomstedt recommended an addition to Information Items to play a video produced by Vocational Rehabilitation.

- 3.1. Motion Passed:** Adding an Information Item to play a video produced by Vocational Rehabilitation to the Agenda passed with a motion by Patsy Koch Johns and a second by John Witzel.

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

*Note: This additional item was not taken up at the meeting and later removed on the advice of Legal Counsel. It is intended that it appear on the agenda of a future meeting and viewed by the Board at that time.*

**4. PUBLIC COMMENT PERIOD**

- 4.1. Request for Appearance.** Requestors given 10 minutes to present.

- 4.1.A. John Thompson, Nebraska Association for Gifted impacting Nebraska's high ability learners**

#### **4.2. Other Public Comment**

- Janelle Jack, Nebraska Association of the Gifted, speaking to gifted education
- Henry Burke, speaking to Nebraska Science Standards
- Jay Sears, Nebraska State Education Association, speaking to 7.2.A, Rule 24
- Rachel Pinkerton, speaking to comprehensive sexuality education in Omaha Public Schools, Senator Groene's bill to restrain a child, and Civics education
- Kristin Job, Nebraska Association of the Gifted, support position of HAL director

President Timm called for a break at 11:37 a.m. The meeting resumed at 10:00 a.m.

#### **5. HEARINGS**

##### **5.1. Hearing in NDE Case No. 16-18, Commissioner v. Kimberlee Holden**

President Timm called the hearing to order at 10:02 a.m. in the above matter. Kelly Muthersbaugh, representing the Nebraska Professional Practices Commission offered the recommendation to revoke the Respondent's certificate for a period of three years.

Brian Halstead, appearing on behalf of the Petitioner, supported the recommendation for a three-year revocation of Respondent's certificate.

The Respondent was not present nor represented by counsel.

President Timm closed the hearing at 10:06 a.m.

##### **5.2. Hearing in NDE Case No. 16-19, Commissioner v. Bradley Nord**

President Timm called the hearing to order at 10:06 a.m. in the above matter. Kelly Muthersbaugh, representing the Nebraska Professional Practices Commission offered the recommendation of permanent revocation of the Respondent's certificate.

Brian Halstead, appearing on behalf of the Petitioner, supported the recommendation for permanent revocation of Respondent's certificate.

The Respondent was not present nor represented by counsel.

President Timm closed the hearing at 10:09 a.m.

##### **5.3. Hearing in NDE Case No. 16-20, Commissioner v. Brian Robeson**

President Timm called the hearing to order at 10:09 a.m. in the above matter. Kelly Muthersbaugh, representing the Nebraska Professional Practices Commission offered the recommendation of permanent revocation of the Respondent's certificate.

Brian Halstead, appearing on behalf of the Petitioner, supported the recommendation for permanent revocation of Respondent's certificate.

The Respondent was not present nor represented by counsel.

President Timm closed the hearing at 10:12 a.m.

**5.4. Hearing in NDE Case No. 16-21, Commissioner v. Anthony Rahe**

President Timm called the hearing to order at 10:12 a.m. in the above matter. Kelly Muthersbaugh, representing the Nebraska Professional Practices Commission offered the recommendation of permanent revocation of the Respondent's certificate.

Brian Halstead, appearing on behalf of the Petitioner, supported the recommendation for permanent revocation of Respondent's certificate.

The Respondent was not present nor represented by Counsel.

President Timm closed the hearing at 10:15 a.m.

**6. EXECUTIVE SESSION**

**Motion Passed:** At 10:27 a.m., moving into Executive Session to deliberate and receive advice from Legal Counsel on contested cases passed with a motion by John Witzel and a second by Patrick McPherson.

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

**Motion Passed:** Adjourn the Executive Session of the Board at 10:40 a.m. and return to the Business meeting passed with a motion by John Witzel and a second by Rachel Wise.

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

## 7. ACTION ITEMS

### 7.1. Full Board

**7.1.A. Motion Passed:** To move in Commissioner v. Kimberlee Holden, NDE Case No. 16-18, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, revoking Respondent's teaching certificate for a period of three years, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Molly O'Holleran and a second by Lisa Fricke.

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

**7.1.B. Motion Passed:** To move in Commissioner v. Bradley Nord, NDE Case No. 16-19, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, permanently revoking Respondent's teaching certificate, and to adopt the Final Order proposed by Legal Counsel passed with a motion by John Witzel and a second by Rachel Wise.

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

**7.1.C. Motion Passed:** I move in Commissioner v. Brian Robeson, NDE Case No. 16-20, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, permanently revoking Respondent's teaching certificate, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Patrick McPherson and a second by Patsy Koch Johns.

Patricia Timm	Yes
Rachel Wise	Yes
Maureen Nickels	Yes

Patrick McPherson	Yes
Molly O'Holleran	Yes
John Witzel	Yes
Lisa Fricke	Yes
Patsy Koch Johns	Yes

- 7.1.D. Motion Passed:** I move in Commissioner v. Anthony Rahe, NDE Case No. 16-21, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, permanently revoking Respondent's teaching certificate, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Maureen Nickels and a second by Rachel Wise.

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

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

- 7.2.A. Motion Passed:** Approval of revisions to 92 NAC 24 Regulations for Certificate Endorsements passed with a motion by Maureen Nickels and a second by Molly O'Holleran.

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

**7.3. AQuESTT - Student Success and Access Domain Committee**

- 7.3.A. Adopt proposed revisions to Rule 19 (92 NAC 19), "Regulations Regarding School Enrollment"**

**Motion Passed:** Adoption of proposed revisions to Rule 19 (92 NAC 19), "Regulations Regarding School Enrollment" passed with a motion by Molly O'Holleran and a second by Patrick McPherson.



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

**7.3.B. Approve a contract with Educational Service Unit (ESU) 10 to provide an Instructional Coach/Facilitator for Loup County Schools**

**Motion Passed:** Approve a contract with Educational Service Unit (ESU) 10 to provide an Instructional Coach/Facilitator for Loup County Schools passed with a motion by Molly O'Holleran and a second by Lisa Fricke.

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

**7.4. Policy Committee (No Items)**

**7.5. Legislative Committee**

**7.5.A. Review 2017 Proposed State Legislation and Take Action on Board Positions**

**Motion Passed:** Support for LB 227, *Create the Brain Injury Council and Brain Injury Trust Fund*, passed with a motion by Rachel Wise and a second by Molly O'Holleran.

Patricia Timm	Yes
Rachel Wise	Yes
Maureen Nickels	Yes
Patrick McPherson	No
Molly O'Holleran	Yes
John Witzel	Yes
Lisa Fricke	Yes
Patsy Koch Johns	Yes

**Motion Passed:** Support for LB 357, *Increase original certificate of title fees for vehicles transferred to Nebraska from another state and provide for voluntary contributions to brain injury programs*, passed with a motion by Rachel Wise and a second by Molly O'Holleran.

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

**Motion Passed:** Support for LB 347, *Change provisions relating to school bus permits and qualifications*, passed with a motion by Rachel Wise and a second by Molly O'Holleran.

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

**Motion Passed:** Opposition to LB 299, *Adopt the Occupational Board Reform Act and change procedures for rules and regulations*, passed with a motion by Rachel Wise and a second by John Witzel.

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

**Motion Passed:** Opposition to LB 608, *Adopt the Parental Choice Scholarship Program*, passed with a motion by Rachel Wise and a second by Patsy Koch Johns.

Patricia Timm	Yes
Rachel Wise	Yes
Maureen Nickels	Yes
Patrick McPherson	No

Molly O'Holleran	Yes
John Witzel	Yes
Lisa Fricke	Yes
Patsy Koch Johns	Yes

**Motion Passed:** Opposition to LB 630, *Adopt the Independent Public Schools Act*, passed with a motion by Rachel Wise and a second by Maureen Nickels.

Patricia Timm	Yes
Rachel Wise	Yes
Maureen Nickels	Yes
Patrick McPherson	No
Molly O'Holleran	Yes
John Witzel	Yes
Lisa Fricke	Yes
Patsy Koch Johns	Yes

**Motion Passed:** Opposition to LB 651, *Adopt the Nebraska Reading Improvement Act*, passed with a motion by Rachel Wise and a second by Maureen Nickels.

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

**Motion Passed:** Opposition to LB 662, *Establish a grading system for schools and school districts*, passed with a motion by Rachel Wise and a second by John Witzel.

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

**Motion Failed:** Opposition to LB 595, *Provide for the use of physical force or physical restraint or removal from a class in response to student behavior*, failed with a motion by Molly O'Holleran and a second by Maureen Nickels.

Patricia Timm	No
Rachel Wise	No
Maureen Nickels	Yes
Patrick McPherson	No
Molly O'Holleran	Yes
John Witzel	Abstain
Lisa Fricke	Abstain
Patsy Koch Johns	No

**7.6. Strategic Planning, Performance and Improvement Committee (No Items)**

**7.7. Budget and Finance Committee**

**7.7.A. Motion Passed:** Awarding Innovation Grants to recommended applicants for the 2016-17 Innovation Grant Fund Program passed with a motion by John Witzel and a second by Patsy Koch Johns.

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

**7.8. Commissioner's Appraisal Committee (No Items)**

**8. APPROVAL OF CONSENT AGENDA**

**8.1. Identify items for separate vote**

**8.2. Motion Passed:** Motion to approve the consent agenda as presented passed with a motion by Molly O'Holleran and a second by Lisa Fricke.

Patricia Timm	Yes
Rachel Wise	Yes
Maureen Nickels	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes

John Witzel	Yes
Lisa Fricke	Yes
Patsy Koch Johns	Yes

**9. SPECIAL PRESENTATIONS AND DISCUSSIONS**

The Special Presentation of a video by Vocational Rehabilitation was removed from the Agenda.

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

**10.1. Meeting participation**

**Motion Passed:** Approval of meeting participation passed with a motion by Patrick McPherson and a second by Molly O'Holleran.

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

**10.2. Monthly Board Travel Expense Report**

Report was provided.

12. There being no further business to come before the Board, President Timm adjourned the business meeting at 11:04 a.m.

A work session will be held on Thursday, March 2, 2017, at 2:00 p.m. and a Board meeting will be held on Friday, March 3, 2017, at 9:00 a.m. at the Nebraska Department of Education State Board Meeting Room.