

State Board of Education Work Session Meeting
Thursday, December 7, 2017 2:00 p.m., State Board Meeting Room
State Office Building, 301 Centennial Mall South, 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 – THURSDAY, DECEMBER 7, 2017, 2:00 p.m. State Board Meeting Room, State Office Building, Lincoln, Nebraska.

1. CALL TO ORDER

1.1. Roll Call

| | |
|-------------------|----------------------------|
| Lisa Fricke | Present, Left at 4:30 p.m. |
| Patsy Koch Johns | Absent |
| Patrick McPherson | Present |
| Maureen Nickels | Present |
| Molly O'Holleran | Present |
| Patricia Timm | Present |
| Rachel Wise | Present |
| John Witzel | Present |

Commissioner Blomstedt was also present.

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

Patricia Timm announced the placement of the Open Meetings Act information.

2. SPECIAL PRESENTATION: Civics Education

Senator Mike Groene addressed the State Board regarding Civics Education as it relates to the Americanism statute and the proposed Civics Readiness definition.

Discussion followed with the Senator, Commissioner and Board Members. After the discussion, President Timm asked the Committee to further review the Civics Readiness definition with Department staff before Board adoption.

President Timm called for a break at 2:24 p.m. The meeting resumed at 2:36 p.m.

3. COMMISSIONER'S REPORT AND AGENDA OVERVIEW

Commissioner Blomstedt provided a year-end report on the status of the Strategic Plan timeline and goals. The Commissioner noted that various outside groups have worked with the Department in partnership with the Board in carrying out the work of education and looking ahead at the process for working with the Strategic Planning Committee.

The Board will readdress the Commissioner's Report in January.

3.1. Consent Agenda process

Commissioner Blomstedt reminded Board members of the process for seeking information on Consent Agenda items.

3.2. Report on Rules

Commissioner Blomstedt reviewed the status of Rules 15, 23, 71 and 72 included in today's agenda.

3.3. Board Priorities and Policy Research

Ryan Foor, State Board Executive Director, directed the Board to the various Study Committee reports listed included in today's agenda.

3.3.A. Report on recent ad-hoc study committees – None

4. STANDING COMMITTEE REPORTS

4.1. AQuESTT - Teaching and Learning Domain Committee

4.1.A. College, Career, and Civic Ready

4.1.A.1. Action Item: Approval of the definition of civic-readiness

Cory Epler and Harris Payne, Department of Education representatives, reviewed the timeline and process involved with the proposed Civic Readiness definition as aligned with the Strategic Plan. Dr. Epler pointed out that the definition does not replace statutory requirements nor Rule 10 guidelines.

Following discussion, Maureen Nickels, the Committee Chair, noted that after considering recent comments and input, the Committee recommends staff review the definition and bring it to the Board in January. The Committee recommends removal of the item from the Agenda for Friday, December 8, 2017.

4.1.B. Assessment

4.1.B.1. Action Item: Approve Nebraska Department of Education Summative Assessment Administration and Reporting Plan and Technical Reports

Valorie Foy, Department of Education representative, reviewed the report to be filed with the Legislature. The Committee recommends approval of the report.

4.1.C. Educator Effectiveness

4.1.C.1. Action Item: Adopt proposed revisions to Rule 23 (92 NAC 23), Basic Skills Competency Testing of Teachers and Administrators

Kevin Peters, Department of Education representative, reviewed the change in Rule relating to Basic Skills Competency Test. The Committee recommends approval of the proposed revisions.

4.2. AQuESTT - Student Success and Access Domain Committee

4.2.A. Positive Partnerships, Relationships and Student Success

4.2.A.1. Action Item: Authorize the Commissioner to contract with Heather Robbins (dba Heather's Behavior Support Services) for the purpose of supports around special education and MTSS in needs improvement and priority schools for the period November 6, 2017 through October 31, 2018.

Molly O'Holleran, Chair, reported on the discussion of the Committee. The Committee recommends approval of the item.

4.2.A.2. Action Item: Adopt proposed revisions to Rule 15 (92 NAC 15), Regulations and Procedures for the Education of Students with Limited English Proficiency in Public Schools

Molly O'Holleran, Chair, reported on the update of the Rule concerning the terminology change to English Learners. The Committee recommends approval of the Rule.

4.2.B. Transitions

4.2.B.1 Action Item: Grant the Commissioner the authority to approve a contract with ESU 13 to develop innovative programs across the state to educate Nebraska VR staff, educators and family members, and implement effective strategies that increase independent living and inclusion for students with disabilities in their communities and competitive integrated workplaces.

Molly O'Holleran, Chair, reported on the discussion in Committee. The Committee recommends approval of the contract.

4.3. Policy Committee

4.3.A. Action Item: Approve proposed 2018 State Board Meeting dates

Patricia Timm, Chair, reviewed the proposed meeting dates for 2018. There was discussion concerning holding the Legislative Retreat after the February Board meeting. January 22 is being tagged as a time reserved "if needed" at this time. The Committee recommends approval of the dates.

4.4. Legislative Committee

4.4.A. Discussion Item: 2018 State Legislative Initiatives

Rachel Wise, Chair, discussed the purpose of using transition reports to reflect the work over the year and thoughts moving forward in the new year. Brian Halstead, Department of Education representative, reported on the status of various legislation bills and activity.

Legislative and Regulatory priorities from the Committee were also reviewed. The Board will be asked to take action on the document in January.

4.5. Strategic Planning, Performance and Improvement Committee

Patricia Timm, Chair, provided an overview of the Committee meeting. For the coming year, reports on the Strategic Plan will be given quarterly as a way to keep everyone informed and accountable to the strategic plan.

President Timm called for a break at 4:30 p.m. Lisa Fricke left the meeting at 4:30 p.m. The meeting resumed at 4:40 p.m.

4.5.A. Discussion Item: Update on the selection of a third priority school

Gale Hamilton, Department of Education representative, provided a review of the priority school designation process. All Needs Improvement Schools are going to be considered for priority status. A selection will be brought to the Board for consideration in February.

4.6. Budget and Finance Committee

4.6.A. Action Item: Approve 2018 Trust Fund Budget for Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI)

John Witzel, Chair, provided a summary of the meeting. The Committee recommends approval of the Trust Fund Budget.

5. BOARD REPORTS, DATES AND DISCUSSIONS ITEMS

5.1. Meeting participation and joint meetings with policy partners

State Board Members reported on various meetings attended since the November meeting.

5.2. Discuss requests for meeting attendance

Board Members discussed attendance at future meetings. Molly O'Holleran noted that she will not be attending the NAG meeting and Patrick McPherson expressed interest in attending.

5.3. Monthly Board Travel Expense Report

President Timm directed the Board's attention to the Board Travel Expense Report.

6. ADJOURNMENT

President Timm adjourned the meeting at 5:05 p.m. The next regularly scheduled meeting of the State Board of Education will reconvene at 9:00 a.m. Friday morning, December 8 in the State Board Meeting Room, Department of Education.

**STATE BOARD OF EDUCATION MEETING - FRIDAY, DECEMBER 8, 2017 9:00 a.m.,
State Board Meeting Room State Office Building, 301 Centennial Mall South, Lincoln, Nebraska**

1. **CALL TO ORDER** - President Timm called the meeting to order at 9:00 a.m.

1.1. Roll Call

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

Commissioner Blomstedt was also present.

1.2. Pledge of Allegiance

President Timm led the Pledge of Allegiance.

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

President Timm announced the placement of the Open Meetings Act.

2. APPROVAL OF THE MINUTES

2.1. Approval of the minutes passed with a motion by Rachel Wise and a second by John Witzel.

| | |
|-------------------|--------|
| Lisa Fricke | Yes |
| Patsy Koch Johns | Absent |
| Patrick McPherson | Yes |
| Maureen Nickels | Yes |
| Molly O'Holleran | Yes |
| 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
Commissioner recommended removal of Action Item 7.2.A.1, Approval of the definition of civic-readiness, as discussed during the work session.

Approval of the Agenda with Commissioner's recommendation to remove Action Item 7.2.A.1, passed with a motion by Patrick McPherson and a second by Rachel Wise.

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

4. PUBLIC COMMENT PERIOD

4.1. Request for Appearance - None

4.2. Other Public Comment

- Wayne Smith – speaking in opposition to definition of civic readiness (Handout)
- Nancy Carr - speaking in opposition to the definition of civic readiness
- Jay Sears - NSEA - speaking in support of Action Item 7.2.B.1, Summative Assessment Administration and Reporting Plan; Rule 23 and Rule 15
- Richard Zierke - speaking in opposition to the definition of civic readiness
- Jeff Cole - Beyond School Bells – speaking in support of the definition of civic readiness
- Jacob Campbell – speaking in opposition to definition of civic readiness
- Paul VanBaren - speaking in opposition to definition of civic readiness
- Paul Meyer - speaking to "nothing is happening with American values"
- Rachel Pinkerton – speaking in opposition to the definition of civic readiness and UNL biases
- Lee Todd – speaking in opposition to definition of civic readiness
- Senator Mike Groene - speaking in opposition to civics readiness

Commissioner Blomstedt took a moment of privilege to thank the public comment speakers. He also clarified that the intentions of the Board and Department staff is to listen to the public comments intentionally and purposefully as a form of process, engagement, and due diligence.

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

5. HEARINGS

5.1. Hearing in NDE Case No. 17-09, Commissioner v. Eric Rybacki

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 to permanently revoke the Respondent's certificate.

Sara Hulac, appearing on behalf of the Commissioner, Petitioner, supported the recommendation for a 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.

5.2. Hearing in NDE Case No. 17-10, Commissioner v. Sean Neal

President Timm called the hearing to order at 10:15 a.m. in the above matter. Kelly Muthersbaugh, representing the Nebraska Professional Practices Commissioner, offered the recommendation to permanently revoke the Respondent's certificate.

Sara Hulac, appearing on behalf of the Commissioner, Petitioner, supported the recommendation for a permanent revocation of Respondent's certificate. The Respondent was not present nor represented by counsel.

President Timm closed the hearing at 10:18 a.m.

6. EXECUTIVE SESSION

To move in to Executive Session at 10:19 a.m. to deliberate and receive advice from Legal Counsel on contested cases passed with a motion by John Witzel and a second by Rachel Wise.

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

At 10:19 a.m., the Board moved into Executive Session to deliberate and receive advice from Legal Counsel on contested cases.

To adjourn the Executive Session at 10:30 a.m. and return to the regular business meeting of the Board passed with a motion by John Witzel and a second by Molly O'Holleran.

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

At 10:30 a.m., the Board resumed the Business meeting.

7. ACTION ITEMS

7.1. Full Board

7.1.A. Consider the PPC's Recommended Decision in NDE Case No. 17-09, Commissioner v. Eric Rybacki

I move in *Commissioner v. Eric Rybacki*, NDE Case No. 17-09, 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 Molly O'Holleran and a second by Rachel Wise.

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

7.1.B. Consider the PPC's Recommended Decision in NDE Case No. 17-10, *Commissioner v. Sean Neal*

I move in *Commissioner v. Sean Neal*, NDE Case No. 17-10, 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 Rachel Wise.

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

7.2. AQuESTT - Teaching and Learning Domain Committee

7.2.A. College, Career, and Civic Ready

7.2.A.1. Approval of the definition of civic-readiness

This item was removed from the Agenda.

7.2.B. Assessment

7.2.B.1. Approve Nebraska Department of Education Summative Assessment Administration and Reporting Plan and Technical Reports

Approval of Nebraska Department of Education Summative Assessment Administration and Reporting Plan and Technical Reports passed with a motion by Maureen Nickels and a second by Molly O'Holleran.

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

7.2.C. Educator Effectiveness

7.2.C.1. Adoption of proposed revisions to Rule 23 (92 NAC 23), Basic Skills Competency Testing of Teachers and Administrators passed with a motion by Maureen Nickels, second by Lisa Fricke.

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

7.3. AQuESTT - Student Success and Access Domain Committee

7.3.A. Positive Partnerships, Relationships and Student Success

7.3.A.1. Authorize the Commissioner to contract with Heather Robbins (dba Heather's Behavior Support Services) for the purpose of supports around special education and MTSS in needs improvement and priority schools for the period November 6, 2017 through October 31, 2018, passed with a motion by Molly O'Holleran and a second by Rachel Wise.

| | |
|-------------------|--------|
| Lisa Fricke | Yes |
| Patsy Koch Johns | Absent |
| Patrick McPherson | Yes |
| Maureen Nickels | Yes |
| Molly O'Holleran | Yes |
| Patricia Timm | Yes |

| | |
|-------------|-----|
| Rachel Wise | Yes |
| John Witzel | Yes |

- 7.3.A.2. Adopt proposed revisions to Rule 15 (92 NAC 15), Regulations and Procedures for the Education of Students with Limited English Proficiency in Public Schools passed with a motion by Molly O'Holleran and a second by Patrick McPherson.

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

7.3.B. Transitions

- 7.3.B.1. Grant the Commissioner the authority to approve a contract with ESU 13 to develop innovative programs across the state to educate Nebraska VR staff, educators and family members, and implement effective strategies that increase independent living and inclusion for students with disabilities in their communities and competitive integrated workplaces passed with a motion by Molly O'Holleran and a second by Maureen Nickels.

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

7.4. Policy Committee

- 7.4.A. Motion by Rachel Wise, second by Molly O'Holleran to approve proposed 2018 State Board meeting dates.

Motion to amend by Patrick McPherson, second by Molly O'Holleran to indicate that the Legislative Retreat date of January 22 be noted as "if needed" passed.

| | |
|------------------|--------|
| Lisa Fricke | Yes |
| Patsy Koch Johns | Absent |

| | |
|-------------------|-----|
| Patrick McPherson | Yes |
| Maureen Nickels | Yes |
| Molly O'Holleran | Yes |
| Patricia Timm | Yes |
| Rachel Wise | Yes |
| John Witzel | Yes |

Motion to approve the 2018 State Board meeting dates as amended passed.

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

7.5. Budget and Finance Committee

7.5.A. Approve 2018 Trust Fund Budget for Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI) passed with a motion by John Witzel and a second by Lisa Fricke.

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

8. APPROVAL OF CONSENT AGENDA

8.1. Identify items for separate vote - None

8.2. Approve consent agenda passed with a motion by Molly O'Holleran and a second by Rachel Wise.

| | |
|-------------------|--------|
| Lisa Fricke | Yes |
| Patsy Koch Johns | Absent |
| Patrick McPherson | Yes |
| Maureen Nickels | Yes |
| Molly O'Holleran | Yes |

| | |
|---------------|-----|
| Patricia Timm | Yes |
| Rachel Wise | Yes |
| John Witzel | Yes |

9. SPECIAL PRESENTATIONS AND DISCUSSIONS - None

10. BOARD REPORTS, DATES AND DISCUSSION ITEMS

Rachel Wise addressed President Timm to appoint interested Board Members to NASBE Governmental Affairs Committee and the Public Education Committee.

President Timm will submit Patrick McPherson for the Governmental Affairs Committee and Lisa Fricke for the Public Education Committee.

Commissioner Blomstedt also announced his appointment to the Board of Directors for Chief State School Officers.

10.1. Meeting participation

Approval of meeting participation passed with a motion by John Witzel and a second by Molly O'Holleran.

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

12. ADJOURNMENT

President Timm adjourned the meeting at 10:44 a.m. A work Session will be held on Thursday, January 4, at 2:00 p.m. and a Board Meeting held on Friday, January 5, at 9:00 a.m. in the State Board Meeting Room.