

**State Board of Education Meetings**  
Thursday-Friday, May 3-4, 2018  
State Board Meeting Room, 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 meetings.

**STATE BOARD WORK SESSION, Thursday, May 3, 2018, 2:00 p.m.**

**1. CALL TO ORDER**

President Witzel called the Work Session to order at 2:00 p.m.

1.1 Roll Call showed the following Members present:

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

Commissioner Blomstedt was also present.

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

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

2.1 Commissioner Blomstedt reminded Board Members of the Consent Agenda Process.

2.2 Commissioner Blomstedt reported on the status of Rules. Rule 9 is set for hearing on May 16, 2018; Rule 15 was approved by the Governor today, May 3, 2018; and Rules 71, 72, 23, and 24 are still pending approval.

2.3 Commissioner Blomstedt reviewed the evidence of work toward 2018 Board Goals relevant to Part III of his appraisal process. The Commissioner noted ongoing conversations with two Performance Targets:

- Target One contains five goals for 2018 and the Commissioner noted activity on these goals.
- Target Two relating to the organization of NDE. The Commissioner presented evidence of the activity toward reorganizing and alignment of the work of the Department to the Strategic Plan of the Board.

2.3.A Status report on the NASBE Early Childhood Policy Grant

Melody Hobson, Department of Education representative, provided a review of the NASBE Early Childhood Workforce Grant. The purpose of this grant was to provide leadership regarding early childhood workforce.

2.3.B Status report on the NSSRS to ADVISER transition and the recent Bridging Connections Data Conference

Dean Folkers and Matt Hastings, Department of Education representatives, provided a Status Report on the April Data Conference and the transition from NSSRS to ADVISER.

3. STANDING COMMITTEE REPORTS

3.1 Policy Committee

Patricia Timm, Chair, reported that the Policy Committee will be doing a four-year review in June on State Board Policy P9, *Ethics/Accountability & Disclosure*.

3.1.A The Policy Committee recommends the Board to approve proposed revisions to B3, *State Board Member Code of Conduct*, during the business meeting on May 4, 2018.

3.1.B The Policy Committee reviewed B 19, *Computer Equipment/Internet Access and Electronic Acceptable Use*, and will bring minor revisions to the Board as an action item in June.

3.2 Legislative Committee

Rachel Wise, Chair, reported that the Legislative Committee will meet on May 9, 2018, and provide an extensive report at the June meeting regarding Interim Studies and a plan and process for future legislation.

3.2.A Discussion Item: Review of Enacted Bills from 105th Legislature

Deputy Commissioner Brian Halstead provided a report on the activities of the 105<sup>th</sup> Legislature. The Board was referred to the summary of actions included in the Board material.

3.3 Commissioner's Appraisal Committee

John Witzel, Chair, reported that the Commissioner's Appraisal Committee will meet in June to continue to refine the appraisal document.

### 3.4 AQuESTT Teaching and Learning Domain

#### 3.4.A Assessment

Maureen Nickels shared discussions of the Committee and offered the following recommendations:

- 3.4.A.1 Action Item: Grant the Commissioner the authority to enter into a contract with ACT to provide Nebraska Student Centered Assessment System (NSCAS) ACT Plus Writing and related services for 2018-2019.

Valorie Foy and Jeremy Heneger, Department of Education representatives, presented information concerning the ACT contract. The Committee recommended approval.

- 3.4.A.2 Action Item: Grant the Commissioner the authority to enter into a contract with Data Recognition Corporation to provide Nebraska Student Centered Assessment System (NSCAS) alternate assessments and related services for 2018-2019.

Valorie Foy, Department of Education representative, provided information concerning the DRC contract. The Committee recommended approval.

- 3.4.A.3 Action Item: Grant the Commissioner the authority to enter into a contract with Northwest Evaluation Association to provide Nebraska Student Centered Assessment System (NSCAS) general assessments and related services for 2018-2019.

Valorie Foy and Jeremy Heneger, Department of Education representatives, presented information concerning the ACT contract. The Committee recommended approval.

### 3.5 AQuESTT Student Success and Access Domain Committee Meeting

#### 3.5.A Positive Partnerships, Relationships and Student Success

Patsy Koch Johns, acting Chair, provided the following information:

- 3.5.A.1 Action Item: Grant the Commissioner the authority to accept a grant sub-award from the RAND Corporation to implement an effective violence prevention program in schools

Jolene Palmer, Department of Education representative, provided an overview and scope of the grant sub-award. The Committee recommended approval.

- 3.5.A.2 Action Item: Action Item: Grant the Commissioner the authority to continue contracting with ESU 9 for assistance with implementation of the Nebraska State Plan for Education of Children who are Deaf or Hard of Hearing

Teresa Coonts, ESU 9 representative, reviewed the contract and statistics on the plan for the education of children who are deaf or hard of hearing. The Committee recommended approval.

3.5.B Transitions

- 3.5.B.1 Action Item: Approve Interim-Program Schools to operate for the 2018-2019 school year under Rule 18 (92 NAC 18), Regulations and Procedures for the Approval of Interim-Program Schools in County Detention Homes, Institutions and Juvenile Emergency Shelters

Kim Snyder, Department of Education representative, shared information on Chapter 18, Interim Program Schools. The Committee recommended approval.

3.5.C Educational Opportunities and Access

- 3.5.C.1 Action Item: Approve the Nebraska Early Learning Guidelines: Nebraska's Birth to Five Learning and Development Standards

Melody Hobson, Department of Education representative, shared information on the Early Learning Guidelines. The Committee recommended approval.

- 3.5.C.2 Action Item: Approve awards for new and expansion Early Childhood Education Program grants to the identified public school districts provided in the Board materials.

Melody Hobson, Department of Education representative, shared information about the selection process with the Board. The Committee recommended approval.

3.6 Budget and Finance Committee

- 3.6.A Discussion Item: Grant the Commissioner authority to contract with MTW Solutions, LLC for service and support for the Nebraska Department of Education Grants Management System for the period July 1, 2017, through June 30, 2018

Shane Rhian, Department of Education representative, briefed the Board on the meeting of the Committee, noting that the intention of the NDE is to continue the contract with MTW based on their great service and no increase in fees. The committee plans to bring the contract to the Board as an action item in June.

3.7 Strategic Planning, Performance and Improvement Committee

Patricia Timm, Chair, reported on the following discussions of the Committee:

- 3.7.A Action Item: Approve accreditation for the Educational Service Units appearing on the accompanying list for the 2018-2019 school year in accordance with the provisions of Rule 84 (92 NAC 84), Regulations for Educational Service Units

The Committee recommended approval.

- 3.7.B Action Item: Grant the Commissioner the authority to contract with Shirley Vargas to provide services of the Student Achievement Coordinator position on a temporary basis  
Contract with Student Achievement - Shirley Vargas

Commissioner Blomstedt provided background information on the contract with Shirley Vargas noting the position would be working with student achievement.

The Committee recommended approval.

- 3.7.C Discussion Item: ESSA Plan status

Commissioner Blomstedt provided an update on the recent ESSA plan submission which has been posted on the Department website.

#### **4. BOARD REPORTS, DATES AND DISCUSSION ITEMS**

- 4.1 Meeting participation and joint meetings with policy partners

- 4.1.A Monthly Board Reports

President Witzel expressed appreciation of the Board's efforts to submit meeting reports and noted that the reports are available for review in Sparq as part of the Board meeting materials.

- 4.2 Meetings that took place in the past and were not previously approved

President Witzel noted that action will be taken during the May 4, 2018, Business meeting to approve attendance at meetings that took place in the past that were not previously approved.

- 4.3 Discuss requests for future meeting attendance

President Witzel reminded Board members to submit travel additional travel requests before the Business meeting on May 4, 2018, for approval.

- 4.4. Monthly Board Travel Expense Report

President Witzel reminded Board members that the monthly travel expenses were available for review.

#### **5. EXECUTIVE SESSION**

Motion by Timm, second by Koch Johns: To move into Executive Session at 2:57 p.m.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed. At 2:57 p.m., the Board moved into Executive Session to discuss the Commissioner's job performance and appraisal in order to prevent needless injury to the Commissioner's reputation

Motion by Timm, second by Nickels: To adjourn Executive Session and return to the work session of the Board at 4:15 p.m.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

## 6. **ADJOURNMENT**

President Witzel adjourned the Work Session at 4:16 p.m.

The next regularly scheduled meeting of the State Board will convene at 9:00 a.m., May 4, 2018, in the State Board Meeting Room, 301 Centennial Mall South, Lincoln, Nebraska.

## **NEBRASKA STATE BOARD OF EDUCATION MEETING, Friday, May 4, 2018, at 9:00 a.m.**

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

1.1. Roll Call

Present: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

Commissioner Blomstedt was also present.

1.2. President Witzel led the Pledge of Allegiance.

1.3. President Witzel announced the placement of the Open Meetings Act.

**2. APPROVAL OF THE MINUTES**

- 2.1 Motion by Fricke, second by Koch Johns: To approve the minutes of the April 5-6, 2018 State Board of Education meetings as published.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

**3. APPROVAL OF AGENDA**

- 3.1 Motion by Timm, second by Nickels: To approve the Agenda as published.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

**4. PUBLIC COMMENT. – None**

**5. HEARINGS (10:00 a.m.) President Witzel**

- 5.1. Hearing in NDE Case No. 18-02, *In the Matter of the Reinstatement of Donald Webben*

A hearing was held in Case No. 18-02. President Witzel called the hearing to order at 10:00 a.m. Kelly Muthersbaugh, representing the Nebraska Professional Practices Commission, offered the Commission recommendation that the Petitioner be allowed to apply for reinstatement of his teaching certificate.

Sara Hulac, Legal Counsel, appeared on behalf of Matthew L. Blomstedt, Commissioner of Education, in support of the Commission recommendation.

Petitioner, Donald Webben, appeared on his own behalf.

President Witzel closed the hearing at 10:07 a.m.

- 5.2. Hearing in NDE Case No. 18-03, *Commissioner vs. Brooks Wells*

A hearing was held in Case No. 18-03. President Witzel called the hearing to order at 10:08 a.m. Kelly Muthersbaugh, representing the Nebraska Professional Practices Commission, offered the Commission recommendation of permanent revocation of the Petitioner's teaching certificate.

Sara Hulac, Legal Counsel, appeared on behalf of the Petitioner, Matthew L. Blomstedt, in support of the Commission recommendation.

The Respondent was not present nor represented by counsel.

President Witzel closed the hearing at 10:11 a.m.

5.3. Hearing in NDE Case No. 18-04, *Commissioner v. Jessie Fisher*

A hearing was held in Case No. 18-04. President Witzel called the hearing to order at 10:12 a.m. Kelly Muthersbaugh, representing the Nebraska Professional Practices Commission, offered the Commission recommendation of revocation of the Respondent's teaching certificate for a period of five years.

Sara Hulac, Legal Counsel, appeared on behalf of the Petitioner, Mathew L. Blomstedt, in support of the Commission recommendation.

The Respondent was not present nor represented by counsel.

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

**6. EXECUTIVE SESSION**

Motion by Timm, second by Nickels: To move into Executive Session to deliberate and receive advice from Legal Counsel on contested cases.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

At 10:16 a.m., the State Board moved into Executive Session to deliberate and receive advice from Legal Counsel on contested cases.

Motion by Timm, second by Nickels: To adjourn the Executive Session of the Board and return to the regular Business Meeting at 10:38 a.m.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

At 10:38 a.m., the Board adjourned the Executive Session of the Board and returned to the regular Business meeting.



## 7. ACTION ITEMS

- 7.1.A. Motion by Nickels, second by Timm: *In the Matter of the Reinstatement of Donald Webben*, NDE Case No. 18-02, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, allowing Petitioner to apply for a teaching certificate, and to adopt the Final Order proposed by Legal Counsel.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

- 7.1.B Motion by McPherson, second by Fricke: In *Commissioner v. Brooks Wells*, NDE Case No. 18-03, 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.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

- 7.1.C Motion by Timm, second by Koch Johns: In *Commissioner v. Jessie Fisher*, NDE Case No. 18-04, that this Board adopt the Findings of Fact, Conclusions of Law of the Commission. However, this Board determines that the appropriate sanction should be a three year revocation, and adopt the Final Order proposed by Legal Counsel.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

- 7.2.A. Motion by Timm, second by Koch Johns: To approve proposed revisions to State Board Bylaw B3, State Board Member Code of Conduct.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

- 7.3.A.1 Motion by Nickels, second by Timm: To grant the Commissioner the authority to enter into a contract with ACT to provide Nebraska Student Centered Assessment System (NSCAS) ACT Plus Writing and related services for 2018-2019.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

7.3.A.2 Motion by Nickels, second by Timm: To grant the Commissioner the authority to enter into a contract with Data Recognition Corporation to provide Nebraska Student Centered Assessment System (NSCAS) alternate assessments and related services for 2018-2019.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

7.3.A.3 Motion by Nickels, second by Timm: To grant the Commissioner the authority to enter into a contract with Northwest Evaluation Association to provide Nebraska Student Centered Assessment System (NSCAS) general assessments and related services for 2018-2019.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

7.4.A.1 Motion by Koch Johns, second by Fricke: To grant the Commissioner the authority to accept a grant sub-award from the RAND Corporation to implement an effective violence prevention program in schools.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

7.4.A.2 Motion by Koch Johns, second by Nickels: To grant the Commissioner the authority to continue contracting with ESU 9 for assistance with implementation of the Nebraska State Plan for Education of Children who are Deaf or Hard of Hearing.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

7.4.B.1 Motion by Koch Johns, second by McPherson: To approve Interim-Program Schools to operate for the 2018-2019 school year under Rule 18 (92 NAC 18), Regulations and

Procedures for the Approval of Interim-Program Schools in County Detention Homes, Institutions and Juvenile Emergency Shelters.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

7.4.C.1 Motion by Koch Johns, second by Timm: To approve the Nebraska Early Learning Guidelines: Nebraska Birth to Five Learning and Development Standards.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

7.4.C.2 Motion by Koch Johns, second by Timm: To approve awards for new and expansion Early Childhood Education Program grants to the identified public school districts.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

7.5.A Motion by Timm, second by Nickels: To approve accreditation for the Educational Service Units appearing on the accompanying list for the 2018-2019 school year in accordance with the provisions of Rule 84 (92 NAC 84), Regulations for Educational Service Units.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

7.5.B Motion by Timm, second by Nickels: To grant the Commissioner the authority to contract with Shirley Vargas to provide services of the Student Achievement Coordinator position on a temporary basis.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

**8. CONSENT AGENDA**

8.2 Motion by Koch Johns, second by Timm: To approve consent agenda as published.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

At 9:16 a.m., President Witzel moved the State Board into recess until 10:00 a.m. for scheduled hearings. At 10:00 a.m., the meeting of the State Board resumed.

**9. SPECIAL PRESENTATIONS AND DISCUSSIONS – None**

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

10.1 Meetings that took place in the past and were not previously approved

Motion by McPherson, second by Timm: To approve attendance at meetings that took place in the past that were not previously approved for Maureen Nickels for attending the NETA Conference on April 19, 2018.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson  
Absent: Wise, O'Holleran  
Abstain: Nickels

The motion passed.

Motion by McPherson, second by Fricke: To approve attendance at the three meetings that took place in the past that were not previously approved for Rachel Wise.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

10.2 Future Meeting participation

Motion by Timm, second by Koch Johns: To approve future meeting participation as posted.

Voting Yes: Witzel, Timm, Koch Johns, Fricke, McPherson, Nickels  
Absent: Wise, O'Holleran

The motion passed.

**12. ADJOURNMENT**

President Witzel adjourned the meeting at 10:42 a.m.

The next regularly scheduled meeting of the State Board of Education will be held on Friday, June 8, 2018, at 9:00 a.m. at the Nebraska State Office Building, Nebraska Department of Education, Sixth Floor, 301 Centennial Mall South, Lincoln, NE 68509.