

Minutes of the State Board of Education Meetings  
Thursday-Friday, August 2-3, 2018  
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, business meeting, and retreat 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.

**Thursday, August 2, 2018 – State Board of Education Work Session**

**1. CALL TO ORDER – President Witzel called the work session to order at 2:00 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 was also present.

1.2 Announcement of the placement of the Open Meetings Act information

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

2.1 Commissioner Blomstedt reviewed the Consent Agenda process with the Board.

2.2 Commissioner Blomstedt reported on the status of various rules as outlined in the Rules Report noting the pull back of Rule 23 from the Governor's Office, hearings on Rules 91 and 92, update on sunscreen guidance.

2.3 Board Priorities and Policy Research

Ryan Foor, Department of Education representative, provided an overview of the Board's leadership in NASBE and the selection of Commissioner Blomstedt as Policy Leader of the Year.

- 2.4 To move into Executive Session at 3:00 p.m. to discuss investigative proceedings concerning personnel matters passed with a motion by Patricia Timm and a second by Lisa Fricke.

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

At 3:00 p.m., the Board moved into Executive Session to discuss investigative proceedings concerning personnel matters.

To adjourn the Executive Session of the Board and return to the business of the Work Session at 3:40 p.m., passed with a motion by Patricia Timm and a second by Patsy Koch Johns.

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

### **3. STANDING COMMITTEE REPORTS**

#### 3.7 Strategic Planning, Performance and Improvement Committee

- 3.7.A. Patricia Timm, Chair, reported on the discussion concerning the Priority School Progress Plan for Schuyler Central High School for the 2018-19 school year. Kathy Kennedy (KLK Consulting), Lane Carr, Shirley Vargas, and Russ Masco provided additional information. Discussion following concerning the desire for actual proof that a school in priority status does improve. The committee recommends approval.

#### 3.1 Policy Committee

- 3.1.A. Patricia Timm, Chair, reported on the proposed revisions to State Board Policy P9, Ethics/Accountability & Disclosure. The Committee recommends approval of the revisions.
- 3.1.B. Patricia Timm, Chair, reported on the proposed resolution on equity in education with a few revisions. The Committee recommends approval of the resolution.

#### 3.2 Legislative Committee

- 3.2.A. Rachel Wise, Chair, reported on the discussion on 2019 Legislative Priorities and the meeting held July 16 with the Committee. A copy of the Legislative Priorities will be provided at the September meeting.

Brian Halstead, Department of Education representative, provided an update on federal legislation.

- 3.2.B. Rachel Wise, Chair, reported on the discussion of proposed activities for the 2018-19 Committee.
- 3.3 Commissioner's Appraisal Committee – No report
- 3.4 AQuESTT – Teaching and Learning Domain Committee
  - 3.4.A. Maureen Nickels, Chair, reported on the discussion of educator preparation programs in Nebraska colleges and universities for 2018-19. Pat Madsen, Department of Education representative, provided additional information. The Committee recommends approval.
  - 3.4. B. Maureen Nickels, Chair, reported on a contract with an individual yet to be named for a period beginning on or after August 6, 2018 through July 31, 2019 for the purpose of directly supporting principals, superintendents, principal supervisors, and other school leaders. Brad Dirksen, Department of Education representative, provided additional information. The committee recommends approval.
  - 3.4.C. Maureen Nickels, Chair, reported on approval of the Nebraska Student-Centered Assessment System (NSCAS) Mathematics cut scores for Grades 3-8 and NSCAS Alternate Mathematics cut scores for Grades 3-8 and 11. Valorie Foy and Jeremy Heneger, Department of Education representatives, provided additional information. The committee recommends approval.
  - 3.4.D. Maureen Nickels reported on the discussion relating to the civic readiness definition. The committee's preference was to not move the definition of civic readiness forward at this time. The committee also felt that this needed to be discussed by the Strategic Planning Committee to reexamine Goal 5.1 in the Strategic Plan.
- 3.5 AQuESTT - Student Success and Access Domain Committee
  - 3.5.A. Molly O'Holleran, Chair, reported on the acceptance of FY2018 (2018-19) funding through the "Improving Student Health and Academic Achievement through Nutrition, Physical Activity and the Management of Chronic Conditions in Schools" Notice of Funding Opportunity (NOFO) (CDC RFA-DP18-1801). The committee recommends approval.
  - 3.5.B. Molly O'Holleran, Chair, reported on the contract with Children's Hospital and Medical Center Foundation for Improving Student Health and Academic Achievement through Nutrition, Physical Activity and Management of Chronic Conditions in Schools. The committee recommends approval.

- 3.5.C. Molly O'Holleran, Chair, reported on the public school districts and Educational Service Units that have established early childhood education programs in accordance with the provision of Rule 11 ( 92 NAC11), Regulations for the Approval of Prekindergarten Programs established by School Boards or Educational Service Units and for the Issuance of Early Childhood Education Grants. The committee recommends approval.
- 3.5.D. Molly O'Holleran, Chair, reported on the approval of the Morrill Public Schools early childhood program. Melody Hobson, Department of Education representative, provided additional information. Discussion followed concerning the LB 803 waiver process conflicting with the Rules. The committee recommends approval.
- 3.5.E. Molly O'Holleran, Chair, reported on granting the Commissioner authority to continue with the Agreement between the Board of Regents (BOR), State of Iowa, on behalf of the Iowa School for the Deaf (ISD), and the Nebraska Department of Education (NDE) for the provision of educational and residential services to Nebraska children and youth with hearing impairments in need of such services. The committee recommends approval.
- 3.5.F. Molly O'Holleran, Chair, reported on granting the Commissioner authority to fund the Autism Spectrum Disorder (ASD) Network Projects, the University of Nebraska (UNL)-VI Project, the Nebraska Center for the Education of Children who are Blind/Visually Impaired (NCECBVI) Project, and the Promoting Engagement and Knowledge Projects (PEaK). The committee recommends approval.
- 3.5.G. Molly O'Holleran, Chair, reported on granting conditional approval under Rule 14 (92 NAC 14), Regulations & Procedures for the Legal Operation of Approved Nonpublic Schools, for applicant nonpublic schools to operate in the 2018-19 school year. The committee recommends approval.

### 3.6 Budget and Finance Committee

- 3.6.A. John Witzel, Chair, reported on the discussion of the Biennial Budget Request. Shane Rhian and Bryce Wilson, Department of Education representatives, provided additional information and reviewed the timeline for the budget process.

## 4. BOARD REPORTS, DATES AND DISCUSSIONS ITEMS

- 4.1 President Witzel expressed appreciation for Board members submitting meeting information.
- 4.2 President Witzel reported there were several requests for approval for attendance at past meetings.

- 4.3 President Witzel reminded Board members to request attendance at future meetings prior to the Friday board meeting.
- 4.4 President Witzel reminded Board members to review the Monthly Board Travel Expense Report.
5. **ADJOURNMENT** – President Witzel adjourned the work session at 4:51 p.m. The next meeting of the State Board of Education will reconvene at 9:00 a.m., Friday, August 3, 2018.

**STATE BOARD OF EDUCATION BUSINESS MEETING - FRIDAY, AUGUST 3, 2018, 9:00 A.M.**

**1. CALL TO ORDER**

- 1.1 Roll Call at 9:00 a.m. by President John Witzel.

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 was also present.

- 1.2 President Witzel led the Pledge of Allegiance.
- 1.3 President Witzel announcement the placement of the Open Meetings Act information.

**2. APPROVAL OF THE MINUTES**

- 2.1 Approval of the minutes passed with a motion by Molly O'Holleran and a second by Patricia Timm.

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

### **3. APPROVAL OF AGENDA**

- 3.1 To approve the Agenda as published passed with a motion by Rachel Wise and a second by Patsy Koch Johns.

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

### **4. PUBLIC COMMENT PERIOD**

- 4.2 Other Public Comment

- Jay Sears, Nebraska State Education Association, announced his retirement and thanked the Board, Commissioner and NDE for their work on behalf of our students
- Cindy Kopetch, Nebraska State Education Association, acknowledged Jay Sears contribution and looks forward to working with the Board, Commissioner, and NDE.
- Rachel Pinkerton, spoke to a Creighton Campus event for Clarice Jackson

### **9. SPECIAL PRESENTATIONS AND DISCUSSIONS**

- 9.1 Quarterly Report

Michele Helt provided her quarterly report as Nebraska Teacher of the Year.

At 9:45 a.m., President Witzel called for a break. The meeting resumed at 10:00 a.m.

### **5. HEARINGS (10:00 a.m.)**

- 5.1 Hearing in NDE Case No. 18-12, Commissioner v. Ryan Epperson

The hearing was called to order at 10:00 a.m. by President John Witzel. Kelly Muthersbaugh, representing the PPC, presented the Commission's recommendation to revoke the Respondent's certificate for a period of 5 years. The Petitioner was present and represented by Sara Hulac, in support of the PPC recommendation. The Respondent was not present nor represented by counsel. The hearing was closed at 10:03 a.m.

- 5.2 Hearing in NDE Case No. 18-13, Commissioner v. Jesse Stull 18-13 10:03 a.m.

The hearing was called to order at 10:03 a.m. by President John Witzel. Kelly Muthersbaugh, representing the PPC, presented the Commission recommendation for a 5-year revocation of the Respondent's certificate. The Petitioner was present and represented by counsel, Sara Hulac, in support of the

Commission's recommendation. The Respondent was not present, however a written response was provided by Respondent's attorney and made a part of the record. The hearing was closed at 10:06 a.m.

5.3 Hearing in NDE Case No. 18-14, Commissioner v. Tony Little

The hearing was called to order at 10:06 a.m. by President John Witzel. Kelly Muthersbaugh, representing the PPC, presented the Commission's recommendation for an 18-month revocation of Respondent's certificate. The Petitioner was present and represented by Sara Hulac, in support of the Commission's recommendation. The Respondent was not present nor represented by counsel. The hearing was closed at 10:09 a.m.

**6. EXECUTIVE SESSION**

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

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

The Board moved into Executive Session at 10:10 a.m. to deliberate and receive legal advice from Legal Counsel on contested cases.

To adjourn the Executive Session and return to the Business meeting of the Board at 10:35 a.m. passed with a motion by Patricia Timm and a second by Rachel Wise.

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

**7. ACTION ITEMS**

7.1 Consider the PPC's Recommended Decision in NDE Case No. 18-12, Commissioner v. Ryan Epperson

In Commissioner v. Ryan Epperson, NDE Case No. 18-12, that this Board adopt the Findings of Fact. However, the State Board believes an appropriate sanction is a three year revocation of Respondent's teaching permit passed with a motion by Molly O'Holleran and a second by Patsy Koch Johns.

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

7.2 Consider the PPC's Recommended Decision in NDE Case No. 18-13, Commissioner v. Jesse Stull

In Commissioner v. Jesse Stull, NDE Case No. 18013, 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 five years, and to adopt the Final Order proposed by Legal Counsel, passed with a motion by Patricia Timm and a second by Molly O'Holleran.

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

7.3 Consider PPC's Recommended Decision in NDE Case No. 18-14, Commissioner v. Tony Little

In Commissioner v. Tony Little, NDE Case No. 18-14, that this Board adopt the Findings of Fact, Conclusions of Law. However the State Board believes an appropriate sanction is a three-year revocation of the Respondent's administrative certificate passed with a motion by Lisa Fricke and a second by Patsy Koch Johns.

7.4 Policy Committee

7.4.A. Approve proposed revisions to State Board Policy P9, Ethics/Accountability and Disclosure passed with a motion by Patricia Timm and a second by Lisa Fricke.

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

7.4.B. Adopt a proposed resolution on equity in education which was read into the record by Patricia Timm passed with a motion by Patricia Timm and a second by Rachel Wise.

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

7.5 AQuESTT - Teaching and Learning Domain Committee

7.5.A. Approve the educator preparation programs in Nebraska colleges and universities for 2018-19 passed with a motion by Maureen Nickels and a second by Patsy Koch Johns.

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



7.5.B. Grant the Commissioner authority to contract with an individual yet to be named for a period beginning on or after August 6, 2018 through July 31, 2019 for the purpose of directly supporting principals, superintendents, principal supervisors, and other school leaders passed with a motion by Maureen Nickels and a second by Rachel Wise.

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

7.5.C. Approve Nebraska Student-Centered Assessment System (NSCAS) Mathematics cut scores for Grades 3-8 and NSCAS Alternate Mathematics cut scores for Grades 3-8 and 11 passed with a motion by Maureen Nickels and a second by Patricia Timm.

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

7.6 AQuESTT - Student Success and Access Domain Committee

7.6.A. Grant the Commissioner authority to accept FY2018 (2018-19) funding through the "Improving Student Health and Academic Achievement through Nutrition, Physical Activity and the Management of Chronic Conditions in Schools" Notice of Funding Opportunity (NOFO) (CDC RFA-DP18-1801) passed with a motion by Molly O'Holleran and a second by Patricia Timm.

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

7.6.B. Grant the Commissioner authority to contract with Children's Hospital and Medical Center Foundation for Improving Student Health and Academic Achievement through Nutrition, Physical Activity and Management of Chronic Conditions in Schools passed with a motion by Molly O'Holleran and a second by Patsy Koch Johns.

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

7.6.C. Approve public school districts and Educational Service Units that have established early childhood education programs in accordance with the provision of Rule 11 (92 NAC11), 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.

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

- 7.6.D. Approve Morrill Public Schools early childhood program passed with a motion by Molly O'Holleran and a second by Patricia Timm.

Patrick McPherson expressed concern that we are in violation of the current rule and procedure; and understands that a rule change will be brought to the board in September.

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

- 7.6.E. Grant the Commissioner authority to continue with the Agreement between the Board of Regents (BOR), State of Iowa, on behalf of the Iowa School for the Deaf (ISD), and the Nebraska Department of Education (NDE) for the provision of educational and residential services to Nebraska children and youth with hearing impairments in need of such services passed with a motion by Molly O'Holleran and a second by Patsy Koch Johns.

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

- 7.6.F. Grant the Commissioner the authority to fund the Autism Spectrum Disorder (ASD) Network Projects, the University of Nebraska (UNL)-VI Project, the Nebraska Center for the Education of Children who are Blind/Visually Impaired (NCECBVI) Project, and the Promoting Engagement and Knowledge Projects (PEaK) passed with a motion by Molly O'Holleran and a second by Patricia Timm.

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

- 7.6.G. Grant conditional approval under Rule 14 (92 NAC 14), Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools, for applicant nonpublic schools to operate in the 2018-19 school year passed with a motion by Molly O'Holleran and a second by Rachel Wise.

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

7.7 Strategic Planning, Performance, and Improvement Committee

- 7.7.A. Approve the Priority School Progress Plan for Schuyler Central High School for the 2018-19 school year passed with a motion by Patricia Timm and a second by Rachel Wise.

Patrick McPherson expressed concern that the plan was not specific for Schuyler by way of goals and tangible meaningful numbers.

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

Voting No: McPherson

**8. APPROVAL OF CONSENT AGENDA**

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

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

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

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

Approve meetings that took place in the past and were not previously approved for Rachel Wise for attending the Native American Tribal Council on June 29-30, 2018, passed with a motion by Patricia Timm and a second by Patsy Koch Johns.

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

Approve meetings that took place in the past and were not previously approved for Patrick McPherson for attending the Governor's Education Summit on July 12, 2018, passed with a motion by Molly O'Holleran and a second by Patricia Timm.

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

To approve meetings that took place in the past that were not previously approved for Lisa Fricke for speaking to future administrators at Doane College in Lincoln, Nebraska on July 18, 2018. Passed with a motion by Rachel Wise and a second by Patricia Timm.

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

#### 10.2 Future Meeting participation

Approve meeting participation as published passed with a motion by Patricia Timm and a second by Patrick McPherson.

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

At 10:56 a.m., President Witzel called for a break and the broadcast of the meeting ended. Rachel Wise left the meeting at 10:56 a.m. The meeting resumed at 11:05 a.m.

10.3 The Board discussed various meetings members had participated in over the last quarter of the year. Written reports were included in the Agenda material.

## 12. ADJOURNMENT

President Witzel adjourned the meeting at 11:40 a.m. The next meeting will be a Work Session on Thursday, September 6, 2018, beginning at 2:00 p.m. and the Board business meeting held on Friday, September 7, at 9:00 a.m. in the State Board Meeting Room at the Nebraska State Office Building.