

**STATE BOARD OF EDUCATION MEETINGS**  
**Thursday-Friday, December 6-7, 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 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, December 6, 2018, 8:30 AM**

**STATE BOARD OF EDUCATION JOINT MEETING WITH THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION, Thursday, December 6, 2018, 8:30 a.m., Governor's Residence**

**1. CALL TO ORDER**

President Witzel called the meeting to order at 8:35 a.m.

**2. ROLL CALL**

Present: Witzel, Wise, McPherson, Fricke, Nickels

Absent: O'Holleran (arrived 8:37 a.m.); Timm, Koch Johns

Commissioner Blomstedt was also present.

2.1 President Witzel announced the placement of the Open Meetings Act information.

**3. WELCOME FROM CHAIR OF THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION**

W. Scott Wilson, Chair of the Coordinating Commission for Postsecondary Education (CCPE) provided welcome remarks and introductions of Commission Members.

**4. WELCOME FROM PRESIDENT OF THE STATE BOARD OF EDUCATION**

John Witzel, President of the State Board of Education, provided welcome remarks and introduction of Board Members.

**5. MESSAGE FROM THE EXECUTIVE DIRECTOR OF THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION**

Mike Baumgartner, Executive Director of the Coordinating Commission for Postsecondary Education, spoke to the mission, vision, and projects of the Commission. (Handouts)

**6. MESSAGE FROM THE COMMISSIONER OF EDUCATION**

Matthew Blomstedt, Commissioner of Education, spoke to the mission, vision, and projects of the Department of Education, noting the similarities and common work of both entities. (Handouts)

**7. ADJOURNMENT**

President Witzel adjourned the meeting at 10:14 a.m.

**STATE BOARD WORK SESSION, Thursday, December 6, 2018, 3:00 PM, 301 Centennial Mall South, Nebraska State Office Building, Lincoln, Nebraska**

**1. CALL TO ORDER**

**President Witzel called the meeting to order at 3:00 p.m.**

1.1. Roll Call

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

Commissioner Blomstedt was also present.

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

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

2.1. Commissioner Blomstedt reviewed the Consent Agenda process.

2.2. Report on Rules

Commissioner Blomstedt reviewed the Rules Report included with the Agenda. Department of Education Personnel Rules were approved 12/2; Hearings on Rules 91 and 92 have been held.

2.3. Board Priorities and Policy Research

2.3.A. Recognition of State Board Members

President Witzel read Resolutions and presented plaques recognizing the service of Molly O'Holleran and Patrick McPherson on the State Board. The Board will take action on approving the Resolutions during the business meeting on December 7.

2.3.B. State Education Conference session report

Board Members shared experiences and observations from their attendance at the State Education Conference in Omaha in November.

**3. STANDING COMMITTEE REPORTS**

3.1. Policy Committee

John Witzel, on behalf of the Policy Committee, provided Committee recommendations on the following items:

3.1.A. Action Item: Approve proposed revisions to State Board Bylaw B6, Agendas/Meeting Materials for Regular Meetings

The Policy Committee and the Budget and Finance Committee concur with the proposed revisions to B6 and recommend the adoption of the proposed revisions.

3.1.B. Action Item: Approve proposed 2019 State Board meeting dates

The Committee reviewed the proposed dates and recommend adopting the second version with the December 9 and 10, 2019, dates.

3.2. Legislative Committee

Rachel Wise, Chair, reported that the Committee met to debrief on the activities throughout the year and to thank Maureen Nickels, Molly O'Holleran, and Patrick McPherson for serving as committee members.

The report included a summary of the topics discussed during the three meetings organized for Board Members to meet with Senators. Those included early childhood, career and technical education, mental health, juvenile justice, and others.

3.3. AQuESTT - Teaching and Learning Domain Committee

Maureen Nickels, Chair, expressed appreciation to Department staff who have worked with the Committee through the past year and appreciation for the members of the Committee.

Chair Nickels provided Committee recommendations on the following items:

3.3.A. Action Item: Approve the Business, Marketing, and Management content area standards

Board Members were directed to the standards in Sparq and reminded of the presentation to the Board in November. Katie Graham and Sydney Kobza, Department of Education representatives, provided additional information. The Committee recommends approval of the standards.

3.3.B. Action Item: Adopt the annual plan for the Nebraska statewide assessment and reporting System

Jeremy Heneger, Department of Education representative, gave an overview of the statewide assessment and reporting system. The Committee recommends approval of the annual plan.

President Witzel called for a break at 4:08 p.m. The meeting resumed at 4:15 p.m.

3.4 AQuESTT - Student Success and Access Domain Committee

Molly O'Holleran, Chair, provided Committee recommendations on the following items:

3.4.A. Action Item: Adopt the proposed revisions to Rule 91, (92 NAC 91), "Regulations Governing Driver Qualifications and Operational Procedures for Pupil Transportation Vehicles" including additional non-substantive changes as contained in the Errata Sheet.

The Committee received information from staff regarding the rule revision related to driver qualifications and procedures for pupil transportation vehicles. Bryce Wilson, Department of Education representative, provided additional information on the revisions. The Committee recommends adopting the proposed revisions.

3.4.B. Action Item: Adopt the proposed revised Rule 92, (92 NAC 92), "Regulations Governing the Minimum Equipment Standards and Safety Inspection for Pupil Transportation Vehicles"

The Committee heard information on revisions to Rule 92. Bryce Wilson, Department of Education representative, provided additional information. The Committee recommends adopting the proposed revisions.

3.4.C. Action Item: Grant the Commissioner the authority to contract for PBIS and Pyramid Statewide Coaching with Sunny R. Edwards

The Committee received information on this contract. Anne Oeth and Teresa Berube, Department of Education representatives, provided additional information. The Committee recommends approval.

3.4.D. Action Item: Grant the Commissioner the authority to contract for PBIS and Pyramid Statewide Coaching with Heather Gill

The Committee received information on this contract. Anne Oeth and Teresa Berube, Department of Education representatives, provided additional information. The Committee recommends approval.

- 3.4.E. Action Item: Grant the Commissioner the authority to approve Cooperative Agreement with Parent and Training Information - Nebraska (PTI-NE) to provide Secondary Transition Parent Support Services

Staff shared information with the Committee on this topic. The agreement has been in place for a number of years and came to the Committee for review as a cooperative agreement. Amy Rhone, Department of Education representative, provided additional information. The Committee recommends approval.

3.5 Budget and Finance Committee

- 3.5.A. Action Item: Grant the Commissioner the authority to approve 2019 Trust Fund Budget for Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI)

John Witzel, Chair, reported on the meeting of the Committee. Sally Schreiner, Director of NCECBVI, provided additional information on the Trust Fund. The Committee recommends approval.

3.6 Strategic Planning, Performance and Improvement Committee

Lisa Fricke, on behalf of the Strategic Planning, Performance and Improvement Committee, provided the following recommendations of the Committee:

- 3.6.A. Discussion Item: AQuESTT accountability classification information

The Board received information from staff members on this topic. Brad Dirksen and Shirley Vargas, Department of Education representatives, shared additional information in preparation for release of accountability classification later in December.

Commissioner Blomstedt provided an overview of the Rule 10 timeline for updates and revisions.

- 3.6.B. Discussion Item: External review of strategic plan

Anne Herman and Sarah Ann Kotchian presented on behalf of the Nebraska Children and Families Foundation, on the status of the external review of the strategic plan.

**4. BOARD REPORTS, DATES AND DISCUSSIONS ITEMS**

Board Members were reminded by President Witzel to submit participation and request reports to Ryan Foor and Lora Sypal for action during the Business meeting on Friday for the following items:.

- 4.1. Monthly Board Reports
- 4.2. Meeting participation and joint meetings with policy partners
- 4.3. Monthly Board Reports
- 4.4. Meetings that took place in the past and were not previously approved
- 4.5. Discuss requests for future meeting attendance
- 4.6. Monthly Board Travel Expense Report

## 5. **ADJOURNMENT**

President Witzel adjourned the meeting at 4:45 p.m. The Regularly scheduled meeting of the State Board of Education will reconvene at 9:00 a.m. Friday, December 7.

**STATE BOARD OF EDUCATION MEETING**, Friday, December 7, 2018, State Board Meeting Room, State Office Building, Lincoln, Nebraska, 9:00 am

### 1. **CALL TO ORDER**

President Witzel called the meeting to order at 9:00 a.m.

#### 1.1. Roll Call

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

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 information

### 2. **APPROVAL OF THE MINUTES**

#### 2.1. Approval of the minutes of the November 1-2, 2018, meeting passed with a motion by Rachel Wise and a second by Maureen Nickels.

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

### 3. APPROVAL OF AGENDA

#### 3.1 Commissioner's recommendations and items to be removed from consent agenda

Commissioner Blomstedt recommended Consent Agenda Items 8.3 and 8.4 be taken together as a separate vote from the Consent Agenda in order to provide additional recognition of Board Member service.

Approval of the Agenda with Consent Agenda Items 8.3 and 8.4 being removed from the Consent Agenda for separate vote passed with a motion by Molly O'Holleran and a second by Patricia Timm.

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

### 4. PUBLIC COMMENT PERIOD

#### 4.1 Request for Appearance

##### 4.1.A. NATO Phonetic Alphabet

U.S. Consul General Thomas Hutson, spoke to the use of using the NATO Phonetic alphabet in the public school system. (Handouts)

##### 4.1.B. Other Public Comment

- Jennifer Davidson - Nebraska Council on Economic Education and Professor of Economic Education at UNL. Writing team member of standard writing for Business, Marketing, and Management content area standards. Speaking in support of the standards.
- Cindy Copich, Nebraska State Education Association. Thanking Molly O'Holleran and Patrick McPherson for serving on the Board.

President Witzel called for a break at 9:21 a.m. The meeting resumed at 9:30 a.m.

### 5. HEARINGS

#### 5.1 Hearing in NDE Case No. 18-17, Aaron Sasges v. Commissioner

President Witzel called the hearing to order at 10:16 a.m. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission noting the Petitioner had complied with the terms and conditions of the revocation seeking to reapply for his Nebraska teaching certificate. The Commission recommends the Petitioner be allowed to reapply for a teaching certificate.

Petitioner, Aaron Sages, appeared in person, expressing regret for his actions and noting his responsibility for those actions. Sara Hulac, on behalf of the Respondent, Commissioner of Education, appeared in support of the Commission's recommendation. President Witzel closed the hearing at 10:25 a.m.

5.2 Hearing in NDE Case No. 18-18, Commissioner v. Joshua Crouch

President Witzel called the hearing to order at 10:26 a.m. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission noting the Commissioner's recommendation to suspend the teaching certificate of the Respondent for a period of one year.

Sara Hulac, on behalf of the Petitioner, Commissioner of Education, appeared in support of the Commission's recommendation. The Respondent was not present nor represented by counsel. President Witzel closed the hearing at 10:28 a.m.

5.3 Hearing in NDE Case No. 18-19, Commissioner v. Jenifer Neilsen

President Witzel called the hearing to order at 10:28 a.m. Sara Hulac on behalf of the Petitioner, Commissioner of Education, appeared in support of the Settlement Agreement entered into between the parties. The Settlement Agreement calls for a five-year revocation of the Respondent's teaching certificate.

The Respondent appeared in person and was represented by counsel, Don Loudner. Respondent also asked for approval of the Settlement Agreement between the parties. President Witzel closed the hearing at 10:33 a.m.

**6. EXECUTIVE SESSION**

To move into Executive Session to deliberate and receive legal advice from Legal Counsel on contested cases at 10:34 a.m. passed with a motion by Patricia Timm and a second by Molly O'Holleran.

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

At 10:34 a.m., the Board moved into Executive Session 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 10:45 a.m. passed with a motion by Lisa Fricke and a second by Rachel Wise.

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



## 7. ACTION ITEMS

- 7.1 Consider the PPC's Recommended Decision in NDE Case No. 18-17, Aaron Sasges v. Commissioner

To adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, allowing Petitioner to apply for a teaching or administrative certificate, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Molly O'Holleran and a second by Patrick McPherson.

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

- 7.2 Consider the PPC's Recommended Decision in NDE Case No. 18-18, Commissioner v. Joshua Crouch

To 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 Rachel Wise.

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

- 7.3 Consider the Settlement Agreement in NDE Case No. 18-19, Commissioner v. Jenifer Neilsen

To approve the proposed settlement agreement, in which the parties have stipulated to a five-year revocation of Respondent's teaching certificate, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Rachel Wise and a second by Patricia Timm.

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

- 7.4 Policy Committee

- 7.4.A. To approve proposed revisions to State Board Bylaw B6, Agendas/Meeting Materials for Regular Meetings passed with a motion by Patricia Timm and a second by Rachel Wise.

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

- 7.4.B. To approve proposed 2019 State Board Meeting dates listed on version 2 passed with a motion by Patricia Timm and a second by Lisa Fricke.

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

7.5 AQuESTT - Teaching and Learning Domain Committee

- 7.5.A. To approve the Business, Marketing, and Management content area standards passed with a motion by Maureen Nickels and a second by Molly O'Holleran.

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

- 7.5.B. To adopt the annual plan for the Nebraska statewide assessment and reporting system passed with a motion by Maureen Nickels and a second by Rachel Wise.

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

7.6 AQuESTT - Student Success and Access Domain Committee

- 7.6.A. To adopt the proposed revisions to Rule 91, (92 NAC 91), "Regulations Governing Driver qualifications and Operational Procedures for Pupil Transportation Vehicles" including additional non-substantive changes as contained in the Errata Sheet passed with a motion by Molly O'Holleran and a second by Patrick McPherson.

Yes: McPherson, Nickels, O'Holleran, Wise, Witzel, Timm  
No: Fricke  
Absent: Koch Johns

At the end of the meeting, Board Member Lisa Fricke asked that her comments regarding the requirement for physical examinations for drivers be noted that she is opposed to the requirement for an exam every 2 years and prefers the requirement be every year.

- 7.6.B. To adopt the proposed revised Rule 92, (92 NAC 1), "Regulations Governing the Minimum Equipment Standards and Safety Inspection for Pupil Transportation Vehicles" passed with a motion by Molly O'Holleran and a second by Maureen Nickels.

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

- 7.6.C. To grant the Commissioner the authority to contract for PBIS and Pyramid Statewide Coaching with Sunny R. Edwards passed with a motion by Molly O'Holleran and a second by Rachel Wise.

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

- 7.6.D. To grant the Commissioner the authority to contract for PBIS and Pyramid Statewide Coaching with Heather Gill passed with a motion by Molly O'Holleran and a second by Rachel Wise.

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

- 7.6.E. To grant the Commissioner authority to approve Cooperative Agreement with Parent and Training Information - Nebraska (PTI-NE) to provide Secondary Transition Parent Support Services passed with a motion by Molly O'Holleran and a second by Patricia Timm.

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

7.7 Budget and Finance Committee

- 7.7.A. To grant Commissioner authority to approve 2019 Trust Fund Budget for Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI) passed with a motion by Patricia Timm and a second by Patrick McPherson.

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

**8. APPROVAL OF CONSENT AGENDA**

- 8.1 Identify items for separate vote

Items 8.4.A. and 8.4.B were removed from the Consent Agenda for a separate vote. The motion for the two items will be combined.

- 8.2 Approve consent agenda

To approve the consent agenda as modified passed with a motion by Molly O'Holleran and a second by Lisa Fricke.

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

- 8.4.A Adopt Resolution to Recognize Molly O'Holleran  
8.4.B Adopt Resolution to Recognize Patrick McPherson

To approve Consent Agenda Items 8.4.A and 8.4.B passed with a motion by Maureen Nickels and a second by Lisa Fricke.

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

**9. SPECIAL PRESENTATIONS AND DISCUSSIONS**

9.1 Special Education information (Multi-Tiered Systems of Support) MTSS

Commissioner Blomstedt provided an overview of the Maintenance of Effort federal program and the purpose of the Multi-Tiered System of Support.

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

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

To approve meetings that took place in the past that were not previously approved for Patsy Koch Johns and Lisa Fricke for attending the NSEA Retired Fall Conference on October 16, 2018, passed with a motion by Patrick McPherson and a second by Patricia Timm.

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

To approve meetings that took place in the past that were not previously approved for Rachel Wise for attending the Doane College Class visit on November 17, 2018, passed with a motion by Lisa Fricke and a second by Patrick McPherson.

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

To approve meetings that took place in the past that were not previously approved for Maureen Nickels for attending the Capitol District of NSEA Elected Officials Dinner on December 3, 2018 passed with a motion by Molly O'Holleran and a second by Rachel Wise.

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

10.2 Future Meeting Participation

To approve the future meeting participation passed with a motion by Patricia Timm and a second by Rachel Wise.

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

**12. ADJOURNMENT**

President Witzel adjourned the meeting at 11:19 a.m. A Work Session and Board Meeting will be held on Friday, January 11, 2019, at 9:00 a.m. in Lincoln, Nebraska.