

State Board of Education Business Meeting

Friday, June 5, 2020

Pursuant to the Governor's Executive Order 20-24 by a combination of videoconferencing and teleconferencing at

<https://www.education.ne.gov/live-video-stream/>

[Link to Agenda and Attachments](#)

[Link to Video of Meeting](#)

Publicized notice of the 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 OF EDUCATION MEETING, Friday, June 5, 2020, 9:00 AM.

1. CALL TO ORDER – President Maureen Nickels called the meeting to order at 9:04 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

John Witzel

Maureen Nickels

Patricia Timm

Rachel Wise

Deborah Neary

Robin Stevens

Patsy Koch Johns

Lisa Fricke

Commissioner Blomstedt was also present.

1.2 President Nickels led the Pledge of Allegiance.

1.3 President Nickels announced that information regarding the Open Meetings Act is linked on the June Board Agenda in Sparq, the electronic meeting software and the Open Meetings Act is also posted on the State Board of Education's website: <https://www.education.ne.gov/stateboard/>.

2. COMMISSIONER'S REPORT

Commissioner Blomstedt noted that this is the third Board Meeting via Zoom. The Board Committees have also met via Zoom. The Commissioner indicated that it is critical to understand that the State Board continues to use the strategic vision and direction in making decisions focused on the importance of equity for the State of Nebraska, and addressing the inequities that exist.

Rachel Wise, State Board of Education member, spoke to the Board about their call to action with COVID-19 and the urgency about taking action around equity to ensure all students' needs are met.

Deborah Neary, State Board of Education member, spoke to the board with regard to the pandemic of the last two months and the protests and riots surrounding Black Lives Matter (BLM) that revealed the vast inequities in our society and the underlying systemic racism that sustains them.

2.1. Agenda Overview and Consent Agenda Process

Commissioner Blomstedt reviewed the process for consent agenda items.

2.1.A. Commissioner's Recommendations and items to be removed from the consent agenda.

No consent agenda items were removed.

2.2. Report on Rules

Commissioner Blomstedt provided a report on the status of Rules 21 and 24. Rule 21 and Rule 24 are waiting on approval from the Attorney General's Office.

3. PRESIDENT'S REPORT

President Maureen Nickels noted that Administrator Days and NDE Day would take place virtually.

4. CONSENT AGENDA

Approval of the Consent Agenda passed with a motion by Patsy Koch Johns, second by Rachel Wise.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

5. STANDING COMMITTEE REPORTS

5.1. **Policy Committee** – Patricia Timm, Chair reported on the meeting of the Committee. The Committee reviewed and discussed State Board Bylaw B14, Staff Research and Assistance. For the August Board Meeting, the Committee plans to recommend that B14 and B11 be combined into one Bylaw, B14, Staff Research and Assistance/Legal Assistance.

5.1.A. The Committee discussed the proposed Resolution to Recognize Critical Infrastructure and Frontline Workers for their Efforts and Response to the COVID-19 Pandemic

The Committee recommends the adoption of a Resolution recognizing critical infrastructure and frontline workers for their efforts and response to the COVID-19 pandemic. Patricia Timm read the Resolution.

Approval of the Resolution to Recognize Critical Infrastructure and Frontline Workers for their Efforts and Response to the COVID-19 Pandemic was made by Patricia Timm, second by Deborah Neary.

Discussion included the statistics in the first section of the resolution. Rachel Wise requested the section be amended to reflect the statistics in the United States as of today, June 5, 2020.

Following discussion, Patricia Timm moved to amend the motion by amending the first section of the resolution that includes the statistics as of June 5, 2020, second by Deborah Neary.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

Adopt the resolution as amended to Recognize Critical Infrastructure and Frontline Workers for their Efforts and Response to the COVID-1 Pandemic motion by Patricia Timm, second by Deborah Neary.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

5.1.B. Discuss proposed revisions/recommendations to State Board Bylaw B14, Staff Research and Assistance

The staff was requested to research combining State Board Bylaw B11 and State Board Bylaw B14 due to the similar nature of the two bylaws. The Committee will discuss this topic again at the August meeting and bringing a recommendation before the Board.

5.2. **Legislative Committee** – Robin Stevens, Chair reported on the meeting of the Committee. The Committee is looking forward to having the Legislature back in session.

5.3. **Commissioner’s Appraisal Committee** – Patricia Timm, Chair reported on the meeting of the Committee. The Committee members have communicated to the Commissioner to continue to have goals in the areas of communication, the NDE as a policy leader, budget, and strategic leadership. Sub-goals and/or strategies, will be added to reflect priorities for the 2020-2021 contract year.

5.3.A. Approve the employment agreement between the State Board of Education and Matthew L. Blomstedt passed with a motion by Patricia Timm, second by Rachel Wise.

The Appraisal Committee recommends that the Board renew and approve the Commissioner’s employment agreement with the following as the major revised terms:

- Extend the contract period by one year, and
- At the Commissioner’s request, freeze the current salary level and add 40 hours of vacation leave to use or lose by June 30, 2021.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea

Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

- 5.4. **AQuESTT Teaching, Learning and Serving Domain Committee** – Lisa Fricke, Chair, reported on the meeting of the Committee. The Committee had one agenda item, on the statewide assessment contracts. The Committee received information from staff and discussed bringing the item forward to the Board.

Jeremy Heneger, Department of Education Representative, provided a presentation on amending the three assessment contracts.

- 5.4.A. Authorize the Commissioner to amend and extend the three current assessment contracts (NWEA, DRC, and ACT) passed with a motion by Lisa Fricke, second by John Witzel.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

- 5.5. **AQuESTT Student Success, Access and Support Domain Committee** – Patsy Koch Johns, Chair reported on the meeting of the Committee.

- 5.5.A. Leading for Equity and Excellence Program (LEEP)

The Committee had one discussion item on LEEP. The Committee participated in a learning event provided by Ruth Cross from Collaborative for Academic, Social, and Emotional Learning (CASEL). The event focused on Social and Emotional Learning (SEL), and that this framework is critical for creating a foundation for academic learning. The Committee also provided an update on the Nebraska LEEP work plan and the importance of moving forward with developing an equity toolkit that can be utilized by the school districts in Nebraska.

- 5.6. **Budget and Finance Committee** – John Witzel, Chair reported on the meeting of the Committee.

Consent Item 1.2.B, the Committee reviewed the benefits and related costs for the National Association of State Board of Education (NASBE); Council of Chief State School Officers (CCSSO) and Collaborative Groups; and Education Commission of the States (ECS) and supported the continued membership in all three associations.

Consent Item 1.2.C., the NDE covered the 2019 Single Audit report and how the NDE has already addressed the finding or the plans that are being adopted to address the finding. There were no concerns around fraud or mismanagement of funds. Identified findings were related to procedures and additional safeguards of federal funds. The Committee was in support of accepting the 2019 single audit.

5.6.A. Monthly Board Travel Expense Report

The Committee reviewed the Monthly Board Travel Expense report and had no concerns.

5.6.B. In-State Travel Authorization Reports

The Committee had no concerns.

- 5.7. **Strategic Planning, Performance and Improvement Committee** – Rachel Wise, Chair reported on the meeting of the Committee. The Committee met with the focus on priority schools and considering contracts to support priority schools for the next year. Shirley Vargas, Department of Education representative, provided the status of each priority school’s progress and the Committee asked that this information be presented to the Board. The Committee recommends approval of the contracts related to priority school work.

5.7.A. Annual review of Priority School Progress for Schuyler Central High School and Santee Community Schools

Shirley Vargas, Department of Education Representative, presented on the annual progress of priority schools Schuyler Central High School and Santee Community Schools. This update also included the school and district response to the COVID-19 pandemic and plans for the upcoming school year.

- 5.7.B. Authorize the Commission the authority to contract with KLK Educational Services, Inc., Ann Mausbach Consulting, and PRISM Advisors for services and continuing support for identified Priority Schools for the period between July 1, 2020 and June 30, 2021 passed with a motion by Rachel Wise, second by Patricia Timm.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

6. ADDITIONAL BUSINESS

- 6.1. Consider the Hearing Officer’s Recommended Findings of Fact, Conclusions of Law and Decision in NDE Case No. 20-07, Chelsey v. Adams County Public Schools

Motion to adopt the Findings of Fact, Conclusions of Law and Decision in NDE Case No. 20-07, Chelsey v. Adams County Public Schools passed with a motion by Patricia Timm, second by John Witzel.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

- 6.2. Consider the Commissioner's Recommended Declaratory Order under NDE Rule 62 in Response to THE MATTER OF THE COVID-19 PANDEMIC, NDE Case No. 20-06

Commissioner Blomstedt provided background on NDE Rule 62. A declaratory order allows the NDE and the Commissioner to make the best decisions on rules and regulations during the pandemic for schools and students. The intent is to allow the Department to chart a course forward for all schools rather than answering questions as they come in one at a time.

- 6.3. Discussion on how the issuance of a Declaratory Order can inform revisions to Rule 10

Commissioner Blomstedt provided the intent is to move forward with Rule 10 and other rule revisions. The Commissioner indicated that there is a need to think about the construct of the rules going forward.

Rachel Wise, State Board of Education member, spoke about the Strategic Planning, Performance and Improvement Committee and the work around Rule 10. The Committee wants future work around Rule 10 to be in tandem with some of the processes that are being discussing around the declaratory order.

- 6.4. Appoint Dave Welsch as a member on the State Committee for the Reorganization of School Districts

Motion to appoint Dave Welsch as a member on the State Committee for the Reorganization of School Districts passed with a motion by Lisa Fricke, second by John Witzel.

Brian Halstead, Deputy Commissioner, provided a historical background on the State Committee for the Reorganization of School Districts and the role of the committee as an advisory body when reorganization matters are brought before the committee. The committee's responsibility is to hear from the public on the proposal, both proponents and opponents, and to ensure that all statutory processes enacted by the Legislature have been followed before it can issue an order approving a reorganization.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

7. SPECIAL PRESENTATIONS AND DISCUSSIONS

None

8. INFORMATION ITEMS AND REPORTS

8.1. President Nickels referred Board Members to review information items and reports.

9. ADJOURNMENT

President Nickels adjourned the meeting at 11:53 a.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, August 7, 2020, at 9:00 a.m. at the Nebraska State Office Building, Nebraska Department of Education, Sixth Floor, 301 Centennial Mall South, Lincoln, NE 68509. A work session will be held as needed on Thursday, August 6, 2020 at a time to be determined at the Nebraska State Office building, Nebraska Department of Education, Sixth Floor, 301 Centennial Mall South, Lincoln, NE 68509.