

State Board of Education Hearings

Thursday, October 1, 2020

State Board Meeting Room, Lincoln, Nebraska Department of Education

STATE BOARD OF EDUCATION HEARINGS – Thursday, October 1, 2020, 9:00 a.m.

1. CALL TO ORDER – President Maureen Nickels called the meeting to order at 9:20 a.m.

1.1. Roll Call

Roll Call showed the following attendance:

Maureen Nickels

Patricia Timm

Rachel Wise

Deborah Neary

Robin Stevens

Patsy Koch Johns

Lisa Fricke

John Witzel

2. HEARINGS (9:00 A.M.)

2.2. Hearing in NDE Case No. 20-20, *Commissioner v. David Sackschewsky*

A hearing was held beginning at 9:22 a.m. in the above case. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission, recommending the Respondent's certificate be revoked for a period of five years. Sara Hulac, attorney for the Petitioner, appeared in support of the recommendation.

The Respondent was not present nor represented by counsel. President Nickels closed the hearing at 9:25 a.m.

2.1. Hearing in NDE Case No. 20-19, *Commissioner v. Logan Gregory*

A hearing was held beginning at 9:25 a.m. in the above case. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission, recommending the Respondent's certificate be revoked for a period of three years. Sara Hulac, attorney for the Petitioner, appeared in support of the recommendation.

The Respondent appeared with counsel, Nicholas Welding, who asked for consideration of a revocation of less than three years due to the client having been out of teaching for two years.

President Nickels closed the hearing at 9:35 a.m.

3. ADDITIONAL BUSINESS

3.2. Consider the PPC's recommended decision in NDE Case No. 20-20, *Commissioner v. David Sackschewsky*

Motion in *Commissioner v. David Sackschewsky*, NDE Case No. 20-20, 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. In addition, Respondent will be required to present evidence of successful completion of his probation to this Board prior to reinstatement of his teaching certification, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Patricia Timm, second by Robin Stevens.

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

3.1 Consider the PPC's recommended decision in NDE Case No. 20-19, *Commissioner v. Logan Gregory*

Motion in *Commissioner v. Logan Gregory*, NDE Case No. 20-19, 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 three years. As an additional sanction, this Board is requiring that Respondent undergo evaluation and counseling relating to the ethical standards of the teaching profession prior to reinstatement of his teaching certificate, and to adopt the Final Order proposed by Legal Counsel 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

4. ADJOURNMENT

President Nickels adjourned the meeting at 11:15 a.m.

Nebraska Ready Retreat
Thursday, October 1, 2020
State Board Meeting Room, Lincoln, Nebraska Department of Education

STATE BOARD OF EDUCATION RETREAT – Thursday, October 1, 2020, 3:30 p.m.

1. CALL TO ORDER – President Maureen Nickels called the meeting to order at 3:36 p.m.

1.1 Roll Call

Roll Call showed the following attendance:

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

Commissioner Blomstedt was also in attendance.

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

2. BUSINESS

2.1. Nebraska Ready Discussion

Commissioner Blomstedt led the full board discussion on the Nebraska Ready draft. Nebraska Ready is an initiative of the Nebraska State Board of Education and of Commissioner Matthew Blomstedt to help students demonstrate achievement in specific milestones throughout their education journey in Nebraska Schools.

John Witzel left the meeting at 4:57 p.m.

3. ADJOURNMENT

President Nickels adjourned the meeting at 5:02 p.m.

State Board of Education Business Meeting;

Friday, October 2, 2020

Cornhusker Hotel, Lancaster Room, 333 S 13th St, Lincoln, NE 68508

[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 meeting.

STATE BOARD OF EDUCATION MEETING, Friday, October 2, 2020, 9:00 AM.

1. CALL TO ORDER – President Maureen Nickels called the meeting to order at 9:03 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Maureen Nickels

Rachel Wise

Deborah Neary

Robin Stevens

Patsy Koch Johns

Lisa Fricke

John Witzel

Patricia Timm

Commissioner Blomstedt was also in attendance.

1.2 President Nickels led the Pledge of Allegiance.

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

1.4 COVID-19 Meeting Protocol

Ryan Foor, Department of Education representative, shared information on the COVID-19 Meeting Protocol and self-screen questionnaire, reviewed by the Lancaster County Health Department.

2. PUBLIC COMMENT PERIOD

2.1 Request for 10-Minute Special Appearance

There were no requests for 10-Minute Special Appearance.

2.2 Public Comment (5 Minutes)

- Sara Skretta – Nebraska Association of Colleges for Teacher Education, provided an update on the work of NACTE with regard to the teacher shortage.

2.2.A. TJ Vacura – comment letter to the Board regarding the educator degree requirement of student teaching and implementing a student teaching being hired by a district.

2.2.B. Marian Holstein – Nebraska Indian Education Association, comment letter to the Board encouraging approval of a Policy Statement on Native American Education she provided to the Board.

3. COMMISSIONER'S REPORT

3.1. Agenda Overview and Consent Agenda Process

Commissioner Blomstedt reviewed the process for consent agenda items.

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

No agenda items were requested for removal.

John Witzel requested additional information on agenda item 5.3.F., Microsoft Imagine Academy license purchase.

Dean Folkers, Department of Education representative, provided additional information on the agenda item.

3.2. Report on Rules

Commissioner Blomstedt provided a report on the status of Rules 21 and 24. Rule 21 and Rule 24 are awaiting approval by the Governor.

3.3. Board Operations Information

Ryan Foor, Department of Education representative, discussed the resources available for the Board's policy role and reminded the Board of the upcoming virtual conferences: National Association of State Board of Education (NASBE) Conference, October 20-23, 2020, the NASBE New Member Institute on October 20, 2020; Education Commission of the States (ECS) policy forum October 18-19, 2020.

The recent NASBE Standard contains relevant information to the current policy discussions that the Board has been having.

4. PRESIDENT'S REPORT

President Maureen Nickels shared thoughts around innovation continuing during the pandemic, but also brought up the previous conversation around having a student member on the Board or a student advisory group. The Board will begin discussing this information again.

President Nickels discussed LaunchNE during a NASBE Office Hours and the staff requested additional conversation around the Board's thoughts with LaunchNE.

The Early Childhood Institute is being recognized as an award winner at the NASBE Conference.

Patricia Timm is being recognized as an outstanding alumni educator at UNK Awards Evening.

5. CONSENT AGENDA

Approval of the Consent Agenda passed with a motion by Patricia Timm, 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

6. STANDING COMMITTEE REPORTS

6.1. Policy Committee –Patricia Timm reported on the meeting of the Committee.

The Committee reports that it had an update item regarding the proposed State Board meeting schedule for 2021. The Committee plans to propose a 2021 meeting schedule with the full Board next month.

- 6.1.A. The Committee discussed State Board Bylaw B2, Board Committees, and report that the Committee will continue to discuss and bring forward to the full Board for discussion at a later date.
- 6.1.B. The Committee discussed proposed revisions to State Board Bylaw B9, Public Participation at Board Meetings, and recommend the full Board discuss at this business meeting.
- 6.1.C. The Committee recommends that revisions to State Board Policy B5, Board Meeting Notification for Regular Meetings be approved at this business meeting.

Approval to adopt revisions to State Board Policy B5, Board Meeting Notification for Regular Meetings passed with a motion by Patricia Timm, second by Lisa Fricke.

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. Legislative Committee – Robin Stevens, Chair reported on the meeting of the Committee.

The Committee reports that it reviewed and discussed the Legislative and Regulatory Priorities for 2021-22. The Legislative Committee reviewed comments provided by some Board members since the September Board meeting and had a lengthy discussion on the Legislative priorities which included adding an additional bullet point under Behavioral and Mental Health regarding investment and coordination of social and emotional supports for youth impacted by isolation and other traumas during COVID-19.

- 6.2.A. The Committee were comfortable with the remaining items in the document at this time and recommends adoption of the Legislative and Regulatory Priorities document for 2021-22 that is attached in SPARQ.

Approval to adopt revisions to adopt the Legislative and Regulatory Priorities document as attached in SPARQ passed with a motion by Robin Stevens, 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

At 10:40 a.m., President Nickels called for a break. The meeting resumed at 10:58 a.m.

- 6.3. **Commissioner's Appraisal Committee** – Patricia Timm, Chair, reported that the Committee did not meet, but the Board will be receiving the Commissioner's report and a Zoom meeting has been scheduled for November 16, 2020.
- 6.4. **AQuESTT Teaching, Learning and Serving Domain Committee** – Lisa Fricke, Chair, reported on the meeting of the Committee.

The Committee reports on three updates items from the Committee. The Committee reviewed consent agenda item 5.2.B., which was approved earlier in this meeting. The Committee also received an update on the content area standards revision process from staff, as well as information on the Diverse and Learner-Ready Teacher (DLRT) network project through the NDE. From the information shared on the DLRT, the Committee discussed opportunities for policy revisions related to educator preparation, such as in Rules 20 and 21.

- 6.5. **AQuESTT Student Success, Access and Support Domain Committee** – Patsy Koch Johns, Chair reported on the meeting of the Committee. The Committee had three discussion items.

6.5.A. Leading for Equity and Excellence Program (LEEP)

The Committee discussed Leading for Equity and Excellence Program (LEEP) State Policy Network. The Committee was encouraged to utilize the equity decision making tool developed by NE LEEP team. The Committee will be provided with scenarios to pilot the tool to help them make equitable decisions. The equity decision making tool will be also piloted by the NDE staff.

6.5.B. Human Dignity Position Statement

The Committee discussed the development of position statement on human dignity. This discussion item was recommended by the Policy Committee. The Committee recommended to review the joint statement on human dignity, developed in 2018 by the state educational agencies, and decide whether to adopt some language from the joint statement or develop a new statement. The Committee also recommended to revise the nondiscrimination and equitable education opportunities in schools position statement to 1) integrate the human dignity language in this statement, 2) redefine the educational equity to include all the core elements of equity. The Committee was encouraged to provide their feedback by mid-October.

6.5.C. Review State Board Position Statement S10, Coordinated School Health

The Committee discussed revisions of Coordinated School Health Policy to reflect the current framework of the Whole School, Whole Community, Whole Child. Commissioner Blomstedt has been modeling and advocating for this framework as evidence by creating a new office of coordinated student support services for greater alignment, integration and collaboration between health and education to improve each child's cognitive, physical, social and emotional

development. The Committee recommended to have NDE staff revise the policy and bring back to the committee by January 2020.

Zainab Rida, NDE Representative, provided information on the Whole School Whole Community, Whole Child (WSCC).

6.6. **Budget and Finance Committee** – John Witzel, Chair, reported on the meeting.

6.6.A. Monthly Board Travel Expense Report

The Committee reviewed the Monthly Board Travel Expense report, noting the significant decline from prior years as a result of the COVID-19 pandemic. The Committee had no concerns.

6.6.B. In-State Travel Authorization Reports

The in-state travel authorizations were reviewed with some possible additions being added, but the Committee had no concerns. Attendance at all meetings was virtual at this time.

6.6.C. Review State Board Policy P8, Trust Funds

Bryce Wilson, Department of Education representative, provided information on the policy. NDE reviewed the proposed State Board Policy P8 with the Committee pointing out the policy is consistent with current practice and allows the Committee a full review of proposed trust fund expenditures each year. The trust funds that are reviewed by the Budget and Finance Committee are for the Blind and Visually impaired students. The Committee was supportive of the revised State Board Policy P8.

6.6.D. Review State Board Policy P10, Audits of the Nebraska Department of Education

Bryce Wilson, Department of Education representative, provided information on the policy. NDE also reviewed the proposed State Board Policy P10 noting this policy is also consistent with current practice. The Budget and Finance committee has been reviewing audits with any findings being discussed including the corrective action plans. The Committee was supportive of revised State Board Policy P10.

6.6.E. Jen Utemark, Department of Education representative, provided a short presentation covering the deficit budget process and the current list of items that will be requested. The deficit budget items being requested will fall into one of three buckets; increased operational capacity using Federal funds, increased operational capacity using Cash funds, and a General fund request related to the Future Ready Framework.

The Federal fund request is a result of additional Federal grants flowing through NDE that we need budget authority to spend.

The Cash fund request is a result of the YRTC contract with DHHS. That contract requires NDE to spend funds on the YRTC's that is paid for or reimbursed by DHHS. NDE needs the budget authority to spend these additional funds.

The first two packages don't require additional State funds but rather give NDE the authority to spend funds we already have. The last bucket is a request for additional funds that will be used to

support the Future Ready Framework including digital learning needs, Launch Nebraska and Launch NDE.

The Committee supported authorizing the Commissioner to submit a deficit budget request for the NDE.

Authorize the Commissioner to submit the Department's deficit budget request for Fiscal Year 2020-21 on behalf of the State Board of Education passed with a motion by John Witzel, 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

- 6.7. **Strategic Planning, Performance and Improvement Committee** – Rachel Wise, Chair reported on the meeting of the Committee.

The Committee on Strategic Planning, Performance and Improvement reports on one discussion item, related to Rule 10 revisions. The Committee had a discussion with staff members related to the plan and timeline for drafting rules related to the approval, accreditation, and accountability of schools. The Committee recommends drafting three separate rules, one each for approval, accreditation, and accountability. The Committee will engage in further dialogue with the board following this report.

7. ADDITIONAL BUSINESS

None

8. SPECIAL PRESENTATIONS AND DISCUSSIONS

None

9. INFORMATION ITEMS AND REPORTS

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

10. ADJOURNMENT

President Nickels adjourned the meeting at 11:49 a.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, November 13, 2020, at 9:00 a.m. at the Cornhusker by Marriott Lincoln, Lancaster Ballroom Room, 333 S 13th Street, Lincoln, NE 68508.