

State Board of Education Business Meeting

Friday, May 7, 2021

Holiday Inn & Convention Center, Ballroom I, 110 2nd Avenue, Kearney, NE 68847

[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, May 7, 2021, 9:00 AM.

1. CALL TO ORDER – President Maureen Nickels called the meeting to order at 9:08 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Maureen Nickels

Patti Gubbels

Deborah Neary

Robin Stevens

Patsy Koch Johns

Lisa Fricke

Jacquelyn Morrison

Absent: 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

Commissioner Blomstedt shared information on the COVID-19 Meeting Protocol.

2. PUBLIC COMMENT PERIOD

2.1 Request for 10-Minute Special Appearance

2.1.A. To provide input on the draft standards that will create the framework for health education in Nebraska from the perspective of servant leader in the LGBTQ+ community

Abbi Swatsworth, Executive Director, OutNebraska, spoke in favor of the Health Education Standards.

2.1.B. Nebraska Family Alliance Responds to the Proposed Health Standards by the Nebraska Department of Education

Karen Bowling, Executive Director, Nebraska Family Alliance, spoke against the Health Education Standards.

2.2 Public Comment (5 Minutes)

2.2.A. In accordance with Board Policy B9, potential action by the Board on public comment time limits.

I move to limit the total amount of time for public comment at this meeting to a maximum of two and a half hours of speaking time (not to include transition time between speakers and breaks), and to reduce the amount of time for each speaker from 5 minutes to 2 minutes. The cut off time will be what has been received at this time. Passed with a motion by Robin Stevens, second by Jacquelyn Morrison.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Absent
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea

The following individuals from the public spoke in support of the health standards: Alicia Trautman, Andrew Gartner, Caleb Rohrer, Chris Jorgensen, Reverend, Dawn Darling, Jake Weiss, Jeremy (Julia) Eriksen, Jo Bair Springer, Jodi Petersen, Kris Kinzle, Laim Heerden Rodriguez, Lanae Hall, Lynn Zeleski, Marti Carrington, Mercadies Damratowski, Ruby Kinzle, Scott Barker, Pastor, Teddy Blaylock, Teshawna Sawyer, Tiffany Weiss

The following individuals from the public spoke in opposition of the health standards: Amanda Ristine, Amy Martinez, Amy Wilson, Andy Forsberg, Angela Monterroso, Anna Peterson, MD, Beth Vylecka, Bill Starkey, Carolyn McCurry, Chad Anderson, Chad Gillespie, Cynthia Getty, Duane Lindemann, Gerald Kershner, Gregg Schachterle, Janice VanWinkle, Jason Martinez, Jenna Derr, MD, Jennifer Thomas, Judy Derr, Judy Karmazin, Julie Hafer, Justin Thiel, Karen Lind, Kathy Wilmot, Katie McClemmons, Kelly Kinnison, Kelly Larsen, Pastor, Kirby Wilson, Le Spencer, Lynette Mitchell, Marian Holstein, Mark Barflenecht, Mary Henning, Michala Petersen, Mike Meyer, Paul Hazard, Peggy Fong, Rebecca Gilliard, Robin Phipps, Ryan Breena, Stephanie Scherr, Sue Greenwold, MD, Tammy Larsen, Teresa Cook, Tim Stratton

2.3. Written Public Comment

Submitted written public comments are linked in Board Agenda item number 2.3, document SBOE Written Public Comment 5_7_2021 (Responses) – Form Responses 1.

President Nickels called for a break at 1:06 p.m. The meeting resumed at 2:00 p.m.

3. COMMISSIONER'S REPORT

3.1. Agenda Overview and Consent Agenda Process

Commissioner Blomstedt noted that the Points of Clarification regarding draft #1 of the Health Standards has been posted in SPARQDATA Solutions around common themes.

Commissioner Blomstedt recognized Deputy Commissioner Steve Milliken's retirement.

3.1.A. No agenda items were requested for removal.

3.2. Report on Rules

Commissioner Blomstedt provided a report on the status of *Title 92 Chapter 1*; *Title 92 Chapter 2*, *Title 92 Chapter 28* and *Title 92 Chapter 29*. *Title 92 Chapter 1* and *Title 92 Chapter 2*, *Title 92 Chapter 28* and *Title 92 Chapter 29* have approved hearing drafts. *Title 92 Chapter 1* and *Title 92 Chapter 2* Public Hearing is scheduled for June 1, 2021. *Title 92 Chapter 28* and *Title 92 Chapter 29* Public Hearing is scheduled for June 22, 2021.

3.3. Board Operations Information (NONE)

3.4. Provide updates to the Board on the three rounds of Elementary and Secondary School Emergency Relief (ESSER) funds

Commissioner Blomstedt provided an update on the ESSER funds and the summary in SPARQDATA Solutions.

4. SPECIAL PRESENTATIONS AND DISCUSSIONS (NONE)

5. PRESIDENT'S REPORT

President Maureen Nickels noted that the first full week of May is Teacher Appreciation Week and May is a month full of celebrations with graduations, family time and school ending.

6. CONSENT AGENDA

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

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Absent
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea

7. STANDING COMMITTEE REPORTS

7.1. **Policy Committee** –Patti Gubbels on behalf Patricia Timm, Chair, reported on the Committee meeting.

The Committee continues discussion of the reorganization of the State Board Policy Reference Manual. The Committee identified their first task to identify and define Board Bylaws (BLW), Board Operating Policies (BOP), Agency Management Policies (AMP), Position Statements (PS), and Model Policies (MP).

State Board Bylaw B12, *Policy Development* is still being reviewed and discussed in conjunction of the reorganization and the Committee and will make appropriate changes to this bylaw as the reorganization progresses.

The Committee discussed State Board Bylaw B10, *Hearing Officers*. The Committee will discuss staff's proposed revisions at the June Policy Committee meeting.

The Committee began their four-year review of State Board Bylaw B8, *Parliamentary Procedures/Rules of Order* and State Board Bylaw B15, *Board Minutes*.

7.1.A. Discussion Item: Restructuring of State Board Policy Manual

There was no further discussion on this item.

7.1.B. Discussion Item: State Board Bylaw B12, *Policy Development*

There was no further discussion on this item.

7.1.C. Discussion Item: Four-year review of State Board Bylaw B10, *Hearing Officers*

Further discussions on State Board Bylaw B 10, *Hearing Officers*, a requirement that the appointed hearing officer be an attorney was added as a clarification since that has been the practice by the NDE.

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

The Committee reviewed Bills Before the 107th Legislature.

The committee asked questions and discussed the status of some of the bills on the attached document in SPARQDATA Solutions. The Commissioner and Deputy Commissioner Halstead provided information of the remaining days of the current session. Further discussion occurred about the upcoming Interim and work of the Committee on updating the State Board Legislative and Regulatory Priorities document, which is also attached in SPARQDATA Solutions. Any edits that are needed, please let Robin know before the June meeting. The Committee intends to have changes to this document proposed by the August meeting.

7.2.A. Review 2021 Proposed State Legislation and act on Board Positions

Brian Halstead, Deputy Commissioner, answered questions from the Board members.

7.3. **Commissioner's Appraisal Committee** – Maureen Nickels, Chair, reported on the Committee meeting.

The Appraisal Committee reports that all Board members completed the Commissioner's performance evaluation for 2020-21. The appraisal report, which summarizes the Board members' ratings and comments, was sent to the Board and the Commissioner on April 23, 2021. The Commissioner again received an overall rating of "Highly Effective," which is the highest rating on the scale.

The Commissioner's employment contract was reviewed by the Attorney General's Office and some minor changes are recommended. A vote on the contract itself will take place at the June business meeting.

To move into Executive Session at 2:26 p.m. to discuss the Commissioner's job performance, appraisal results, and terms of the Commissioner's employment contract, as necessary to protect the public interest and to prevent needless injury to the Commissioner's reputation passed with a motion by Patsy Koch Johns, second by Patti Gubbels.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Absent
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea

At 2:26 p.m., the Board moved into Executive Session to discuss the Commissioner's job performance, appraisal results, and terms of the Commissioner's employment contract, as necessary to protect the public interest and to prevent needless injury to the Commissioner's reputation.

To adjourn the Executive Session at 3:00 p.m. and return to the business meeting of the Board passed with a motion by Patsy Koch Johns, second by Lisa Fricke.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Absent
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea

The Commissioner's current contract was approved last June for a three-year period of July 1, 2020 – June 30, 2023. The Appraisal Committee recommends a one-year extension of the Commissioner's contract to June 30, 2024. Other proposed changes to the contract include:

- Salary increases of 2% on July 1, 2021 and July 1, 2022, which mirror the negotiated increase for the Department of Education employees
- Retention of language regarding an additional 40 hours of vacation time to use or lose within the next contract year.

The Board will vote on the Commissioner's contract at the June 2021 business meeting.

7.4. **AQuESTT Teaching, Learning and Serving Domain Committee** – Lisa Fricke, Chair, reported on the Committee meeting.

Lisa asked the Commissioner to discuss the Points of Clarification document in SPARQDATA Solutions. Points of Clarification responds to the common misconceptions of the Health Education Standards, Draft #1.

The Committee on Teaching, Learning and Serving reports on one action item. The Committee received a recommendation from the NDE staff to approve accreditation for Educational Service Units for the 2021 – 2022 school year. The Committee recommends approval of this motion.

Additionally, the Committee received updates related to potential changes to Rule 24 endorsement revisions, Nebraska Council on Teacher Education (NCTE) policy revisions, Bellevue University's educator preparation program approval status, statewide assessment vendor contracts, and the process

for revisions to the English Language Arts content area standards. The Committee also received an update from the Commissioner and the NDE staff on the Health Education standards process.

The Committee discussed the proposed draft of the Nebraska Health Education Standards. The discussion began by reviewing the goals of Health Education and the Nebraska Health Education Standards.

The Committee reviewed and discussed points of clarification including that:

- The standards ***were not*** written nor funded by activists.
- The State Board of Education ***is not*** approving any specific sexual education curriculum or materials.
- Explicit or graphic materials or images ***are not*** being considered by the State Board or the NDE.
- Critical Race Theory ***was not*** used to develop the standards.

Last month, the Committee recommended that the NDE begin to analyze the public input received. The Committee previewed a preliminary draft of the qualitative data analyses from emails received between March 10th and March 29th, which included 2,580 emails. The analyses also included open-ended survey data received between March 10th and April 26th, which included 9,490 responses.

The top five themes from the data analyses include:

- Family
- Family/parents
- Gender/gender identity
- Scrap/remove
- Community

The Committee recommended to analyze the additional emails and to analyze the quantitative data from the public input survey. The Committee also recommended that the public input survey close next week so data analysis can be completed to inform Draft #2. The standards input email will remain active, and members of the public are encouraged to send feedback on Draft #1 to that email address.

Last month, the Committee recommended the Commissioner outline a plan to develop Draft #2. The Committee discussed the types of revisions that could be made for Draft #2. The types of changes discussed include:

- Changes responsive to common themes or concerns about specificity, developmental appropriateness, and delineation of parent/family responsibilities.
- Structural changes, which are changes to the structure of the standards, indicators, strands, etc.
- Removal and/or additions, which are changes that could include the removal or additions of strands, topics, words, phrases, etc.
- Rewording, which are changes that could include rewording topics, words, or phrases that might be confusing or misunderstood.

The NDE and the standards writing team will begin work this month on Draft #2 with a goal of Draft #2 being publicly available mid- to late-summer. Once Draft #2 is available a second public input survey will open, and the Committee recommended that the NDE simplify the survey design, thus making it easier for the public to complete.

Board members asked questions of the Commissioner regarding the Points of Clarification document and deciding the Writing Team.

7.4.A. Approve accreditation for the Educational Service Units appearing on the accompanying list for the 2021-2022 school year in accordance with the provision of *Rule 84 (92 NAC 84), Regulation for Educational Service Units* passed with a motion by Lisa Fricke, second by Robin Stevens.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Absent
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea

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

The Committee on AQuESTT Student Success, Access and Support domain met on May 6 and had one action item to approve Interim-Program Schools to operate for the 2021-2022 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*, the Committee recommended approval of the motions above.

Don Loseke, Department of Education representative, provided information to Board members regarding Rule 18 Program Schools. This is an annual review.

There was one discussion item on Leading for Equity and Excellence Program (LEEP) State Policy Network. The Committee discussed the progress work of developing the NDE equity policy. The committee members agreed to review and provide feedback on the NDE current statements and the first draft of the equity policy by EOD May 28, 2021.

The Committee had one update item regarding the Nebraska's Child Care and Development Fund State Plan for 2022-2024. The Office of Early Childhood at the NDE works with staff at the DHHS to complete the workforce and quality improvement sections. These sections outline professional development plans, promoting and support for Step Up to Quality, increased inclusion of children with special needs in community childcare, and the state's resource and referral system. Nebraska is required to set goal and targets for improvement of services. Progress toward meeting these goals and targets, as well as updates on activities outlined in the state plan are reported by Nebraska every year the state plan is in effect. The State Plan that is currently being prepared is for federal fiscal years 2022-through 2024. Later in May, the Nebraska DHHS will release the draft plan for public comment. Thirty days after the release of the plan a public hearing will be held. The final plan is due to be submitted by July 1, 2021.

7.5.A. Approve Interim-Program Schools to operate for the 2021-2022 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* passed with a motion by Patsy Koch Johns, second by Patti Gubbels.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea

Maureen Nickels: Yea
Robin Stevens: Yea
Patricia Timm: Absent
Patti Gubbels: Yea
Jacquelyn Morrison: Yea

7.5.B. Leading for Equity and Excellence Program (LEEP)

A survey will be brought back to the Committee for review with all the pieces that have been created.

Patsy clarified that the Committees include the Policy Committee, Strategic Planning Committee, Equity Report Card that Shirley Vargas and Lane Carr, Department of Education representatives, are currently working on.

- 7.6. **Budget and Finance Committee** – Patti Gubbels on behalf of Patricia Timm, Chair, reported on the Committee meeting. The Committee had good discussion and questions on each of the three consent agenda items reviewed. Items discussed included how many districts and which districts were being impacted if these were new activities or continuation of current activities and other general discussion to understand the scope of the work to be performed. No concerns were noted by the Committee.

NDE reviewed the Single audit findings discussing the process and how these findings would be reviewed by the Federal Gov't. NDE staff noted that no findings were related to fraud and that three of the findings were related to our sub-recipient monitoring process which we expect to have cleared by the Federal Gov't. The remaining findings were process or documentation related with each finding already having a corrected action identified and in place to address the issue noted.

The Committee reviewed the Monthly Board travel expenses and had no concerns.

The Committee reviewed in-state travel authorization with no issues or concerns being voiced.

7.6.A. Accept the 2020 Single Audit Report

Bryce Wilson, Department of Education representative, was available for questions.

Approval to accept the 2020 Single Audit Report passed with a motion by Patti Gubbels, second by Deborah Neary.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Deborah Neary: Yea
Maureen Nickels: Yea
Robin Stevens: Yea
Patricia Timm: Absent
Patti Gubbels: Yea
Jacquelyn Morrison: Yea

Monthly Board Travel Expense Report

There was no further discussion on this item.

7.6.B. In-State Travel Authorization Reports

There was no further discussion on this item.

7.7. **Strategic Planning, Performance and Improvement Committee** – Deborah Neary, Chair, reported on the Committee meeting.

The Committee on Strategic Planning, Performance and Improvement reports on one action item and a committee update. The Committee received a recommendation from the NDE staff to exempt the 2019-2020 school year in the Priority School timeline, which is on the agenda for today’s meeting as an action item. The Committee recommends approval of this action item.

The Committee had a conversation on the direction of the strategic plan. The Committee identified questions and needs and will continue this dialogue. The Committee intends to bring a discussion item to the board at a future meeting.

Shirley Vargas, Department of Education representative, provided additional information on the exemption of Priority Schools 2019-2020 school year.

7.7.A. Exempt the 2019-20 school year in the Priority School timeline due to the continuing impact of the COVID-19 pandemic, and suspension of statewide assessment and accountability classifications passed with a motion by Patsy Koch Johns, second by Deborah Neary.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Absent
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea

8. ADDITIONAL BUSINESS (NONE)

9. INFORMATION ITEMS AND REPORTS

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

10. GOOD OF THE ORDER

Patti Gubbels provided information to the Board on the NASB invitation to produce a short video monthly on the current month’s work.

Maureen Nickels provided information to the Board that NASBE has not decided if the Fall Meeting will be held in Phoenix or virtually.

11. ADJOURNMENT

President Nickels adjourned the meeting at 4:08 p.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, June 4, 2021, at 9:00 a.m. at a location to be determined.