

## State Board of Education Business Meeting

Friday, June 4, 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 and emailed to news media requesting notification, which gave the date, time, and location of the meeting.

### STATE BOARD OF EDUCATION MEETING, Friday, June 4, 2021, 9:00 AM.

#### 1. CALL TO ORDER – President Maureen Nickels called the meeting to order at 9:07 a.m.

##### 1.1 Roll Call

Roll Call showed the following attendance:

Maureen Nickels

Patti Gubbels

Robin Stevens

Patsy Koch Johns

Lisa Fricke

Jacquelyn Morrison

Absent: Patricia Timm and Deborah Neary

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.

##### 1.5. Commissioner's Report on Health Education Standards Process

Cory Epler and Lacey Peters, NDE Representatives, and Commissioner Blomstedt provided a report on the Health Education Standards Process.

##### 1.6. AQuESTT Teaching, Learning and Serving Domain Committee Discussion on Health Education Standards Process

Lisa Fricke, Chair of the AQuESTT Teaching, Learning and Serving Domain Committee continues to monitor effort and progress, gather public input and provide guidance for the second draft of the proposed health standards to make sure key areas of concern are addressed in the second draft. Today, the whole Board will have the opportunity to be engaged in the next steps. The public is encouraged to continue input for the second draft and reach out to the Board if their concerns have not been addressed.

#### 2. PUBLIC COMMENT PERIOD

##### 2.1 Request for 10-Minute Special Appearance

##### 2.1.A. Proposed Changes to NDE Accreditation and School Librarians

Judy Henning, Ed.D., Assistant Professor-School Library Program, University of Nebraska at Kearney, spoke about the changes to NDE Accreditation and School Librarians

## 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.

Pursuant to Board Policy B9, I move to limit public comment to two minutes per person to include the six individuals speaking on topics other than the Health Standards and the first 75 individuals speaking on the Health Standards passed with a motion by Maureen Nickels, second by Robin Stevens.

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

The following individuals spoke on Critical Race Theory: Jeff Young, Amber Stephens and Ellianah Stephens.

Marian Holstein, Executive Director at the Nebraska Indian Education Association, discussed the National Indian Education Association's Annual Convention in Omaha October 13-16, 2021.

Jarres Clark addressed the Board about the NDE Performance, going before the Legislature, having the Health Standards banned and Board Members removed from their positions.

Gary Needham addressed the Board about the Approval, Accreditation and Accountability Rules.

The following individuals from the public spoke in support of the health standards: Jaylee Bonk, Jenny Bonta and Val Hyde

The following individuals from the public spoke in opposition of the health standards: Aaron Peterson, Alisa Criffield, Amanda Ristine, Amy Lowe, Amy Martinez, Angie Klein, Ashley Jarmin, Barbara Rosenthal on behalf of Jonathan Hastings, Bernie Gutschewr, Beth Vyvlecka, Bradd Richter, Cathy Larson, Chad Gillespie, Dale Greenwald, Darrell Karq, Dave Murman, Diane Kinnan, Dorothy Renter, Elissa Martin, Gerald Kershner, Greg Brown, Janeece VanWinkle, Jason Martinez, Jenna Rehr, Jennifer Heun, Jennifer Thomas, Jody Derr, John Lowe, Jordyn Martin, Judy Karmazin, Justin Thiel, Kami Riley, Karen Lind, Karman Keith, Kathy Adams, Kathy Hahn, Katie McClemens, Keith Tillotson, Kelli Brady, Kimberly Maddux, Kip VanWinkle, Marge Hershner, Mark Bonkiewicz, Mark Schanbacher, Mike Meyer, Nan Kienow, Natasha Johns, Neil Dutenhoffer, Nicolas Norton, Nicole Norton, Patrick Martin, Paul Fredricks, Paul Hazard, Peggy Fong, Rebecca Gronewold, Richard Turner, Riley Ross, Ronna Fredricks, Roxanne Tillotson, Ryan Bruna, Stephanie Norton, Stephen Friesell, Sue Greenwold, Sue Rikli, Suzanne McDonald, Teresa Carey, Teresa Cook, Tim Peterson, Tim Stratton, Tom Martin, Trent Delhant

## 2.3. Written Public Comment

Submitted written public comments are linked through SPARQ in Board Agenda item number 2.3, document SBOE Written Public Comment June 2021 – Google Forms.

President Nickels called for a break at 1:25 p.m. The meeting resumed at 2:27 p.m.

### 3. COMMISSIONER'S REPORT

#### 3.1. Agenda Overview and Consent Agenda Process

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

#### 3.2. Report on Rules

Title 92, Nebraska Administrative Code, Chapter 1 and Title 92, Nebraska Administrative Code, Chapter 2 held a public hearing on proposed revisions June 1, 2021.

Title 92, Nebraska Administrative Code, Chapter 28 and Title 92, Nebraska Administrative Code, Chapter 29, (REPEAL) held a public hearing on proposed revisions and repeal June 22, 2021.

Title 92, Nebraska Administrative Code, Chapter 24 will hold a public hearing on proposed revisions July 7, 2021.

#### 3.3. Board Operations Information

No Report

#### 3.4. Statewide Assessment Information

Jeremy Heneger, NDE Representative, provided an update Nebraska-Student Centered Assessment System.

### 4. SPECIAL PRESENTATIONS AND DISCUSSIONS (NONE)

### 5. PRESIDENT'S REPORT

President Maureen Nickels noted that the National Association of State Boards of Education (NASBE) has not announced if the Fall Meeting will be held in person or virtually. NASBE gives out several award recognitions and this year the Board has nominated Dr. Rachel Wise for the distinguished service award and nominated Senator Patty Pansing Brooks for the Policy Leader of the Year Award for all that she has done for education and students across the state and in the Legislature.

The NDE is in the process of revising the ESSA plan under the direction of Lane Carr, NDE representative, who is taking charge of building broad coalitions of support around the AQuESTT System of Classification and Designation. Lane is putting together a group of stakeholders and requested a Board Member representative. Lisa Fricke has agreed to be a part of the stakeholders group.

President Nickels discussed how the NDE, and the Board are working through transitions with the pandemic, new state Health Standards, English Language Arts Standards review and the Approval, Accountability and Accreditation Rules.

## 6. CONSENT AGENDA

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

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Absent
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; State Board Bylaw B12, Policy Development; State Board Bylaw B10, Hearing Officers; State Board Bylaw B8, Parliamentary Procedures/Rules of Order; and State Board Bylaw B15, Board Minutes.

At this time the Policy Committee will schedule subsequent meeting(s) before the August State Board business meeting to discuss the restructuring of the Policy Reference Manual and prepare Bylaws B10, B8 and B15 for action items at the August State Board business meeting.

- 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: State Board Bylaw B10, *Hearing Officers*

There was no further discussion on this item.

- 7.1.D. Discussion Item: State Board Bylaw B8, *Parliamentary Procedures/Rules of Order*

There was no further discussion on this item.

- 7.1.E. Discussion Item: State Board Bylaw B15, *Board Minutes*

There was no further discussion on this item.

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

The Committee met on May 27 and reviewed the status of bills which is attached in SPARQ. The Committee then reviewed the State Board Legislative and Regulatory Priorities document. The Committee was comfortable with the current legislative priorities but did believe some changes were needed in language for the first regulatory priority to be Approval, Accreditation, and Accountability so

that it matches the work under way on those draft rules. The Committee also believed the College, Career and Civic Ready heading was no longer needed in the Committee's Regulatory Priorities.

A draft of proposed changes in the Regulatory Priorities is attached in SPARQ and the Committee would like input from any Board Member about changes to the document prior to the August State Board Meeting so that the Board could adopt changes at that meeting.

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

The Appraisal Committee reports that the Commissioner has proposed the following goals for 2021-2022:

- Lead/conduct/complete the strategic plan review.
- Create a NDE Policy Office and engage with appropriate policy leaders, partners, and stakeholders.

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

- Extend the contract period by one year,
- Increase the annual salary by 2% on 7/1/21 and 7/1/22, and
- Provide 40 hours of vacation leave to use or lose by June 30, 2022.

7.3.A. Approve the Employment Agreement between the State Board of Education and Matthew L. Blomstedt passed with a motion by Patsy Koch Johns, second by Lisa Fricke.

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

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

The Committee reviewed consent agenda items. Additionally, the Committee received information from Jeremy Heneger, NDE Representative, on the statewide assessment contracts and the Committee recommends approval of the three contracts. The Committee had a discussion on the English Language Arts standards process as well as the Health Education standards process.

7.4.A. Authorize the Commissioner to contract with NWEA for statewide assessment services in 2021-2022 passed with a motion by Lisa Fricke, second by Patti Gubbels.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Absent
Maureen Nickels:	Yea
Robin Stevens:	Yea

Patricia Timm: Absent  
Patti Gubbels: Yea  
Jacquelyn Morrison: Yea

- 7.4.B. Authorize the Commissioner to contract with DRC for statewide assessment services in 2021-2022 passed with a motion by Lisa Fricke, second by Patsy Koch Johns.

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

- 7.4.C. Authorize the Commissioner to contract with ACT for statewide assessment services in 2021-2022 passed with a motion by Lisa Fricke, second by Patti Gubbels.

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

- 7.4.D. Nebraska's College & Career Ready Standards for English Language Arts

No additional discussion by the Board.

- 7.4.E. Nebraska Health Education Standards Process

Board Members thanked the individuals from the public who were present and for the informational public comments. Board Members continued discussion on the standards process.

- 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 June 3, 2021 and had one action item: approve the renewal of the Rule 11 waiver request from ESU #13. The Committee recommends approval.

The Committee had one discussion item: Leading for Equity and Excellence Program (LEEP) State Policy Network. The Committee was reminded to provide feedback on the NDE Position Statement on nondiscrimination and equitable educational opportunities in schools.

The Committee had two update items: the first item was about conducting an initial analysis of NDE's Equity Scorecards and unearth key areas of focus and success from the data. Dr. Vargas and Mr. Carr, NDE Representatives, introduced the NDE Equity Scorecard and Data Dashboard that visualizes and

explains proportionality and disproportionality across multiple data points. The Committee was assigned to review the Equity Data Workbook and come back in August for more discussion.

The Committee discussed the importance of creating a culture of inclusion and continuing the conversation on issues of racial equity and diversity. The Committee would like to further professional development on topics such as inclusion, racial equity and implicit bias. The Committee recommends scheduling a workshop in Fall 2021 to facilitate the discussion on these topics.

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

The Board discussed equity and what the Committee's perspective is on equity.

- 7.6. **Budget and Finance Committee** – Patti Gubbels on behalf of Patricia Timm, Chair, reported on the Committee meeting. The Committee discussed and sought further information on each of the consent agenda items including the costs and benefits of memberships in National organizations.

The Committee consent agenda items and was in support of all items.

Bryce Wilson, NDE Representative, discussed proposed changes in Rule 1. Mr. Wilson discussed that the proposed changes were the result of discussion with auditing firms. Mr. Wilson stated that no public comments were received at the public hearing held June 1.

Bryce Wilson, NDE Representative, discussed proposed changes in Rule 2, noting all changes were technical in nature and no public comments were received at the public hearing held June 1.

The Committee discussed proposed changes and timing of moving forward with approving these Rules. Members of the Committee discussed postponing approval until the August Board Meeting but ultimately decided to move forward with the vote during the June Board Business Meeting.

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. 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.

- 7.6.C. Adopt the proposed revised Rule 1, *Rules and Regulations Governing the Audit of Nebraska Public School Districts* passed with a motion by Patti Gubbels, second by Patsy Koch Johns.

The Board had further discussion on how often rules are revised, the process of rule revision and how to proceed with the process.

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

Patti Gubbels: Yea  
Jacquelyn Morrison: Nay

- 7.6.D. Adopt the proposed revised Rule 2, *Uniform System of Accounting for Nebraska Public School Districts* passed with a motion by Patti Gubbels, second by Patsy Koch Johns.

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

- 7.7. **Strategic Planning, Performance and Improvement Committee** – Commissioner Blomstedt reported that the Committee reviewed Priority School progress with Schuyler Central High School and Santee Elementary, Middle, and High School and will come back to the full Board with a progress report. Due to the challenges from the pandemic, the Board voted May 2021 to exempt the 2019-202 Priority School Year. The Board will hear more on the Priority Schools later this calendar year.

## 8. ADDITIONAL BUSINESS

- 8.1. Consider the Hearing Officer's Recommended Decision in Enrollment Option Case No. 21-05, *Reinders v. Papillion LaVista Community Schools*.

Lisa Fricke made the motion and Patti Gubbels seconded to adopt the Hearing Officer's Recommended Findings of Facts, Proposed Conclusions of Law and Recommended Decision in Enrollment Option Case No. 21-05, *Reinders v. Papillion LaVista Community Schools*, and to Adopt the Order Prepared by Legal Counsel.

Discussion: President Nickels asked if the Board wanted to go into Executive Session.

### 8.1.A. Potential Executive Session

Motion to move into Executive Session at 4:07 p.m. to deliberate and receive advice of Legal Counsel concerning item 8.1, consideration of Hearing Officer's Recommended Findings and Decision in NDE Case No. 21-05, *Reinders v. Papillion-LaVista Community Schools* passed with a motion by Patti Gubbels, second by Patsy Koch Johns.

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

At 4:07 p.m., the Board moved into Executive Session to receive legal advice from Legal Counsel on the Enrollment Option Case.

Motion to adjourn Executive Session at 4:49 p.m. passed with a motion by Patsy Koch Johns, second by Lisa Fricke.

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

President Nickels restated the main motion to Adopt the Hearing Officer's Recommended Findings of Facts, Proposed Conclusions of Law and Recommended Decision in Enrollment Option Case No. 21-05, Reinders v. Papillion LaVista Community Schools, and to Adopt the Order Prepared by Legal Counsel so stating.

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

## 9. INFORMATION ITEMS AND REPORTS

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

## 10. GOOD OF THE ORDER

Maureen Nickels provided that NSEA Annual Professional Leadership Day is July 14, 2021 and six Board Members have agreed to be part of a panel session.

## 11. ADJOURNMENT

President Nickels adjourned the meeting at 4:55 p.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, August 6, 2021, at 9:00 a.m. at a location to be determined.