

State Board of Education Annual Orientation and Business Meeting;
Thursday-Friday January 6-7, 2022
Embassy Suites by Hilton Lincoln, Regents Ballroom A, 1040 P Street, 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 and emailed to news media requesting notification, which gave the date, time, and location of the meeting.

STATE BOARD ANNUAL ORIENTATION, Thursday, January 6, 2022, 9:00 a.m.

1. CALL TO ORDER

President Nickels called the meeting to order at 9:25 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Maureen Nickels	Patti Gubbels	Robin Stevens
Patsy Koch Johns	Lisa Fricke	Deborah Neary
Jacquelyn Morrison	Kirk Penner	

Commissioner Blomstedt was also in attendance.

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

1.3. COVID-19 Meeting Protocol

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

2. ANNUAL ORIENTATION

The State Board took opportunity to meet with Linda Richards, Blane McCann, Jason Richards and Sue Presler from PRISM Advisors to discuss Building Organizational Trust.

President Nickels called for a break at 10:07 a.m. The meeting resumed at 10:17 a.m.

2.1. Recess 11:00 a.m. – 1:00 p.m.

Orientation resumed at 1:50 p.m.

President Nickels called for a break at 3:27 p.m. The meeting resumed at 3:33 p.m.

3. 2022 ORGANIZATION OF THE STATE BOARD OF EDUCATION

3.1. Election Process and Procedures

A four part motion indicating that the Commissioner, as Secretary of the State Board, will preside over the nomination and election process; that secret ballots will be used during the election; that the results of each round of voting will be announced by the Teller and recorded in the minutes after which the Commissioner will declare the result; and that the ballots and tally sheets will be

placed in the custody of the Commissioner, who will keep them under seal until the time period for a recount expires and then destroy them, passed with a motion by Patsy Koch Johns, second by Robin Stevens.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Kirk Penner	Yea

Commissioner Blomstedt appointed Brian Halstead and Lora Sypal as Tellers to disseminate and count the ballots.

Commissioner Blomstedt opened nominations for President of the State Board of Education.

3.2. Election of Board President

Lisa Fricke nominated Patsy Koch Johns. There being no further nominations, the Commissioner closed the nominations.

Reporting Teller, Brian Halstead, read the vote results and delivered the tally to the Commissioner, who announced the results of 8 votes for Patsy Koch Johns as President.

3.3. Election of Board Vice President

Commissioner Blomstedt opened nominations for Vice President of the State Board of Education.

Lisa Fricke nominated Patti Gubbels.

Jacquelyn Morrison nominated Robin Stevens.

Patsy Koch Johns nominated Lisa Fricke. Lisa Fricke declined the nomination.

There being no further nominations, the Commissioner closed the nominations.

Reporting Teller, Brian Halstead, read the vote results and delivered the tally to the Commissioner, who announced the results of six votes for Robin Stevens and two votes for Patti Gubbels, declaring Robin Stevens Vice President of the State Board of Education.

4. ADJOURNMENT

President Nickels adjourned the meeting at 5:08 p.m.

The State Board of Education will reconvene Friday, January 7, 2022, at 9:00 a.m. at Embassy Suites by Hilton Lincoln, Regents Ballroom A, 1040 P Street, Lincoln, NE 68508.

STATE BOARD OF EDUCATION MEETING, Friday, January 7, 2022, 9:00 a.m.

1. CALL TO ORDER – President Patsy Koch Johns called the meeting to order at 9:01 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Maureen Nickels	Patti Gubbels	Robin Stevens
Patsy Koch Johns	Lisa Fricke	Deborah Neary
Jacquelyn Morrison	Kirk Penner	

Commissioner Blomstedt was also in attendance.

1.2. President Koch Johns led the Pledge of Allegiance.

1.3. President Koch Johns announced the placement of the Open Meetings Act.

1.3. COVID-19 Meeting Protocol

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

2. COMMISSIONER'S REPORT

2.1. Agenda Overview and Consent Agenda Process

2.1.A. Agenda Item 5.3.C. was requested to be removed from the Consent Agenda for separate vote.

2.2. Report on Rules

Title 92, Nebraska Administrative Code, Chapter 24 is with the Governor awaiting approval.

Title 92, Nebraska Administrative Code, Chapter 51 held a public hearing on proposed revisions January 4, 2022.

2.3. Board Operations Information

(NONE)

3. SPECIAL PRESENTATIONS AND DISCUSSIONS

(NONE)

4. PRESIDENT'S REPORT

President Patsy Koch Johns thanked past President Maureen Nickels and past Board Member Patricia Timm for their service.

President Koch Johns looks forward to the collective work between the Board and the NDE staff, along with teachers and citizens of Nebraska.

5. CONSENT AGENDA

Motion by Maureen Nickels, second by Patti Gubbels to approve the Consent Agenda without Agenda Item 5.3.C.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Kirk Penner	Yea

The motion passed.

7.1. Consider the Hearing Officer's Recommended Decision in the Matter of the Appeal of Delores Gladbach.

Motion by Deborah Neary, second by Maureen Nickels to go into Executive Session. President Koch Johns asked Board Member Neary to withdraw her motion to go into Executive Session.

Motion by Robin Stevens, second by Maureen Nickels at 9:18 a.m. to move into Executive Session to deliberate and receive advice from legal counsel concerning item 7.1, consideration of Hearing Officers' recommended decision in the matter of appeal of Delores Gladbach.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Kirk Penner	Yea

The motion passed.

At 9:18 a.m., the Board moved into Executive Session to receive legal advice from Legal Counsel on consideration of the Hearing Officer's recommended decision.

Motion by Robin Stevens, second by Maureen Nickels at 9:38 a.m. to adjourn Executive Session.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Kirk Penner	Yea

The motion passed.

Motion by Maureen Nickels, second by Lisa Fricke in the *Matter of the Appeal of Delores Gladbach*, NDE Case No. 21-16, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommended Decision of the Hearing officer, and to adopt the Final Order proposed by Legal Counsel.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Kirk Penner	Abstain

The motion passed.

6. STANDING COMMITTEE REPORTS

6.1. Policy Committee – Maureen Nickels, Acting Chair, reported on the Committee meeting.

The Committee on Policy met throughout the month of December, and earlier this week to discuss revisions to Board bylaws B2: Board Committees, and B9: Public Participation at Board Meetings. The Committee presents recommendations on both items today.

Regarding Bylaw B2: Board Committees, the Committee reviewed information from Robert’s Rules of Order and the Standard Code of Parliamentary Procedure on best practices for Committee structures. Additionally, the Committee reviewed the Committee structures of the Nebraska Board of Regents, the Nebraska State College System Board of Trustees, and the Utah State Board of Education. The Committee recommends adoption of the proposed revisions to Bylaw B2 and recommends that the Budget and Finance Committee review its position description and report back any further recommended revisions no later than the June 2022 Board meeting. This is the result of discussion on potentially expanding the scope of the Budget and Finance Committee.

Regarding bylaw B9: Public Participation at Board Meetings, the Committee considered the letter from the Nebraska Attorney General dated August 4, 2021, recent revisions by the Nebraska Legislature to the Open Meetings Act, and current practices of the State Board. The Committee recommends adoption of the proposed revisions to bylaw B9.

6.1.A. Action Item: Approve proposed revisions to State Board Bylaw B2, *Board Committees*

Motion by Maureen Nickels, second by Jacquelyn Morrison to approve proposed revisions to State Board Bylaw B2, *Board Committees*. The Budget and Finance Committee shall review its description and report back to the Board with any further recommended revisions no later than the June 2022 Board meeting.

Board Members discussed the process for the Committee structure and the reduction of the number of Committees from seven to four, but that Committees will continue to be responsible for all matters under the purview of the State Board.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea

Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Kirk Penner	Yea

The motion passed.

6.1.B. Action Item: Approve proposed revisions to State Board Bylaw B2, *Board Committees*

Motion by Maureen Nickels, second by Patti Gubbels to approve proposed revisions to State Board Bylaw B9, *Public Participation at Board Meetings*.

The Board received a lot of public comment during the last year and a request from the Attorney General's office was received on whether the Board's public comment policy had been followed. The feedback received from the Attorney General is that the Board can develop any policy in line with the open meeting act, but the application needs to be consistent. The proposed revision to this policy is to be clear what the Board will do each meeting. The Board can still make the Public Comment time longer. There is also revised state statute requirements related to signing requirements for people in public comment and that change also needed to be made.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Kirk Penner	Nay

The motion passed.

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

The Committee met on December 15, 2021, to:

1) Review history of the Commissioner's performance appraisal tool, process, and procedures

For performance evaluations conducted from 2014 through 2018, Board Members completed paper forms. Individual scores and comments were aggregated, and a summary report was created. The ratings scale was: exceeds requirements, meets requirements, needs improvement, and not applicable.

The performance evaluation content was revised for the 2018-19 evaluation year and an electronic process (i.e., Qualtrics) was used for the first time. The system generated an aggregate report showing average scores and verbatim respondent comments. The performance evaluation content (i.e., performance standards and indicators) first used in 2018-

19 was also used for the 2019-20 evaluation period. Only the Commissioner's goals were modified from year to year.

In the spring of 2021, the Appraisal Committee proposed a consolidation of the performance standards and essential job functions, reducing them from ten to five.

2) Discuss responsibilities of the Appraisal Committee versus those of the Board per State Board Bylaw B2

State Board Bylaw B2 (Board Committees) provides the following description for the Commissioner's Appraisal Committee:

The Appraisal Committee shall, when directed by the Board or the Board President, review or recommend policies and procedures for the review of performance of the Commissioner of Education. Proposals for procedures and instruments to review the performance of the Commissioner of Education shall be approved by the Board. Any Board Member may request a copy of the current appraisal instrument from the Commissioner's Office.

Based upon this policy, the Committee will bring to the Board for approval any changes to appraisal document content (e.g., performance standards, scoring criteria); appraisal format, process/methodology, and timelines; Commissioner's annual performance goals, and terms of the Commissioner's employment contract.

Therefore, an action item was added to the January 7, 2022, business meeting agenda for the Board to consider approval of proposed changes to the Commissioner's job description and evaluation document. Virtually all the changes reflect reorganization as opposed to deletions or additions.

3) Review contractual requirements regarding the appraisal

The Commissioner's first contract for calendar year 2014 did not require that the appraisal be attached as an appendix. Section 5 of Contract #2, which was effective on 1/2/2015, did require the appraisal to be attached to the contract as an appendix. Contract #2 was amended four times, but Section 5 itself remain unchanged. Contract #3 (effective 7/1/2018), and contract #4 (effective 7/1/2021), no longer required that the appraisal be attached as an appendix.

6.2.A. Action Item: Approve revisions to the Commissioner's job description and the 2021-22 performance appraisal instrument.

Motion by Maureen Nickels, second by Lisa Fricke to approve revisions to the Commissioner's job description and the 2021-22 performance appraisal instrument.

Board Members discussed the changes to the Commissioner's job description and the 2021-22 performance appraisal instrument and agreed that it should be approved by the full Board. An external review by a Human Resources consultant was suggested to provide feedback and input on the changes needed.

Lisa Fricke:	Nay
Patsy Koch Johns:	Nay
Deborah Neary:	Nay
Maureen Nickels:	Yea
Robin Stevens:	Nay
Patti Gubbels:	Nay
Jacquelyn Morrison:	Nay
Kirk Penner	Nay

The motion failed.

Patti Gubbels left at 11:14 a.m., returned 11:16 a.m.

6.3. **Budget and Finance Committee** – Maureen Nickels, Acting Chair, reported on the Committee meeting.

The Budget and Finance Committee met to discuss one item that was referred to it from the December Board meeting, to authorize the Commissioner to amend a contract with the Nebraska Children and Families Foundation. The Committee received additional information from NDE staff and recommends approval of this agenda item.

Additionally, the Committee outlined topics for the 2022 Budget and Finance Committee including inflation adjustments, length of contract requirements, and contract renewal procedures.

6.3.A. Action Item: Authorize the Commissioner to amend a contract with the Nebraska Children and Families Foundation (NCFE) to extend staff partnership contracts until December 2024 (Referred to Committee at the 12/3/2021 meeting)

Motion by Maureen Nickels, second by Patti Gubbels to amend a contract with the Nebraska Children and Families Foundation (NCFE) to extend staff partnership contracts until December 2024.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Kirk Penner	Nay

The motion passed.

7. ADDITIONAL BUSINESS

7.2. Review In-State Travel Authorization Reports

There was no further discussion on this item

7.3. Review Monthly Board Travel Expense Report

There was no further discussion on this item.

Break 11:39 a.m. Meeting resumed 12:27 p.m.

7.4. Report from the Ad Hoc Committee on Content Area Standards Process

Jacquelyn Morrison, Chair, reported that the Committee has met approximately six times since November.

The Committee compiled a list of concerns that Board Members had with the standards process and discussed concerns about Committee structure and transparency.

The Committee compiled a list of questions to send to the NDE about the standards process.

The Committee is anticipating having several recommendations, identified as concerns or improvements.

The Committee feels it is beneficial for new Committee chairs to have an orientation relative to the chairing Committees.

7.5. Accept the Commissioner's Proposed Plan for Use of the Remainder of American Rescue Plan (ESSER III) Funds

Commissioner Blomstedt asked Lane Carr and Bryce Wilson, NDE Representatives, to come forward as the Commissioner presented to the Board about the proposed plan for use of the remaining funds of American Rescue Plan (ESSER III).

There were concerns that this plan should first be reviewed Budget and Finance Committee. There was no motion, and this item will go back to the Budget and Finance Committee.

7.6. Authorize the Commissioner to contract with FACTS Education Solutions, LLC for services and support for the Governor's Emergency Education Relief (GEER II) Fund to supplement nonpublic schools not fully supported by the Emergency Assistance for Nonpublic Schools program or the Paycheck Protection Program (PPP) for the period of January 8, 2021, through December 30, 2023.

Motion by Kirk Penner, second by Lisa Fricke to contract with FACTS Education Solutions, LLC for services and support for the GEER II Fund to supplement nonpublic schools not fully supported by the Emergency Assistance for Nonpublic Schools program or the Paycheck Protection Program (PPP) for the period of January 8, 2021, through December 30, 2023.

Board Member discussed accountability for the how the schools used the funds.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Kirk Penner	Yea

The motion passed.

7.7. Authorize the Commissioner to contract with Tamera Miyasato, dba Ha'hanna Consulting, LLC.

Motion by Patti Gubbels, second by Lisa Fricke to contract with Tamera Miyasato, dba Ha'hanna Consulting, LLC.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Kirk Penner	Yea

The motion passed.

- 7.8. Authorize the Commissioner to approve a grant to fund NDE Journey to Inclusion Project in partnership with SPED Strategies, LLC.

Motion by Lisa Fricke, second by Maureen Nickels to approve a grant to fund NDE Journey to Inclusion Project in partnership SPED Strategies, LLC.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Kirk Penner	Yea

The motion passed.

- 5.3.C. Authorize the Commissioner to continue to contract with Student1 to implement NDE Central Data Repository Phase 2 ETL Development and to maintain Level 4 technical support related to integration of Ed-Fi technologies pursuant to 2019 Federal SLDS Grant terms.

Motion by Maureen Nickels, second by Patti Gubbels to continue to contract with Student1 to implement NDE Central Data Repository Phase 2 ETL Development and to maintain Level 4 technical support related to integration of Ed-Fi technologies pursuant to 2019 Federal SLDS Grant terms.

Nickels asked that this item be pulled from the Consent Agenda for a simpler understanding on the technical terms.

Kristin Yates, NDE Representative, provided information on the technical terms to the Board.

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

Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Kirk Penner	Yea

The motion passed.

7.9. Discuss Board Committee Membership

President Koch Johns reminded Board Members to fill out the Committee appointment sheet and return to her.

8. INFORMATION ITEMS AND REPORTS

President Koch Johns referred Board Members to review information items and reports.

9. GOOD OF THE ORDER

(NONE)

10. ADJOURNMENT

President Koch Johns adjourned the meeting at 1:52 p.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, February 4, 2022, at 9:00 a.m. at a location to be determined.