

State Board of Education Annual Orientation and Business Meeting;
Thursday-Friday February 3-4, 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 WORK SESSION, Thursday, February 3, 2022, 8:30 a.m.

1. CALL TO ORDER

President Nickels called the meeting to order at 8:52 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Maureen Nickels
Patsy Koch Johns
Jacquelyn Morrison

Patti Gubbels
Lisa Fricke

Robin Stevens
Deborah Neary

Commissioner Blomstedt was also in attendance.

Kirk Penner arrived at 8:58 a.m.

1.2. President Koch Johns led the Pledge of Allegiance.

1.3. President Koch Johns 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. BOARD TRAINING

The State Board engaged in a work session with Linda Richards, Blane McCann and Jason Richards from PRISM Advisors to discuss State Board of Education governance.

3. ADJOURNMENT

President Koch Johns adjourned the meeting at 12:50 p.m.

The State Board of Education will reconvene Friday, February 4, 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, February 4, 2022, 9:00 a.m.

1. CALL TO ORDER – President Patsy Koch Johns called the meeting to order at 9:04 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.

1.4. President Koch Johns led the Pledge of Allegiance.

1.3. President Koch Johns 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. SPECIAL PRESENTATIONS

2.1. Career and Technical Education (CTE) Month Recognition

Katie Graham, Administrator of the Office of Career and Technical Education, recognized February as National CTE Month and introduced:

Cassidy June, Senior at Milford High School, FCCLA

Grady Johnson, Holdrege FFA, FFA American Start Farmer Award Finalist.

The two students shared information about their experiences in Nebraska Career and Technical Student Organizations.

3. PUBLIC COMMENT PERIOD

3.1. Board Members discussed that there are 29 public speakers that signed up and at 5 minutes each for speaking, the amount of time for public comment would be two hours and twenty minutes. Robin Stevens said that consistency is important to this Board and made a motion to reduce the amount of time for each speaker from five minutes to two minutes, second by Maureen Nickels.

After discussion of the motion, Robin Stevens made an amendment to the main motion to strike five and insert four (minutes), second by Jacquelyn Morrison.

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 amendment passed.

Board Members voted on the main motion.

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 following individuals from the public spoke against the Health Standards: Amanda Ripley, Ben Stangl, Bradley Reinke, Brenda McGill, Christina Campbell, Cindy Guthrie, Deb Miller, Elissa Martin, Elizabeth Tegtmeier, Gwen Easter, Jeanne Greisen, Jenna Derr, John Ringsmuth, Judy Derr, Julie Sheldon, Justin Thiel, Katie McClemens, Liz Davids, Mark Barflenecht, Mark Bonkiewicz, Marni Hodgen, Merlyn Bartels, Monti Starkey, Peg Fong, Sherry Jones, Teresa Carey, Ward Greisen

Jason Martinez spoke on disturbing content found in the Kearney High School library.

Deloris Tonack spoke on the Board's focus on the need for more educators in the state and continuing to expand the pool of educators to represent the diversity in our student population.

3.2. Written Public Comment

Submitted written public comments are linked through SPARQ in Board Agenda item number 3.2., SBOE Written Public Comment February 2022.

4. COMMISSIONER'S REPORT

4.1. Agenda Overview and Consent Agenda Process

4.1.A. No consent agenda items were requested for removal.

4.2. Report on Rules

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

Title 92, Nebraska Administrative Code, Chapter 51 is on the Board agenda for approval today.

4.3. Board Operations Information

No report.

5. PRESIDENT'S REPORT

President Patsy Koch Johns thanked past President Maureen Nickels for the Board retreats scheduled the past few months. President Koch Johns noted from her perspective the biggest challenge for this year is filling the classrooms with teachers and creating ways for teacher certification that make sense.

6. CONSENT AGENDA

Motion by Patti Gubbels, second by Maureen Nickels to approve the Consent Agenda.

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. STANDING COMMITTEE REPORTS

7.1. **Executive Committee** – Patsy Koch Johns, Chair, reported on the Committee meeting.

The Executive Committee met weekly since the January Board meeting to advise the Commissioner on legislative topics. The Committee has reviewed bills introduced in the Nebraska Legislature and brings to the Board recommendations for action on Board positions for education-related bills. The Committee recommends Board approval of the recommended Board positions.

The Committee also received an update from NDE staff and the Commissioner on the Commissioner's appraisal process for the current year. The Committee will carry out the current process previously established by the Board. Changes to the Commissioner's job description, evaluation instrument, and appraisal process may be considered for the next contract period. Board members will receive more information at a future date about participating in the appraisal process for the current year.

The Committee will continue to meet weekly to advise the Commissioner on legislative topics and will keep the Board informed of its advice to the Commissioner.

7.1.A. Action Item: Review 2022 Proposed State Legislation and Act on Board Positions

Motion by Robin Stevens, second by Lisa Fricke to adopt the positions as presented by the Executive Committee.

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.

Board Members were encouraged to review the Nebraska Legislature website to review the bills listed. Board Members discussed the recommendations on each bill and what those recommendations meant and how the status could change. This list will continue to change as bills progress through the Legislative session.

7.2. **Budget and Finance Committee** – Maureen Nickels, Chair, reported on the Committee Meeting.

The Committee met on February 3, 2022 at 2:45 p.m. Committee members include Patti Gubbels, Jacquelyn Morrison and Vice Chair Kirk Penner. Also in attendance were NDE Staff who have related roles to the Budget & Finance Committee. Those staff included Bryce Wilson, Jen Utemark, Lane Carr, Kristen Yates, Zainab Rida and Commissioner Blomstedt.

Time was taken at the start of the meeting to have each staff member share what their responsibilities are at the NDE and how their position fits in with the Budget and Finance Committee. The NDE discussed the contract with Dr. Barbara Buttes and the need to work with Native American children. A tribal education guide has been developed by Dr. Buttes that will be used as part of this work.

A Committee member asked for the length of the contract and if it could be renewed. The contract is for one year and may be renewed depending on a review of the success of the work.

One of the Committee members wanted to know if the Latino/Native American Liaisons Position allocation was increased since the presentation last month. Per the NDE the allocation was increased by \$30,000 which was less than the amount of the increase for the African American commission due to timing of contracts.

The timing of the contracts for the liaison for the African American and Latino positions was also discussed. Per NDE the contract for the Latino liaison is in process and the NDE is still working to find the appropriate contact to begin working on a contract for the African American liaison. The NDE has identified and begun work with these Commissions since they are currently in existence. Some of the at-risk populations do not have established Commissions available.

The Committee discussed what these positions would do. Per the NDE staff they would work with the Communities and families in need. They will help identify priority areas that need support and educate the NDE staff on the need areas with the respective groups. The intention for these positions is to be informative for future budget plans and resource allocations.

The Commissioner provided information on the proposed uses of the remaining ESSER funds which is heavily directed by stakeholder input. The following areas were highlighted: Early childhood support, teacher recruitment preparation, retention and elevation, rural community school initiatives to encourage collaboration amongst groups supporting rural education, supports for early childhood regional coaches and provide training for early childhood trainers.

The Committee discussed if it would be better to use these funds for infrastructure needs for early childhood centers or help navigate workforce barriers.

Additional use of the ESSER funds included an NDE position to cover needs as they arise related to administering the funds. The NDE is also looking to support the activity around the educator workforce by hiring a person who can coordinate different activities.

Last, the NDE staff covered the proposed technology needs that the ESSER funds will be used to address. The ESSER funds will be used in five different areas around technology and will be used to build on work that has been done through other Federal grants in the past. Some of the highlighted uses include working on providing resources for districts to use data and modernization of data warehouses to communicate more efficiently between agencies.

The Committee recommended bringing the ESSER proposal forward to the full Board for action.

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

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

The Committee discussed what other roles should this Committee be involved with. Discussion included the following ideas

- Review of data related to operations, contracts, and other topics
- Looking at collection and data points across the education system
- Accountability and data related to contracts that are scheduled for renewal

The Committee will continue discussion on the Committee's duties and bring any revisions to the full board for approval.

7.2.A. Action Item: Accept the Commissioner's Proposed Plan for use of the remainder of American Rescue Plan (ESSER III) Funds.

Motion by Maureen Nickels, second by Patti Gubbels to accept the Commissioner's proposed plan for use of the remainder of the American Rescue Plan (ESSER III) Funds.

Board Members discussed concerns about the use of the ESSER III Funds. There is a specific timeline of when a proposal needs to be filed as to how the remaining funds may be spent.

Motion by Jacquelyn Morrison, second by Deborah Neary to lay the motion on the table until later today to provide the Commissioner an opportunity find out when the federal report is due.

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.

President Koch Johns called for a recess at 12:39 p.m. The meeting resumed at 1:29 p.m.

7.2.B. Monthly Board Travel Expense Report

There was no further discussion on this item

7.2.C. Review In-State Travel Authorization Reports

There was no further discussion on this item.

7.3. **Planning and Evaluation Committee** – Patti Gubbels, Chair, reported on the Committee.

NDE staff members in attendance at the Committee meeting introduced themselves and shared how their work responsibilities are associated with the Committee.

The Committee orientation included:

Setting expectations of the Committee chair and Committee members, reading the B2 Board Committees description of the Planning and Evaluation Committee, defining and exemplifying Committee duties as indicated in the B2 Committee description, reviewing the draft list of regular activities with the intent of developing a Committee calendar.

Cory Epler, Marissa Payzant, and Deb Romanek provided an update on the Nebraska College and Career Ready Standards for Mathematics revision process.

Specific topics discussed:

- History of math standards development and current standards revision processes and progress
- Summative math assessment data 2017-2018 and 2018-2019 with noted pandemic effects on data
- Instructional materials use data indicating an increasing trend of number of schools using high-quality instructional materials and professional development and materials
- Roles and responsibilities of groups involved in writing and advising standards development
- Key considerations for revision as of January 2022
 - Identifying big math ideas to reduce the number of standards
 - Focus on grades 6-8 on proportional reasoning, ratios, and arithmetic of rational numbers
 - Examination of high school math standards to identify skills relevant to future learning
 - Strengthening the data strand across grade levels
 - Strengthening process standards throughout the standards document

7.3.A. Discussion Item: Nebraska's College & Career Ready Standards for Mathematics

There was no further discussion.

7.4. **Rules and Regulations Committee** – Jacquelyn Morrison, Chair, reported on the Committee

The Rules and Regulation Committee met on February 3, 2022; all members of the Committee were present.

The Committee started with introductions by staff members who discussed their role in the rule and regulations process. Staff members present were Ryan Foor, Amy Rhone, Brian Halstead and Brenda Wid.

The Committee conducted an initial orientation for the Committee. Brian Halstead outlined the rules and regulations process required by state statute as outlined in the Administrative Procedures Act. The Committee also discussed the purpose of rules and regulations and the delegation of authority for rules and regulations from the Legislature.

The Committee discussed the Agency's Rules and Regulation revision process and learned that the process is currently being improved. This ongoing improvement process presents an opportunity for the Committee to inform the process. The Board was also presented with the current review timeline for rules and regulations, which currently requires that each rule and regulation be reviewed every five years. The Committee in its work will review this document alongside the NDE staff and see if it should be updated. Another area that the Committee will specifically need to address is where in the rule and regulation revision process will a revision proposal be presented to the Committee.

The Committee also discussed factors which lead to rules and regulations being reviewed outside of the five-year review timeline. Those include legislative changes, federal statute changes, and recommendations from advisory committees.

As the State Board appoints members to advisory committees, the Committee considered whether advisory committee representatives should be invited to Committee meetings to provide their insight, whether the Committee should review appointments to those Boards, and whether there should be congruency among those Committees.

At the conclusion of the orientation discussion, the Committee discussed Board documents that relate to the Committee and whether they should be reviewed and updated. Those include board policies B4, P4, and B13.

After the orientation discussion, the Committee reviewed an Action Item regarding Rule 51, Regulations Standards for Special Education Program. This item had previously been discussed by the previous Students Success and Access Committee.

The Committee unanimously agreed to move forward the action item to the Board and recommends adopting the approved action item for Rule 51.

The next item on the Agenda was the Committee update. Rules and Regulations that are upcoming for revision include Rule 21, Rule 25, Rule 51 and Rule 52, possibly Rule 71 and Rule 72. Rule 24 is waiting for Governor approval.

7.4.A. Action Item: Approve the proposed revision to Title 92, Nebraska Administrative Code, Chapter 51 (Rule 51), Regulations and Standards for Special Education Programs. Motion by Jacquelyn Morrison, second by Maureen Nickels to approve the proposed revision to Title 92 NAC Chapter 51.

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.

8. SPECIAL COMMITTEE REPORTS

8.1. Report from the Ad Hoc Committee on Content Area Standards

Jacquelyn Morrison, Chair, provided the final report from the Ad Hoc Committee.

The Committee was formed at the November meeting of the Nebraska State Board of Education (“Board”) and began meeting shortly afterward. The first meeting of the Committee was 11/9/21. At the 11/9/21 and 11/17/21 Committee meetings, the Committee compiled responses received from Board Members at the November meeting. The responses encompassed the concerns of Board Members with the Health Standards Process. After reviewing the information in the responses, the Committee drafted recommendations related to the Policy Committee. The recommendations, which centered around the composition of standing committees, are incorporated into Recommendation Number One of this report.

During the meetings, the Committee also drafted questions to submit to the Nebraska Department of Education (“NDE”) to gain clarity about NDE’s current standards processes. On 11/30/21, the Committee sent the drafted questions to NDE. A list of the questions sent are incorporated into the final report as Attachment A. On 01/04/21, NDE staff sent responses to the Committee with answers to the questions. The responses are incorporated into the final report as Attachment B.

At the 12/3/21 meeting, the Committee met with Board President Maureen Nickels to request permission to make early recommendations to the Policy Committee regarding the formation and make up of Committees. Permission was granted, and recommendations were made to the Policy Committee at the first Policy Committee meeting following the request. The Committee also gave an update to the Board President and sought clarification on the length and purpose of the Committee.

On 01/06/22, the Committee requested permission from the Commissioner to utilize Ryan Foor to do additional research for the Committee. The Committee specifically requested more information about the participation and role of other state Boards in their respective standards development processes. The Commissioner granted permission to the Committee and the Committee met with Ryan Foor on 01/07/22, to outline their requests. The compiled materials are incorporated into the final report as Attachment C.

On January 19, 2022, the Committee met to review the responses provided by the NDE staff. The Committee discussed the responses and potential next steps for the Committee and NDE staff. The Committee created a list of recommendations to include in this report and subsequently met on January 23, 2022, to finalize the report. This report concludes the work of the Committee.

Recommendations: After reviewing all information presented to the Committee, the Committee has five recommendations to the State Board of Education and NDE.

The recommendations are as follows:

1. The Board improve the makeup and operation of Standing Committees.
2. The Board define the role of the Board in the Standards Processes.
3. The Board continue to work on the standards development process through the Planning and Evaluation Committee.
4. The NDE enlist the services of a consultant; and
5. The Board approve content standards for all subject matter areas.

9. ADDITIONAL BUSINESS

- 9.1. Permanently reject any development of Health Standards.

Motion by Kirk Penner, second by Robin Stevens that the State Board of Education hereby permanently rejects any development of Health Education Standards. The State Board of Education received substantial input on the draft Health Standards and recognizes that from this day forward, any decision or any policy regarding health education standards, including sex education, sexual orientation and gender identity must be left entirely to local school Boards, parents within the district and medical professionals.

Board Members discussed the previously adopted motion and the difficult conversations and compromise to develop the previous motion. The Health Standards are not required by state statute and would not be mandated but provide schools a starting point for teaching.

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

The motion failed.

- 9.2. Adopt a Policy on Local Control of Non-Required Standards

Motion by Kirk Penner, second by Robin Stevens to adopt a policy on local control of non-required standards.

Board Members discussed this motion, and it is counter to the recommendations of the Ad Hoc Committee for Content Area Standards.

Motion by Robin Stevens, second by Deborah Neary to refer this proposed policy on local control of non-required standards to the Planning and Evaluation Committee to report back at the March 2022 meeting for full Board discussion and potential action.

Board Members discussed the motion and why this policy was being referred to the Planning and Evaluation Committee when approving the policy is a function of the Executive Committee.

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

The motion failed.

Board Members voted on the main motion.

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

The motion failed.

9.3. Discussion on books available in school libraries.

Board Member Penner brought forward the discussion of obscene materials found in school libraries to bring awareness to the parents. Mr. Penner indicated that local school boards need to be aware of what is in the school library, not for censorship, but awareness. Penner reads excerpts from books he found objectionable.

Motion by Jacquelyn Morrison, second Lisa Fricke to take from the table the motion to accept the plan for the use of ESSER III 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	Nay

The motion passed.

Commissioner Blomstedt provided that if the NDE makes an initial determination how the reserved funds will be used before the deadline, even if the funds are not yet committed for that purpose or are later committed for a different purpose, the response is requested to the US Department of Education by the

close of business on February 28, 2022. The NDE will need to a proposal by February 28, 2022, and the Board will have the ability to revisit the matter.

10. INFORMATION ITEMS AND REPORTS

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

11. GOOD OF THE ORDER

(NONE)

12. ADJOURNMENT

President Koch Johns adjourned the meeting at 3:36 p.m.

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