

State Board of Education Work Session and Business Meeting.

Thursday-Friday March 2-3, 2023

Lincoln Marriott Cornhusker Hotel, Lancaster 1, 2, 3, 333 South 13th 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, March 2, 2023, 2:30 p.m.

1. CALL TO ORDER

President Gubbels called the meeting to order at 2:30 p.m.

1.1 Roll Call

Roll Call showed the following attendance:

Lisa Fricke (arrived at 2:31 p.m.)	Patti Gubbels	Jacquelyn Morrison (arrived at 2:44 p.m.)
Patsy Koch Johns	Elizabeth Tegtmeier	Deborah Neary
Sherry Jones	Kirk Penner	

Deputy Commissioner Frison was also in attendance.

1.2. President Gubbels led the Pledge of Allegiance.

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

2. BUSINESS

2.1. Statewide Assessment Information

Board Members engaged in a work session with NDE Staff on Statewide Assessment.

Patsy Koch Johns left at 2:53 p.m.

Deborah Neary left at 3:44 p.m. Returned at 3:45 p.m.

Kirk Penner left at 3:55 p.m.

President Gubbels called for a break at 4:02 p.m. The meeting resumed at 4:15 p.m.

Jacquelyn Morrison left at 4:33 p.m. Returned at 4:35 p.m.

3. ADJOURNMENT

President Gubbels adjourned the meeting at 5:27 p.m.

The State Board of Education will reconvene Friday, March 3, 2023, at 9:00 a.m. at the Lincoln Marriott Cornhusker Hotel, Lancaster 1, 2, 3, 333 South 13th Street, Lincoln, NE 68508.

STATE BOARD OF EDUCATION MEETING, Friday, March 3, 2023, 9:00 a.m.

1. CALL TO ORDER – President Patti Gubbels called the meeting to order at 9:01 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

Sherry Jones	Patti Gubbels	Elizabeth Tegtmeier
Patsy Koch Johns	Lisa Fricke	Deborah Neary
Jacquelyn Morrison (arrived at 9:10 a.m.)	Kirk Penner	

Deputy Commissioner Frison was also in attendance.

1.2. President Gubbels led the Pledge of Allegiance.

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

2. SPECIAL PRESENTATIONS

2.1. Update on progress of ESSER Investments

NDE Staff updated the Board on ESSER investments and progress.

3. DEPUTY COMMISSIONER’S REPORT

Deputy Commissioner Frison delivered the Deputy Commissioner’s Report.

3.1. Agenda Overview and Consent Agenda Process

3.1.A. Deputy Commissioner’s recommendation and items to be removed from consent agenda.

No consent agenda items were requested for removal.

3.2. Update on the Teacher of the Year and Milken Educator Award Programs

NDE Staff provided updates on the Teacher of the Year and Milken Educator Award Programs.

4. PRESIDENT’S REPORT

President Gubbels delivered the President’s Report.

President Gubbels called for a break at 10:29 a.m. The meeting resumed at 10:43 a.m.

5. CONSENT AGENDA

Motion by Kirk Penner, second by Patsy Koch Johns to approve the Consent Agenda.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Yes
Kirk Penner	Yes

The motion passed.

6. STANDING COMMITTEE REPORTS

6.1. **Executive Committee** – Patti Gubbels, Chair, reported on the meeting of the Committee.

Jacquelyn Morrison left the meeting at 11:13 a.m.

6.1.A. Action Item: Review 2023 Proposed State Legislation and Take Action on Board Positions

Motion by Lisa Fricke, second by Deborah Neary to amend the motion by inserting the words “with the exception of LB690” after Executive Committee.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	No
Jacquelyn Morrison:	Absent
Kirk Penner	No

The motion passed.

Motion by Jacquelyn Morrison, second by Lisa Fricke to adopt the legislative positions as recommended by the Executive Committee with the exception of LB690.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	No
Jacquelyn Morrison:	Absent
Kirk Penner	No

The motion passed.

Motion by Sherry Jones, second by Kirk Penner to amend the main motion to strike the word “opposition” and insert “neutral, work with sponsor” so that if amended the main motion will read “I move to take a neutral, work with sponsor position on LB690.”

Lisa Fricke:	Yes
Patsy Koch Johns:	No
Deborah Neary:	No
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

Motion to take a neutral work with a sponsor position on LB690.

Lisa Fricke:	Yes
Patsy Koch Johns:	No
Deborah Neary:	No

Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.2. **Budget and Finance Committee** – Patsy Koch Johns, Chair, reported on the meeting of the Committee.

6.2.A. Monthly Board Travel Expense Report

There was no further discussion on this item.

6.2.B. Review In-State Travel Authorization Reports

There was no further discussion on this item.

6.2.C Action Item: Accept the 2022 Annual Comprehensive Financial Report (ACFR) Audit

Motion by Patsy Koch Johns, second by Deborah Neary to accept the 2022 Annual Comprehensive Financial Report (ACFR) Audit.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.2.D. Action Item: Amend the contract with McPherson & Jacobson, LLC, to include fees and expenses for consultants' attendance at the interviews

Motion by Patsy Koch Johns, second by Deborah Neary to amend the contract with McPherson & Jacobson, LLC, to include fees and expenses for consultants' attendance at the interviews.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	No
Elizabeth Tegtmeier:	No
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	No

The motion passed.

Motion by Patsy Koch Johns, second by Elizabeth Tegtmeier to amend the contract with McPherson & Jacobson, LLC, to include finalists' interview expenses.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

- 6.2.E. Action Item: Authorize the Deputy Commissioner to accept funds from the Nebraska Arts Council to participate in the Arts Education Data Project

Motion by Patsy Koch Johns, second by Lisa Fricke to accept funds from the Nebraska Arts Council to participate in the Arts Education Data Project.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

- 6.2.F. Action Item: Authorize the Deputy Commissioner to accept a Subaward Grant from the University of Nebraska Public Policy Center to engage qualified individual(s) to deliver training in the evidence-based Psychological First Aid for Schools (PFA-S) model

Motion by Patsy Koch Johns, second by Deborah Neary to accept a Subaward Grant from the University of Nebraska Public Policy Center to engage qualified individual(s) to deliver training in the evidence-based Psychological First Aid for Schools (PFA-S) model.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Eliza:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

- 6.2.G. Action Item: Authorize the Deputy Commissioner to contract with multiple partners to develop and implement support services for the Afghan Refugee School Impact Grant

Motion by Patsy Koch Johns, second by Sherry Jones to contract with multiple partners to develop and implement support services for the Afghan Refugee School Impact Grant.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Yes
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.3. **Planning and Evaluation Committee Report** – Deborah Neary, Chair reported on the meeting of the Committee.

6.3.A. Discussion Item: Information on the Community Achievement Plan for the Learning Community of Douglas and Sarpy Counties.

Shirley Vargas, NDE Representative, introduced Bradley Ekwerekwu, CEO, Learning Community of Douglas, and Sarpy Counties who presented to the Board on the Community Achievement Plan for the Learning Community of Douglas and Sarpy Counties.

Lisa Fricke left the meeting at 12:37 p.m.

President Gubbels called for recess at 12:38 p.m. The meeting resumed at 1:15 p.m.

Deborah Neary left the meeting at 12:40 p.m.

9. PUBLIC COMMENT PERIOD

9.1. Heather Schmidt spoke to the Board regarding the teacher shortage and the disruptions teacher's leaving is causing.

6.4. **Rules and Regulations Committee** – Elizabeth Tegtmeier, Chair reported on the meeting of the Committee.

6.4.A. Report on Rules

There is no action on rules.

6.4.B. Action Item: Approve proposed revisions to Rule 10 (92 NAC 10) *Regulations and Procedures for the Accreditation of Schools*

Motion by Elizabeth Tegtmeier, second by Patsy Koch Johns to approve the proposed revisions to Rule 10 (92 NAC 10) *Regulations and Procedures for the Accreditation of Schools*.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Absent
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.4.C. Action Item: Approve proposed revisions to Rule 14 (92 NAC 14) *Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools*

Motion by Elizabeth Tegtmeier, second by Patsy Koch Johns to approve the proposed revisions to Rule 14 (92 NAC 14) *Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools*.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Absent
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.4.D. Action Item: Approve proposed repeal of Rule 23 (92 NAC 23) *Regulations for the Basic Skills Competency Testing of Teachers and Administrators*

Motion by Kirk Penner, second by Patsy Koch Johns to Approve proposed repeal of Rule 23 (92 NAC 23) *Regulations for the Basic Skills Competency Testing of Teachers and Administrators*.

Lisa Fricke:	Yes
Patsy Koch Johns:	Yes
Deborah Neary:	Absent
Sherry Jones:	Yes
Elizabeth Tegtmeier:	Yes
Patti Gubbels:	Yes
Jacquelyn Morrison:	Absent
Kirk Penner	Yes

The motion passed.

6.4.E. Discussion Item: Discuss proposed revisions to Rule 20 (92 NAC 20) *Regulations for the Approval of Teacher Education Programs*

6.4.F. Discussion Item: Discuss proposed revisions to Rule 21 (92 NAC 21) *Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools*

6.4.G. Discussion Item: Discuss proposed revisions to Rule 24 (92 NAC 24) *Regulations for Certification Endorsements*

The Committee is postponing the full Board discussion on Rules 20, 21 and 24.

6.4.H. Discussion Item: Substitute Certificates

The Committee is postponing the full Board discussion on Substitute Certificates.

7. SPECIAL COMMITTEE REPORTS

- 7.1. Report from the Ad Hoc Search Committee – Patti Gubbels, Chair, reported on the meeting of the Committee.

8. ADDITIONAL BUSINESS

8.1. Board Discussion on Public Comment Time

Board Members provided input on when public comment should occur during the meeting.

9. PUBLIC COMMENT PERIOD CON'T.

9.2. Written Public Comment

No written public comment submitted for this month's meeting.

10. INFORMATION ITEMS AND REPORTS

President Gubbels referred Board Members to review information items and reports.

11. GOOD OF THE ORDER

President Gubbels mentioned the Nebraska Rural Community Schools Association Spring Conference March 23-24, 2023, in Kearney, NE.

12. ADJOURNMENT

President Gubbels adjourned the meeting at 2:02 p.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, April 14, 2023, at 9:00 a.m. in Lincoln, NE.