

**State Board of Education Work Session and Business Meeting.**

Friday April 14, 2023

Graduate Lincoln, Scarlett Ballroom, 141 N 9<sup>th</sup> 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 OF EDUCATION MEETING, Friday, April 14, 2023, 9:00 a.m.**

**1. CALL TO ORDER** – President Patti Gubbels called the meeting to order at 9:02 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 9:32 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. Proclaim April 2023 as the Month of the Military Child and April 14, 2023, as “Purple Up! For Military Kids Day”

President Gubbels introduced Liane Yanikov, School Liaison Program Manager, Offutt AFB. Offutt AFB: Colonel Jasin Cooley, 55th Mission Support Group Commander; Lieutenant Colonel Ryan Davis, 55th Force Support Squadron Commander; Chief Master Sergeant Keyonna Smith, 55th Force Support Squadron; Master Sergeant Ray Salvador, 55th Force Support Squadron First Sergeant; Ms. Trisha Loede, 55th Force Support Squadron Deputy Director; Ms. Aimee Salter, 55th Force Support Squadron Operations Officer; Liane Yanikov, School Liaison Program Manager Offutt AFB, wife of LTC John Yanikov

Nebraska ANG: Colonel John Williams, 155th Air Refueling Wing Commander; Captain Mark Young, 155<sup>th</sup> Wing Executive

Nebraska Army Guard: Captain Joshua Hrubby, SSG John Musilek

Cara Loken, wife of Lt. Col. John Loken

Motion by Lisa Fricke, second by Patsy Koch Johns to proclaim April 2023 as the Month of the Military Child and April 14, 2023, as “Purple Up! For Military Kids Day” and to adopt the resolution

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.

2.2. 2023 Nebraska Teacher of the Year, Renee Jones, Lincoln High School, Lincoln, NE

The 2023 Nebraska Teacher of the Year, Renee Jones, English teacher, Lincoln, High School, Lincoln, Nebraska provided an update on the activities she has been involved with as Teacher of the Year.

2.3. Lisa Moody, 2022-2023, Nebraska Milken Educator, at the time of the award, a Special Education teacher, Jefferson Elementary School in Omaha

David Jespersen, Administrator of the Office of Public Information and Communication, introduced Lisa Moody, 2022-2023 Nebraska Milken Educator.

President Gubbels called for a break at 9:48 a.m. The meeting resumed at 10:02 a.m.

**3. DEPUTY COMMISSIONER'S REPORT**

Deputy Commissioner Frison delivered the Deputy Commissioner's Report.

3.1. Agenda Overview and Consent Agenda Process

**4. PRESIDENT'S REPORT**

President Gubbels delivered the President's Report.

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

Consent Agenda items 5.2.A. and 5.7.B. were requested to be removed.

**5. CONSENT AGENDA**

Motion by Lisa Fricke, second by Jacquelyn Morrison to approve the Consent Agenda without agenda items 5.2.A. and 5.7.B.

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.

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

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

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.

6.1.B. Action Item: Approve the Employment Agreement between the State Board of Education and Brian Maher.

Motion by Elizabeth Tegtmeier, second by Sherry Jones to amend the proposed employment agreement in section 2 (c) by striking the words “In the event that Dr. Maher wishes to accept remuneration for any activities during the Term hereof, he shall notify the President of the State Board in each instance and obtain written approval of same in advance” and inserting “in the event that Dr. Maher wishes to accept remuneration for speaking engagements, writing, lecturing or other professional activities during the term hereof, he shall notify the State Board in each instance and obtain written approval of same in advance.”

President Gubbels called for a break at 10:32 a.m. The meeting resumed at 10:56 a.m.

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.

Motion by Deborah Neary, second by Lisa Fricke to approve the employment agreement between the State Board of Education and Brian Maher by amending section 2 (c) by striking the words “In the event that Dr. Maher wishes to accept remuneration for any activities during the Term hereof, he shall notify the President of the State Board in each instance and obtain written approval of same in advance” and inserting “in the event that Dr. Maher wishes to accept remuneration for speaking engagements, writing, lecturing or other professional activities during the term hereof, he shall notify the State Board in each instance and obtain written approval of same in advance.”

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.

6.2. **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 Single Audit Report

Motion by Elizabeth Tegtmeier, second by Deborah Neary to accept the 2022 Single Audit Report.

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.

6.2.D. Action Item: Authorize the Deputy Commissioner to enter into a new lease agreement between the Department of Administrative Services (DAS), State Building Division and the Department of Education, Nebraska Vocational Rehabilitation (VR) for office space in Fremont for the period July 1, 2023, through June 30, 2033

Motion by Elizabeth Tegtmeier, second by Deborah Neary to enter into a new lease agreement between the Department of Administrative Services (DAS), State Building Division and the Department of Education, Nebraska Vocational Rehabilitation (VR) for office space in Fremont for the period July 1, 2023, through June 30, 2033.

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

The motion passed.

6.2.E. Action Item: Authorize the Deputy Commissioner to approve a continuation grant to the Nebraska Children and Families Foundation to continue the Nurturing Health Behaviors/Rooted in Relationships program

Motion by Sherry Jones, second by Patsy Koch Johns to approve a continuation grant to the Nebraska Children and Families Foundation to continue the Nurturing Health Behaviors/Rooted in Relationships program.

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.

- 6.2.F. Action Item: Authorize the Deputy Commissioner to contract with Public Consulting Group from April 17, 2023-August 30, 2023

Motion by Patsy Koch Johns, second by Deborah Neary to contract with Public Consulting Group from April 17, 2023-August 30, 2023.

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

The motion passed.

- 6.2.G. Action Item: Authorize the Deputy Commissioner to contract with Janus Software, Inc.

Motion by Patsy Koch Johns, second by Lisa Fricke to contract with Janus Software, Inc.

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.

- 6.2.H. Action Item: Authorize the Deputy Commissioner to grant Support for Improvement (SFI) funding for Comprehensive Support for Improvement (CSI) schools

Motion by Patsy Koch Johns, second by Lisa Fricke to grant Support for Improvement (SFI) funding for Comprehensive Support for Improvement (CSI) schools.

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.

- 6.2.I. Action Item: Authorize the Deputy Commissioner to renew the contract with TransACT Communications, LLC for the period from June 1, 2023, through May 31, 2026

Motion by Patsy Koch Johns, second by Deborah Neary to renew the contract with TransACT Communications, LLC for the period from June 1, 2023, through May 31, 2026.

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.

- 6.2.J. Action Item: Authorize the Deputy Commissioner to accept funds from the Nebraska Arts Council to administer the Arts NOW Grant Program to Nebraska school districts

Motion by Patsy Koch Johns, second by Sherry Jones to accept funds from the Nebraska Arts Council to administer the Arts NOW Grant Program to Nebraska school districts.

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.

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

- 6.3.A. Action Item: Approve the 2023-2026 Community Achievement Plan (CAP) of The Learning Community of Douglas and Sarpy Counties

Motion by Deborah Neary, second by Sherry Jones to approve the 2023-2026 Community Achievement Plan (CAP) of The Learning Community of Douglas and Sarpy Counties.

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.

- 6.3.B. Action Item: Approve the nonpublic schools appearing on the accompanying list to operate for the 2023-2024 school year under Rule 14 (92 NAC 14), Regulations & Procedures for the Legal Operation of Approved Nonpublic Schools

Motion by Deborah Neary, second by Lisa Fricke to approve the nonpublic schools appearing on the accompanying list to operate for the 2023-2024 school year under Rule 14 (92 NAC 14), Regulations & Procedures for the Legal Operation of Approved Nonpublic Schools.

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.

- 6.3.C. Discussion Item: Discuss Rule 18 approval process for Interim-Program Schools

There was no further discussion.

- 6.3.D. Discussion Item: Discuss the Ruel 84 accreditation process for Educational Service Units

There was no further discussion.

President Gubbels called for recess at 12:11 p.m. The meeting resumed at 1:15 p.m.

## 8. PUBLIC COMMENT PERIOD

- 8.1. The following individuals from the public spoke with regard to the drag queen story hour: Catherine Schneider, Kristin Fowler, Steve Davies, Patrick Petersen

Alyssa Martin spoke with regard to the teacher shortage and the power of suggestion that kids are being exposed to.

Kami Riley spoke with regard to spiritual warfare going on in the world.

Liz Davids spoke on assessment, CTE and the commissioner interview process.

Linda Vermooten spoke with regard to the concern of what is being pushed on our students.

Amanda Ripley spoke with regard to the lack of transparency in the hiring of Dr. Maher.

Wes Jensen spoke with regard to respecting the individuality and humanity of the individual and the teacher shortage.

Jacquelyn Morrison left the meeting at 1:44 p.m.

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

NDE Staff provided Board Members with a summary of the revision updates for Rule 20, Rule 24, and Rule 21.

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

6.4.D. 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.E. Discussion Item: Discuss proposed changes to Title 93 (NDE Personnel Rules)

No additional discussion.

## 7. ADDITIONAL BUSINESS

5.2.A. Appoint members to the Nebraska Private Postsecondary Career Schools Advisory Council

Motion by Deborah Neary, second by Patsy Koch Johns to appoint members to the Nebraska Private Postsecondary Career Schools Advisory Council.

NDE Staff provided additional information on the Nebraska Private Postsecondary Career Schools Advisory Council.

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.

5.7.B. Approve the attached Special Grant Fund List for 2023/24 School District Budgeting

Motion by Deborah Neary, second by Lisa Fricke to approve the Special Grant Fund list for 2023/24 school district budgeting.

NDE Staff provided additional information on the Special Grant Fund List for 2023/24 School District Budgeting.

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.



## **8. PUBLIC COMMENT PERIOD CON'T.**

### 8.2. Written Public Comment

Submitted written public comments are linked through SPARQ in Board Agenda item number 8.2., SBOE Written Public Comment April 2023.

## **10. INFORMATION ITEMS AND REPORTS**

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

## **11. GOOD OF THE ORDER**

(NONE)

## **12. ADJOURNMENT**

President Gubbels adjourned the meeting at 2:49 p.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, May 5, 2023, at 9:00 a.m. in Lincoln, NE.