

State Board of Education Work Session and Business Meetings
Monday-Tuesday, December 9-10, 2019
State Board Meeting Room, Lincoln, Nebraska Department of Education
[Link to Agenda and Attachments](#)
[Link to Video of Meeting](#)

Publicized notice of the work session and business meeting was given by posting notice on the Department's website; emailed to news media requesting notification, and posting a copy of the agenda in the Office of the Commissioner of Education, which gave the date, time, and location of the meetings.

STATE BOARD WORK SESSION, Monday, December 9, 2019, 2:00 p.m.

1. CALL TO ORDER – President John Witzel called the meeting to order at 2:00 p.m.

1.1 Roll Call

Roll Call showed the following attendance:

John Witzel	Maureen Nickels	Patricia Timm
Rachel Wise	Deborah Neary	Robin Stevens
Patsy Koch Johns	Lisa Fricke	

Commissioner Blomstedt was also present.

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

2. COMMISSIONER'S REPORT AND AGENDA OVERVIEW

2.1 Consent Agenda Process

Commissioner Blomstedt reviewed the process for consent agenda items.

2.2 Report on Rules

Commissioner Blomstedt provided a report on the status of Rules 46, 53, 11 and 91. Rules 46 and 53 were approved for repeal by the Governor November 7, 2019. Rule 11 was approved by the AGO September 17, 2019 and Rule 91 has an approved hearing draft, hearing scheduled for December 18, 2019.

2.3 Board Priorities and Policy Research

Ryan Foor, Department of Education representative had nothing to report.

3. STANDING COMMITTEE REPORTS

3.1 Policy Committee – Patricia Timm, Chair, reported that the Policy Committee did not meet this month.

- 3.2 Legislative Committee – Maureen Nickels, Chair, reported that the Legislative Committee is meeting after the Board Meeting.
- 3.3 Commissioner’s Appraisal Committee – Patricia Timm, Chair, announced that they are meeting December 10th prior to the Board Meeting.
- 3.4 AQuESTT – Teaching and Learning Domain Committee – Lisa Fricke, Chair reported on the meeting of the Committee.

- 3.4.A Jeremy Heneger, Department of Education Representative, asked the Committee to adopt the annual plan for the Nebraska Statewide Assessment and Reporting System. The Committee recommends approval.

- 3.5 AQuESTT – Student Success and Access Domain Committee – Patsy Koch Johns, Chair, reported on the meeting of the Committee.

There were no action items in the Committee.

The Equity Lens has been posted. Thank you Katie Bieber and Ryan Floor.

The Committee reported they will continue to work on equity, policy and sustainability for the next year.

- 3.6 Budget and Finance Committee – John Witzel, Chair, reported on the meeting of the Committee.

- 2.1 Approve 2019-20 Trust Fund Budget for Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI)

- Teresa Coonts and Sally Schreiner, Department of Education Representatives, provided a report for the Trust Fund Budget for Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI). The Committee recommends approval.

- 3.7 Strategic Planning, Performance and Improvement Committee – Rachel Wise, Chair, reported on the meeting of the Committee.

- 3.7.A. Review a draft of the Perkins V State Plan including a discussion of key policy decisions.

- Katie Graham, Department of Education Representative, proposed a draft of the Perkins V State Plan, including a discussion of key policy decisions.

At 3:09 p.m., President Witzel called for a break. At 3:19 p.m., President Witzel called the meeting back to order.

Shirley Vargas, Department of Education Representative, and Dave Patton CEO of the Learning Community of Douglas and Sarpy Counties, asked the Committee to approve the revised Community Achievement Plan for the Learning Community of Douglas and Sarpy Counties. The Committee recommends approval.

4. BOARD REPORTS, DATES AND DISCUSSION ITEMS

4.1 Meeting participation and joint meetings with policy partners.

4.1.A. Board members were reminded to review their monthly reports for Board information.

4.1.B. Meetings that took place in the past and were not previously approved.

Board members will take action on attendance at meetings that were not previously approved during the business meeting on December 10, 2019.

4.1.C. Board members were reminded to submit requests for future meeting attendance. The Board will approve travel requests during the business meeting on December 10, 2019.

4.1.D. Board members were reminded to review the travel expense report for monthly Board Travel Expense Report.

5. ADJOURNMENT

President Witzel adjourned the Work Session at 3:36 p.m.

The regularly scheduled meeting of the State Board of Education will reconvene at 9:00 a.m. on December 10, 2019, State Board Meeting Room, State Office Building, Sixth Floor, 301 Centennial Mall South, Lincoln.

STATE BOARD OF EDUCATION MEETING, Tuesday, December 10, 2019, 9:00 AM.

1. **CALL TO ORDER** – President John Witzel called the meeting to order at 9:00 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

John Witzel	Maureen Nickels	Patricia Timm
Rachel Wise	Deborah Neary	Robin Stevens
Patsy Koch Johns	Lisa Fricke	

Commissioner Blomstedt was also present.

1.2 President Witzel led the Pledge of Allegiance.

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

2. PUBLIC COMMENT PERIOD

2.1 Request for 10-Minute Special Appearance (NONE)

2.2 Public Comment (5 minutes)

- Mandy Faripour – NSEA is committed to increasing teachers of color. She spoke about the barriers for many educators and teachers of color is passing the Praxis exam. NSEA, through partnership with NEA has invested \$200,000 in helping prospective teachers pass the Praxis.

3. APPROVAL OF CONSENT AGENDA

3.1 Identify items for separate vote.

No items identified for separate vote.

3.2. Approval of the Consent Agenda as posted in the Agenda passed with a motion by Patricia Timm and a second by Rachel Wise.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

4. APPROVAL OF AGENDA

4.1. Approval of the Agenda as posted passed with a motion by Maureen Nickels and a second by Patsy Koch Johns.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

7. SPECIAL PRESENTATIONS AND DISCUSSIONS

7.1. September 4, 2019 Educator Flight

Major Jocelyn Kuta, Nebraska Army National Guard Recruiting and Retention Battalion Lieutenant Colonel Dan Benes and Sergeant Major Shawn Griffith provided a presentation of the Blackhawk Helicopter Flight on September 4, 2019, and presented the board with a photo taken in front of the Blackhawk Helicopter. Kevin Lyons, Department of Education Representative, presented a token of appreciation for support to the board.

- 7.2 Lyndsay Hartmann, 2019 Nebraska Milken Educator from St. Patrick Catholic School, Lincoln shared her experiences and goals she has had to date as the recipient of the Milken Award.

President Witzel called for a break at 9:25 a.m. The meeting resumed at 9:40 a.m.

6. ACTION ITEMS

- 6.10 Policy Committee (NONE)
- 6.11 Legislative Committee – Maureen Nickels, Chair, reported that the Legislative Committee is meeting after the Board Meeting.
- 6.12 Commissioner’s Appraisal Committee – Patricia Timm, Chair, reported that the department will be participating in a culture climate survey of all state employees as a part of the continuous improvement process, strategic plan and Commissioner’s goals.

- 6.13 AQuESTT – Teaching and Learning Domain Committee

6.13.A. Adoption of the annual plan for the Nebraska statewide assessment and reporting system passed with a motion by Lisa Fricke and a second by Rachel Wise.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

- 6.14 AQuESTT – Student Success and Access Domain Committee (NONE)

- 6.15 Budget and Finance Committee

6.15.A. Grant the Commissioner authority to approve the 2019-20 Trust Fund Budget for Nebraska Center for Education of Children who are Blind or Visually Impaired (NCECBVI) passed with a motion by Maureen Nickels and a second by Patricia Timm.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

6.16 Strategic Planning, Performance, and Improvement Committee

6.16.A. Approval of the revised Community Achievement Plan for the Learning Community of Douglas and Sarpy Counties passed with a motion by Rachel Wise and a second by Patricia Timm.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

8. BOARD REPORTS, DATES AND DISCUSSION ITEMS

8.1 Meetings that took place in the past and were not previously approved

8.1.A. Approval of attendance at meetings that took place in the past for Lisa Fricke passed with a motion by Rachel Wise and a second by Maureen Nickels.

Lisa Fricke:	Abstain
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

8.1.B. Approval of attendance at meetings that took place in the past for Patsy Koch Johns passed with a motion by Lisa Fricke and a second by Maureen Nickels.

Lisa Fricke:	Yea
Patsy Koch Johns:	Abstain
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

8.1.C. Neary (NONE)

8.1.D. Approval of attendance at meetings that took place in the past for Maureen Nickels passed with a motion by Rachel Wise and a second by Patsy Koch Johns.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Abstain
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

8.1.E. Stevens (NONE)

8.1.F. Timm (NONE)

8.1.G. Approval of attendance at meetings that took place in the past for Rachel Wise passed with a motion by Lisa Fricke and a second by Patsy Koch Johns.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Abstain
John Witzel:	Yea

8.1.H. Witzel (NONE)

8.2. Future Meeting participation

Approval for meeting participation passed with a motion by Rachel Wise and a second by Maureen Nickels.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patricia Timm:	Yea
Rachel Wise:	Yea
John Witzel:	Yea

President Witzel called for a break at 9:47 a.m. until our additional members show up for the cases being reviewed. The meeting resumed at 10:02 a.m.

5. HEARINGS

5.1 Hearing in NDE Case No. 19-24, Commissioner v. Olivia Leblanc

A hearing was held beginning at 10:02 a.m. in the above case. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission, recommending the Respondent's certificate be suspended for a period of one year. Sara Hulac, attorney for the Petitioner, appeared in support of the recommendation.

The respondent was not present nor represented by counsel. President Witzel closed the hearing at 10:05 a.m.

5.2 Hearing in NDE Case No. 19-25, Commissioner v. Brandon Stickley

A hearing was held beginning at 10:05 a.m. in the above case. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission, recommending the Respondent's certificate be revoked for a period of two years. Sara Hulac, attorney for the Petitioner, appeared in support of the recommendation.

The respondent was not present nor represented by counsel. President Witzel closed the hearing at 10:07 a.m.

5.3 Hearing in NDE Case No. 19-26, Commissioner v. Addie Mayberry

A hearing was held beginning at 10:07 a.m. in the above case. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission, recommending the Respondent's permit be suspended for a period of one year. Sara Hulac, attorney for the Petitioner, appeared in support of the recommendation.

The respondent was not present nor represented by counsel. President Witzel closed the hearing at 10:09 a.m.

5.4 Hearing in NDE Case No. 19-27, Commissioner v. Teagan Dinslage

A hearing was held beginning at 10:09 a.m. in the above case. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission, recommending the Respondent's certificate be suspended for a period of one year. Sara Hulac, attorney for the Petitioner, appeared in support of the recommendation.

The respondent was not present nor represented by counsel. President Witzel closed the hearing at 10:10 a.m.

5.5 Hearing in NDE Case No. 19-28, Commissioner v. Andrew Graff

A hearing was held beginning at 10:11 a.m. in the above case. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission, recommending the Respondent's certificate be revoked for a period of one year. Sara Hulac, attorney for the Petitioner, appeared in support of the recommendation.

The respondent was not present nor represented by counsel. President Witzel closed the hearing at 10:12 a.m.

5.6 Hearing in NDE Case No. 19-29, Commissioner v. Sean Applegate

A hearing was held beginning at 10:12 a.m. in the above case. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission, recommending the Respondent's certificate be revoked permanently. Sara Hulac, attorney for the Petitioner, appeared in support of the recommendation.

The respondent was not present nor represented by counsel. President Witzel closed the hearing at 10:14 a.m.

5.7 Hearing in NDE Case No. 19-30, Commissioner v. Vance Winter

A hearing was held beginning at 10:14 a.m. in the above case. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission, recommending the Respondent's certificate be suspended for a period of one year. Sara Hulac, attorney for the Petitioner, appeared in support of the recommendation.

The respondent was not present nor represented by counsel. President Witzel closed the hearing at 10:15 a.m.

5.8 Hearing in NDE Case No. 19-31, Commissioner v. Daniel Sich

A hearing was held beginning at 10:15 a.m. in the above case. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission, recommending the Respondent's certificate be revoked for a period of five years. Sara Hulac, attorney for the Petitioner, appeared in support of the recommendation.

The respondent was not present nor represented by counsel. President Witzel closed the hearing at 10:17 a.m.

5.9 **EXECUTIVE SESSION**

Motion to move into Executive Session at 10:18 a.m. for purposes of deliberation and to receive legal advice from counsel passed with a motion by Maureen Nickels and a second by Patsy Koch Johns.

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

Rachel Wise: Yea
John Witzel: Yea

At 10:18 a.m., the Board moved into Executive Session for purposes of deliberation and to receive legal advice from counsel.

Motion to adjourn the Executive Session at 10:41 with a motion by Maureen Nickels and a second by Patricia Timm.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Deborah Neary: Yea
Maureen Nickels: Yea
Robin Stevens: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

At 10:41 a.m., the Board returned to the regular business meeting.

6. ACTION ITEMS

- 6.1. Consider the PPC's Recommended Decision in NDE Case No. 19-24, Commissioner v. Olivia Leblanc

I move in Commissioner v. Olivia Leblanc, NDE Case No. 19-24, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commissioner, suspending Respondent's teaching certificate for one year, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Rachel Wise and a second by Patsy Koch Johns.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Deborah Neary: Yea
Maureen Nickels: Yea
Robin Stevens: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

- 6.2 Consider the PPC's Recommended Decision in NDE Case No. 19-25 Commissioner v. Brandon Stickley

I move in Commissioner v. Brandon Stickley, NDE Case No. 19-25, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commissioner, revoking Respondent's teaching certificate for a period of two years, and to

adopt the Final Order proposed by Legal Counsel passed with a motion by Patricia Timm and a second by Deborah Neary.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Deborah Neary: Yea
Maureen Nickels: Yea
Robin Stevens: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

6.3 Consider the PPC's Recommended Decision in NDE Case No. 19-26, Commissioner v. Addie Mayberry

I move in Commissioner v. Addie Mayberry, NDE Case No. 19-26, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commissioner, suspending Respondent's teaching permit for one year, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Lisa Fricke and a second by Patsy Koch Johns.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Deborah Neary: Yea
Maureen Nickels: Yea
Robin Stevens: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

6.4 Consider the PPC's Recommended Decision in NDE Case No. 19-27, Commissioner v. Teagan Dinslage

I move in Commissioner v. Teagan Dinslage, NDE Case No. 19-27, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commissioner, suspending Respondent's teaching certificate for one year, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Rachel Wise and a second by Patsy Koch Johns.

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

John Witzel: Yea

- 6.5 Consider the PPC's Recommended Decision in NDE Case No. 19-28, Commissioner v. Andrew Graff

I move in Commissioner v. Andrew Graff, NDE Case No. 19-28, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commissioner, revoking Respondent's teaching certificate for one year, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Deborah Neary and a second by Robin Stevens.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Deborah Neary: Yea
Maureen Nickels: Yea
Robin Stevens: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

- 6.6 Consider the PPC's Recommended Decision in NDE Case No. 19-29, Commissioner v. Sean Applegate

I move in Commissioner v. Sean Applegate, NDE Case No. 19-29, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commissioner, permanently revoking Respondent's teaching certificate, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Patricia Timm and a second by Lisa Fricke.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Deborah Neary: Yea
Maureen Nickels: Yea
Robin Stevens: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

- 6.7 Consider the PPC's Recommended Decision in NDE Case No. 19-30, Commissioner v. Vance Winter

I move in Commissioner v. Vance Winter, NDE Case No. 19-30, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commissioner, suspending Respondent's teaching certificate for one year, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Rachel Wise and a second by Patsy Koch Johns.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Deborah Neary: Yea
Maureen Nickels: Yea
Robin Stevens: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

6.8 Consider the PPC's Recommended Decision in NDE Case No. 19-31, Commissioner v. Daniel Sich

I move in Commissioner v. Sich, NDE Case No. 19-31, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commissioner, revoking Respondent's teaching certificate for a period of five years, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Patricia Timm and a second by Patsy Koch Johns.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Deborah Neary: Yea
Maureen Nickels: Yea
Robin Stevens: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

6.9 Consider the Settlement Agreement in NDE Case No. 19-30, Commissioner v. Kyle Sandall

I move in Commissioner v. Kyle Sandall, NDE Case No. 19-32, that this Board approve the proposed settlement agreement, in which the parties have stipulated to a five-year revocation of Respondent's teaching certificate, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Robin Stevens and a second by Patricia Timm.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Deborah Neary: Yea
Maureen Nickels: Yea
Robin Stevens: Yea
Patricia Timm: Yea
Rachel Wise: Yea
John Witzel: Yea

10. **ADJOURNMENT**

President Witzel adjourned the meeting at 10:53 a.m.

The next regularly scheduled meeting of the State Board of Education will be held on Friday, January 10, 2020, at 9:00 a.m. at the Nebraska State Office Building, Nebraska Department of Education, Sixth Floor, 301 Centennial Mall South, Lincoln, NE 68509. An annual Orientation will be held on Thursday, January 9, 2020 at a time to be determined at the Nebraska State Office building, Nebraska Department of Education, Sixth Floor, 301 Centennial Mall South, Lincoln, NE 68509.

DRAFT