

State Board of Education Work Session and Business Meetings
Thursday-Friday, February 6-7, 2020
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, Thursday, February 6, 2020, 10:00 a.m.

1. CALL TO ORDER – President Maureen Nickels called the meeting to order at 10:00 a.m.

1.1 Roll Call

Roll Call showed the following attendance:

John Witzel	Maureen Nickels	Patricia Timm
Rachel Wise	Robin Stevens (arrived @ 10:16 a.m.)	Deborah Neary
Patsy Koch Johns (Absent)	Lisa Fricke	

Commissioner Blomstedt was also present.

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

2. BUSINESS

2.1 Review Agenda and Committee Structure for 2020

Ryan Foor, Department of Education representative, provided an overview of the agenda and the difference in structure.

3. ADJOURNMENT

President Nickels adjourned the State Board Work Session at 10:52 a.m.

The State Board of Education will reconvene at 3:00 p.m. on February 6, 2020 for a Legislative Priorities Work Session, State Board Meeting Room, State Office Building, Sixth Floor, 301 Centennial Mall South, Lincoln.

STATE BOARD LEGISLATIVE PRIORITIES SESSION, Thursday, February 6, 2020, 3:00 p.m.

1. CALL TO ORDER – President Maureen Nickels called the meeting to order at 3:00 p.m.

1.1 Roll Call

Roll Call showed the following attendance:

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

Commissioner Blomstedt was also present.

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

2. BUSINESS

2.1 Review 2019-2020 Proposed State Legislation and Take Action on Board Positions

President Nickels turned the meeting over to Legislative Committee Chair, Robin Stevens. Chair Stevens thanked the Committee for their work to date and for participating in regularly scheduled weekly meetings.

The Committee has reviewed the bills related to the work of the State Board and offered recommendations for support and opposition.

Motion to approve the recommended position on bills as indicated in the attached document was made by Robin Stevens, second by Patricia Timm. (See lists of bills below).

Brian Halstead, Deputy Commissioner, provided additional information on the status of the each of the bills in the list for recommended support and recommended opposition.

Discussion included bills on the State Board Legislative Committee list for recommended support that may have amendments offered. Rachel Wise asked questions about how bills with amendments that might change the position of the Board would be handled. Discussion continued.

Rachel Wise moved to amend the motion by removing bills LB 920, LB 998 and LB 1168 from the list for recommended support, second by Patricia Timm.

Following discussion, the vote was taken on the amendment.

Lisa Fricke:	No
Patsy Koch Johns:	Absent
Deborah Neary:	No
Maureen Nickels:	No
Robin Stevens:	No
Patricia Timm:	No
Rachel Wise:	No
John Witzel:	No

The amendment failed.

Discussion continued on the main motion.

The vote was taken on the main motion to approve the recommended position on bills as indicated in the attached document.

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

Motion passed.

Bills from the attachment with recommended support.

- LB 839 Recognize American Sign Language and provide for the teaching of American Sign Language in Schools**
- LB 920 Change provisions for the distribution of lottery funds used for education, to transfer powers and duties, and to create new funds**
- LB 950 Change eligibility requirements for the Access College Early Scholarship Program**
- LB 965 Establish a language assessment program for children who are deaf or hard of hearing**
- LB 998 Require behavioral awareness and intervention training and points of contact, transfer funds, and change the Tax Equity and Educational Opportunities Support Act**
- LB1131 Change provisions relating to education**
- LB 1141 Require the Department of Health and Human Services to develop operations plans for the youth rehabilitation and treatment centers**
- LB 1160 Adopt the Nebraska Workforce and Education Reporting System Act**
- LB 1168 Adopt the College Credit Testing Fee Reduction Program Act and the Career-Readiness and Dual-Credit Education Grant Program Act, add a fund to the Access College Early Scholarship Program Act, and change provisions relating to the State Lottery Operations Trust Fund**
- LB 1177 Eliminate oath for teachers and other school employees**
- LB 1188 Provide duties for the Office of Juvenile Services relating to education and change the definition of interim program school**

The State Board Legislative Committee recommends the following statement for bills introduced addressing criminalization of sexual contact with a student or former student and reporting of such.

The State Board of Education supports legislation that prohibits any educator and school employee using his or her position of authority to engage in sexual contact with a student or former student that provides a criminal penalty. In addition, the Board supports requiring schools to establish policies and procedures so that all persons working in education may recognize such inappropriate conduct by educators and school employees and report such conduct to law enforcement, Department of Health and Human Services, and the NDE. Finally, the Board supports legislation providing for communication between all local and state agencies to further guard against such inappropriate behavior going unnoticed by any agency.

- LB 766 Prohibit sexual assault of a minor by an authority figure, change statute of limitations for failure to make a report of child abuse or neglect, and change provisions relating to sexual offenses**
- LB 991 Create the offense of sexual assault of a student and prohibit related enticement conduct by school officials**
- LB 1048 Create the offense of sexual assault by a school employee and provide notification to the Commissioner of Education**
- LB 1080 Require school policies that prohibit sexual conduct with students and former students**
- LB 1210 Create the offense of sexual exploitation of a student**

Bills from the attachment with recommended opposition.

- LB 1134 Change enrollment option limits and provisions for part-time enrollment**
- LB 1153 Change provisions for diploma of high school equivalency testing**
- LB 1202 Adopt the Opportunity Scholarships Act and provide for tax credits**

3. ADJOURNMENT

President Nickels adjourned the State Board Legislative Priorities Work Session at 4:18 p.m.

The regularly scheduled business meeting of the State Board of Education will begin at 9:00 a.m. on February 7, 2020, State Board Meeting Room, State Office Building, Sixth Floor, 301 Centennial Mall South, Lincoln.

STATE BOARD OF EDUCATION MEETING, Friday, February 7, 2020, 9:00 AM.

1. CALL TO ORDER – President Maureen Nickels 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 (Absent)	Lisa Fricke	

Commissioner Blomstedt was also present.

1.2 President Nickels led the Pledge of Allegiance.

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

2. PUBLIC COMMENT PERIOD

2.1 Request for Special Appearance

There were no requests for Special Appearances.

2.2 Public Comment

- Jenni Jansky – University of Nebraska - Kearney, spoke about Early Childhood programs and the new facility that opened up on campus.

3. COMMISSIONER’S REPORT AND AGENDA OVERVIEW

3.1 Agenda Overview and Consent Agenda Process

Commissioner Blomstedt reviewed the process for consent agenda items. No consent agenda items were removed.

3.2 Report on Rules

Commissioner Blomstedt provided a report on the status of Rules 11, 24 and 91. Rule 11 is waiting on approval by the Governor. Rule 24 has an approved hearing draft, hearing scheduled for March 3, 2020. Rule 91 was approved by the Governor on January 31, 2020 and effective on February 5, 2020.

3.3 Board Operations Information (NONE)

4. PRESIDENT’S REPORT

- 4.1 President Maureen Nickels provided an overview of the intent of the Board Priorities document, which was created from board member input. There are three main topics that will be a focus for 2020: AQuESTT Framework, Early Childhood Education, and Educator Preparation and Certification.

5. CONSENT AGENDA

Approval of the Consent Agenda passed with a motion by John Witzel, second by Rachel Wise.

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

7. STANDING COMMITTEE REPORTS

- 7.1 **Policy Committee** – Patricia Timm, Chair reported that there were no action or discussion items on the agenda today. As information, the Committee will begin the four-year review of B7, Special Meetings, Emergency Meetings and all Meetings Held by Videoconferencing and B14, Staff Research and Assistance on March 5, 2020.
- 7.2 **Legislative Committee** – Robin Stevens, Chair thanked the Board for their discussion at the Legislative Session held February 6, 2020.

- 7.3 **Commissioner’s Appraisal Committee** – Patricia Timm, Chair reported that new members were oriented to the committee role, a revised meeting schedule was discussed, and the Committee reviewed activities for the upcoming evaluation process.
- 7.5 **AQuESTT Student Success, Access and Support Domain Committee** – John Witzel on behalf of Patsy Koch Johns, Chair, reported that the Nebraska Leading for Equity and Excellence Program work plan was shared and the objectives, activities and the time of each activity discussed. The Committee also reviewed the “Agents of Change for Equity” playbook and suggested integrating the State Board Equity Lens in this playbook.
- 7.4 **AQuESTT Teaching, Learning and Serving Domain Committee** – Lisa Fricke, Chair reported that the Committee discussed carryover topics from last year and priorities for the current year. The Committee requested more information on the statewide assessment system and a policy scan on educator preparation from the Commissioner.
- 7.6 **Budget and Finance Committee** – John Witzel, Chair reported that the monthly board travel expense reports and the in-state travel authorization reports were reviewed with no issues noted. The Commissioner provided an overview of the budget process for the Committee, including that the priority requests that have changed since last fall, which will be prioritized during the budget hearing with the Appropriation Committee. The NDE is asking for funding costs around AQuESTT, school funding policy and ESSA reporting, funding for grant improvement, retiree vacation and sick leave payouts revolving fund chargebacks and the cost of the conversion to the bi-weekly payroll process.
- 7.7 **Strategic Planning, Performance and Improvement Committee** – Rachel Wise, Chair reported that the Committee received an update on the Workforce Innovation and Opportunity Act state plan, which will come before the Board next month for approval. The Committee received an update from staff on progress with Rule 10 and will bring a report to the Board in March. Revisions to the Perkins V state plan were discussed and full board discussion followed.

7.7.A. Discussion Item: Provide an update on the Perkins V State Plan Progress

Katie Graham, Department of Education representative, provided an update to the Perkins V plan progress and discussed the timeline for approval.

At 9:51 a.m., President Nickels called for a break. The meeting resumed at 10:05 a.m.

6. HEARINGS

6.1 Hearing in NDE Case No. 19-34, *Commissioner v. Cody Schweitzer*

A hearing was held beginning at 10:06 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 Nickels closed the hearing at 10:08 a.m.

6.2 Hearing in NDE Case No. 19-35, *Commissioner v. Matthew Noe*

A hearing was held beginning at 10:08 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 Nickels closed the hearing at 10:10 a.m.

6.3 Hearing in NDE Case No. 19-36, *Commissioner v. Erika Dukes*

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

The respondent was not present nor represented by counsel. President Nickels closed the hearing at 10:11 a.m.

6.4 Hearing in NDE Case No. 19-37, *Commissioner v. Shauna Ohman*

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 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 Nickels closed the hearing at 10:13 a.m.

6.5 Hearing in NDE Case No. 19-38, *Commissioner v. Bradley Hegemann*

A hearing was held beginning at 10:13 a.m. in the above case. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission, recommending the Respondent's certificate be permanently revoked. Sara Hulac, attorney for the Petitioner, appeared in support of the recommendation.

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

6.6 Hearing in NDE Case No. 19-39, *Commissioner v. Tobin Stithem*

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 Nickels closed the hearing at 10:16 a.m.

6.7 Executive Session

Motion to move into Executive Session at 10:17 a.m. for the purposes of deliberation and to receive legal advice from counsel passed with a motion by John Witzel, second by Patricia Timm.

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

At 10:17 a.m., the Board moved into Executive Session to receive legal advice from Legal Counsel on the proposed contested cases.

Motion to adjourn Executive Session at 10:42 a.m. passed with a motion by Rachel Wise, second by Deborah Neary.

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

8. ADDITIONAL BUSINESS

8.1 Consider the PPC's recommended decision in NDE Case No. 19-34, *Commissioner v. Cody Schweitzer*

Motion in *Commissioner v. Cody Schweitzer*, NDE Case No. 19-34, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, suspending Respondent's teaching certificate for one year, and to adopt the Final Order proposed by Legal Counsel passed with a motion by John Witzel, second by Rachel Wise.

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

8.2 Consider the PPC's recommended decision in NDE Case No. 19-35, *Commissioner v. Matthew Noe*

Motion in *Commissioner v. Matthew Noe*, NDE Case No. 19-35, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, 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 John Witzel, second by Patricia Timm.

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

8.3 Consider the PPC's recommended decision in NDE Case No. 19-36, *Commissioner v. Erika Dukes*

Motion in *Commissioner v. Erika M. Dukes*, NDE Case No. 19-36, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, permanently revoking Respondent's teaching certificate, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Robin Stevens, second by Lisa Fricke.

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

8.4 Consider the PPC's recommended decision in NDE Case No. 19-37, *Commissioner v. Shauna Ohman*

Motion in *Commissioner v. Shauna Ohman*, NDE Case No. 19-37, that this Board adopt the Findings of Fact and Conclusions of Law of the NPPC. However, this Board has determined that the appropriate sanction is a three-year revocation of the Respondent's teaching certificate passed with a motion by Deborah Neary, second by John Witzel.

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

- 8.5 Consider the PPC's recommended decision in NDE Case No. 19-38, *Commissioner v. Bradley Hegemann*

Motion in *Commissioner v. Bradley Hegemann*, NDE Case No. 19-38, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, permanently revoking Respondent's teaching certificate, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Patricia Timm, second by Rachel Wise.

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

- 8.6 Consider the PPC's recommended decision in NDE Case No. 19-38, *Commissioner v. Tobin Stithem*

Motion in *Commissioner v. Tobin Stithem*, NDE Case No. 19-39, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, 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 Lisa Fricke, second by Robin Stevens.

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

9. SPECIAL PRESENTATION AND DISCUSSIONS (NONE)

10. INFORMATION ITEMS AND REPORTS

President Nickels referred board members to review the information items and reports.

11. ADJOURNMENT

President Nickels adjourned the meeting at 10:49 a.m.

The next regularly scheduled meeting of the State Board of Education will be held on Friday, March 6, 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. A work session will be held as needed on Thursday, March 5, 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.