

State Board of Education Hearings
Thursday, September 3, 2020
State Board Meeting Room, Lincoln, Nebraska Department of Education

STATE BOARD OF EDUCATION HEARINGS

1. CALL TO ORDER – President Maureen Nickels called the meeting to order at 9:08 a.m.

1.1. Roll Call

Roll Call showed the following attendance:

Maureen Nickels
Deborah Neary
Lisa Fricke

Patricia Timm
Robin Stevens

Rachel Wise
Patsy Koch Johns

Absent: John Witzel

2. HEARINGS (9:00 A.M.)

2.1. Hearing in NDE Case No. 20-16, *Commissioner v. Amy Batten*

A hearing was held beginning at 9:10 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 three years. Sara Hulac, attorney for the Petitioner, appeared in support of the recommendation.

The Respondent appeared with counsel, Jon Hunzeker, who asked for consideration of a one-year revocation.

President Nickels closed the hearing at 9:24 a.m.

2.2. Hearing in NDE Case No. 20-17, *Commissioner v. Tara Packer*

A hearing was held beginning at 9:24 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, but represented by counsel, Nicholas Welding, who supported the recommendation.

President Nickels closed the hearing at 9:30 a.m.

2.3. Hearing in NDE Case No. 20-18, *In the Reinstatement of Mark Koch*

A hearing was held beginning at 9:30 a.m. in the above case. Kelly Muthersbaugh appeared on behalf of the Professional Practices Commission, recommending that the Petitioner be allowed to apply for reinstatement of his certificate.

The Petitioner appeared on his own behalf, in support of the recommendation.

Sara Hulac, appeared on behalf of the Commissioner, in support of the recommendation.

President Nickels closed the hearing at 9:35 a.m.

3. ADDITIONAL BUSINESS

- 3.1 Consider the PPC's recommended decision in NDE Case No. 20-16, *Commissioner v. Amy Batten*

Motion in *Commissioner v. Amy Batten*, NDE Case No. 20-16, that this Board adopt the Findings of Fact, Conclusions of Law of the Nebraska Professional Practices Commission. However, this Board has determined that revocation be reduced from three years to two years is more appropriate; and also move to adopt the Final Order proposed by Legal Counsel passed with a motion by Robin Stevens, second by Patsy Koch Johns.

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

- 3.2 Consider the PPC's recommended decision in NDE Case No. 20-17, *Commissioner v. Tara Parker*

Motion in *Commissioner v. Tara Parker*, NDE Case No. 20-17, that this Board adopt the Findings of Fact and Conclusions of Law of the Nebraska Professional Practices Commission. However, this Board believes one-year revocation is insufficient because the Respondent had alcohol in the classroom with students. Therefore, the revocation of the teaching certificate will be for a period of two years and to adopt the Final Order proposed by Legal Counsel passed with a motion by Rachel Wise, second by Deborah Neary.

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

- 3.3 Consider the PPC's recommended decision in NDE Case No. 20-18, *In the Reinstatement of Mark Koch*

Motion in *the Reinstatement of Mark Koch*, NDE Case No. 20-18, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, allowing Petitioner to apply for a teaching certificate, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Patsy Koch Johns, 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: | Absent |

4. ADJOURNMENT

President Nickels adjourned the meeting at 10:41 a.m.

DRAFT

State Board of Education Business Meeting

Friday, September 4, 2020

Courtyard Lincoln Downtown/Haymarket, Scarlet Meeting Room, 808 R St, 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; 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 meeting.

STATE BOARD OF EDUCATION MEETING, Friday, September 4, 2020, 9:00 AM.

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

1.1 Roll Call

Roll Call showed the following attendance:

Maureen Nickels
Robin Stevens

Rachel Wise
Patsy Koch Johns

Deborah Neary
Lisa Fricke

Absent: John Witzel
Patricia Timm

Commissioner Blomstedt was also in attendance.

1.2 President Nickels led the Pledge of Allegiance.

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

1.4 COVID-19 Meeting Protocol

Ryan Foor, Department of Education representative, shared information on the COVID-19 Meeting Protocol and self-screen questionnaire, reviewed by the Lancaster County Health Department.

2. PUBLIC COMMENT PERIOD

2.1 Request for 10-Minute Special Appearance

There were no requests for 10-Minute Special Appearance.

2.2 Public Comment (5 Minutes)

- Jeremy Ekeler – Nebraska Catholic Conference, new Associate Director for Education Policy, introduction and looking forward to the partnership with the Board.

3. COMMISSIONER'S REPORT

3.1. Agenda Overview and Consent Agenda Process

Commissioner Blomstedt did an Agenda Overview and Consent Agenda Process presentation, discussing the Consent Agenda Process, Standing Committee Reports and Action.

3.1.A. Commissioner's Recommendations and items to be removed from the consent agenda.

No consent agenda items were removed.

3.2. Report on Rules

Commissioner Blomstedt provided a report on the status of Rules 21 and 24. Rule 21 and Rule 24 have been approved by the Attorney General's Office and are waiting on review by the Governor.

3.3. Board Operations Information

3.3.A. Ryan Foor, Department of Education representative, discussed the attached NASBE Delegate Assembly information.

3.4. Update on the Start of the School Year

Commissioner Blomstedt provided an update on the start of the school year and the importance of providing specific guidance to schools.

3.5. Nebraska Ready and Commissioner Issuance of Guidance

Commissioner Blomstedt discussed the importance of providing specific guidance to schools, addressing flexibility and finding balances. The Commissioner also discussed Nebraska Ready and forward momentum and vision.

3.6. Information on Attendance Initiatives

Lane Carr, Department of Education representative, discussed attendance and guidance. Lane also discussed the development of a new campaign called Connected, Present, Engaged and Support that is creating many new resources for educators and parents, communities and care providers.

4. PRESIDENT'S REPORT

President Maureen Nickels discussed that, up until last month, the Board had been meeting virtually via Zoom. The NDE staff provided a safe meeting environment and the NDE staff's dedication to the Board, the students and educators across the state are much appreciated.

President Nickels discussed what the Commissioner has done with bi-monthly meetings with administrators across the state and having a teacher advisory board.

5. CONSENT AGENDA

Approval of the Consent Agenda passed with a motion by Rachel Wise, second by Patsy Koch Johns.

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

6. STANDING COMMITTEE REPORTS

6.1. Policy Committee – Lisa Fricke on behalf of Patricia Timm reported on the meeting of the Committee.

The Committee reports that it had an update item regarding State Board Bylaw B2, Board Committees. After much discussion, it was recommended by the Committee that this should appear as a full Board discussion at the State Board's next meeting in October.

- 6.1.A. The Committee reviewed and discussed the proposed revisions to State Board Bylaw B5, Board Meeting Notification for Regular Meetings. After discussion, the Committee will propose revisions be adopted by the Board at their next business meeting in October.
- 6.1.B. The Committee heard from Dr. Zainab Rida, NDE Equity Officer, regarding the implementation of a Position Statement regarding Human Dignity and the revision to State Board Position Statement S10, Coordinated School Health. It was recommended by Dr. Rida that these two position statements be referred to the AQuESTT Student Success, Access and Support Committee for commencing the writing of a new Human Dignity Position Statement and revising the current Coordinated School Health position statement and bringing them back to the Policy Committee at a later date. The Committee concurs with this recommendation.
- 6.1.C. The Committee heard from Dr. Cory Epler regarding the State Board Position Statement S12, Assessment of Student Learning. Dr. Epler and Committee members discussed the importance of any revisions to this position statement should be looked at in tandem with Rule 10 revisions. Committee members agree that this position statement should be referred to the Strategic Planning, Performance and Improvement Committee to have the opportunity to ensure alignment of the two and report back to the Committee later.
- 6.1.D. The Committee recommends that revisions to State Board Policy P4, Personnel Policies/State School Policies/Administrative Memo be approved at this business meeting.

Approval to adopt revisions to State Board Policy P4, Personnel Policies/State School Policies/Administrative Memo passed with a motion by Lisa Fricke, second by Rachel Wise.

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

6.2. Legislative Committee – Robin Stevens, Chair reported on the meeting of the Committee.

The Committee reviewed and discussed the few bills enacted in 2020, which have some connection or impact of the NDE or schools. This list is attached in SPARQ for review.

The Committee had a lengthy discussion on the State Board Legislative and Regulatory Priorities for 2021-23, which is attached in SPARQ. The Committee had discussion on the Legislative priorities for Early Childhood Education, and Legislative priorities for Workforce Development, especially the reference to the use of ACT and other assessment products. The Committee members were comfortable with the remaining items in the draft document at this time.

The Committee asks Board members to review this draft and send the Chair, Commissioner and Deputy Halstead any suggested changes to that draft by September 18, 2020.

The Committee intends to have the State Board adopt the Legislative and Regulatory Priorities document for 2021-23 at the October 2, 2020 State Board meeting.

- 6.3. **Commissioner's Appraisal Committee** – Patsy Koch Johns on behalf of Patricia Timm, reported on the meeting of the Committee.

The Committee began the biannual review of the Commissioner's job description and the performance appraisal content. The Commissioner is to submit proposed revisions to the Committee by October 15, 2020 for their review.

- 6.4. **AQuESTT Teaching, Learning and Serving Domain Committee** – Lisa Fricke, Chair, reported on the meeting of the Committee.

The Committee reports on two Committee updates. One of which is on statewide summative assessment for which the Commissioner will be invited to speak on. The second was on PRAXIS assessments. The Committee plans to bring a discussion to the Board on this topic at a future meeting.

Commissioner Blomstedt shared an update on the statewide summative assessment conversation.

- 6.1 **AQuESTT Student Success, Access and Support Domain Committee** – Patsy Koch Johns, Chair reported on the meeting of the Committee. The Committee reviewed the contract for developing an equity scorecard, supporting resources, and capacity building trainings for NDE, ESUs, districts and schools, which was approved under the consent agenda.

- 6.5.A. Leading for Equity and Excellence Program (LEEP)

The Committee had one discussion item on Leading for Equity and Excellence Program (LEEP) State Policy Network. The LEEP committee met virtually on July 30 to continue progress toward the development of an equity tool. The LEEP group was assigned to pilot a tool developed by NDE staff and to respond to two problem scenarios that needed an equity focus. Eight out of eleven team members reviewed the tools and leveraged each of the tools with the scenarios, and made comments on which questions or components helped them to have an equity lens, how the equity lens was enhanced by the prompts included, and identify which aspects may not be critical to include.

This discussion also generated recommendations for the Committee to consider including revising the NDE nondiscrimination and human dignity statement, developing policies focused on the advancement of educational equity and attending professional development opportunities related to educational equity.

- 6.2 **Budget and Finance Committee** – John Witzel, Chair was absent from the meeting. Patsy Koch Johns chaired the meeting in his absence and reported on the meeting.

- 6.6.A. Monthly Board Travel Expense Report

The Committee reviewed the Monthly Board Travel Expense report and had no concerns.

6.6.B. In-State Travel Authorization Reports

The Committee had no concerns.

6.6.C. Submit Biennial Budget Request for FY 2021-22 and FY 2022-23

Jen Utemark, Department of Education representative, presented on the Biennial Budget. Jen provided background information, terminology, sources of funding, and five proposal requests. The five requests are Advance Early Literacy, School Improvement, Increased Operational Capacity, Early Childhood Workforce Transformation, and Education Finance. The five requests have not been prioritized at this time. Committee members asked questions throughout the presentation.

Jen Utemark, Department of Education representative, presented on the 2021-2023 Biennial Budget Request to the full Board.

Approval to authorize the Commissioner to submit the Department's biennial budget request for Fiscal Years 2021-22 and 2022-23 on behalf of the State Board of Education passed with a motion by Robin Stevens, second by Deborah Neary.

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

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

6.7.A. Rule 10 Timeline

Revised Rule 10 timeline. The Committee intends to bring a discussion to the full Board at the October meeting on the topics of approval, accreditation, and accountability.

7. ADDITIONAL BUSINESS

7.1. Authorize the Commissioner to enter into an additional agreement with the Nebraska Department of Health and Human Services to oversee and administer the DHHS schools and education programs passed with a motion by Robin Stevens, second Rachel Wise.

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

- 7.2. Authorize the Commissioner to contract with individuals and entities yet to be named, and those specifically named in the attachments to fulfill the terms of the agreement for the DHHS schools and education programs passed with a motion by Deborah Neary, second Patsy Koch Johns.

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

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

8. SPECIAL PRESENTATIONS AND DISCUSSIONS

None

9. INFORMATION ITEMS AND REPORTS

- 9.1. President Nickels referred Board Members to review information items and reports.

10. ADJOURNMENT

President Nickels adjourned the meeting at 12:46 p.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, October 2, 2020, at 9:00 a.m. at the Cornhusker by Marriott Lincoln, Lancaster Ballroom Room, 333 S 13th Street, Lincoln, NE 68508.