

NEBRASKA STATE BOARD OF EDUCATION MEETING NOTIFICATION AND AGENDA

- Meeting Date:** Thursday, December 2, 2021 2:00 PM
- Meeting Title:** State Board of Education Meeting Notification and Agenda
- Location:** The Graduate
Scarlet Ballroom
141 N 9th Street
Lincoln, NE 68508
- Web Streaming:** Live web streaming will be available through the State Board of Education website: www.education.ne.gov/StateBoard/
- Agenda:** Except for emergency items added at the time of the meeting, the agenda will not be changed less than 24 hours prior to the start of the meeting and any changes will be immediately posted on the website. The Board will attempt to adhere to the sequence of the published agenda, but reserves the right to adjust the order of items if necessary and may elect to take action on any of the items listed.
- Interpreter:** If you need interpreter services or other reasonable accommodations, please contact the Nebraska Department of Education at (402) 471-5059 five (5) days prior to the meeting to coordinate arrangements.
- Website:** An electronic version of the agenda and support materials are available on the State Board of Education's Agenda page: www.education.ne.gov/StateBoard/Agendas.html
- Lunch:** On Thursday, December 2, 2021, if necessary, the State Board of Education may break for lunch at 12:00 p.m. The lunch will take place in Conference Room C at the State Office Building, Sixth Floor, 301 Centennial Mall South, Lincoln, Nebraska. The Board may resume work on the agenda at approximately 1:00 p.m.

1. CALL TO ORDER

President Nickels

1. Roll Call

President Nickels

2. Pledge of Allegiance

President Nickels

3. Announcement of the placement of the Open Meetings Act information

President Nickels

4. COVID-19 Meeting Protocol

Commissioner Blomstedt

2. COMMISSIONER'S REPORT

Commissioner Blomstedt

1. Agenda Overview and Consent Agenda Process

Commissioner Blomstedt

A. Commissioner's recommendations and items to be removed from consent agenda

Commissioner Blomstedt

2. Report On Rules

Commissioner Blomstedt

3. Board Operations Information

Ryan Foor

3. SPECIAL PRESENTATIONS AND DISCUSSIONS

President Nickels

4. PRESIDENT'S REPORT

President Nickels

5. CONSENT AGENDA

President Nickels

1. Board Member Out-of-State Travel Approval

2. Committee Appointments

3. Contract Approvals

A. Authorize the Commissioner to amend a contract with the Nebraska Children and Families Foundation (NCFF) to extend staff partnership contracts until December 2024

Lane Carr

4. Grant Approvals

A. Authorize the Commissioner to approve a continuation grant to Parent and Training Information – Nebraska (PTI-NE) to provide Parent Support Services specifically to Secondary Transition and Family/Parent Supports

Amy Rhone and Theresa Hayes

B. Authorize the Commissioner to approve a continuation grant to the Nebraska Children and Families Foundation to continue the Nurturing Healthy Behaviors/Rooted in Relationships program

Melody Hobson

5. Lease Approvals
6. Minutes of the Previous State Board of Education Meeting
7. Miscellaneous Approvals
 - A. Authorize the Commissioner to approve the interagency agreement with the Nebraska Department of Health and Human Services (DHHS), Division of Medicaid and Long-Term Care, Home and Community Based Services
Tobias Orr and Lindy Foley
 - B. Authorize the Commissioner to accept the proceeds Anna Z. Wilcox Trust pursuant to Section 79-318(13) on behalf of Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI)
Amy Rhone

6. STANDING COMMITTEE REPORTS

President Nickels

1. Policy Committee
Acting Chair, President Nickels
 - A. Action Item: Approve State Board Meeting schedule for 2022
 - B. Discussion Item: State Board Internal Policy P5, *Contracts, Grants and Purchases*
 - C. Discussion Item: State Board Internal Policy P11, *Data Access and Use*
2. Legislative Committee
Robin Stevens
3. Commissioner's Appraisal Committee
President Nickels
4. AQuESTT Teaching, Learning and Serving Domain Committee
Lisa Fricke
 - A. Action Item: Adopt the annual plan for the Nebraska statewide assessment and reporting system
Jeremy Heneger and Cory Epler
 - B. Action Item: Resolution to Recognize Nebraska Educators
Lisa Fricke
 - C. Discussion Item: Nebraska's College & Career Ready Standards for Mathematics
Cory Epler and Deb Romanek

5. AQuESTT Student Success, Access and Support Domain Committee
Patsy Koch Johns

6. Budget and Finance Committee
Acting Chair, President Nickels

A. Monthly Board Travel Expense Report

B. In-State Travel Authorization Reports

7. Strategic Planning, Performance, and Improvement Committee
Deborah Neary

7. ADDITIONAL BUSINESS
President Nickels

1. In accordance with Board Policy B9, set public comment time limits for Friday,
December 3, 2021
President Nickels

8. INFORMATION ITEMS AND REPORTS
President Nickels

1. Contracts Approved by Commissioner

2. Grants Approved by Commissioner

3. Contested Case Update

9. GOOD OF THE ORDER

This section of the agenda is intended for Board members to offer informal observations of the work of the State Board. Board members may make brief announcements about attendance at future events for the purpose of informing other Board members. No business or motions, or suggested actions of the Board may be offered at this point in the agenda; nor should Board members engage in substantive discussion about other agenda items or introduce new agenda items.

President Nickels

10. ADJOURNMENT
President Nickels

The State Board of Education will reconvene tomorrow at 9:00 a.m. in this room for a Business Meeting.



Nebraska State Board of Education
Covid-19 Meeting Protocol

Meeting date/time: Thursday, December 2, 2021
Friday, December 3, 2021

Meeting location: The Graduate
Scarlet Ballroom
141 N. 9th Street
Lincoln, NE 68508

Purpose

The purpose of this document is to outline and detail measures and protocols that seek to protect and ensure the health, welfare, and safety of the public in light of the COVID-19 pandemic. For the purposes of this protocol document, “attendee” shall mean any individual person who is attending the meeting, but not limited to: state board members, Nebraska Department of Education staff members, other State of Nebraska employees, hearing respondents, and members of the public.

Maximum attendance

Maximum attendance at the meeting is limited to the rated capacity of the meeting room. However in order to maintain physical distancing between individuals, the room will be setup with chairs spaced three (3) feet apart. Standing is not allowed in the meeting room. If the meeting room becomes full or crowded, members of the public may wait in the pre-function area.

Considerations for Attendees to Access Public Meetings

Attendees are asked to comply with the following directives:

- a. **Accessibility:** Members of the public are encouraged to maintain 3 feet of physical distancing between others when entering and exiting the room.
- b. **Masks:** Masks that cover the mouth and nose are recommended for all attendees. Individuals who have not been vaccinated for COVID-19 are strongly encouraged to wear a mask.
- c. **Hand sanitizer:** Use of hand sanitizer is strongly recommended upon entrance to the meeting room and after attendees touch their face, cough, or sneeze.
- d. **Physical distancing:** The meeting room will be arranged to ensure that all attendees are able to practice physical distancing with a space of at least three feet between individuals. Arranged chairs and tables are not to be moved. Attendees are encouraged to avoid shaking hands or making physical contact with other attendees.

e. **Personal questionnaire:** Attendees will be presented with the following questions on signage at the entrance to the meeting room and asked to self-identify responses of “Yes” or “No” to each question.

1. Are you experiencing, or experienced any of the following symptoms in the last 14 days?
 - i. Fever or chills
 - ii. Cough
 - iii. Shortness of breath or difficulty breathing
 - iv. Fatigue
 - v. Muscle or body aches
 - vi. Headache
 - vii. New loss of taste or smell
 - viii. Sore throat
 - ix. Congestion or runny nose
 - x. Nausea or vomiting
 - xi. Diarrhea
2. Have you been in physical contact with or in close proximity to anyone who tested positive for COVID-19 in the last 14 days?
3. Have you traveled outside of the United States in the last 14 days?
4. Have you been in physical contact with or in close proximity to anyone who has traveled outside of the country, or who has been ill?
5. Do you have a temperature of greater than 100.4 degrees Fahrenheit?

Should an attendee be able to identify a “Yes” response to any of these question, the Attendee should self-select to not enter the meeting room and leave the meeting venue.



TO: Matthew L. Blomstedt, Ph.D.
Commissioner

FROM: Brenda Wid, Legal Services

DATE: November 17, 2021

SUBJECT: Report on Rules

RULE AWAITING APPROVAL FROM AGO

Title 92, Nebraska Administrative Code, Chapter 24, *Regulations for Certificate Endorsements*
Sent to AGO 08/09/2021

RULE APPROVED AS A HEARING DRAFT BY COMMISSIONER

Title 92, Nebraska Administrative Code, Chapter 51, *Regulations and Standards for Special Education Programs*

Approved by Commissioner: 11/12/2021

Out-State Travel Authorization Reports - December

<u>Name</u>	<u>Event Name</u>	<u>Date</u>	<u>Location</u>
Lisa Fricke	(NONE)		
Jacquelyn Morrison	(NONE)		
Deborah Neary	(NONE)		

Out-State Travel Authorization Reports - December

<u>Name</u>	<u>Event Name</u>	<u>Date</u>	<u>Location</u>
Patsy Koch Johns	(NONE)		
Patti Gubbels	(NONE)		
Maureen Nickels	(NONE)		
Robin Stevens	(NONE)		



PROPOSED AGENDA ITEM RATIONALE

DATE: November 18, 2021

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Lane Carr
Administrator, Office of Policy & Strategic Initiatives

PROPOSED AGENDA ITEM: Authorize the Commissioner to amend a contract with the Nebraska Children and Families Foundation (NCFE) to extend staff partnership contracts until December 2024.

RATIONALE/BACKGROUND INFORMATION:

At the February 2021 Nebraska State Board Meeting, board members authorized the commissioner to enter into new contracts for staff augmentation in support of NDE project efforts. Part of this proposal included early literacy, early math, systems involved youth, and community engagement specialists. Since that time, the NDE has contracted with the Nebraska Children and Families Foundation, which successfully hired staff to serve in a dual capacity, serving the shared interests and furthering projects together. These four areas emerged as needs based on school data, and extensive outreach to stakeholders.

This authorization would allow the NDE to amend the contract with NCFE to extend these positions for the next three years, until December 2024, and include modest expenses such as travel and materials needed by each of the positions.

PROPOSED BOARD MEETING (MONTH/YEAR): November 2021

ESTIMATED COST: \$1,220,000 total over three years

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: ESSER III (ARP)
- New or Renewal: Renewal
- If renewal, date of first approval: February 2021



PROPOSED AGENDA ITEM RATIONALE

DATE: November 17, 2021

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Amy Rhone and Theresa Hayes

PROPOSED AGENDA ITEM: Authorize the Commissioner to approve a continuation grant to Parent and Training Information – Nebraska (PTI-NE) to provide Parent Support Services specifically to Secondary Transition and Family/Parent Supports.

RATIONALE/BACKGROUND INFORMATION: This Agreement will primarily facilitate the collaboration of the Nebraska Department of Education and PTI Nebraska to work with other agencies in Nebraska that offer resources and support to young adults transitioning from high school to post-high school to adult living. PTI-NE will support Nebraska families of young adults with a disability or special health care need, to help them advocate, collaborate, and assist in their child's transition into adult living.

Beyond the work supporting transition, PTI Nebraska provides advocacy and support to Nebraska families through webinars, trainings, and information sessions around disability supports for students. This additional work is also supported through this cooperative agreement.

As Project Director, Sandra Peterson is well qualified as a previous special education administrator for 30 plus years in Nebraska, and a previous early childhood educator, elementary educator, and secondary educator. Her credentials and experience will help meet the project's goals. She currently serves on the state transition advisory group and transition practitioner's group, so is knowledgeable of practices and in providing leadership.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2021

ESTIMATED COST: \$86,680

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Federal IDEA Part B
- New or Renewal: Renewal
- If renewal, date of first approval: 12/2018



PROPOSED AGENDA ITEM RATIONALE

DATE: November 22, 2021

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Melody Hobson

PROPOSED AGENDA ITEM: Grant the Commissioner the authority to approve a continuation grant to the Nebraska Children and Families Foundation to continue the Nurturing Healthy Behaviors/Rooted in Relationships program.

RATIONALE/BACKGROUND INFORMATION: During the 2014 legislative session, the Nebraska Legislature appropriated \$400,000 within the state budget for the Nebraska Department of Education (NDE) to expand the Nurturing Healthy Behaviors program across the state. This annual appropriation was to be used to expand programs and services for early childhood mental health. No funding was appropriated for NDE to administer local grants; therefore, the NDE Office of Early Childhood issued a request for proposals for a single provider with the capacity to coordinate the project and to cultivate programs across the state. The Nebraska Children and Families Foundation was the chosen provider based on their application and organizational capacity. This grant is a continuation grant to the Nebraska Children and Families foundation to continue the work in identified communities and to begin work in additional areas of the state. The Nebraska Children and Families foundation secured private donations to begin or add to work in communities and expand the reach of state funding.

The grant renewal recommendation is based on the following:

Rooted in Relationships/Nurturing Healthy Behaviors supports community teams to plan strategies for early childhood systems of care. These may include any or all of the following:

- a. Parent engagement activities,
- b. Public awareness activities about children's social-emotional needs, implementation of the Pyramid Model for promoting the social-emotional competence in young children,
- c. Promoting the importance of high-quality childcare.
- d. Planning and implementation of Circle of Security™ -Parenting (COS-P).

Rooted in Relationships/Nurturing Healthy Behaviors is evaluated annually and continually shows positive outcomes.

PROPOSED BOARD MEETING (MONTH/YEAR): December, 2021

ESTIMATED COST: \$400,000

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: State General Funds
- New or Renewal: Renewal
- If renewal, date of first approval: 2014

State Board of Education Business Meeting
Thursday-Friday, November 4-5, 2021
Holiday Inn Lincoln Southwest, Nebraska Ballroom,
2500 Tamarin Ridge Road, Lincoln, NE 68512
[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 WORK SESSION, Thursday, November 4, 2021, 1:00 P.M.

1. CALL TO ORDER – President Maureen Nickels called the meeting to order at 1:07 p.m.

1.1 Roll Call

Roll Call showed the following attendance:

Maureen Nickels	Patti Gubbels	Robin Stevens
Patsy Koch Johns	Lisa Fricke	Deborah Neary
Jacquelyn Morrison		

Commissioner Blomstedt was also in attendance via Zoom.

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

2. DISCUSSION

2.1. Board Discussion on Content Area Standards Process

President Nickels led the Board discussion on the content area standards process.

At the October 2021 Board Meeting, Board Members discussed creating an Ad Hoc Committee for the purpose of addressing the health education standards process. After reviewing that discussion, President Nickels has created the Ad Hoc Committee with Board Members Jacqueline Morrison, Chair, Robin Stevens and Patti Gubbels. President Nickels has requested a full report from the Ad Hoc Committee no later than January 25, 2021, and the Committee will report to the full Board at the February Board Meeting with possible action in March 2022.

President Nickels requested that Board Members have conversations in Committees this morning for information to share with the Ad Hoc Committee members during this discussion.

Jacquelyn Morrison reported from the discussion in the AQuESTT Student Success, Access, and Support Committee, and Lisa Fricke reported on the discussion in the AQuESTT Teaching, Learning, and Serving Committee. Additional board member discussion followed.

3. ADJOURNMENT

President Nickels adjourned the meeting at 1:29 p.m.

STATE BOARD OF EDUCATION MEETING, Thursday, November 4, 2021, 3:00 PM.

1. CALL TO ORDER – President Maureen Nickels called the meeting to order at 3:01 p.m.

1.1 Roll Call

Roll Call showed the following attendance:

Maureen Nickels
Patsy Koch Johns
Jacquelyn Morrison

Patti Gubbels
Lisa Fricke

Robin Stevens
Deborah Neary

Commissioner Blomstedt was also in attendance via Zoom.

1.2. President Nickels led the Pledge of Allegiance.

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

1.3. COVID-19 Meeting Protocol

Ryan Foor, NDE Representative, shared information on the COVID-19 Meeting Protocol.

2. COMMISSIONER'S REPORT

2.1. Agenda Overview and Consent Agenda Process

2.1.A. No agenda items were requested for removal.

2.2. Report on Rules

Title 92, Nebraska Administrative Code, Chapter 24 is with the Attorney General awaiting approval.

Title 92, Nebraska Administrative Code, Chapter 1 and Title 92, Nebraska Administrative Code, Chapter 2 approved October 27, 2021 with an effective date of November 1, 2021.

2.3. Board Operations Information (NONE)

2.4. Report on Feedback from the Field and COVID-19 Impacts

Commissioner Blomstedt reported on impacts of Covid-19 on the Nebraska education system, feedback from the education field, and key work and progress of the NDE, including a summary of American Rescue Plan investments to date.

3. SPECIAL PRESENTATIONS AND DISCUSSIONS

3.1. Update from the Nebraska Association of Colleges for Teacher Education on the Nebraska Educator Shortage Summit

Sara Skretta, Certification Officer, College of Education & Human Sciences and Jenny Jansky, UNK Director of Educator Certification Office and Certification Officer provided an update from the Nebraska Educator Shortage Summit hosted by Nebraska Association of Colleges for Teacher Education (NACTE) October 27, 2021, in Kearney, NE.

4. PRESIDENT'S REPORT

President Maureen Nickels thanked the Board Members who attended the Nebraska Educator Shortage Summit.

President Nickels thanked the staff for organizing the Board meeting and the staff that is present during the meeting. She indicated that she expects a new Board Member will be appointed by the Governor before the December meeting.

President Nickels shared that during the Work Session, an Ad Hoc Committee has been formed to review and discuss the standards process. All Board Members provided input for what the new Committee should consider.

5. CONSENT AGENDA

Motion by Patsy Koch Johns, second by Patti Gubbels to approve the Consent Agenda.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Vacant	

The motion passed.

6. STANDING COMMITTEE REPORTS

6.1. **Policy Committee** – Maureen Nickels, Acting Chair, reported on the Committee meeting.

The Committee began the scheduled four-year review of State Board Policy P5, *Contracts, Grants and Purchases* a couple of months ago. The NDE staff has provided background information for the Committee regarding analytic information of contracts and grants that have been processed by NDE since 2017. Committee members recommend that further discussion continue in Committee and will be placed as a discussion item at the December Policy Committee meeting.

The Committee began the scheduled four-year review of State Board Policy P11, *Data Access and Use*. This policy is for the protection of education records that the NDE has in their possession. The NDE staff will bring proposed revisions to the Policy Committee for discussion at the December Policy Committee meeting.

The Committee discussed the proposed State Board meeting schedule for 2022. After discussion, the Committee recommends maintaining present circumstance by keeping the State Board meeting dates as outlined in B5, meeting the first Thursday and Friday of each month except January or as otherwise determined by the Board. The Committee will bring this as an action item to the full Board in December.

6.1.A. Discussion Item: P5, *Contracts, Grants and Purchases*

There was no further discussion on this item.

6.1.B. Discussion Item: P11, *Data Access and Use*

There was no further discussion on this item.

6.1.C. Discussion Item: Proposed State Board meeting schedule for 2022

There was no further discussion on this item.

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

The Legislative Committee heard from Lane Carr, NDE Representative, on the progress and efforts made towards advancing the State Board's legislative and regulatory priorities.

6.3. **Commissioner's Appraisal Committee** – No report. The Committee did not meet this month.

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

The Committee on Teaching, Learning and Serving reports on one discussion item.

The Teaching & Learning Committee heard a report from the NDE on the process to review Nebraska's Mathematics Standards. Over 130 Nebraska educators applied to be part of the revision team. NDE staff are working to finalize the list of revision team members prior to the first revision meeting on November 20th. Public Input Survey #1 will close next week. This is an opportunity to provide input on the current mathematics standards.

The Committee also received an update from the NDE staff on Career and Technical Education and future potential rule revisions. The Committee also discussed the idea of a resolution to recognize teachers, administrators, and others.

6.4.A. Discussion Item: Nebraska's College & Career Ready Standards for Mathematics

Board Members requested a presentation from NDE staff on the process for the December meeting.

6.5. **AQuESTT Student Success, Access and Support Domain Committee** – Patsy Koch Johns, Chair, reported on the Committee meeting.

The Committee on AQuESTT Student Success, Access and Support domain met on November 4, 2021, and had only one update item on upcoming revisions to Title 92, Nebraska Administrative Code, Chapter 51 (Rule 51).

There was no discussion on the Leading for Equity and Excellence Program (LEEP) State Policy Network.

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

There was no discussion on this item.

- 6.6. **Budget and Finance Committee** – Maureen Nickels, Acting Chair, reported on the Committee meeting. The Committee discussed each item on the consent agenda making sure that all Committee questions were answered. NDE staff was on hand to answer questions and provide more detail when needed to ensure that Committee members were comfortable with the consent agenda items. After each consent agenda item was discussed and corresponding questions answered, the Committee was in support of all consent agenda items.

The Committee reviewed the Monthly Board travel expenses and had no concerns.

The Committee reviewed in-state travel authorization with no issues or concerns.

6.6.A. Monthly Board Travel Expense Report

There was no further discussion on this item.

6.6.B. In-State Travel Authorization Reports

There was no further discussion on this item.

- 6.7. **Strategic Planning, Performance and Improvement Committee** – No report. The Committee did not meet this month.

7. ADDITIONAL BUSINESS

- 7.1. In accordance with Board Policy B9, set public comment time limits for Friday, November 5, 2021

Pursuant to Board Policy B9, I move to limit public comment at the Friday, November 5, 2021, meeting, to end by 4:00 p.m., where each person may address the Board for up to two minutes. The Board may take a 45-minute lunch break announced at a time prior to recessing. Motion made by Maureen Nickels, second by Patti Gubbels.

Board Members discussed the importance of having this motion so that the public is aware of how much time and what is expected during Public Comment.

Lisa Fricke: Yea
Patsy Koch Johns: Yea
Deborah Neary: Yea
Maureen Nickels: Yea
Robin Stevens: Yea
Patti Gubbels: Yea
Jacquelyn Morrison: Yea
Vacant

The motion passed.

7.2. Resolution to Recognize State Board of Education Member Patricia Timm

Motion to adopt the Resolution to recognize State Board of Education Member Patricia Timm made by Patti Gubbels, second by Patsy Koch Johns.

Lisa Fricke:	Yea
Patsy Koch Johns:	Yea
Deborah Neary:	Yea
Maureen Nickels:	Yea
Robin Stevens:	Yea
Patti Gubbels:	Yea
Jacquelyn Morrison:	Yea
Vacant	

8. INFORMATION ITEMS AND REPORTS

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

9. GOOD OF THE ORDER

Deborah Neary had conversation with teachers and educators at the Nebraska Educator Shortage Summit and each conversation included compliments for Brad Dirksen, NDE Representative, and his responsiveness.

Jacqueline Morrison mentioned Lee Perez as the 2022 Teacher of the Year.

Ryan Foor, NDE Representative, explained to the Board that normally the month of November is the recognition for Teacher of the Year, and, because of COVID, the event didn't happen last year. There is an event being planned for after the first of the year to recognize both Paul Timm (current Teacher of the Year) and Lee Perez.

President Nickels added that all Board Members will be attending the Nebraska Association of School Boards (NASB) State Education Conference November 17-19, 2021, at the CHI Health Center and thanked those Board Members who will be on the panel.

10. ADJOURNMENT

President Nickels adjourned the meeting at 5:03 p.m.

The State Board of Education will reconvene Friday, November 5, 2021, at 9:00 a.m. Holiday Inn Lincoln Southwest, Nebraska Ballroom, 2500 Tamarin Ridge Road, Lincoln, NE 68512.

STATE BOARD OF EDUCATION MEETING, Friday, November 5, 2021, 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
Lisa Fricke

Patti Gubbels
Deborah Neary

Robin Stevens
Jacquelyn Morrison

Commissioner Blomstedt was also in attendance via Zoom.

Patsy Koch Johns arrived at 9:05 a.m.

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

No additional information added.

2. PUBLIC COMMENT PERIOD

2.1. The following individuals from the public spoke regarding the Board's lack of transparency and dysfunction: Dan Urman, Dawn Urman, Deb Fisbeck, Fanchon Blythe, Jenna Derr, Katie McClemens, Liz Davids, Mark Bonkiewicz.

The following individuals from the public spoke against the Health Standards: Amber Parker, Brenda McGill, Deb Miller, Dee Elder, Janece VanWinkle, Julie Sheldon, Justin Thiel, Kathy Adams, Kelli Brady, Rita Tritsch, Sherry Jones, Stephanie Johnson, Teresa Carey.

2.2. Written Public Comment

Submitted written public comments are linked through SPARQ in Board Agenda item number 4.2, documents SBOE Written Public Comment September 2021 – Google Forms.

3. ADJOURNMENT

President Nickels adjourned the meeting at 9:58 a.m.

The next regularly scheduled business meeting of the State Board of Education will be held on Friday, December 3, 2021, at 9 a.m. at a location to be determined.



PROPOSED AGENDA ITEM RATIONALE

DATE: November 12, 2021

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Brian Halstead, NDE Deputy Commissioner
Lindy Foley, Nebraska VR Office Administrator
Tobias Orr, Assistive Technology Partnership Director

PROPOSED AGENDA ITEM: Authorize the Commissioner to approve the interagency agreement with the Nebraska Department of Health and Human Services (DHHS), Division of Medicaid and Long-Term Care, Home and Community Based Services.

RATIONALE/BACKGROUND INFORMATION: The DHHS, Division of Medicaid and Long-Term Care, Aged and Disabled Medicaid Waiver Program is renewing their current agreement with the Assistive Technology Partnership for the second of three years written into the original agreement.

The Assistive Technology Partnership provides assessments to DHHS for consumers on the Aged and Disabled Waiver and recommends modifications or technology to assist the consumer with remaining independent. The Assistive Technology Partnership finds a vendor or contractor to perform the work or provide the technology, authorizes the approved work to be done, and monitors and inspects the work. This is the current process for acquiring assistive technology through participating DHHS programs.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2021

ESTIMATED COST: \$1,231,097.71 of funds to be received by NDE

FOR CONTRACTS AND GRANTS:

- Indicate the Funding Source: Nebraska Department of Health and Human Services – Medicaid Aged and Disabled Wavier funds.
- New or Renewal: Renewal
- If renewal, date of first approval: 1/1/2018



PROPOSED AGENDA ITEM RATIONALE

DATE: November 23, 2021

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Amy Rhone

PROPOSED AGENDA ITEM: Authorize the Commissioner to accept the proceeds Anna Z. Wilcox Trust pursuant to Section 79-318(13) on behalf of Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI).

RATIONALE/BACKGROUND INFORMATION:

Pursuant to § 79-11, 109 The State Department of Education shall have oversight and general control of the Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI), formerly the Nebraska School for the Visually Handicapped.

In October of 2021, The Department was made aware that a trust was established under the Anna Z. Wilcox estate with the Testamentary Trust naming the “Nebraska School for the Blind at Omaha, in Douglas County, Nebraska.” Upon legal review, the intent of the trust was to establish The Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI) being the beneficiary and the recipient of said funds. A review of R.R.S. Neb. § 79-111 109, current through all Acts of the 1st Regular Session of the 107th Legislature (2021), and all Acts of the 1st Special Session of the 107th Legislature (2021) was conducted. To determine the history of the Nebraska School for the Blind, a review of the following laws was conducted: Laws 1959, c. 419, § 1, p. 1409; Laws 1961, c. 412, § 3, p. 1238; R.S.1943, (1994), § 79-2001; Laws 1996, LB 900, § 891; Laws 1997, LB 346, § 53, Laws 1997, LB 347, § 44; Laws 1999, LB 813, § 53.

PROPOSED BOARD MEETING (MONTH/YEAR): December 2021

ESTIMATED COST: None



November 17, 2021

Mr. Richard T. McDougall, JD., CTFA
Vice President & Manager Trust Division
Cornerstone Bank
529 Lincoln Avenue
P.O. Box 69
York, Nebraska 68467

RE: Resolution that the Nebraska Department of Education (NDE) has authorization to act on behalf of Nebraska Center for the Education of Children who are Blind or Visually Impaired (NCECBVI)

Dear Mr. McDougall:

This letter is in response to your October 27, 2021, correspondence discussing Anna Z. Wilcox Trust, and serves as a resolution that NDE is authorized by statute to act on behalf of NCECBVI. See Nebraska Revised Statute § 79-11,109. I am also enclosing Form W-9 with the appropriate mailing address for NDE, Employer Identification Number to serve as Taxpayer Identification Number, as well as exempt payee code, as NDE is a political subdivision of the State of Nebraska.

If there any other matters relating to the Anna Z. Wilcox's Trust, please do not hesitate to contact me at juan.roman@nebraska.gov or call at (402) 310-2517.

Sincerely,

JUAN ROMÁN, General Counsel
Nebraska Department of Education

[R.R.S. Neb. § 79-11,109](#)

Current through all Acts of the 1st Regular Session of the 107th Legislature (2021), and all Acts of the 1st Special Session of the 107th Legislature (2021).

Revised Statutes of Nebraska Annotated > Chapter 79 Schools (Arts. 1 — 32) > Article 11 Special Populations and Services (§§ 79-1101 — 79-11,158) > (f) Students who are Blind or Visually Impaired (§§ 79-11,109 — 79-11,120)

§ 79-11,109. Nebraska Center for the Education of Children who are Blind or Visually Impaired; State Department of Education; powers.

The State Department of Education shall have oversight and general control of the Nebraska Center for the Education of Children who are Blind or Visually Impaired, formerly the Nebraska School for the Visually Handicapped. The department may contract with a school district, an educational service unit, or a public institution of city, county, or state government to operate the center. The department may use, lease, or otherwise contract for the use of property and facilities formerly controlled by the Nebraska School for the Visually Handicapped for services of the center.

History

Laws 1959, c. 419, § 1, p. 1409; Laws 1961, c. 412, § 3, p. 1238; R.S.1943, (1994), § 79-2001; [Laws 1996, LB 900, § 891](#); [Laws 1997, LB 346, § 53](#); [Laws 1997, LB 347, § 44](#); [Laws 1999, LB 813, § 53](#).

Annotations

Research References & Practice Aids

Hierarchy Notes:

[R.R.S. Neb. Ch. 79](#)

[R.R.S. Neb. Ch. 79, Art. 11](#)

Revised Statutes of Nebraska Annotated
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POLICY COMMITTEE BOARD REPORT

Date: December 2, 2021

The Committee on POLICY met on December 2 and reports that the Committee has one action item and two discussion items.

The Committee discussed the proposed State Board meeting schedule for 2022. After discussion, the Committee recommends maintaining present circumstance by keeping the State Board meeting dates as outlined in B5, meeting the first Thursday and Friday of each month except January or as otherwise determined by the Board. The Committee recommends that the full Board approve this schedule at their business meeting today.

The Committee continues discussion of State Board Policy P5, *Contracts, Grants and Purchases*. The Committee recommends that the NDE staff and this Committee continue discussion of revision to this Policy in 2022.

The Committee continues discussion of State Board Policy P11, *Data Access and Use*. NDE staff indicated that the NDE General Counsel and Records Officer will discuss a strategy of restructuring this Policy and bring an outline to the Committee in February 2022.

The Committee discussed State Board Internal Policy P7, *Teaching Certificates* and recommend that this Policy be allowed to sunset and the NDE and Policy Committee/Board consider a Position Statement to encompass the priorities and vision of what the NDE and Board want regarding Nebraska's teaching professionals in 2022.

The Committee discussed State Board Bylaw B20, *Board Membership in Associations*. The Committee recommends that this policy not change and be discussed further in February 2022 with possible action in March 2022.


The Committee also recommends that discussion of restructuring the State Board Policy Reference Manual continue in February 2022.

This concludes the POLICY COMMITTEE report.

**PROPOSED 2022 STATE BOARD OF EDUCATION MEETING DATES
PROPOSAL A**

January 6:	Annual Orientation
January 7:	Business Meeting
February 3:	Committee meetings/Business meeting or work session as needed
February 4:	Business meeting
March 3:	Committee meetings/Business meeting & work session as needed
March 4:	Business meeting
April 7:	Committee meetings/Business meeting & work session as needed
April 8:	Business meeting
May 5:	Committee meetings/Business meeting & work session as needed
May 6:	Business meeting
June 2:	Committee meetings/Business meeting & work session as needed
June 3:	Business meeting
July:	No meeting
August 4:	Committee meetings/Business meeting & work session as needed
August 5:	Business meeting
September 1:	Committee meetings/Business meeting & work session as needed
September 2:	Business meeting
October 6:	Committee meetings/Business meeting & work session as needed
October 7:	Business meeting
November 3:	Committee meetings/Business meeting & work session as needed
November 4:	Business meeting
December 1:	Committee meetings/Business meeting & work session as needed
December 2:	Business meeting

The Board seeks to hold at least two meetings outside of Lincoln.

 <p>Nebraska Department of Education Policy and Reference Manual</p>	<p>Internal Policy Directive Number</p> <p>P11 (formerly G22)</p>	<p>Page Number</p> <p>1 of 3</p>
<p>State Board Internal Policy P11 (formerly G22)</p> <p><u>Data Records</u> Access and Use</p>	<p>Created: 11/3/2010 Reviewed: 2013, 2017, <u>2021</u> Approved: 09/08/2017</p>	

State Board Policy on Data Records Access and Use


Pursuant to the Nebraska public records laws, the Nebraska Department of Education (NDE) will provide access to or copies of NDE records of or belonging to it upon written request, unless the records are specifically required to be kept confidential or the records are permitted to be kept confidential and the NDE chooses to withhold them. [Neb. Rev. Stat. 84-712 through 84-712.09]

Pursuant to the federal Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA) and implementing regulations, the NDE will provide access to education records it maintains that contain personally identifiable information relating to an individual student to the student’s parents or to the student if he or she qualifies as an “eligible student” under ~~the Act~~ FERPA. Access to such records will not be provided to others without the consent of the student’s parents, as defined under FERPA, or of the eligible student, except as provided below.

The NDE may disclose information from students’ education records if the information is not personally identifiable; for example, if the information is in aggregate form and appropriately masked. The NDE may disclose personally identifiable information from student records without the consent of a parent, guardian or eligible student permitted by FERPA and/or the IDEA subject to all other applicable privacy laws. [20 U.S.C. 1232g and 34 C.F.R. Part 99.]

Pursuant to Neb. Rev. Stat. 79-776 and the Memorandum of Understanding approved by the State Board on July 8, 2010, between the Nebraska Department of Education, the University of Nebraska, the Nebraska State Colleges, and the Nebraska Community Colleges; the NDE will share individual student data with these entities for the purposes of evaluation of and research related to public prekindergarten, elementary, secondary and postsecondary education to improve education in Nebraska to the extent and in the manner permitted by FERPA, subject to all other applicable privacy laws. In addition, Neb. Rev. Stat. 79-2,104(4) provides that whenever applicable law permits the sharing of student data, records and information amongst one another, then each school district, ESU, and learning community shall comply and that the State Board shall promulgate regulations to require this uniform sharing amongst districts, ESUs, learning communities and NDE. The State Board adopted NDE Rule 6, “Regulations and Standards for Uniform Sharing of Student Data, Records and Information,” which first became effective 11/04/2014. The State Board provided that compliance with this Rule is a condition of continuing accreditation under NDE Rule 10 (for school districts) and Rule 84 (for ESUs).

When publicly disclosing aggregate education data, the NDE will protect the confidentiality of all ~~individuals’~~ personally identifiable student information by, at a minimum, masking data cells containing fewer than 10 individuals or 100% of individuals (except as may be otherwise provided or allowed by law, regulation or interpretation of the United States Department of Education).

 Nebraska Department of Education Policy and Reference Manual	Internal Policy Directive Number P11 (formerly G22)	2 of 3
State Board Internal Policy P11 (formerly G22) Data Records Access and Use	Created: 11/3/2010 Reviewed: 2013, 2017, <u>2021</u> Approved: 09/08/2017	

The State Board does believe that, to the extent permitted by and in accordance with all requirements of law and regulation, NDE should share student records and data, including when appropriate personally identifiable student information, with other public agencies and non-governmental entities when it determines such entities are conducting useful studies for or on behalf of educational agencies or institutions to (i) develop, validate or administer predictive tests; (ii) administer student aid programs; or (iii) improve instruction in Nebraska.

Individuals' social security numbers will be collected and maintained only as permitted by Section 7 of the federal Privacy Act. [5 U.S.C. 552a (note)]

Information on students with disabilities will be maintained and protected as required by the Individuals with Disabilities Education Act and implementing regulations. [20 U.S.C. 1412(a) (8) and 1417(c), and 34 C.F.R. 300.123 and 34 C.F.R. 300.610 to 300.627]

Information on eligibility for free and reduced price meals or free milk (poverty information) will be maintained and protected as required by the federal National School Lunch Act and implementing regulations. [42 U.S.C. 1758 and 7 C.F.R. 245.8]

Records containing personal information regarding Vocational Rehabilitation (VR) Program clients and applicants for services shall be protected, used and maintained in accordance with federal VR program regulations, include 34 C.F.R. 361.38. Similarly, the Disabilities Determinations Service (DDS) office and the Assistive Technology Partnership (ATP) program shall comply with all requirements regarding confidentiality, use and access to personal information concerning clients and consumers.

Board Action History

- New Policy 11/3/2010
- 1/7/2014 – G22
Reaffirmed by State Board of Education
- 03/03/2017 – G22 (P11)
(Reorganized Board Policy Reference Manual with new designated letters for categories of policy [P], bylaws [B] and position statements [S]. G22 is now P11
- 09/08/2017 – P11
(Added more specific language regarding how NDE should handle personally identifiable information regarding students that NDE may possess and come into contact with.)

<p style="text-align: center;">of Education Policy and Reference Manual</p>	<p style="text-align: center;">Internal Policy Directive Number</p> <p style="text-align: center;">P11 (formerly G22)</p>	<p style="text-align: center;">3 of 3</p>
<p>State Board Internal Policy P11 (formerly G22)</p> <p style="text-align: center;">Data Records Access and Use</p>	<p>Created: 11/3/2010 Reviewed: 2013, 2017, <u>2021</u> Approved: 09/08/2017</p>	

Cross-References

- 84-712 through 84-712.09 R.R.S.
- 20 U.S.C. 1232g
- 34 C.F.R. 99
- 79-776 R.R.S.
- 79-2,104(4) R.R.S.
- 5 U.S.C. 552a
- 20 U.S.C. 1412(a) (8) and 1417(c)
- 34 C.F.R. 300.123
- 34 C.F.R. 300.610 to 300.627
- 42 U.S.C. 1758
- 7 C.F.R. 245.8
- 34 C.F.R. Part 361



STATE BOARD OF EDUCATION
AQuESTT Teaching, Learning and Serving Domain COMMITTEE REPORT

Date: December 2, 2021

The Committee on Teaching, Learning and Serving reports on two action items and one discussion items.

The first action item is to adopt the annual plan for the Nebraska statewide assessment and reporting system. Per Nebraska Revised Statute Section 79-760.03, the board is required to adopt this plan, for which policy decisions have previously been determined by the board. The committee reviewed the report and recommends adoption of the report.

The second action item is to adopt a resolution to recognize Nebraska educators. The idea of this resolution was discussed at the November meeting as a gesture to recognize the efforts of teachers, administrators, paraprofessionals, support staff, and other education professionals. The committee reviewed the draft resolution and recommends adoption.

One discussion item was on the committee agenda, related to the revision of Nebraska's College and Career Ready Standards for Mathematics. The committee heard updates and information about the standards revision process from the NDE staff; the NDE staff will provide a presentation to the full board today during discussion on this topic. Board members are encouraged to review the provided information, including the revision timeline and information about the revision team.

The committee also had a brief discussion on student voice and may bring this topic forward at a future meeting.

This concludes the Teaching, Learning and Serving Committee report.

Lisa Fricke, Chair

*Submit a printed copy to the Committee Chair and email to the Recording Secretary.



NEBRASKA

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PROPOSED AGENDA ITEM RATIONALE

TO: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

FROM: Jeremy Heneger Ed.D.
Director of Statewide Assessment

PROPOSED AGENDA ITEM: Action Item: Adopt the annual plan for the Nebraska statewide assessment and reporting system.

RATIONALE/BACKGROUND INFORMATION: Section 79-760.03(2) requires the State Board to adopt a plan for an assessment and reporting system **annually**, and submit that plan to the Governor, Clerk of the Legislature, and Chair of Education of Education Committee.

ESTIMATED COST: No additional cost.

FOR CONTRACTS AND GRANTS INDICATE THE FUNDING SOURCE (e.g., state general funds, federal Perkins career and technical education funds; federal Title I funds):

