

**NEBRASKA STATE BOARD OF EDUCATION
MEETING AGENDA**

APRIL 12-13, 2012

(Revised: April 10, 2012)

Location: State Board Meeting Room
State Office Building, Sixth Floor
301 Centennial Mall South
Lincoln, NE 68509-4987

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) 471-5024 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 April 13, 2012, 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.

THURSDAY, APRIL 12, 2012- STATE BOARD COMMITTEE MEETINGS

COMMISSIONER'S APPRAISAL COMMITTEE (10:00 – 10:30 a.m.) (Conference Room C)

STATE ACCOUNTABILITY AD HOC COMMITTEE (10:30 – 11:30 a.m.) (V-Tel Room)

LEGISLATIVE COMMITTEE MEETING (1:00 – 2:00 p.m.) (Conference Room C)

POLICY COMMITTEE MEETING (1:00 – 2:00 p.m.) (Conference Room B)

THURSDAY, APRIL 12, 2012 – LUNCH (12:00 p.m.)

Hosted by Nebraska Association for Supervision and Curriculum Development at Billy's Restaurant, 1301 H Street, Lincoln, Nebraska 68508

THURSDAY, APRIL 12, 2012 – WORK SESSION

(Agenda items listed on the work session agenda not completed by adjournment will be carried over to April 13, 2012).

1. CALL TO ORDER (2:00 p.m.)
 - 1.1 Roll Call
 - 1.2 Announcement of the placement of the Open Meetings Act information
2. REPORTS AND DISCUSSIONS
 - 2.1 Legislative Update (BRIAN HALSTEAD)
 - 2.1.1 State
 - 2.1.2 Federal
 - 2.1.3 [Discuss the proposed revisions to Rule 10 \(92 NAC 10\), Regulations and Procedures for the Accreditation of Schools, requiring the recitation of the Pledge of Allegiance](#) (FREIDA LANGE)
 - 2.2 Standards, Assessment and Accountability
 - 2.2.1 Accountability Update (PAT ROSCHEWSKI)

PRESENTATION: Overview of NeSA Standard Setting Processes: Writing and Science (DAVE CHAYER, VICE PRESIDENT OF PSYCHOMETRICS AT DATA RECOGNITION CORPORATION (DRC) and PAT ROSCHEWSKI, NDE)
 - 2.2.2 Data Recognition Corporation (DRC) Contract – Preliminary discussion (JOHN MOON)
 - 2.2.3 [Social Studies Standards update](#) (DONLYNN RICE)

- 2.3 [Discuss continuing accreditation status of Educational Service Units for the 2012-2013 School Year under Rule 84 \(92 NAC 84\), Regulations for Educational Service Units](#) (FREIDA LANGE)
- 2.4 [Discuss continuing approval status of Nonpublic Schools for the School Year 2012-2013 under Rule 14 \(92 NAC 14\), Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools](#) (FREIDA LANGE)
- 2.5 [Early Childhood Education Program Evaluation Report for 2010-2011](#) (MELODY HOBSON and DR. BARB JACKSON)
- 2.6 [Discuss the proposed Hearing Draft of revisions to Rule 55 \(92 NAC 55\), Rules of Practice and Procedure for Due Process Hearings in Special Education Contested Cases](#) (MARGARET WORTH and GARY SHERMAN)
- 2.7 [Discuss the proposed revised Rule 91 \(92 NAC 91\), Regulations Governing Driver Qualifications and Operational Procedures for Pupil Transportation Vehicles](#) (RUSS INBODY)
- 2.8 [Discuss the proposed revised Rule 92 \(92 NAC 92\), Regulations Governing the Minimum Equipment Standards and Safety Inspection Criteria for Pupil Transportation Vehicles](#) (RUSS INBODY)
- 2.9 [Discuss the recommended revisions to State Board Policy B8, "Policy Development"](#) (PATRICIA TIMM and MARGARET WORTH)
- 2.10 [Teacher and Principal Effectiveness update](#) (DONLYNN RICE and JIM HAVELKA)

FRIDAY, APRIL 13, 2012 – BUSINESS MEETING

1. CALL TO ORDER – BUSINESS MEETING (9:00 a.m.)
 - 1.1 Roll Call
 - 1.2 Pledge of Allegiance
 - 1.3 Announcement of the placement of the Open Meetings Act information
2. APPROVAL OF THE MINUTES
 - 2.1 [March 5-6, 2012, Lincoln, Nebraska](#)
3. APPROVAL OF AGENDA for April 13, 2012
 - 3.1 Commissioner's recommendations

4. PUBLIC PARTICIPATION
 - 4.1 Request for appearance
 - 4.2 Public Comment Period (An Action Item marked with ** will include time for public comment on that item at the time it is addressed by the Board.)
5. HEARING (10:30 a.m.)
 - 5.1 [Hearing in NDE Case No. 12-05, Commissioner v. Jessica L. Wheeler](#)
(LESLIE DONLEY)
6. EXECUTIVE SESSION –
 - 6.1 Contested Case
7. ACTION ITEMS
 - 7.05 [Grant the Commissioner the authority to approve a hearing draft of Rule 10 \(92 NAC 10\), Regulations and Procedures for the Accreditation of Schools, to add requirements relating to the recitation of the Pledge of Allegiance, appoint a hearing official, and set a date and time for a hearing](#)
(FREIDA LANGE)
 - 7.1 [Approve the accreditation of Educational Service Units for the 2012-2013 School Year under Rule 84 \(92 NAC 84\), Regulations for Educational Service Units](#) (FREIDA LANGE)
 - 7.2 [Approve Nonpublic Schools for the School Year 2012-2013 under Rule 14 \(92 NAC 14\), Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools](#) (FREIDA LANGE)
 - 7.3 [Grant the Commissioner the authority to approve a hearing draft of Rule 55 \(92 NAC 55\), Rules of Practice and Procedure for Due Process Hearings in Special Education Contested Cases, and set a date, time and place for a hearing, and to appoint a hearing official to conduct the hearing on behalf of the State Board](#) (MARGARET WORTH and GARY SHERMAN)
 - 7.4 [Approve the proposed revised Rule 91 \(92 NAC 91\), Regulations Governing Driver Qualifications and Operational Procedures for Pupil Transportation Vehicles](#) (RUSS INBODY)
 - 7.5 [Approve the proposed revised Rule 92 \(92 NAC 92\), Regulations Governing the Minimum Equipment Standards and Safety Inspection Criteria for Pupil Transportation Vehicles](#) (RUSS INBODY)
 - 7.6 [Consider action on NDE Case No. 12-05, Commissioner v. Jessica L. Wheeler](#)
(LESLIE DONLEY)

8. APPROVAL OF CONSENT AGENDA (The following items are management decisions and/or legal counsel recommendations, which require Board approval.)
 - 8.1 Identify items for separate vote
 - 8.2 Approve consent agenda

THE FOLLOWING SECTIONS ARE THE PROPOSED CONSENT AGENDA ITEMS

- 8.3 [Personnel Report](#)
- 8.4 Miscellaneous
 - 8.4.1 [Approve school districts' request for exclusions to the budget limitation in accordance with the provisions of the Tax Equity & Educational Opportunities Support Act \(TEEOSA\)](#) (RUSS INBODY)
 - 8.4.2 [Approve the proposed revisions to State Board Policy B8, "Policy Development"](#) (PATRICIA TIMM and MARGARET WORTH)
 - 8.4.3 [Appoint a Hearing Officer in NDE Case No. 12-04, *Haver v. Commissioner*](#) (LESLIE DONLEY)
 - 8.4.4 [Affirm the Order of Dismissal in NDE Case No. 11-13, *Lancaster County School District 0001, a/k/a Lincoln Public Schools v. Nemaha County School District 0029, a/k/a Auburn Public Schools and Dr. Roger Breed, in his capacity as Commissioner of the Nebraska Department of Education*](#) (LESLIE DONLEY)
 - 8.4.5 Grant the Commissioner the authority to assign a Hearing Official to Option Enrollment Case No. 12-06, *Loos v. Loup City Public Schools* (MARGARET WORTH)
- 8.5 Grants
 - 8.5.1 [Grant the Commissioner the authority to approve School Improvement Grants \(SIG\). These grants will be funded with FY 2011 School Turnaround Grants \(School Improvement State Grants\)](#) (DIANE STUEHMER)
 - 8.5.2 [Grant the Commissioner the authority to approve the 2012 slate of 21st Century Community Learning Center Grants](#) (MARY ANN LOSH, KAREN STEVENS and JAN HANDA)
 - 8.5.3 [Grant the Commissioner the authority to approve the 2012 slate of Mathematics and Science Partnership Grants](#) (DIANE STUEHMER and SHARON KATT)

- 8.6 Contracts
 - 8.6.1 [Grant the Commissioner the authority to continue contracting for assistance with the implementation of the Nebraska State Plan for Education of Children who are Deaf or Hard of Hearing](#) (GARY SHERMAN and TERESA COONTS)
 - 8.6.2 [Grant the Commissioner the authority to amend the contract with MTW Solutions, LLC \(Contract Number 32006\) from \\$130,000 to \\$180,000. Adding the Special Education application to the Grants Management System \(GMS\) requires some features that are not included in other applications already in the system. The Special Education application requires adding a way to track Service Providers and a method for paying the Service Providers. Costs for adding this feature will be paid for with Special Education funds](#) (DIANE STUEHMER)
- 8.7 Leases
(NONE)
- 8.8 Committees
 - 8.8.1 [Appoint members to the Nebraska Private Postsecondary Career Schools Advisory Council](#) (SHARON KATT and BRAD DIRKSEN)
- 9. SPECIAL PRESENTATIONS AND DISCUSSIONS
(NONE)
- 10. BOARD REPORTS, DATES AND DISCUSSION ITEMS (Brief general discussion by Board members of possible topics for future Board meetings; requests for reports or studies to be conducted by the Commissioner and staff; and reports of activities and information from Board members.)
 - 10.1 Dates for joint meetings with policy partners
 - 10.2 Approve request for meeting attendance
 - 10.3 Meeting participation
 - 10.3.1 Reports from Robert Evnen, Mark Quandahl and John Sieler, who attended the 2012 NASBE Legislative Conference, March 22-23, 2012, Washington Marriott at Metro Center, Washington, DC
 - 10.3.2 Reports from Jim Scheer, Molly O'Holleran and Lynn Cronk, who attended the Nebraska Rural Community Schools Association (NRCSA) Spring Conference, March 22-23, 2012, Holiday Inn, Kearney, NE
 - 10.4 Legislative Committee report

- 10.5 Policy Committee report
 - 10.6 State Accountability Ad Hoc Committee report
 - 10.7 Standards Ad Hoc Committee report
 - 10.8 Commissioner's Appraisal Committee report
11. INFORMATION ITEMS/WRITTEN REPORTS (The following items are for Board information only. They require official notice. No presentation planned. No requested action planned.)
- 11.1 [Statutorily required notice of contracts involving public employees](#)
 - 11.2 [Contracts approved by Commissioner](#)
 - 11.3 [State Board Policy B10, "Bylaw: Special Meetings, Emergency Meetings and All Meetings Held By Videoconferencing" for review](#) (MARGARET WORTH)
 - 11.4 [NASBE Nominations for Board of Directors for the offices of President-Elect and Area Directors](#) (COMMISSIONER BREED)

ADJOURNMENT – The next regularly scheduled meeting of the State Board of Education will be held on Tuesday, May 8, 2012 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 on Monday, May 7, 2012 at 2:00 p.m. at the Nebraska State Office building, Nebraska Department of Education, Sixth Floor, 301 Centennial Mall South, Lincoln, NE 68509.

This agenda contains a list of subjects known at the time of its distribution on March 29, 2012. A copy of the agenda reflecting any changes will be available for public inspection during the normal business hours in the Office of the Commissioner of Education and on the State Board of Education's Agenda page www.education.ne.gov/StateBoard/Agendas.html. *Except for items of an emergency nature, the agenda will not be changed later than 24 hours before the scheduled commencement of the meeting.*