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## **NEBRASKA STATE BOARD OF EDUCATION**

Nebraska Department of Education  
Minutes of Meeting  
February 7-8, 2011

### **MINUTES OF THE WORK SESSION – Monday, February 7, 2011**

The State Board of Education met for purposes of a work session on Monday, February 7, 2011, beginning at 10:00 a.m. The session was held at the State Office Building in the State Board Meeting Room in Lincoln, Nebraska. Publicized notice of the session was given by posting notice on the Department's website on the internet; 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.

#### **1. CALL TO ORDER**

- 1.1 President Jim Scheer called the meeting to order at 10:10 a.m. Roll call showed the following Board members present: Jim Scheer, Mark Quandahl, Patricia Timm, Robert Evnen, Lynn Cronk, and John Sieler. Rebecca Valdez and Molly O'Holleran were absent. Commissioner Breed was also present.
- 1.2 President Scheer announced the location of the Open Meetings Act.

#### **2. REPORTS AND DISCUSSION**

- 2.5 Larry Starr, Department of Education representative, and General Walter Zink II, provided the 2010 annual report of the Civics Nebraska Partnership Advisory Council.
  - 2.1.1 Pat Roschewski, Department of Education representative, provided an update on the NeSA system. (Handout: State Board Update February 7, 2011)
  - 2.1.2 Marilyn Peterson, Department of Education representative, provided an update on federal accountability. An overview of the United States Education Dashboard was also given.
- 2.2 Carol Fichter, Department of Education representative, discussed the grant agreement with Building Bright Futures, Inc., to provide design and implementation of an early childhood quality improvement initiative. The Board will be asked to take action on the agreement during the business meeting on Tuesday, February 8.

- 2.3 Commissioner Roger Breed, and Sharon Katt, Department of Education representative, provided information regarding the Effective Educator 2020 Summit being planned for June 7-8, 2011. Lynn Cronk expressed interest in participating in the summit.
- 2.4 Commissioner Roger Breed provided an overview of 2011 Nebraska Department of Education Projects.
- 2.6 Russ Inbody, Department of Education representative, reported on participation in Nebraska Exempt Schools for the 2010-11 school year.
- 2.7 President Scheer asked Board Member Mark Quandahl to conduct the meeting with regard to the Legislative update. Brian Halstead, Department of Education representative, provided information on the following bills.

LB 381 – Change provisions relating to educational service units, withdraw from the Compact for Education, and eliminate a student achievement coordinator

No action taken.

LB 403 – Change allocation of the Excellence in Teaching Cash Fund

No action taken.

LB 445 – Change duties of the Commissioner of Education

Motion by Jim Scheer, second by Patricia Timm: To support LB 445 with staff testimony.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

LB 446 – Change duties and funding provisions relating to educational service units

No action taken.

LB 544 – Change provisions relating to civics education for students

Motion by Robert Evnen, second by John Sieler: To support LB 544 with a letter from the Board.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

LB 548 – Change, transfer, and eliminate provisions relating to learning communities

No action taken.

LB 558 – Change provisions relating to focus schools, focus programs, and magnet schools

No action taken.

LB 615 – Change provisions relating to access to student records and learning community reporting and diversity plans

No action taken.

LB 636 – Change provisions relating to access to student records and learning community reporting and diversity plans

No action taken.

LB 53 – Change free transportation provisions relating to learning community students

No action taken.

LB 145 – Provide for school transportation safety committees

No action taken.

President Scheer announced that further review of legislative bills will be continued during the business meeting on Tuesday, February 8, 2011.

There being no further business to come before the Board, President Scheer adjourned the meeting at 11:34 a.m.

**DISCUSSION ON EDUCATION ISSUES – Monday, February 7, 2011**

The State Board of Education met for purposes of a discussion on education issues on Monday, February 7, 2011, beginning at 8:30 p.m. The session was held at the University of Nebraska-Lincoln Van Brunt Visitors Center, Presentation Room, at 313 North 13<sup>th</sup> Street, Lincoln, Nebraska 68588. Publicized notice of the session was given by posting notice on the Department's website on the internet; 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.

The following Board members were present: Jim Scheer, Robert Evnen, Patricia Timm, John Sieler, Lynn Cronk and Mark Quandahl. Commissioner Roger Breed was also present.

Discussion followed the presentation of the film, *Waiting for Superman*. The meeting adjourned at 9:15 p.m.

## **BREAKFAST – Tuesday, February 8, 2011**

Members of the State Board of Education met for a social breakfast with various senators of the Nebraska Legislature. The breakfast was held from 7:30 a.m. until 8:30 a.m. at the Terrace Grille, 333 South 13<sup>th</sup> Street, Lincoln, Nebraska.

## **MINUTES OF THE MEETING – Tuesday, February 8, 2011**

The State Board of Education met for purposes of a meeting on Tuesday, February 8, 2011, beginning at 9:00 a.m. The meeting was held at the State Office Building in the State Board Meeting Room in Lincoln, Nebraska. Publicized notice of the session was given by posting notice on the Department's website on the internet; 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.

### **1. CALL TO ORDER**

- 1.1 President Jim Scheer called the meeting to order at 9:15 a.m. Roll call showed the following Board members present: Jim Scheer, Mark Quandahl, Patricia Timm, Robert Evnen, Lynn Cronk, and John Sieler. Absent: Rebecca Valdez, Molly O'Holleran. Commissioner Breed was also present.
- 1.2 President Scheer led the Pledge of Allegiance.
- 1.3 President Scheer announced the location of the Open Meetings Act.

### **2. APPROVAL OF MINUTES**

- 2.1 Motion by Patricia Timm, second by Mark Quandahl: To approve the minutes of the January 6-7, 2011, meeting.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

- 2.2 Motion by Lynn Cronk, second by Patricia Timm: To approve the minutes of the January 24, 2011, Legislative Retreat.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

### 3. APPROVAL OF AGENDA

President Scheer announced that a recess would be held prior to the hearings scheduled at 11:00 a.m.

Motion by Robert Evnen, second by Mark Quandahl: To approve the agenda for February 8, 2011.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

### 4. PUBLIC COMMENT

Jay Sears – Nebraska State Education Association

### 7. ACTION ITEMS

- 7.1 President Scheer asked Board Member Mark Quandahl to lead the Board on legislative issues. Brian Halstead, Department of Education representative, provided information on the following legislative bills.

LB 283 – provide school boards with tax levy and bond authority relating to energy efficiency projects

No action taken.

LB 522 – Adopt the High Performance Green Schools Transparency Act

No action taken.

LB 633 – Change provisions relating to certain tax levies and certain bonds of school districts and authorize refunding bonds

No action taken.

LB 634 – Change provisions relating to the tax levy authority of school districts relating to certain bonds

No action taken.

LB 63 – Ratify the Interstate Compact on Education Opportunity for Military Children

Motion by Jim Scheer, second by Patricia Timm: To take a neutral position on LB 63 with staff technical testimony.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

LB 575 – Adopt the Military Children Educational Opportunity Act

Motion by Jim Scheer, second by John Sieler: To take a neutral position on LB 575 with staff technical testimony.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

LB 582 – Adopt the Student Expression Act

Motion by Robert Evnen, second by Jim Scheer: To oppose LB 582 with a letter from the Board and staff testimony.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

LB 58 – Provide for a study of dual-enrollment courses and career academies

Motion by Patricia Timm, second by John Sieler: To support LB 58 with a letter from the Board and staff testimony.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

LB 635 – Change the Quality Education Accountability Act

Motion by Jim Scheer, second by Patricia Timm: To support LB 635 with Board testimony. President Scheer appointed Mark Quandahl and Robert Evnen to provide testimony at the March 15, 2011, hearing.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

LB 125 – Create the Children’s Health Advisory Committee

Motion by Robert Evnen, second by John Sieler: To take a neutral position on LB 125 with no staff testimony unless requested.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

LB 463 – Change juvenile penalty, records, service plan, probation sanctions, and truancy provisions

Motion by Jim Scheer, second by Lynn Cronk: To take a neutral position on LB 463 with staff technical testimony.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

7.2 Motion by Patricia Timm, second by Mark Quandahl: To approve the hearing draft of the proposed revisions to Title 93, Nebraska Administrative Code, Chapters 1-16, Nebraska Department of Education Personnel Rules, and authorize the Commissioner to set a hearing date and appoint a hearing official to conduct a hearing on behalf of the State Board.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

7.5 Motion by Mark Quandahl, second by Patricia Timm: To grant the Commissioner the authority to negotiate and enter into a grant agreement with Building Bright Futures, Inc. that will provide NDE with another year of funding for the design and implementation of an early childhood quality improvement initiative, including the development of curriculum and training sessions and the design and piloting of a professional development and quality improvement network.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

## 8. CONSENT AGENDA

Motion by Robert Evnen, second by Mark Quandahl: To approve the Consent Agenda as published.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen

Absent: Valdez, O'Holleran

The motion passed.

President Scheer called for a break at 10:20 a.m. The meeting resumed at 11:00 a.m.

## 5. HEARINGS

5.1 A hearing was held in *Commissioner v. W. David Barnes*, NDE Case No. 10-29. [Minutes of the hearing is attached.](#)

5.2 A hearing was held *In the Matter of the Reinstatement of Thatcher Lamm*, NDE Case No. 10-30. [Minutes of the hearing is attached.](#)

## 6. EXECUTIVE SESSION

Motion by Mark Quandahl, second by Patricia Timm: To move into Executive Session to deliberate and receive advice from legal counsel regarding contested cases. Board Member Lynn Cronk stated her support to move into Executive Session but will abstain from discussion and voting on Action Item 7.4.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen

Absent: Valdez, O'Holleran

The motion passed. At 11:13 a.m., the Board moved into Executive Session to deliberate and receive advice from legal counsel regarding contested cases.

Motion by Robert Evnen, second by Mark Quandahl: To adjourn the Executive Session of the Board and return to the business meeting.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen

Absent: Valdez, O'Holleran

The motion passed. At 11:35 a.m., the regular meeting of the Board resumed.

## 7. ACTION ITEMS

7.3 Motion by John Sieler, second by Mark Quandahl: To adopt the Recommendation of the Nebraska Professional Practices Commission, suspending Respondent's teaching certificate

for a period of one year, and to adopt the Final Order proposed by Legal Counsel *In Commissioner v. W. David Barnes*, NDE Case No. 10—29.

Voting Yes: Cronk, Scheer, Quandahl, Sieler, Timm, Evnen  
Absent: Valdez, O'Holleran

The motion passed.

- 7.4 Motion by Patricia Timm, second by John Sieler: To adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, finding that Respondent should be allowed to apply for his teaching certificate, and to adopt the Final Order proposed by Legal Counsel *In the Matter of the Reinstatement of Thatcher Lamm*, NDE Case No. 10-30.

Voting Yes: Scheer, Sieler, Timm  
Voting No: Quandahl, Evnen  
Abstain: Cronk  
Absent: Valdez, O'Holleran

The motion passed.

## **11. INFORMATION ITEMS/WRITTEN REPORTS**

- 11.3 Commissioner Breed highlighted the Special Education Funding Report.

## **10. BOARD REPORTS, DATES AND DISCUSSION ITEMS**

Commissioner Breed informed the Board of a request to name a Board member to the Education Standards Initiative. The Ad Hoc Accountability Committee will take the request under advisement.

Commissioner Breed informed the Board of a request for Board members to sit on the Committee for the June 7-8, 2011, Vision 2020 forum. President Scheer appointed Lynn Cronk and John Sieler.

Patricia Timm, Chair of the Policy Committee, asked Board members to review Board Policy G4, Reading and Writing.

Commissioner Breed informed the Board of a social breakfast invitation from the Governor to be held April 5, 2011.

There being no further business to come before the Board, President Scheer adjourned the meeting at 11:40 a.m.

**STATE BOARD OF EDUCATION**  
Nebraska Department of Education, State Board Meeting Room  
State Office Building, Sixth Floor  
301 Centennial Mall South  
Lincoln, Nebraska 68509

**MINUTES OF HEARING**  
**Commissioner v. W. David Barnes**  
**Case No. 10-29**  
**11:00 a.m.**

The State Board of Education met on February 8, 2011, in the State Board Meeting Room, Sixth Floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska, for the purpose of holding a hearing on Case No. 10-29, *Commissioner v. W. David Barnes*. Publicized notice of the hearing was given by posting notice on the Department's website on the internet; e-mailed 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 hearing. Specific notice of the hearing was provided to the parties involved in the proceeding.

Board President Jim Scheer declared a quorum present and called the hearing to order at 11:03 a.m. The following State Board of Education members were present: Robert Evnen, Patricia Timm, Mark Quandahl, Jim Scheer, Lynn Cronk, and John Sieler. Molly O'Holleran and Rebecca Valdez were absent.

President Scheer noted that the Nebraska Professional Practices Commission recommended in the case report the Board suspend the Nebraska Public Schools teaching certificate of the Respondent for a period of one year. He stated that the Board was provided with a copy of the case file containing the recommended Findings of Fact, Conclusions of Law, and Recommendation, and copies of all pleadings, exhibits, and testimony, which were marked as Exhibit 1. A copy of the Notice of Hearing was marked as Exhibit 2. Hearing no objections, the Exhibits were received.

Kathi Vontz, representing the Nebraska Professional Practices Commission, presented a summary of the case report and recommended that the Respondent's certificate be suspend for a period of one year.

Brian Halstead, General Counsel, appeared on behalf of the Commissioner of Education in support of the recommendation of the Professional Practices Commission.

The Respondent was not present nor represented by Counsel.

There being no further testimony, President Scheer adjourned the hearing on Case No. 10-29 at 11:07 a.m.

## **STATE BOARD OF EDUCATION**

Nebraska Department of Education, State Board Meeting Room  
State Office Building, Sixth Floor  
301 Centennial Mall South  
Lincoln, Nebraska 68509

### **MINUTES OF HEARING**

#### **In the Matter of the Reinstatement of Thatcher Lamm Case No. 10-30**

The State Board of Education met on February 8, 2011, in the State Board Meeting Room, Sixth Floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska, for the purpose of holding a hearing on Case No. 10-30, *In the Matter of the Reinstatement of Thatcher Lamm*. Publicized notice of the hearing was given by posting notice on the Department's website on the internet; e-mailed 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 hearing. Specific notice of the hearing was provided to the parties involved in the proceeding.

Board President Jim Scheer declared a quorum present and called the hearing to order at 11:07 a.m. The following State Board of Education members were present: Robert Evnen, Patricia Timm, Mark Quandahl, Jim Scheer, Lynn Cronk, and John Sieler. Rebecca Valdez and Molly O'Holleran were absent.

President Scheer noted that the Nebraska Professional Practices Commission recommended in the case report that the Board allow the Petitioner to apply for a Nebraska Public Schools teaching certificate. He stated that the Board was provided with a copy of the case file containing the recommended Findings of Fact, Conclusions of Law, and Recommendation, and copies of all pleadings, exhibits, and testimony, which were marked as Exhibit 1. A copy of the Notice of Hearing was marked as Exhibit 2. Hearing no objections, the Exhibits were received.

Kathi Vontz, representing the Nebraska Professional Practices Commission, presented a summary of the case report and recommended that the Respondent's certificate be allow to apply for a Nebraska Public Schools teaching certificate.

Rick Wade, legal counsel for the Applicant, appeared on behalf of Mr. Lamm and supported the recommendation of the Professional Practices Commission. Mr. Lamm was also present.

Brian Halstead, General Counsel, appeared on behalf of the Commissioner of Education.

There being no further testimony, President Scheer adjourned the hearing on Case No. 10-30 at 11:12 a.m.