

PLEASE NOTE: Support documentation for agenda items can be accessed through the posted [Agenda](#).

NEBRASKA STATE BOARD OF EDUCATION
Nebraska Department of Education
Minutes of the State Board of Education Meeting
September 6-7, 2012

MINUTES OF THE WORK SESSION – Thursday, September 6, 2012

The State Board of Education met for purposes of a work session on Thursday, September 6, 2012, beginning at 2:00 p.m. The work session was held at the State Office Building in the State Board Meeting Room in Lincoln, Nebraska. Publicized notice of the work 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 Scheer called the meeting to order at 2:04 p.m. Roll call showed the following members present: Lynn Cronk, Jim Scheer, Mark Quandahl, John Sieler, Patricia Timm, Molly O’Holleran, and Robert Evnen. Rebecca Valdez was absent. Commissioner Breed was also present.
- 1.2 President Scheer announced the placement of the Open Meetings Act.

President Scheer called for a moment of silence for the accident victims of the Blue Hill School Bus crash on September 5, 2012.

2. REPORTS AND DISCUSSIONS

2.1 STANDARDS, ASSESSMENT AND ACCOUNTABILITY

- 2.1.1 NeSA results. Valorie Foy, Department of Education representative, provided an update on NeSA results.
- 2.1.2 Valorie Foy, Department of Education representative, discussed the Request for Proposal (RFP) for the NeSA testing system for the next five years.
- 2.2 Discuss the contract with the Coordinating Commission for Postsecondary Education to conduct an ACT testing research project. No report is available at this time, reviewing several contracts and will present to Board in October. Action Item 7.2 will also be removed from the business meeting on Friday, September 6, 2012.
- 2.3 Russ Inbody and Shane Rhian, Department of Education representatives, discussed the FY 2013-14 and 2014-15 Budget Request.
- 2.4 Brian Halstead, Assistant Commissioner, discussed the attendance update.

- 2.5 Commissioner Breed discussed the State Board of Education Resolution recognizing October 2012 as Nebraska School Bullying Awareness Month.
- 2.6 Russ Inbody, Nebraska Department of Education representative, discussed Rule 8 (92 NAC 8), *Regulations for School Financing and Budgeting*.
- 2.7 Sharon Katt and Pat Madsen, Department of Education representatives, discussed changes to the 2012-2013 Nebraska Council on Teacher Education (NCTE) membership roster.
- 2.8 Sharon Katt and Pat Madsen, Department of Education representatives, discussed the vacancy for an alternate for the Board-appointed category of Teachers on the Nebraska Council on Teacher Education (NCTE).

President Scheer called for a break at 2:57 p.m. The meeting resumed at 3:16 p.m.

- 2.9 Mary Ann Losh and Jolene Palmer, Department of Education representatives, discussed the contract with the American Institutes for Research for assistance with implementation of the Nebraska Positive Behavioral intervention and Supports (NPBiS) grant.

3. PRESENTATION

- 3.1 John McCollister, Platte Institute, and Aimee Rogstad Guidera, Data Quality Campaign, presented on *Tapping into the Power of Data to Improve Student Achievement*. (Handouts: Power Point: Empowering Stakeholders in Nebraska with Data Improves Outcomes; Data Quality Campaign materials for Nebraska)

There being no further business to come before the Board, President Scheer adjourned the meeting at 4:20 p.m.

MINUTES OF THE BUSINESS MEETING – Friday, September 7, 2012

The State Board of Education met for purposes of a business meeting on Friday, September 7, 2012, 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 meeting 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 Scheer led the Pledge of Allegiance.
- 1.2 President Scheer called the meeting to order at 9:07 a.m. Roll call showed the following members present: Lynn Cronk, Jim Scheer, Mark Quandahl, John Sieler, Patricia Timm, Molly O'Holleran, Rebecca Valdez and Robert Evnen. Commissioner Breed was also present.
- 1.3 President Scheer announced the placement of the Open Meetings Act.

President Scheer called for a moment of silence for the accident victims of the Blue Hill School Bus crash on September 5, 2012.

2. APPROVAL OF THE MINUTES

- 2.1 Motion by Patricia Timm, second by Rebecca Valdez: To approve the minutes of the August 9-10, 2012, State Board of Education meeting.

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

The motion passed.

3.0 APPROVAL OF AGENDA for September 7, 2012

Commissioner Breed recommended removal of Action Item 7.2 and Consent Agenda Item 8.4.1 be removed and placed on the Action Agenda as Item 7.13.

Motion by Robert Evnen, second by Molly O'Holleran: To amend the Agenda as recommended.

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

The motion passed.

Motion by Patricia Timm, second by Lynn Cronk: To approve the Agenda as amended.

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

The motion passed.

4. PUBLIC PARTICIPATION

4.1.1 Bob VanValkenburg – Making the State Board of Education more User Friendly

4.2 Public Comment

- Lois Kenkle – Pledge
- Rachel Pinkerton - Social Studies Standards
- David McBlain – Social Studies Standards
- Judy Zabel – Social Studies Standards
- Jeremy Murphy – Nebraska Catholic Conference – NDE Budget – textbook loan and ACT testing of all junior students

President Scheer granted Board Member Robert Evnen a point of indulgence to clarify the reference to the Supreme Court Case regarding the pledge and the Social Studies Standards process.

President Scheer noted that State Board work sessions are also broadcast and open to the public.

7. ACTION ITEMS

7.1 Motion by Patricia Timm, second by Molly O'Holleran: To adopt the State Board of Education Resolution as revised recognizing October 2012 as Nebraska School Bullying Awareness Month.

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

The motion passed.

7.2 This item was pulled from the Agenda.

7.3 Motion by Molly O'Holleran, second by Lynn Cronk: To approve the Department's FY 2013-14 and 2014-15 budget request which includes the Budget Issues, Budget Modifications and requested amounts.

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

The motion passed.

7.4 Motion by Mark Quandahl, second by Patricia Timm: To grant the Commissioner the authority to adopt a hearing draft for the proposed revised Rule 8 (92 NAC 8), *Regulations for School Financing and Budgeting*, to set a date, time and place for a hearing, and appoint a hearing official to conduct the hearing on behalf of the State Board.

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

The motion passed.

- 7.5 Motion by Robert Evnen, second by Rebecca Valdez: To grant the Commissioner the authority to contract with the American Institutes for Research for assistance with implementation of the Nebraska Positive Behavioral interventions & supports (NPBiS) grant.

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

The motion passed.

- 7.6 Motion by Patricia Timm, second by Mark Quandahl: In option enrollment Case No. 12-10, *Blocher v. North Platte Public Schools*, that this Board adopt the Hearing Officer's Recommended Findings of Fact and Recommended Conclusions of Law, affirm the Respondent's decision to deny the Petitioner's option enrollment application, and adopt the final order proposed by Legal Counsel.

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

The motion passed.

President Scheer called for a break at 10:01 a.m. The meeting resumed at 10:15 a.m.

- 7.10 Grant the Commissioner authority to contract with four contractors to assist in the grant proposal development with the Research and Evaluation Team and Statewide Training for implementation of Statewide Longitudinal Data Systems (SLDS) Grant.

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

The motion passed.

- 7.11 Motion by Robert Evnen, second by Patricia Timm: To grant the Commissioner the authority to contract with Aspect, Inc., for the support for the Adequate Yearly Progress.

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

The motion passed.

President Scheer declared a conflict of interest with Action Item 7.12 and passed control of the meeting to Vice President, Mark Quandahl.

- 7.12 Motion by Patricia Timm, second by John Sieler: To grant the Commissioner the authority to approve the contract with Liberty Centre to provide a supported employment program to serve Vocational Rehabilitation (VR) mental health consumers.

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

The motion passed. President Scheer resumed control of the meeting.

7.13 (Consent Agenda Item 8.4.1)

Motion by Patricia Timm, second by Robert Evnen: To approve school districts' request for exclusions to the budget limitation in accordance with the provisions of the Tax Equity & Educational Opportunities Support Act (TEEOSA) [as corrected](#).

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

The motion passed.

8. CONSENT AGENDA

Motion by Rebecca Valdez, second by Mark Quandahl: To approve the remaining items on the consent agenda.

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

The motion passed.

5. HEARINGS

5.1 A hearing was held in NDE Case No. 12-11, *Commissioner v. James Jay*. [Minutes](#) of the hearing are attached.

5.2 A hearing was held in NDE case No. 12-12, *Commissioner v. Steven Schenck*. [Minutes](#) of the hearing are attached.

5.3 A hearing was held in NDE Case No. 12-13, *In the Matter of the Reinstatement of Sarah Fendt v. Commissioner*. [Minutes](#) of the hearing are attached.

6. EXECUTIVE SESSION

6.1 Motion by Lynn Cronk, second by Mark Quandahl: To move into Executive Session for purposes of deliberating and receiving legal advice on contested cases.

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

The motion passed. At 10:54 a.m., the Board moved into Executive Session for purposes of deliberating and receiving legal advice on contested cases.

Motion by Rebecca Valdez, second by Patricia Timm: to adjourn the Executive Session of the Board and return to the regular meeting.

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

The motion passed. At 11:09 a.m., the Board adjourned the Executive Session and returned to the regular meeting.

7. ACTION ITEMS

- 7.7 Motion by Patricia Timm, second by mark Quandahl: In *Commissioner v. James Jay*, NDE Case No. 12-11, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, permanently revoking Respondent's teaching certificate, and to adopt the Final Order proposed by Legal Counsel.

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

The motion passed.

- 7.8 Motion by Mark Quandahl, second by Patricia Timm: In *Commissioner v. Steven Schenck*, NDE Case No. 12-12, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, permanently revoking Respondent's teaching certificate, and to adopt the Final Order proposed by Legal Counsel.

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

The motion passed.

- 7.9 Motion by Molly O'Holleran, second by John Sieler: *In the Matter of the Reinstatement of Sarah Fendt*, NDE Case No. 12-13, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, finding that Petitioner should be allowed to apply for her teaching certificate, and to adopt the Final Order proposed by Legal Counsel.

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

The motion passed.

10. BOARD REPORTS, DATES AND DISCUSSION ITEMS

- 10.4 President Jim Scheer appointed Molly O'Holleran as voting delegate for the NASBE conference, October 11-13, 2012, in Chicago, Illinois. Patricia Timm was appointed alternate.
- 10.3.2 Board members were reminded to register for the Nebraska Association of School Boards State Education Conference on November 14. Board Member Molly O'Holleran relayed her experience in attending three NASB regional meetings and encouraged other members to attend if possible.
- 10.5 Patricia Timm, Chair of the Policy Committee reported on the work of the Committee. The Committee plans to present a draft policy on Virtual Education to the Board in November and seek approval in December.

- 10.6 Mark Quandahl, Chair of the Legislative Committee, reported on the initial conversations regarding legislation for 2013.
- 10.7 Robert Evnen, Chair of the State Accountability Ad Hoc Committee, reported on the meeting of the Committee.

There being no further business to come before the Board, President Scheer adjourned the meeting at 11:19 a.m.

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

MINUTES OF HEARING
Roger D. Breed v. James Jay
Case No. 12-11
10:30 a.m.

The State Board of Education met on September 7, 2012, 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. 12-11, *Roger D. Breed, Commissioner v. James Jay*. 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 10:46 a.m. The following State Board of Education members were present:

Jim Scheer	Patricia Timm	Robert Evnen	Mark Quandahl
Rebecca Valdez	John Sieler	Molly O'Holleran	Lynn Cronk

President Scheer noted that the Nebraska Professional Practices Commission recommended in the case report that the Nebraska Public Schools teaching certificate of the Respondent be permanently revoked. 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. The notice of disposition hearing and the certified return receipts are marked as Exhibit 2. The written statement from the Clerk of the Nebraska Professional Practices Commission is marked as Exhibit 3. Hearing no objections, the Exhibits were received.

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. 12-11 at 10:49 a.m.

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

MINUTES OF HEARING
Roger D. Breed v. Steven Schenck
Case No. 12-12
10:30 a.m.

The State Board of Education met on September 7, 2012, 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. 12-12, *Roger D. Breed, Commissioner v. Steven Schenck*. 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 10:49 a.m. The following State Board of Education members were present:

Jim Scheer	Patricia Timm	Robert Evnen	Mark Quandahl
Rebecca Valdez	John Sieler	Molly O'Holleran	Lynn Cronk

President Scheer noted that the Nebraska Professional Practices Commission recommended in the case report that the Nebraska Public Schools teaching certificate of the Respondent be permanently revoked. 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. The notice of disposition hearing and the certified return receipts are marked as Exhibit 2. The written statement from the Clerk of the Nebraska Professional Practices Commission is marked as Exhibit 3. Hearing no objections, the Exhibits were received.

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. 12-12 at 10:50 a.m.

STATE BOARD 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 Sarah Fendt v. Commissioner
Case No. 12-13
10:30 a.m.

The State Board of Education met on September 7, 2012, 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. 12-13, *In the Matter of the Reinstatement of Sarah Fendt v. Commissioner*. 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 10:54 a.m. The following State Board of Education members were present:

Jim Scheer	Patricia Timm	Robert Evnen	Mark Quandahl
Rebecca Valdez	John Sieler	Molly O'Holleran	Lynn Cronk

President Scheer noted that the Nebraska Professional Practices Commission recommended in the case report that the Petitioner be allowed 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. The notice of disposition hearing and the certified return receipts are marked as Exhibit 2. The written statement from the Clerk of the Nebraska Professional Practices Commission is marked as Exhibit 3. A letter from the Petitioner, dated September 7, 2012, was received and marked as Exhibit 4. Hearing no objections, the Exhibits were received.

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

The Petitioner was not present nor represented by Counsel.

There being no further testimony, President Scheer adjourned the hearing on Case No. 12-13 at 10:54 a.m.

Nebraska Department of Education
 School Finance & Organization Services
 2012/13
 Retirement Contribution Increase Expenditure Exclusion Requests
 79-1028.01(1)(f) & (g)
 State Board of Education Approval
 September 7, 2012

Co/District	District Name	Retirement Contribution Increase
01-0090-000	ADAMS CENTRAL PUBLIC SCHOOLS	160,950
01-0123-000	SILVER LAKE PUBLIC SCHOOLS	53,364
02-0018-000	ELGIN PUBLIC SCHOOLS	28,592
06-0006-000	CEDAR RAPIDS PUBLIC SCHOOL	28,575
08-0036-000	LYNCH PUBLIC SCHOOLS	9,052
09-0010-000	AINSWORTH COMMUNITY SCHOOLS	80,486
11-0001-000	TEKAMAH-HERMAN COMMUNITY SCHE	95,307
13-0001-000	PLATTSMOUTH COMMUNITY SCHOOLS	263,019
21-0084-000	SARGENT PUBLIC SCHOOLS	32,815
22-0031-000	HOMER COMMUNITY SCHOOLS	66,085
27-0595-000	NORTH BEND CENTRAL PUBLIC SCHS	91,027
28-0010-000	ELKHORN PUBLIC SCHOOLS	698,947
32-0046-000	MAYWOOD PUBLIC SCHOOLS	32,224
32-0095-000	EUSTIS-FARNAM PUBLIC SCHOOLS	39,432
34-0001-000	SOUTHERN SCHOOL DIST 1	91,080
39-0010-000	GREELEY-WOLBACH PUBLIC SCHOOLS	35,362
39-0501-000	NORTH LOUP SCOTIA PUBLIC SCHS	34,936
45-0029-000	EWING PUBLIC SCHOOLS	25,932
45-0044-000	STUART PUBLIC SCHOOLS	29,119
48-0008-000	FAIRBURY PUBLIC SCHOOLS	130,295
48-0300-000	TRI COUNTY PUBLIC SCHOOLS	76,525
49-0033-000	STERLING PUBLIC SCHOOLS	39,413

Nebraska Department of Education
School Finance & Organization Services

2012/13
Retirement Contribution Increase Expenditure Exclusion Requests
79-1028.01(1)(f) & (g)

State Board of Education Approval
September 7, 2012

Co/District	District Name	Retirement Contribution Increase
50-0001-000	WILCOX-HILDRETH PUBLIC SCHOOLS	49,557
51-0001-000	OGALLALA PUBLIC SCHOOLS	189,750
55-0145-000	WAVERLY SCHOOL DISTRICT 145	254,162
55-0148-000	MALCOLM PUBLIC SCHOOLS	77,294
56-0007-000	MAXWELL PUBLIC SCHOOLS	51,552
58-0025-000	LOUP COUNTY PUBLIC SCHOOLS	24,535
59-0001-000	MADISON PUBLIC SCHOOLS	94,607
59-0013-000	NEWMAN GROVE PUBLIC SCHOOLS	44,289
61-0004-000	CENTRAL CITY PUBLIC SCHOOLS	118,944
62-0063-000	BRIDGEPORT PUBLIC SCHOOLS	113,652
71-0005-000	LAKEVIEW COMMUNITY SCHOOLS	125,336
76-0044-000	DORCHESTER PUBLIC SCHOOLS	34,354
77-0001-000	BELLEVUE PUBLIC SCHOOLS	1,684,136
77-0037-000	GRETNA PUBLIC SCHOOLS	459,736
78-0107-000	CEDAR BLUFFS PUBLIC SCHOOLS	37,931
79-0011-000	MORRILL PUBLIC SCHOOLS	83,394
79-0031-000	MITCHELL PUBLIC SCHOOLS	113,378
87-0001-000	PENDER PUBLIC SCHOOLS	56,210
93-0096-000	HEARTLAND COMMUNITY SCHOOLS	64,944