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NEBRASKA STATE BOARD OF EDUCATION
Nebraska Department of Education
Minutes of Meeting
August 8-9, 2013

MINUTES OF THE WORK SESSION – Thursday, August 8, 2013

The State Board of Education met for purposes of a work session on Thursday, August 8, 2013, beginning at 2:00 p.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 time, date and location of the meeting.

1. CALL TO ORDER

- 1.1. President Patricia Timm called the meeting to order at 2:08 p.m. Roll call showed the following Board members present: Rachel Wise, Rebecca Valdez, Patricia Timm, Lillie Larsen, Lynn Cronk, John Sieler, and Molly O’Holleran. Mark Quandahl was absent. Deputy Commissioner Scott Swisher was also present.
- 1.2. President Timm announced the location of the Open Meetings Act.

2. REPORTS AND DISCUSSIONS

- 2.1. Commissioner Search Discussion
 - 2.1.1. Gary Solomon and Eva Prokop, representatives of Proact Search, reviewed the draft Community Engagement Report and draft Position Profile. (Handouts)

President Timm reviewed the Timeline of Activities – 2013 NDE Commissioner Search. (Handout)
- 2.2. Gary Solomon and Eva Prokop, representative of Proact Search, and Joel Scherling, Department of Education representative, reviewed the draft Position Description for the Commissioner of Education. (Handout) President Timm advised the Board that the process relating to the semi-finalists and finalists will be reviewed by the Search Committee with a report to the full Board at a later time.

Member Rachel Wise stated, for the record, a request that the Search Committee review the minimum qualifications of the job description to have them reflect the wording of the statute.

2.3 Brian Halstead, Department of Education representative, provided Legislative Updates.

2.3.2 Federal Legislation Update

2.3.1 State Legislation Update: (Handout: Tax Modernization Committee Public Hearing Schedule - 7/23/13)

At 3:30 p.m., President Timm called for a break. The meeting resumed at 3:44 p.m.

2.4 Standards, Assessment and Accountability

Donlynn Rice introduced James Blake, new Science Director for the Department.

2.4.1 Donlynn Rice, Tricia Parker and James Blake, Department of Education representatives, discussed the proposed timeline for Nebraska Academic Standards review for College and Career Readiness. (Handout: PowerPoint: College and Career Readiness Timeline for Standards dated August 8, 2013)

2.4.2 Donlynn Rice and Tricia Parker, Department of Education representatives, reviewed the results of the alignment study for Language Arts. (Handouts: PowerPoint, Language Arts Alignment Results dated August 8, 2013; Nebraska State Standards compared to Common Core State Standards)

2.4.3 Valorie Foy, Department of Education representative, provided a timeline for the release of Nebraska State Accountability (NeSA) and State of the Schools Report (SOSR). August 13, 2013 is release of NeSA and September 27 for release of SOSR.

2.5 Rich Katt, Department of Education representative, discussed the hearing draft for the repeal of Rule 45 (92, NAC 45), *Regulations for Vocational Student Organizations*.

2.6 Rich Katt and Donlynn Rice, Department of Education representatives, discussed the approval of the proposed regulation, Title 92, Nebraska Administrative Code, Chapter 47, *Nebraska Career Academies*.

- 2.7 Donlynn Rice and Rich Katt, Department of Education representatives, discussed the contract for a State Advisory for HOSA (Future Health Professionals) and Future Educators Association career student organizations.
- 2.8 Rich Katt and Donlynn Rice, Department of Education representatives, discussed the contract with Research Triangle Institute to conduct an evaluation study of Nebraska Career Education.
- 2.9 Sharon Katt and Vicki Bauer, Department of Education representatives, discussed approval of the proposed revisions to Title 92, Nebraska Administrative Code, Chapter 81 (92 NAC 81), *Rules and Regulations for the High School Equivalency Program*.

Sharon Katt announced that Vicki Bauer, Director of the GED program, received the 2013 Distinguished Service Award from GED Testing Service.

- 2.10 Sharon Katt and Kevin Peters, Department of Education representatives, discussed the hearing draft of the proposed revisions to Rule 23 (92 NAC 23), *Regulations for the Basic Skills Competency Testing of Teachers and Administrators*.
- 2.11 Sharon Katt and Pat Madsen, Department of Education representatives, discussed the 2013-2014 Educator Preparation programs in Nebraska colleges and universities.
- 2.12 Melody Hobson, Department of Education representative, discussed approval of the Early Childhood programs established by public schools and Educational Service Units.
- 2.13 Melody Hobson, Department of Education representative, discussed contracting for external trainer/coaches for implementation of Early Childhood Pyramid Model for Promoting Social/Emotional Competence in preschool programs operated by school districts and Head Start programs.
- 2.14 Freida Lange, Department of Education representative, discussed conditional approval to operate for the 2013-14 school year for The Hills Montessori School, under Rule 14 (92 NAC 14), *Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools*.
- 2.15 Freida Lange and Dennis McGuire, Department of Education representatives, discussed conditional approval to operate for the 2013-14 school year for Uta Halee Academy Program, under Rule 18 (92 NAC 18), *Interim-Program Schools in County Detention Homes, Institutions, and Juvenile Emergency Shelters*.

- 2.16 President Timm discussed an opening for an evaluator of the Ann Mactier Leadership for Learning Award.

President Timm asked that the Search Committee meet at 8:00 a.m. on Friday morning.

- 2.17 Cory Epler, Department of Education representative, discussed the contract with Catapult Learning to develop and deliver a customized professional development series designed to provide Nebraska Career Education teachers with the strategies they can utilize in their classroom that will improve students' academic literacy within Career Technical Education (CTE) areas.

President Timm adjourned the meeting at 5:10 p.m.

MINUTES OF THE MEETING – Friday, August 9, 2013

The State Board of Education met for purposes of a meeting on Friday, August 9, 2013, 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 time, date and location of the meeting.

1. CALL TO ORDER

- 1.1. President Timm called the meeting to order at 9:02 a.m. Roll call showed the following Board members present: Lillie Larsen, Rebecca Valdez, Patricia Timm, Rachel Wise, Lynn Cronk, John Sieler, and Molly O'Holleran. Mark Quandahl was absent. Deputy Commissioner Swisher was also present.
- 1.2 President Timm led the Board in the Pledge of Allegiance.
- 1.3 President Timm announced the location of the Open Meetings Act.

2. APPROVAL OF THE MINUTES

Motion by Rebecca Valdez, second by Lillie Larsen: To approve the minutes of the June 6-7, 2013 State Board Meeting as published.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

3. APPROVAL OF AGENDA

Deputy Commissioner Swisher recommended amending the Agenda by moving Consent Agenda Item 8.5.3 to the Action Items for a separate vote.

Motion by Rachel Wise, second by Molly O'Holleran: To approve the August 9, 2013, Agenda as amended.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

4. PUBLIC PARTICIPATION

4.1 Request for Appearance

4.1.1 Ralph Bodie, speaking to Common Core. (Handouts)

4.2 Public Comment

- Rachel Pinkerton, speaking to "Reducing the Federal Footprint" (Handouts)

State Board member John Sieler requested Public Comment time be expanded to one hour at future board meetings. President Timm asked the Policy Committee to review the public comment policy and provide a recommendation to the full Board.

7. ACTION ITEMS

7.1 Motion by Lynn Cronk, second by Rebecca Valdez: To accept the Stakeholder Engagement Report for the search for a new Commissioner.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.2 Motion by Rachel Wise, second by Lillie Larsen: To approve the Position Profile for the search for a new Commissioner as presented in the 8/9/13 document.
(Handout)

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.3 Motion by Rachel Wise, second by Lynn Cronk: To approve the timeline for Nebraska Academic Standards review for College and Career Readiness.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.4 Motion by Mollie O'Holleran, second by Lynn Cronk: To authorize the Deputy Commissioner to approve the hearing draft for the repeal of Rule 45 (92, NAC 45), *Regulations for Vocational Student Organizations* and to set a time and place for the hearing and appoint a hearing official to conduct a hearing on behalf of the State Board.

Voting Yes: Timm, Valdez, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl, Seiler

The motion passed.

- 7.5 Motion by Rachel Wise, second by Rebecca Valdez: To approve the proposed regulation, Title 92, Nebraska Administrative Code, Chapter 47, *Nebraska Career Academies*.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.6 Motion by Lynn Cronk, second by Lillie Larsen: To grant the Deputy Commissioner the authority to contract for a State Advisor for HoSA (Future Health Professionals) and Future Educators Association career student organizations.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.7 Motion by Rachel Wise, second by John Sieler: To grant the Deputy Commissioner the authority to contract with Research Triangle Institute to conduct an evaluation study of Nebraska Career Education.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.8 Motion by Molly O'Holleran, second by Rebecca Valdez: To approve the proposed revisions to Title 92, Nebraska Administrative Code, Chapter 81 (92 NAC 81), *Rules and Regulations for the High School Equivalency Program*.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.9 Motion by Lillie Larsen, second by Molly O'Holleran: To approve a hearing draft of the proposed revisions to Rule 23 (92 NAC23) *Regulations for the Basic Skills Competency Testing of Teachers and Administrators* and grant the Deputy Commissioner authority to set a time and place for the hearing and to appoint a hearing official to conduct the hearing on behalf of the State Board.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.10 Motion by John Sieler, second by Rachel Wise: To approve the 2013-2014 Educator Preparation programs in Nebraska colleges and universities listed in the Board material.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.11 Motion by Rachel Wise, second by Lillie Larsen: To approve Early Childhood programs established by public schools and Educational Service Units as listed in the Board material.

Voting Yes: Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl
Abstain: Timm

The motion passed.

- 7.12 Motion by John Sieler, second by Rebecca Valdez: To authorize the Deputy Commissioner to approve contracts for external trainer/coaches for implementation of Early Childhood Pyramid Model for Promoting Social/Emotional Competence in preschool programs operated by school districts and Head Start programs.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.13 Motion by Lynn Cronk, second by Lillie Larsen: To grant conditional approval to operate for the 2013-14 school year for the Hills Montessori School, under Rule 14 (92 NMAC 14), Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.14 Motion by Molly O'Holleran, second by Rachel Wise: To grant conditional approval to operate for the 2013-14 school year for the Uta Halee Academy Program, under Rule 18 (92 NAC 18), *Interim Program Schools in County Detention Homes, Institutions, and Juvenile Emergency Shelters.*

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.18 Motion by Lynn Cronk, second by Rachel Wise: To grant the Deputy Commissioner the authority to contract with Catapult Learning to develop and deliver a customized professional development series designed to provide Nebraska Career Education teachers with strategies they can utilize in their classroom that will improve students' academic literacy within Career Technical Education (CTE) areas.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

8. CONSENT AGENDA

Motion by Lynn Cronk, second by Rebecca Valdez: To approve the Consent Agenda removing Item 8.5.3 for a separate vote.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

7. ACTION ITEMS

- 7.19 (8.5.3) Motion by Rebecca Valdez, second by John Sieler: To authorize the Deputy Commissioner to provide a continuation grant to Building Bright Futures D2 Center.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Larsen
Absent: Quandahl
Abstain: Wise

The motion passed.

10. BOARD REPORTS, DATES AND DISCUSSION ITEMS

- President Timm informed Board members to save the date for the Latino Conference held October 28, 2013, in Kearney, Nebraska.

At 10:25 a.m., President Timm called for a break. The meeting resumed at 10:40 a.m.

- In an effort to coordinate scheduling during the Commissioner Search process, Board members are asked to submit calendar dates of known conflicts for October, November and December, 2013.

10.2 Approve request for meeting attendance

- Lillie Larsen expressed interest in attending a regional meeting on Common Core State Standards in Missouri. No details were available.

10.3 Meeting participation

- The Nebraska Teacher of the Year Luncheon will be held during the November State Board meeting.
- Lillie Larsen and Rachel Wise reported on the National Association of State Boards of Education (NASBE) New Board Member Institute, July 26-27, 2013, in Arlington, Virginia
- Molly O'Holleran reported on the National Association of State Boards of Education (NASBE) Annual Conference July 28-30, 2013, Arlington, Virginia.

5. HEARINGS

- 5.1 A hearing was held in NDE Case No. 13-12, *Commissioner vs. Adam Jones*. [Minutes](#) of the hearing are attached.
- 5.2 A hearing was held in NDE Case No. 13-13, *Commissioner vs. Gerald Dorn*. [Minutes](#) of the hearing are attached.

6. EXECUTIVE SESSION

Motion by Rebecca Valdez, second by John Sieler: To move into Executive Session to deliberate and receive advice from Legal Counsel on contested cases.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

At 11:08 a.m., the State Board moved into Executive Session to deliberate and receive advice from legal Counsel on contested cases.

Motion by Lynn Cronk, second by Rachel Wise: To adjourn the Executive Session of the State Board and return to the regular business meeting.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed. At 11:23 a.m., the Board adjourned the Executive Session of the State board and returned to the regular business meeting.

7. ACTION ITEMS

- 7.15 Motion by Rachel Wise, second by Rebecca Valdez: In *Commissioner v. Adam Jones*, NDE Case No. 13-12, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, permanently revoking the Respondent's teaching certificate, and to adopt the Final Order proposed by Legal Counsel.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.16 Motion by Molly O'Holleran, second by Rachel Wise: In *Commissioner v. Gerald Dorn*, NDE Case No. 13-13, that this Board adopt the Findings of Fact, Conclusions of Law and Recommendation of the Nebraska Professional Practices Commission, revoking the Respondent's teaching certificate for a period of one year. However, this Board has determined that the one-year revocation period should begin to run from and after today's date, not December 31, 2012, as recommended by the NPPC. The Board further moves the adoption of the Final Order proposed by Legal Counsel.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

- 7.17 Motion by Lynn Cronk, second by Molly O'Holleran: In *Pirnie v. North Platte Public Schools*, Case No. 13-10, that this Board adopt the Hearing Officer's proposed 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 prepared by Legal Counsel.

Voting Yes: Timm, Valdez, Sieler, O'Holleran, Cronk, Wise, Larsen
Absent: Quandahl

The motion passed.

10. BOARD REPORTS, DATES AND DISCUSSION ITEMS

10.3 Meeting participation (continued)

- Lynn Cronk and Patricia Timm reported on Administrators' Days, July 31-August 2, 2013, held at the Younes Conference Center, Kearney, Nebraska.
- Dr. Swisher reminded Board Members of the NASB/NASA State Education Conference scheduled for November 22, 2013, in Papillion La Vista.

10.4 Molly O'Holleran reported on the State Accountability Ad Hoc Committee meeting.

10.5 Legislative Committee report. No report.

10.6 Rebecca Valdez reported on the meeting of the Policy Committee. State Board Policy for Expanded Learning Opportunities will be voted on at September board meeting.

Molly O'Holleran discussed the possibility of a State Board newsletter, update or bulletin. President Timm will advise the Policy Committee at a later date.

10.7 Commissioner Search Committee report. No report.

10.8 Lynn Cronk reported on the Standards Committee meeting.

President Timm appointed Rachel Wise to serve as an evaluator for the Ann Mactier Leadership Award.

John Seiler reported on the Eleanor Roosevelt Luncheon he attended June 27, 2013, in Omaha, Nebraska; and announced that Rebecca Valdez was awarded the Douglas County Democrats Mentoring Award during that luncheon.

There being no further business to come before the Board, President Timm adjourned the meeting at 11:55 a.m.

STATE BOARD OF EDUCATION
MINUTES OF HEARING
Roger D. Breed v. Gerald Dorn, Case No. 13-13
11:00 a.m.
August 9, 2013

The State Board of Education met on August 9, 2013, 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.13-13, *Roger D. Breed, Commissioner v. Gerald Dorn*. 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 Patricia Timm declared a quorum present and called the hearing to order at 11:03 a.m. The following State Board of Education members were present:

Patricia Timm	Rachel Wise	Lillie Larsen	
Rebecca Valdez	John Sieler	Molly O'Holleran	Lynn Cronk

President Timm noted that the Nebraska Professional Practices Commission recommended in the case report that the Board revoke for one year the Nebraska teaching certificate of the Respondent beginning December 31, 2012. She 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 revoked for one year, beginning December 31, 2012.

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 Timm adjourned the hearing on Case No. 13-13 at 11:06 a.m.

STATE BOARD OF EDUCATION
MINUTES OF HEARING
Roger D. Breed v. Adam Jones, Case No. 13-12
11:00 a.m.
August 9, 2013

The State Board of Education met on August 9, 2013, 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.13-12, *Roger D. Breed, Commissioner v. Adam Jones*. 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 Patricia Timm declared a quorum present and called the hearing to order at 11:00 a.m. The following State Board of Education members were present:

Patricia Timm	Rachel Wise	Lillie Larsen	
Rebecca Valdez	John Sieler	Molly O'Holleran	Lynn Cronk

President Timm noted that the Nebraska Professional Practices Commission recommended in the case report that the Board permanently revoke the Nebraska teaching certificate of the Respondent. She 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 permanently revoked.

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 Timm adjourned the hearing on Case No. 13-12 at 11:03 a.m.