

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 Meeting
November 7-8, 2013

MINUTES OF THE WORK SESSION – Thursday, November 7, 2013

The State Board of Education met for purposes of a work session on Thursday, November 7, 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 Roll Call.

Patricia Timm, President of the State Board of Education, called the work session to order at 2:05 p.m. Roll call showed the following members present: Mark Quandahl, Lynn Cronk, Rachel Wise, Lillie Larsen, John Sieler, and Molly O'Holleran. Rebecca Valdez and Deputy Commissioner, Scott Swisher, were absent.

Brian Halstead, Assistant Commissioner, was also present and filling in for Dr. Swisher. President Timm announced that Deputy Commissioner Scott Swisher will not be present due to family matters. Board Member Rebecca Valdez will also be absent due to family matters.

Brian Halstead, Assistant Commissioner, will be sitting in for Dr. Swisher.

1.2 President Timm announced the placement of the Open Meetings Act information.

2. REPORTS AND DISCUSSIONS

2.1 2013 Nebraska Teacher of the Year, Angela Mosier, Westside High School, Omaha, Nebraska, provided a "Year in Review" of her term as Teacher of the Year.

2.2 President Timm provided an update on the Commissioner search process. President Timm reported on the Search Committee meeting with Proact on November 6, 2013, to deliberate on the advancement of candidates as semi-finalists. President Timm reported that there is a strong pool of candidates and the Search Committee will move 8 candidates forward as semifinalists. Finalists will be

recommended at the State Board December meeting for interview by the Board at a later date.

2.3 STANDARDS, ASSESSMENT AND ACCOUNTABILITY

- 2.3.1 Fine Arts Standards update. Donlynn Rice and Debbie DeFrain, Department of Education representatives, provided an update on the Fine Arts Standards. (Handout: PowerPoint dated November 7, 2013, Fine Arts Standards Update)
- 2.4 Russ Inbody, Department of Education representative, provided an update on Rule 12 (92 NAC 12), *Regulations and Procedures for Exempting Schools for Which Parents Elect Not to Meet Legal Requirements for School Approval and Accreditation for Other than Religious Reasons* and Rule 13 (92 NAC 13), *Regulations and Procedures for Exempting Schools for Which Parents Elect Not to Meet Legal Requirements for School Approval and Accreditation for Religious Reasons*. There will be no action on Rules 12 and 13 at the November meeting.
- 2.5 Sharon Katt and Vicki Bauer, Department of Education representatives, discussed a proposed hearing draft of Rule 82 (92 NAC 82), *Rules and Regulations Governing the Diploma of High School Equivalency Assistance Act*.
- 2.6 Sharon Katt and Kevin Peters, Department of Education representatives, discussed the proposed revisions to Rule 21 (92 NAC 21) *Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools*.
- 2.7 President Timm discussed the 2014 State Board of Education meeting dates. The Board will be take action on setting the meeting dates at the regular meeting.

EXECUTIVE SESSION

Motion by Mark Quandahl, second by Lynn Cronk: To go into Executive Session for the protection of the public interest to discuss with Legal Counsel the legal consequences of particular actions.

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

The motion passed.

At 3:52 p.m., the State Board moved into Executive Session for the protection of the public interest to discuss with Legal Counsel the legal consequences of particular actions.

Motion by Molly O'Holleran, second Mark Quandahl: To return to the regular meeting of the State Board.

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

The motion passed. At 5:00 p.m., the State Board of Education adjourned the Executive Session to return to the regular meeting of the Board.

There being no further business to come before the Board, President Timm adjourned the meeting at 5:00 p.m.

MINUTES OF THE MEETING – Friday, November 8, 2013

The State Board of Education met for purposes of a meeting on Friday, November 8, 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 9:05 a.m. Roll call showed the following Board members present: Lillie Larsen, Patricia Timm, Rachel Wise, Lynn Cronk, John Sieler, Mark Quandahl and Molly O'Holleran. Rebecca Valdez was absent. Deputy Commissioner Swisher was not present due to family responsibilities. Marilyn Peterson, Assistant Commissioner was 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 Rachel Wise, second by John Sieler: To approve the minutes of the October 5-6, 2013, State Board of Education meeting.

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

The motion passed.

3. APPROVAL OF AGENDA for November 8, 2013

Motion by Lynn Cronk, second by Lillie Larsen: to approve the November Agenda as published.

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

The motion passed.

4. PUBLIC PARTICIPATION

4.1 Request for Appearance – Henry W. Burke, Speaking to Nebraska standards for English Language Arts and Reading (Handout: Proposed Nebraska Standards for English Language Arts and Reading)

4.2 Public Comment.

- Rachel Pinkerton, speaking to Rules 12-13 and excessive absence legislation
- Marty Skomol, Nebraska Arts Council, speaking in support of fine arts standards (handouts: 3 - extra copies not available)
- Laura McCormack, Omaha, seeking assistance to obtain information from NSEA on Truancy Solutions program

5. HEARINGS

5.1 A hearing was held in NDE Case No. 13-16, *Deputy Commissioner v. Drew Onnen*. [Minutes of the hearing are attached.](#)

5.2 A hearing was held in Case No. 13-17, *In the Matter of the Reinstatement of Rodney Bussinger*. [Minutes of the hearing are attached.](#)

6. EXECUTIVE SESSION

Motion by Mark Quandahl, second by Rachel Wise: To move into Executive Session to deliberate regarding contested cases and to receive advice from Legal Counsel.

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

The motion passed. At 10:02 a.m. the Board moved into Executive Session to deliberate regarding contested cases and to receive advice from Legal Counsel.

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

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

Absent: Valdez

The motion passed. At 10:23 a.m., the Board adjourned the Executive Session and returned to the regular business meeting.

7. ACTION ITEMS

- 7.1 Motion by Mark Quandahl, second by Rachel Wise: In *Deputy Commissioner v. Drew Onnen*, NDE Case No. 13-16, 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 certificates, and to adopt the Final Order proposed by Legal Counsel.

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

The motion passed.

- 7.2 Motion by Mark Quandahl, second by Rachel Wise: In *In the Matter of the Reinstatement of Rodney Bussinger*, NDE Case No. 13-17, 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 his teaching certificate, and to adopt the Final Order proposed by Legal Counsel.

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

The motion passed.

Vice President Quandahl took a moment of privilege to welcome Dr. Bob Hastings, superintendent of Gering Public Schools. Dr. Hastings spoke in appreciation of the work of the Board and Department of Education.

At 10:25 a.m., Mark Quandahl left the meeting.

- 7.3 Motion by Molly O'Holleran, second by Lynn Cronk: To grant the Deputy Commissioner the authority to adopt a hearing draft of Rule 82 (92 NAC 82), *Rules and Regulations Governing the Diploma of High School Equivalency Assistance Act*, and grant the Deputy Commissioner the 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, Cronk, Wise, Larsen, Sieler, O'Holleran

Absent: Valdez, Quandahl

The motion passed.

7.4 Motion by John Sieler, second by Lillie Larsen: To take item 7.4 off the table from the October meeting to take action on the item.

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

The motion passed.

Motion by Molly O'Holleran, second by Lynn Cronk: To approve the calendar for the 2014 board meeting dates as presented in the [attached document](#).

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

The motion passed.

8. CONSENT AGENDA

Motion by Rachel Wise, second by Lillie Larsen: To approve the Consent Agenda as published.

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

The motion passed.

10. BOARD REPORTS AND DISCUSSION ITEMS

10.1 No discussion

10.2 A request by Molly O'Holleran to attend the Nebraska Music Educators Conference in Lincoln was approved.

10.3 Meeting Participation

- John Sieler, Molly O'Holleran, Lillie Larsen and Pat Timm will be attending the Nebraska Association of School Boards State Education Conference on November 22, 2013, at 10:30 a.m. The Board discussed topics to discuss at the Roundtable:

- Accountability
- ACT Project involvement in districts
- Standards update
- Teacher/Principal Evaluation Model (update)

Dr. Swisher will provide opening comments and an overview of Department activities.

- Lynn Cronk and Rachel Wise reported on the Latino Summit they attended on October 28 in Kearney.
- 10.4 Legislative Committee Report. Mark Quandahl was testifying at the Interim Study Hearing on LB 305.
- 10.5 Policy Committee Report. John Sieler reported on behalf of Rebecca Valdez. The Board will be asked to consider a revised policy concerning public participation at the December meeting.
- 10.6 Commissioner Search Report. Patricia Timm reported on the strong and diverse pool of candidates for the Commissioner position.
- 10.7 Standards Committee Report. Lynn Cronk reported on the fine arts standards and that the Board will be approving a hearing draft in December.
- 10.8 State Accountability Ad Hoc Committee. Molly O'Holleran reported on the meeting of the Committee.

11. INFORMATION ITEMS

Board members are reminded to review the information from NASBE and to select any committees or study groups they may want to serve on for 2014.

ADJOURNMENT

There being no further business to come before the Board, President Timm adjourned the meeting at 10:45 a.m.

2014 - First Monday-Tuesday (Legislative Session); remainder First Thursday-Friday

January						
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January 27 Legislative Retreat

April						
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April 14-15 NDE Data Conf.

July						
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July 30-Aug 1 Admin Days

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M-T or T-F

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M-T or T-F

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December						
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- Board Meeting Days
- Holidays
- NDE Events

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 Rodney Bussinger, Case No. 13-17
9:30 a.m. - November 8, 2013

The State Board of Education met on November 8, 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.13-17, *In the Matter of the Reinstatement of Rodney Bussinger*. 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 9:45 a.m. The following State Board of Education members were present:

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

Rebecca Valdez was absent. President Timm noted that the Nebraska Professional Practices Commission recommended in the case report that the Board allow Petitioner to apply for reinstatement of the Nebraska teaching certificate of the Petitioner. 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 Petitioner be allowed to apply for reinstatement.

The Petitioner was present and represented by Counsel, Rick Wade, who supported the recommendation of the Professional Practices Commission.

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

There being no further testimony, President Timm adjourned the hearing on Case No. 13-17 at 10:00 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

Scott Swisher, Deputy Commissioner v. Drew Onnen, Case No. 13-16
9:30 a.m. - November 8, 2013

The State Board of Education met on November 8, 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.13-16, *Scott Swisher, Deputy Commissioner v. Drew Onnen*. 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 9:37 a.m. The following State Board of Education members were present:

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

Rebecca Valdez was absent. 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 present and spoke to the Board.

There being no further testimony, President Timm adjourned the hearing on Case No. 13-16 at 9:45 a.m.