

**State Board of Education Business Meeting Minutes**

November 07, 2014

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**State Board of Education Business Meeting**

November 07, 2014 9:00 AM

State Board Meeting Room

State Office Building, Sixth Floor

301 Centennial Mall South

Lincoln, NE 68509-4987

**1. CALL TO ORDER**

1.1. Roll Call

Attendance Taken at 9:01 AM:

Present Board Members:

District 6 - Vacant

Glen Flint

Lillie Larsen

Molly O'Holleran

John Sieler

Patricia Timm

Rachel Wise

John Witzel

1.2. Pledge of Allegiance

1.3. Announcement of the placement of the Open Meetings Act information

**2. APPROVAL OF THE MINUTES**

2.1. Approve the minutes of the October 2-3, 2014, State Board of Education meeting as published

**Motion Passed:** Approval of the minutes of the October 2-3, 2014, State Board of Education meeting as published passed with a motion by John Witzel and a second by Patricia Timm.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

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**3. APPROVAL OF AGENDA**

3.1. Commissioner's recommendations and items to be removed from consent agenda

**Motion Passed:** Approval of the Agenda passed with a motion by Lillie Larsen and a second by John Witzel.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

**4. PUBLIC COMMENT PERIOD**

- Rachel Pinkerton, LEAP, speaking to early childhood education (handouts)
- Jay Sears, NSEA – speaking to Board members and the current election results

President Wise acknowledged Patrick McPherson in the audience, newly elected State Board of Education member

**4.1. REQUEST FOR APPEARANCE**

4.1.A. Computer Science Education - Dawn Nizzi, Joseph Eknecht, Derek Babb, and Brian Dorn presented on computer science education

4.1.B. Nebraska State Statute 79-724 and Rule 10 - Richard Zierke presented on Nebraska statute 79-724 and Rule 10

**5. HEARINGS (10:00 a.m.)**

5.1. Hearing in NDE Case No. 14-13, *Commissioner v. Michelle Jacobsen*

The hearing was called to order at 10:00 a.m. Kathy Vontz appeared on behalf of the Nebraska Professional Practices Commission. It was their recommendation to suspend the petitioner's certificate for one year.

Brian Halstead, appeared on behalf of the Commissioner of Education, in support of the recommendation. The Respondent was not present nor represented by counsel.

The hearing was closed at 10:06 a.m.

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5.2. Hearing in NDE Case No. 14-14, *Commissioner v. Aaron Sasges*

The hearing was called to order at 10:06 a.m. Kathy Vontz, appeared on behalf of the Nebraska Professional Practices Commission. It was their recommendation to revoke the Petitioner's certificate for five years beginning May 31, 2014.

Brian Halstead, representing Commissioner of Education, appeared in support of the recommendation of the PPC. Respondent was present and represented by legal counsel, Mark McGuire. Counsel requested a three-year revocation beginning February 1, 2013.

The hearing closed at 10:22 a.m.

**6. EXECUTIVE SESSION**

**Motion Passed:** The Board will now go into executive session only to deliberate and receive advice from Legal Counsel on contested cases and to discuss and finalize the terms of the Commissioner's upcoming contract for the protection of public interest passed with a motion by John Sieler and a second by Molly O'Holleran. At 10:23 a.m., the Board moved into Executive Session.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

At 10:23 a.m., the Board moved into executive session only to deliberate and receive advice from Legal Counsel on contested cases and to discuss and finalize the terms of the Commissioner's upcoming contract for the protection of public interest

**Motion Passed:** To adjourn the executive session at 11:00 a.m. and resume the regular meeting passed with a motion by Molly O'Holleran and a second by Patricia Timm.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

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At 11:00 a.m., the Board adjourned the executive session and resumed the regular meeting.

**7. ACTION ITEMS**

7.1. Consider the PPC's Recommended Decision in NDE Case No. 14-13, *Commissioner v. Michelle Jacobsen*

**Motion Passed:** In *Commissioner v. Michelle Jacobsen*, NDE Case No. 14-13, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, suspending the Respondent's teaching certificate for a period of one year, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Lillie Larsen and a second by Patricia Timm.

FOR THE RECORD: The State Board of Education will not tolerate teachers falsifying test results.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

7.2. Consider the PPC's Recommended Decision in NDE Case No. 14-14, *Commissioner v. Aaron Sasges*

**Motion Passed:** In *Commissioner v. Aaron Sasges*, NDE Case No. 14-14, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, revoking the Respondent's administrative certificate for a period of four years from May 31, 2014, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Patricia Timm and a second by Molly O'Holleran.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

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- 7.3. Terminate rule-making process concerning proposed amendments to Rule 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) that were the subject of the hearing held 10/15/13

**Motion Passed:** Terminate rule-making process concerning proposed amendments to Rule 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*) that were the subject of the hearing held 10/15/13 passed with a motion by John Sieler and a second by Molly O'Holleran.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

- 7.4. Terminate rule-making process concerning the proposed amendments to Rule 13 (Regulations and Procedures for Exempting Schools for Which Parents Elect Not to Meet Legal Requirements for School Approval and Accreditation for Religious Reasons) that were the subject of the hearing held on 10/15/13

**Motion Passed:** Terminate rule-making process concerning the proposed amendments to Rule 13 (Regulations and Procedures for Exempting Schools for Which Parents Elect Not to Meet Legal Requirements for School Approval and Accreditation for Religious Reasons) that were the subject of the hearing held on 10/15/13 passed with a motion by John Sieler and a second by Glen Flint.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

- 7.5. Grant the Commissioner the authority to approve the contract with the Nebraska Department of Health and Human Services (DHHS), Division of Medicaid and Long-Term Care (Action Item, Agency Contracts/Agreements)

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**Motion Passed:** Grant the Commissioner the authority to approve the contract with the Nebraska Department of Health and Human Services (DHHS), Division of Medicaid and Long-Term Care (Action Item, Agency Contracts/Agreements) passed with a motion by Lillie Larsen and a second by Patricia Timm.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

7.6. Grant the Commissioner the authority to amend the contract for Special Education Consulting Activities

**Motion Passed:** Grant the Commissioner the authority to amend the contract for Special Education Consulting Activities passed with a motion by Patricia Timm and a second by Lillie Larsen.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

7.7. Grant the Commissioner the authority to approve an NDE Nutrition Services contract with UNL

**Motion Passed:** Grant the Commissioner the authority to approve an NDE Nutrition Services contract with UNL passed with a motion by Molly O'Holleran and a second by Patricia Timm.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

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- 7.8. Grant the Commissioner the authority to approve IT purchases for Nebraska Vocational Rehabilitation

**Motion Passed:** Approved Nebr7.8. Grant the Commissioner the authority to approve IT purchases for Nebraska Vocational Rehabilitation VR IT purchase passed with a motion by John Witzel and a second by Molly O'Holleran.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

**8. APPROVAL OF CONSENT AGENDA**

**Motion Passed:** Approval of the Consent Agenda passed with a motion by Molly O'Holleran and a second by Lillie Larsen.

District 6	Vacant
Glen Flint	Yes
Lillie Larsen	Yes
Molly O'Holleran	Yes
John Sieler	Yes
Patricia Timm	Yes
Rachel Wise	Yes
John Witzel	Yes

**9. SPECIAL PRESENTATIONS AND DISCUSSIONS**

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

- 10.1. Meeting participation

Board Members shared from the various conferences they participated in and attended during the last month.

- 12. ADJOURNMENT** - President Wise adjourned the meeting at 11:50 a.m.