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NEBRASKA STATE BOARD OF EDUCATION
Nebraska Department of Education
Minutes of the State Board of Education Meeting
March 5-6, 2012

MINUTES OF THE WORK SESSION – Monday, March 5, 2012

The State Board of Education met for purposes of a work session on Monday, March 5, 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 2:02 p.m. Roll call showed the following members present: Lynn Cronk, Jim Scheer, Mark Quandahl, Rebecca Valdez, John Sieler, Patricia Timm, Molly O’Holleran, and Robert Evnen. Mark Quandahl left the meeting at 3:45 p.m. Commissioner Breed was also present.
- 1.2 President Scheer announced the placement of the Open Meetings Act.

2. REPORTS AND DISCUSSIONS

2.1 Legislative Update

- 2.1.1 Brian Halstead, Assistant Commissioner of Education, provided an update on State Legislation. (Handout: State Board of Education 2012 Legislative Session dated March 5-6, 2012)

- 2.1.2 Brian Halstead, Assistant Commissioner, provided an update on Federal Legislation

2.2 Standards, Assessment and Accountability

- 2.2.1 Donlynn Rice, Department of Education representative, and Karen Stanley, Social Studies Consultant, provided an update on the Social Studies Standards process. (Handout: PowerPoint: Social Studies Standards Revision Update dated March 5, 2012)

- 2.2.2 Pat Roschewski, Department of Education representative, provided an update on accountability. (Handout: State Board Meeting Update, March 5-6, 2012)
- 2.2.3 Pat Roschewski, Department of Education representative; Cindy Gray and Angie Wright, Elkhorn Public Schools; and Valorie Foy, Crete Public Schools, demonstrated and discussed the Check 4 Learning system. (Handout: NeSA C4L brochure)

President Scheer called for a break at 3:35 p.m. The meeting resumed at 3:45 p.m.

- 2.3 Freida Lange, Rick Moses and Dennis McGuire, Department of Education representatives, discussed proposed revisions to Rule 10 (92 NAC 10), *Regulations and Procedures for the Accreditation of Schools*. The Board will be asked to take action on this item during the business meeting on March 6, 2012.
- 2.4 Freida Lange, Rick Moses and Dennis McGuire, Department of Education representatives, discussed proposed revisions to Rule 14 (92 NAC 14), *Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools*. The Board will be asked to take action on this item during the business meeting on March 6, 2012.
- 2.5 Freida Lange, Department of Education representative, discussed proposed revisions to Rule 84 (92 NAC 84), *Regulations for the Accreditation of Educational Service Units*. The Board will be asked to take action on this item during the business meeting on March 6, 2012.
- 2.6 Carol Rempp, Department of Education representative, reported on the *Native American Daughters* Curriculum Project.

There being no further business to come before the Board, President Scheer adjourned the meeting at 4:55 p.m.

MINUTES OF THE MEETING – Tuesday, March 6, 2012

The State Board of Education met for purposes of a business meeting on Tuesday, March 6, 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 called the meeting to order at 9:05 a.m. Roll call showed the following members present: Lynn Cronk, Jim Scheer, Mark Quandahl, Rebecca Valdez, John Sieler,

Patricia Timm, Molly O'Holleran, and Robert Evnen. Rebecca Valdez left the meeting at 11:35 a.m. Commissioner Breed was also present.

1.2 President Scheer led the Pledge of Allegiance.

1.3 President Scheer announced the placement of the Open Meetings Act.

2. APPROVAL OF THE MINUTES

Motion by Patricia Timm, second by Mark Quandahl: To approve the minutes of the February 6-7, 2012, State Board of Education meeting held in Lincoln, Nebraska.

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

The motion passed.

3. APPROVAL OF AGENDA for March 6, 2012

Commissioner Breed recommended placing Action Item 7.5 before 7.1 for action immediately following Public Comment.

Motion by Molly O'Holleran, second by John Sieler: To amend the agenda by placing Action Item 7.5 before Action Item 7.1.

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

The motion passed.

Motion by Rebecca Valdez, second by Patricia Timm: To approve the agenda as amended.

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

The motion passed.

4. PUBLIC COMMENT

- Jeremy Murphy, representing the Nebraska Catholic Conference, speaking to Rule 10 and Rule 14 regarding middle school athletics and policy for restraint and exclusion
- Peter Seiler, Executive Director, Nebraska Commission for the Deaf and Hard of Hearing, in support of the changes in Policy G18, American Sign Language

7. ACTION ITEMS

- 7.5 Motion by Patricia Timm, second by Mark Quandahl: To approve proposed revisions to state board policy G18, *American Sign Language Policy*.

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

The motion passed.

- 7.1 No action taken.

- 7.2 Motion by Patricia Timm, second by Rebecca Valdez: To grant the Commissioner the authority to approve a hearing draft of Rule 10 (92 NAC 10), *Regulations and Procedures for the Accreditation of Schools*, and to set a date, time and place for a hearing and to 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.

- 7.3 Motion by Robert Evnen, second by Lynn Cronk: To grant the Commissioner the authority to approve a hearing draft of Rule 14 (92 NAC 14), *Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools*, and to set a date, time and place for a hearing and to 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.

- 7.4 Motion by Molly O'Holleran, second by Robert Evnen: To approve the proposed changes to Rule 84 (92 NAC 84), *Regulations for the Accreditation of Educational Service Units*.

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

The motion passed.

8. CONSENT AGENDA

- 8.6.2 Motion by Mark Quandahl, second by Patricia Timm: To remove Consent Agenda Item 8.6.2 for separate vote as an action item.

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

The motion passed.

President Scheer announced a conflict of interest with Item 8.6.2 and passed the gavel to Vice President Quandahl for action on this item.

Motion by Robert Evnen, second by Lynn Cronk: To grant the Commissioner the authority to approve an amendment to contract with Liberty Centre Services, Inc., to provide a supported employment program to serve Vocational Rehabilitation mental health consumers.

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

The motion passed.

President Scheer resumed the Chair and continued the meeting.

Motion by Patricia Timm, second by Mark Quandahl: To approve the Consent Agenda without Item 8.6.2.

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

The motion passed.

10. BOARD REPORTS, DATES AND DISCUSSION ITEMS

10.1 Dates for joint meetings with policy partners

10.1.1 Commissioner Breed shared information on the NRCSA Spring Conference, to be held at the Holiday Inn in Kearney on March 22, 2012. Board members Jim Scheer, Lynn Cronk and Molly O'Holleran will attend and participate in a round table discussion of current topics and issues.

10.1.2

The 2012 State Data Conference will be held in Kearney on April 2-3, 2012. Board members are to advise Lora of plans to attend.

10.3 Meeting participation

- 10.3.1 Reports were given from Molly O'Holleran and John Sieler from the Nebraska Association for the Gifted Spring Conference at the Scott Conference Center, Omaha, Nebraska on February 28-29, 2012.

President Scheer reported on the State Reading Conference held in Kearney, Nebraska, on February 23, 2012. A report on the common core standards was provided by President Scheer and Commissioner Breed.

- 10.4 Legislative Committee report. Mark Quandahl shared the success of the legislative breakfasts noting that the senators appreciate the informal, open nature of the breakfasts. Chairperson Quandahl updated the Board on the status of LB 870.

Mark Quandahl, John Sieler and Robert Evnen will be travelling to Washington, D.C. for NASBE Legislative Conference on March 22 and 23, 2012.

- 10.5 Policy Committee report. Patricia Timm provided a report on the American Sign Language endorsement, discussion of global competencies and future review of Policy B9.

10.6 and 10.7

State Accountability Ad Hoc Committee report. Robert Evnen referenced the report from the Work Session on accountability and Social Studies standards.

President Scheer called for a break at 10:20 a.m. Vice President Quandahl resumed the meeting at 10:34 a.m.

9. SPECIAL PRESENTATIONS AND DISCUSSIONS

- 9.1 Denise Pedersen, Barr Middle School, Grand Island, Nebraska; Lee Kallstrom, Omaha North Magnet Engineering School, and Vickie Scow, Nebraska Department of Education representative, provided a report on the Malaika Foundation funds for teacher experiences in Cameroon and Madagascar, respectively.

5. HEARINGS

- 5.1 A hearing was held in NDE Case No. 12-01, Commissioner v. Cherry Canas. [Minutes](#) of the hearing are attached.
- 5.2 A hearing was held in NDE Case No. 12-02, Commissioner v. Kimberly Wiedeman. [Minutes](#) of the hearing are attached.

- 5.3 A hearing was held in NDE Case No. 12-03, Commissioner v. Brandi Jessen. [Minutes](#) of the hearing are attached.

6. EXECUTIVE SESSION

Motion by Robert Evnen, second by Patricia Timm: That the State Board go into Executive Session to deliberate and receive advice from Legal Counsel on contested cases.

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

The motion passed. At 11:32 a.m., the Board moved into Executive Session for purposes of deliberating and receiving advice from Legal Counsel on contested cases.

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

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

The motion passed. At 11:40 a.m., the Board adjourned the Executive Session and returned to the regular business meeting.

7. ACTION ITEMS

- 7.6 Motion by Robert Evnen, second by Patricia Timm: In *Commissioner v. Cherry Canas*, NDE Case No. 12-01, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, revoking the Respondent's teaching certificate for a period of two years, commencing February 10, 2011, and to adopt the Final Order proposed by Legal Counsel.

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

The motion passed.

- 7.7 Motion by Mark Quandahl, second by John Sieler: In *Commissioner v. Kimberly Wiedeman*, NDE Case No. 12-02, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, to the extent consistent with this motion, and permanently revoke the Respondent's teaching certificate, and to adopt the Final Order proposed by Legal Counsel.

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

The motion passed.

7.8 Motion by Patricia Timm, second by Lynn Cronk: In *Commissioner v. Brandi Jo Jessen*, NDE Case No. 12-03, 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.

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

The motion passed.

10. BOARD REPORTS, DATES AND DISCUSSION ITEMS

10.2 Request for meeting attendance.

President Scheer noted a request from Rebecca Valdez to attend an upcoming Latino Conference. Details of the conference are not yet available but Ms. Valdez will provide additional information when received. It was the consensus of the Board to approve her travel request.

There being no further business to come before the Board, President Scheer adjourned the meeting at 11:45 a.m.

STATE BOARD OF EDUCATION

MINUTES OF HEARING Roger D. Breed v. Cherry Canas Case No. 12-01 11:00 a.m.

The State Board of Education met on March 6, 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. 12-01, *Roger D. Breed, Commissioner v. Cherry Canas*. 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 11:20 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 Board revoke the Nebraska Public Schools teaching certificate of the Respondent for a period of two years. 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 revoked for a period of two years.

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 but was represented by Rick Wade, Legal Counsel. Mr. Wade requested the two year revocation begin on February 10, 2011.

There being no further testimony, President Scheer adjourned the hearing on Case No. 12-01 at 11:25 a.m.

STATE BOARD OF EDUCATION

MINUTES OF HEARING **Roger D. Breed v. Kimberly Wiedeman** Case No. 12-02 11:00 a.m.

The State Board of Education met on March 6, 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. 12-02, *Roger D. Breed, Commissioner v. Kimberly Wiedeman*. 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 11:25 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 Board revoke the Nebraska Public Schools teaching certificate of the Respondent for a period of eight years. 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 revoked for a period of eight years.

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. 12-02 at 11:28 a.m.

STATE BOARD OF EDUCATION

MINUTES OF HEARING **Roger D. Breed v. Brandi Jessen** Case No. 12-03 11:00 a.m.

The State Board of Education met on March 6, 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. 12-03, *Roger D. Breed, Commissioner v. Brandi Jessen*. 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 11:28 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 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 suspended 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. 12-03 at 11:31 a.m.