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NEBRASKA STATE BOARD OF EDUCATION
Nebraska Department of Education
Minutes of Meeting
August 10-11, 2010

MINUTES OF THE WORKSESSION – Tuesday, August 10, 2010

The State Board of Education met for purposes of a work session on Tuesday, August 10, 2010, beginning at 1:00 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 data, time and location of the meeting.

1. CALL TO ORDER

President Imes called the work session to order at 1:10 p.m. Roll call showed the following members present: Kandy Imes, Jim Scheer, Mark Quandahl, Rebecca Valdez, Joe Higgins, Patricia Timm, Fred Meyer, Robert Evnen. Commissioner Roger Breed was also present.

President Imes announced the location of the Open Meetings Act information.

2. REPORTS AND DISCUSSION

2.1 Approval and Accreditation

1.1.1 Freida Lange and Rick Moses, Department of Education representatives, discussed a request from Cody-Kilgore Public Schools for a modification of Rule 10-004.02C (prohibiting 6th grade students from participating in athletic contests) for school year 2010-2011 in accordance with waiver provisions in Rule 10, Section 013.05. The Board will be asked to take action during the business meeting on August 11, 2010.

1.1.2 Freida Lange discussed East Butler Public Schools’ accreditation status. The Board will be asked to take action during the business meeting on August 11, 2010.

1.1.3 Freida Lange and Dennis McGuire, Department of Education representatives, discussed conditional approval for a new nonpublic school to operate under Rule 14 (92 NAC 14), Regulations and Procedures for the Legal Operation of Approved Nonpublic Schools. The Board will be asked to take action during the business meeting on August 11, 2010.

1.2 Legislative Update

1.2.1 Brian Halstead, Department of Education representative, provided an update on state legislation. Handouts: Nebraska Unicameral Legislature Weekly Schedule of Interim Committee Hearings August 6, 2010; Potential Questions for Agencies to Address

1.2.2 Brian Halstead, Department of Education representative, provided an update on federal legislation. Handout: Committee for Education Funding, August 5, 2010

1.3 Standards, Assessment and Accountability

1.3.1 Donlynn Rice and Tricia Parker, Department of Education representatives, provided an update on Common Core Standards. Handout: PowerPoint: Standards Update Common Core Alignment

President Imes called for a break at 2:40 p.m. The meeting resumed at 3:00 p.m.

1.3.2 Pat Roschewski, Department of Education representative, provided an update on NeSA and Common Core Assessment. Handout: NeSA Update – August 10, 2010 State Board Meeting – Work Session; Facts: Common Core Assessment

1.3.3 Pat Roschewski, Department of Education representative, discussed the statewide writing program. The Board will be asked to take action during the business meeting on August 11, 2010.

1.4 Budget Discussion

1.4.1 Russ Inbody and Henry Rodriguez, Department of Education representatives, discussed the 2011-2013 budget proposal.

1.4.2 Commissioner Breed provided additional information with regard to the Department of Education 2010-2011 budget including zero-based budgeting process, furloughs, salary freezes, and other steps previously taken by the Commissioner to reduce expenditures. Discussion followed.

President Imes called for a break at 4:10 p.m. The meeting resumed at 4:25 p.m.

- 1.5 Joel Scherling, Department of Education representative, discussed the bargaining process/timeline for 2011-2013.

Robert Evnen left the meeting at 4:25 p.m.

- 1.6 Commissioner Breed discussed the 2011 State Board of Education meeting dates. Suggested changes to the proposed date for January meetings include January 6 and 7 to allow for swearing in of new members on January 6 and January 24 for the legislative retreat. A meeting is scheduled for July in lieu of June to accommodate the setting of cut scores. The Board will approve the dates at the September meeting.

- 1.7 Early Childhood Programs

- 1.7.1 Melody Hobson, Department of Education representative, discussed the request from Elkhorn Public Schools to offer fewer than 450 instructional hours for their qualified Early Childhood Programs due to severe weather during the 2009-2010 school year. The Board will be asked to take action during the business meeting on August 11, 2010.

- 1.7.2 Melody Hobson, Department of Education representative, discussed the request from South Sarpy School District #46 to offer fewer than 450 instructional hours for their qualified Early Childhood Programs due to severe weather during the 2009-2010 school year. The Board will be asked to take action during the business meeting on August 11, 2010.

- 1.7.3 Melody Hobson, department of Education representative, discussed the request from Newcastle Public School to offer fewer than 450 instructional hours for their qualified Early Childhood Programs due to severe weather during the 2009-2010 school year. The Board will be asked to take action during the business meeting on August 11, 2010.

- 1.8 Commissioner Breed gave a brief report about the cultural/education tour of China he attended in June, 2010.

There being no further business to come before the Board, President Imes adjourned the meeting at 4:57 p.m.

MINUTES OF THE MEETING – Wednesday, August 11, 2010

The State Board of Education met for purposes of a meeting on Wednesday, August 11, 2010, beginning at 9:00 a.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 data, time and location of the meeting.

1. CALL TO ORDER

1.1 Roll Call

President Kandy Imes called the meeting to order at 9:10 a.m. Roll call showed the following members present: Jim Scheer (arrived at 9:12 a.m.), Mark Quandahl (left at 1:20 p.m.), Rebecca Valdez, Joe Higgins, Patricia Timm, Fred Meyer, Robert Evnen, Kandy Imes. Commissioner Breed was also present.

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

1.2 President Imes led the Pledge of Allegiance.

2. APPROVAL OF THE MINUTES

Motion by Rebecca Valdez, second by Patricia Timm: To approve the minutes of the meeting held July 7-8, 2010.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

3. APPROVAL OF AGENDA for August 11, 2010

Commissioner Breed recommended moving Consent Agenda Item 8.6.1 to Action Item 7.12 for discussion and possible action.

Motion by Robert Evnen, second by Jim Scheer: To approve the agenda as recommended.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

4. PUBLIC PARTICIPATION

4.1 Request for Appearance

4.1.1 Dr. Wanda Stelk, President, Nebraska Association for the Gifted, Grand Island, Nebraska. Speaking to the topic of the possible budget reduction for high ability learner education.

4.2 Public Comment

- John Thompson, speaking on High Ability Learner Education
- Mary Tessen, OPS, speaking on High Ability Learner Education
- Janet McFadden, OPS, speaking on High Ability Learner Education
- DeLayne Havlovic, Association for Career and Technical Education of Nebraska, speaking on career and technical education
- Madeline Reepa, Senior, East High, DECCA President, speaking on career and technical education
- Jordan Lechtenburg, State FFA President, speaking on career and technical education
- Jay Sears, Nebraska State Education Association, speaking to the Department of Education budget, Education Jobs bill
- John Bonaiuto, Nebraska Association of School Boards, federalization of public education

7. ACTION ITEMS

7.1.1 Motion by Patricia Timm, second by Joe Higgins: To authorize the Commissioner to negotiate a contract with Data Recognition Corporation for the scoring of the statewide writing assessment (NeSA-W) in 2010-2011.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

7.2.1 Motion by Joe Higgins, second by Fred Meyer: To approve request from Cody-Kilgore Public Schools for a modification of Rule 10-004.02C (prohibiting 6th grade students from participating in athletic contests) for school year 2010-2011 in accordance with waiver provisions in Rule 10, Section 013.05.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

7.2.2 Motion by Jim Scheer, second by Joe Higgins: To classify East Butler Public Schools as Accredited on Probation for the 2010-2011 school year.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

7.2.3 Motion by Fred Meyer, second by Patricia Timm: To grant conditional approval to Alleluia! Preschool and Kindergarten in Elkhorn, Nebraska, a new nonpublic school to operate under Rule 14 (92 NAC 14), *Regulations and Procedures for the Legal Operation of the Approved Non public schools*.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

7.3.1 Motion by Fred Meyer, second by Rebecca Valdez: To approve the request from Elkhorn Public Schools to offer fewer than 450 instructional hours for their qualified Early Childhood Programs due to severe weather during the 2009-2010 school year.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

7.3.2. Motion by Jim Scheer, second by Patricia Timm: To approve the request from South Sarpy School District #46 to offer fewer than 450 instructional hours for their qualified Early Childhood Programs due to severe weather during the 2009-2010 school year.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

7.3.3 Motion by Patricia Timm, second by Rebecca Valdez: To approve the request from Newcastle Public School to offer fewer than 450 instructional hours for their qualified Early Childhood Programs due to severe weather during the 2009-2010 school year.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

7.4.1 Motion by Joe Higgins, second by Mark Quandahl: To grant the Commissioner authority to contract with Norman Webb for NeSA-AAR (Alternate Assessment Reading) item alignment with the Nebraska Reading Standards alternate extensions.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

7.42 Motion by Rebecca Valdez, second by Fred Meyer: To grant the Commissioner authority to contract for technical assistance to the Migrant Education and Learn and Serve programs.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

7.5 Motion by Patricia Timm, second by Rebecca Valdez: To authorize the Commissioner to approve the McKinney-Vento Homeless Education Assistance grants for the 2010-2011 school year.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

7.11 Motion by Joe Higgins, second by Patricia Timm: That the State Board of Education write a letter to the NASBE Chair of the Nominating Committee supporting the candidacy of Jose Perez from Georgia for NASBE president.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

7.12 (Consent Item 8.6.1) Motion by Fred Meyer, second by Patricia Timm: To grant the Commissioner authority to negotiate and enter into an agreement between the Board of Regents, State of Iowa, on behalf of the Iowa School for the Deaf, and the Nebraska Department of Education for the provision of educational and residential services to Nebraska students who are deaf or hard of hearing and in need of such services.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

President Imes called for a break at 11:00 a.m. The meeting resumed at 11:13 a.m.

5. HEARINGS

- 5.1 A hearing was held in NDE Case No. 10-18, *Commissioner v. Amy Colling*. [Minutes of the hearing are attached.](#)
- 5.2 A hearing was held in NDE Case No. 10-20, *Commissioner v. Ronald Thatcher*. [Minutes of the hearing are attached.](#)
- 5.3 A hearing was held in NDE Case No. 10-19, *In the Matter of the Reinstatement of Shad Coppock*. [Minutes of the hearing are attached.](#)

6. EXECUTIVE SESSION

Motion by Patricia Timm, Second by Fred Meyer: To move into Executive Session for the protection of the public interest to deliberate and receive advice from Legal Counsel regarding Contested Cases.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

At 11:20 a.m., the Board moved into Executive Session for the protection of the public interest to deliberate and receive advice from Legal Counsel regarding Contested Cases.

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

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

The Board adjourned the Executive Session of the Board and resumed the regular business meeting at 11:55 a.m.

7. ACTION ITEMS

- 7.6 Motion by Robert Evnen, second by Fred Meyer: In *Commissioner v. Amy Colling*, NDE Case No. 10-18, that this Board permanently revoke the Respondent's teaching certificate based on the evidence presented and Respondent's lack of participation in the proceedings.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

- 7.7 Motion by Jim Scheer, second by Joe Higgins: In *Commissioner v. Ronald Thatcher*, NDE Case No. 10-20, 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: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

- 7.8 Motion by Fred Meyer, second by Patricia Timm: *In re Reinstatement of Shad Coppock*, NDE Case No. 10-19, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, finding that Respondent should be allowed to apply for his teaching certificate, and to adopt the Final Order proposed by Legal Counsel.

Voting Yes: Imes, Scheer, Valdez, Higgins, Timm, Meyer

Voting No: Evnen, Quandahl

The motion passed.

- 7.9 In NDE Case No. 10-01, *Judith Carman v. Commissioner*, President Imes ruled the pending motion in this matter to be out of order.

Motion by Jim Scheer, second by Fred Meyer: To suspend the use of Robert's Rules of Order in order to have a motion to reconsider this item.

Voting Yes: Imes, Scheer, Valdez, Higgins, Timm, Meyer

Voting No: Evnen, Quandahl

The motion to suspend Robert's Rules of Order passed.

Motion by Jim Scheer, second by Joe Higgins: To reconsider NDE Case No. 10-01, *Judith Carman*.

Voting Yes: Imes, Scheer, Valdez, Higgins, Timm, Meyer
Voting No: Evnen, Quandahl

The motion to reconsider approval of the Hearing Officer's recommendation passed.

Motion by Jim Scheer, second by Patricia Timm: In *Judith Carman v. Commissioner*, NDE Case No. 10-01, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommended Decision of the Hearing Officer, granting the Petitioner's application for a teaching certificate, and to adopt the Final Order proposed by Legal Counsel.

Voting Yes: Imes, Scheer, Valdez, Higgins, Timm, Meyer
Voting No: Evnen, Quandahl

The motion passed.

7.10 Motion by Rebecca Valdez, second by Fred Meyer: In *Guillermo Gutierrez v. Commissioner*, NDE Case No. 10-02, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommended Decision of the Hearing Officer, granting Petitioner's request to participate in student teaching activities, and to adopt the Final Order proposed by Legal Counsel.

Voting Yes: Imes, Scheer, Valdez, Higgins, Timm, Meyer, Evnen
Voting No: Quandahl

The motion passed.

8. CONSENT AGENDA

Motion by Fred Meyer, second by Joe Higgins: To approve the Consent Agenda with the exception of Item 8.6.1, as published.

Voting Yes: Imes, Scheer, Quandahl, Valdez, Higgins, Timm, Meyer, Evnen

The motion passed.

President Imes called for a break at 12:03 p.m. The meeting resumed at 1:00 p.m.

9. SPECIAL PRESENTATION AND DISCUSSION

- 9.1 Nebraska Youth Leadership Council. Mark Schultz, Department of Education, Vocational Rehabilitation, representative, introduced the Nebraska Youth Leadership Council. The Council members shared success stories.
- 9.2 Environmental Literacy Plan Report. Donlynn Rice, Jim Woodland, Department of Education representatives; Harry Heafer and Kathy kropuenske, Environmental Task Force, presented information on the Environmental Literacy Plan Report.

Mark Quandahl left the meeting at 1:20 p.m.

10. BOARD REPORTS, DATES AND DISCUSSION ITEMS

- 10.2 President Imes reminded Board members of the NASBE conference in Salt Lake City in October. At this time Fred Meyer, Patricia Timm and Kandy Imes plan on attending.
- 10.6 President Imes reminded Board members of the Policy Retreat scheduled on September 1 at 10:30 a.m. as a part of the September work session and meeting.

There being no further business to come before the Board, President Imes adjourned the meeting at 1:53 p.m.

STATE BOARD OF EDUCATION

Nebraska Department of Education, State Board Meeting Room
State Office Building, Sixth Floor
301 Centennial Mall South
Lincoln, Nebraska 68509

MINUTES OF HEARING

Commissioner v. Amy Colling

Case No. 10-18

11:00 a.m.

The State Board of Education met on August 11, 2010, 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. 10-18, *Commissioner v. Amy Colling*. 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 Kandy Imes declared a quorum present and called the hearing to order at 11:14 a.m. The following State Board of Education members were present: Fred Meyer, Robert Evnen, Patricia Timm, Rebecca Valdez, Mark Quandahl, Jim Scheer, Kandy Imes, Joe Higgins.

President Imes 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 be revoked for a period of five years. 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. A written statement by the Clerk of the Nebraska Professional Practices Commission was 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 Imes adjourned the hearing on Case No. 10-18 at 11:15 a.m.

STATE BOARD OF EDUCATION

Nebraska Department of Education, State Board Meeting Room
State Office Building, Sixth Floor
301 Centennial Mall South
Lincoln, Nebraska 68509

MINUTES OF HEARING

Commissioner v. Ronald Thatcher

Case No. 10-20

11:00 a.m.

The State Board of Education met on August 11, 2010, 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. 10-20, *Commissioner v. Ronald Thatcher*. 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 Kandy Imes declared a quorum present and called the hearing to order at 11:15 a.m. The following State Board of Education members were present: Fred Meyer, Robert Evnen, Patricia Timm, Rebecca Valdez, Mark Quandahl, Jim Scheer, Kandy Imes, Joe Higgins.

President Imes 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 be permanently revoked. 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. A written statement by the Clerk of the Nebraska Professional Practices Commission was 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 Imes adjourned the hearing on Case No. 10-20 at 11:17 a.m.

STATE BOARD OF EDUCATION
Nebraska Department 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 Shad Coppock
Case No. 10-19
11:00 a.m.

The State Board of Education met on August 11, 2010, 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. 10-19, *In the Matter of the Reinstatement of Shad Coppock*. 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 Kandy Imes declared a quorum present and called the hearing to order at 11:17 a.m. The following State Board of Education members were present: Fred Meyer, Robert Evnen, Patricia Timm, Rebecca Valdez, Mark Quandahl, Jim Scheer, Kandy Imes, Joe Higgins.

President Imes noted that the Nebraska Professional Practices Commission recommended in the case report that the Board allow the Petitioner to apply for a Nebraska Public Schools teaching certificate. 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. A written statement by the Clerk of the Nebraska Professional Practices Commission was marked as Exhibit 3. Hearing no objections, the Exhibits were received.

The Petitioner was not present nor represented by Counsel.

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

There being no further testimony, President Imes adjourned the hearing on Case No. 10-19 at 11:19 a.m.