NEBRASKA STATE BOARD OF EDUCATION
Nebraska Department of Education
Minutes of Meeting
May 4-5, 2010

MINUTES OF THE RETREAT – Tuesday, May 4, 2010
The State Board of Education met for purposes of a retreat on Tuesday, May 4, 2010, beginning at 8:30 a.m. The session was held at the Lincoln Community Foundation Building, 5th Floor Conference Room, in Lincoln, Nebraska. Publicized notice of the session was given by posting notice on the Department’s website on the internet; emailing 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.

I. CALL TO ORDER
Roll call showed the following Board members present: Kandy Imes, Jim Scheer, Mark Quandahl, Rebecca Valdez, Joe Higgins, Patricia Timm, Fred Meyer, and Robert Evnen. Commissioner Breed was also present.

President Imes announced the location of the Open Meetings Act information. President Imes also outlined the agenda and expectations for the Retreat.

II. NEW BOARD MEMBER ORIENTATION AND TRANSITION ISSUES
The Board discussed issues and procedures important to assist new members elected to the Board. By December, the Board’s goals are to:

- Plan a new member orientation to be held after the election and prior to the December Board meetings.
- Incorporate an invitation from the Board to the new Members to attend the December social event.

Commissioner Breed will prepare a draft document with specifics for the new member orientation for review by the Board at a later meeting. Board members were asked to send suggestions to President Imes for consideration and inclusion.
III. STATE ACCOUNTABILITY PLAN

The Board discussed different processes and aspects of a state accountability plan. The Board’s goals are to:

- Review a plan proposal from the Accountability Committee that will be developed to present to Senator Adams for amendment to LB 1007 for the 2011 Legislative session
- To formulate a state accountability system for presentation by September 1, 2010

IV. BOARD POLICY PROCEDURES AND ISSUES

The Board discussed defining and organizing the various polices developed over the years and those anticipated in the future. By December, the Board’s goals are to:

- Establish a 3-4 year time frame for policy review
- Provide direction to Policy Committee on policy priorities
- Plan for legislative action

V. TEACHER PREPARATION

The Board discussed teacher preparation programs offered by Nebraska institutions and the oversight authority the State Board may have over these programs. By December, the Board’s goals are to:

- Continue discussion and review additional information presented at July Board meeting
- Invite the NCTE President to present to the Board at the July meeting

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

MINUTES OF THE WORKSESSION – Tuesday, May 4, 2010

The State Board of Education met for purposes of a worksession on Tuesday, May 4, 2010, 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; emailing 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 President Imes called the worksession to order at 2:10 p.m. Roll call showed the following Board members present: Robert Evnen, Fred Meyer, Patricia Timm, Rebecca Valdez, Jim Scheer, Kandy Imes, Mark Quandahl, Joe Higgins. Commissioner Breed was also present.

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

2. **REPORTS AND DISCUSSION**

2.1 **Legislation**

2.1.1 Brian Halstead, Department of Education representative, provided an update on State Legislation (Handout: State Board of Education, 2010 Legislative Session, May 4-5, 2010) Mr. Halstead commented on LR 542 and the Department preparations for that study and the Department budget.

2.1.2 Brian Halstead updated the State Board on federal legislation and reauthorization of ESEA.

2.2 **Standards, Assessment and Accountability**

2.2.1 Donlynn Rice and Jim Woodland, Department of Education representatives, provided an update on science standards. Details on the breakdown of inquiries to the Input Window will be provided to the Board prior to the July meeting. The revised standards will be brought to the board at the August meeting.

2.2.2 Donlynn Rice and Rich Katt, Department of Education representatives, provided an update and review of the Nebraska Career Readiness Summit Report and Definition of a Career Ready Person. The Board will be asked to approve the definition during the May 5, 2010, meeting.

2.2.3 Pat Roschewski, Department of Education representative, provided an update on NeSA and Common Core Assessment. (Handout: State Board of Education – Update – May 4, 2010)

2.2.4 Pat Roschewski, Department of Education representative, provided information on the Data Recognition Corporation (DRC) contract.
President Imes called for a break at 3:00 p.m. The meeting resumed at 3:10 p.m.

2.3 Sharon Katt, Department of Education representative, provided an overview of the Nebraska Council on Teacher Education (NCTE) and Nebraska Educator Preparation. Mrs. Katt will share the Board’s discussion with NCTE members in June.

2.4 Sharon Katt, Department of Education representative, requested nominations from the State Board for the Nebraska Council on Teacher Education (NCTE) Membership alternates. Board members are asked to send their nominations for the alternate vacancies to Mrs. Katt. The Board will be asked to make selections at the July Board meeting.

2.5 Russ Inbody, Department of Education representative, discussed the Special Grant Fund List. (Handout: History of State Aid and Other School Finance Legislation)

2.6 Gary Sherman and Beth Wierda, Department of Education representatives, provided information on Individuals with Disabilities Education Act (IDEA) Parts B and C applications.

2.7 Accreditation and School Improvement

2.7.1 Freida Lange, Department of Education representative, provided an update on revisions to Rule 10 (92 NAC 10), Regulations and Procedures for the Accreditation of Schools.

2.7.2 Freida Lange and Rick Moses, Department of Education representatives, discussed the approval of Interim-Program Schools for operation in 2010-2011 under Rule 18 (92 NAC), Interim-Program Schools in County Detention Homes, Institutions, and Juvenile Emergency Shelters. The Board will be asked to approve the programs during the business meeting on May 5, 2010.

2.8 Federal Grant Applications

2.8.1 Commissioner Breed provided an update on the Race to the Top application. (Handout: Race to the Top Fact Sheet) The Board will be asked to take action on the Phase II application during the business meeting on May 5, 2010.

2.8.2 Brian Halstead and Bob Beecham, Department of Education representatives, provided information on the State Longitudinal Data System Grant and the MOU P-16 process. The Board will be asked to enter into the MOU at a future Board meeting.

2.9 Melody Hobson and Jennifer Benson, Department of Education representatives, provided a report on the Kindergarten Position Statement.
3.0 Melody Hobson and Carol Fichter, Department of Education representatives, reviewed the contract from the Nebraska Department of Health and Human Services to NDE for the proposed use of ARRA Child Care and Development Block Grant Quality Funds.

3.1 Donlynn Rice, Rich Katt, Department of Education representatives, discussed a Memorandum of Understanding (MOU) with the Nebraska Department of Labor to receive funds associated with conducting activities of the State Energy Sector Partnership and Training Grant (syNergy). The Board will be asked to approve the MOU at the business meeting on May 5, 2010.

3.3 Joel Scherling, Department of Education representative, reported on the Department’s review of compliance with the Fair Labor Standards Act.

3.2 Marilyn Peterson, Department of Education representative, discussed membership in CCSSO work groups. The Board will be asked to take action on the memberships during the business meeting on May 5, 2010.

3.4 Bob Beecham, Department of Education representative and Commissioner Breed, discussed the contract with the Nebraska Center for Research on Children, Youth, Families and Schools to conduct studies using data from the Nebraska Student and Staff Record System. The item will be removed from the business agenda and action taken at a later date.

There being no further business to come before the Board, the worksession was adjourned at 5:45 p.m.

MINUTES OF THE MEETING – Wednesday, May 5, 2010
The State Board of Education met for purposes of a meeting on Wednesday, May 5, 2010, 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; emailing 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 President Imes called the worksession to order at 9:10 a.m. Roll call showed the following Board members present: Robert Evnen, Fred Meyer, Patricia Timm, Rebecca Valdez, Jim Scheer, Kandy Imes, Mark Quandahl, Joe Higgins. Commissioner Breed was also present.
1.2 President Imes led the Pledge of Allegiance.

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

2. APPROVAL OF THE MINUTES

Motion by Jim Scheer, second by Patricia Timm: To amend the April 6-7, 2010 Minutes of the State Board of Education Meeting by amending the Motion to Approve Consent Agenda Item 8. The motion to approve Consent Agenda item 8.0 was amended to correct an addition error in Consent Agenda item 8.6.1 to reflect the “New Total” amount to $41,000. Upon further review, the amount of the “Original $$” should have been revised to $21,000, thereby making the “New Total” correct at $35,000. I move to correct the “Original $$” amount to $21,000. The remainder of the motion stands as published.


The motion passed.

3. APPROVAL OF THE AGENDA

Commissioner Breed recommended that Action Item 7.20 be removed from the May Agenda.

Motion by Robert Evnen, seconded by Jim Scheer: To approve the agenda with the Commissioner’s recommendation.


The motion passed.

4. PUBLIC COMMENT

Jay Sears, Nebraska State Education Association, commenting on Race to the Top Phase II application, NSEA’s Community Family Conference and Rule 10.

7. ACTION ITEMS

7.1 Motion by Patricia Timm, second by Joe Higgins: To approve Early Childhood Education Programs established by public schools and Educational Service Units.


The motion passed.
7.2 Motion by Patricia Timm, second by Robert Evnen: To grant the Commissioner the authority to negotiate and approve a contract from the Nebraska Department of Health and Human Services (DHHS) to NDE for the use of ARRA Child Care and Development Block Grant Quality Funds.


The motion passed.

7.3 Motion by Fred Meyer, second by Jim Scheer: To grant the Commissioner the authority to continue contracting with Data Recognition Corporation (DRC) for assessment development.


The motion passed.

7.4 Motion by Robert Evnen, second by Rebecca Valdez: To adopt the Nebraska Career Readiness Summit Report and definition of a Career Ready Person


The motion passed.

7.5 Motion by Fred Meyer, second by Joe Higgins: To grant the Commissioner the authority to negotiate and sign a Memorandum of Understanding (MOU) with the Nebraska Department of Labor to receive funds associated with conducting activities of the State Energy Sector Partnership and Training Grant ("syNergy)


The motion passed.

7.6 Motion by Patricia Timm, second by Robert Evnen: To approve the proposed revisions of Rule 10 (92 NAC 10), Regulations and Procedures for the Accreditation of Schools


The motion passed.
7.7 Motion by Joe Higgins, second by Rebecca Valdez: To approve Interim-Program Schools for operation in 2010-11 under Rule 18 (92 NAC 18), Interim-Program Schools in County Detention Homes, Institutions, and Juvenile Emergency Shelters.


The motion passed.

7.8 Motion by Fred Meyer, second by Joe Higgins: To authorize the Commissioner to accept State Longitudinal Data System Grant (SLDS) if awarded.


The motion passed.

7.9 No action was taken to consider nominations for the 2011 NASBE Board of Directors.

At 9:55 a.m., President Imes called for a break. The meeting resumed at 10:15 a.m.

7.10 Motion by Robert Evnen, second by Patricia Timm: To approve Commissioner Breed’s employment contract.


The motion passed. Commissioner Breed will present a list of Commissioner’s Goals at the July meeting.

7.18 Motion by Robert Evnen, second by Jim Scheer: To table action on this item until the July 2010 meeting.


The motion to table passed.

7.19 Motion by Jim Scheer, second by Joe Higgins: To approve reapplication for Race to the Top Phase II funds and authorize the President of the State Board to sign the application on behalf of the State Board of Education.


Voting No: Evnen, Quandahl

The motion passed.
8. **CONSENT AGENDA**

Motion by Joe Higgins, second by Rebecca Valdez: To approve the Consent Agenda with the exception of Consent Agenda Item 8.6.18, which will be taken with a separate vote due to a conflict of interest expressed by Jim Scheer.


The motion passed.

8.6.18 Motion by Joe Higgins, second by Rebecca Valdez: to grant the Commissioner the authority to continue contracting with Liberty Centre Services, Inc., to provide a supported employment program to serve Vocational Rehabilitation mental health consumers.

Abstain: Scheer

The motion passed.

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

Board Member Joe Higgins requested the opportunity to review the 2010 Postsecondary Education Report which was sent to all Board members. Discussion followed.

10.3 **Meeting Participation**

President Imes opened the discussion on the Board presentation at the NASB/NASA State Education Conference in November. The preliminary plan is to present a forum around how boards should respond to news like the NeSA assessments and PLAS announcement including what questions they should ask and state board expectations. President Imes appointed an ad hoc committee consisting of Mark Quandahl, Bob Evnen and Kandy Imes to work with the Commissioner on organizing the forum.

Board Member Mark Quandahl will be attending the NASBE New Board Member Institute in Arlington in July.
Board Member Robert Evnen will consider his attendance at the Achieve College and Career Graduation Requirements Conf. Achieve Career and Tech Conference in Washington, DC scheduled for June 17-18.

Board members Kandy Imes, Joe Higgins, Patricia Timm and Jim Scheer will be attending Committee Meetings for NASBE on June 10-11-12.

Board Members Kandy Imes, Rebecca Valdez and Joe Higgins will participate and/or attend the NSEA Family School Community Engagement Summit on May 15, 2010 in LaVista, Nebraska.

Commissioner Breed took the opportunity to recognize Board Members Kandy Imes, Joe Higgins and Fred Meyer as NSEA’s 2010 recipients of the Friend of Education Honor.

10.4 Robert Evnen, Chair of the State Accountability Ad hoc Committee provided a report to the Board.

10.5 Jim Scheer, Chair of the Legislative Committee provided a report to the Board.

10.6 Patricia Timm, Chair of the Policy Committee provided a report to the Board.

At 11:07 a.m., President Imes called for a break. The meeting resumed at 11:15 a.m.

5. HEARINGS

5.1 A hearing was held in NDE Case No. 10-05, Commissioner v. Dexter Brown. Minutes of the hearing are attached to these minutes.

5.2 A hearing was held in NDE Case No. 10-06, Commissioner v. Mary Rittenburg. Minutes of the hearing are attached to these minutes.

5.3 A hearing was held in NDE Case No. 10-07, Commissioner v. Scott Brannan. Minutes of the hearing are attached to these minutes.

5.4 A hearing was held in NDE Case No. 10-08, In re Reinstatement of Joel Johnston. Minutes of the hearing are attached to these minutes.

5.5 A hearing was held in NDE Case No. 10-09, Commissioner v. Brian Margritz. Minutes of the hearing are attached to these minutes.

5.6 A hearing was held in NDE Case No. 10-10, Commissioner v. Ryan Koenig. Minutes of the hearing are attached to these minutes.
6. EXECUTIVE SESSION

Motion by Robert Evnen, second by Jim Scheer: To go into Executive Session to deliberate and receive advice from legal counsel regarding contested cases.


The motion passed. At 11:50 a.m., the Board moved into Executive Session to deliberate and receive advice from legal counsel regarding contested cases. Exec session at 11:50 a.m.

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

Absent: Valdez

The motion passed.

7. ACTION ITEMS

7.11 Motion by Jim Scheer, second by Fred Meyer: In Commissioner v. Dexter Brown, NDE Case #10-05, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommended Decision of the PPC, finding that Respondent’s certificates be revoked for one year, and to adopt the Final Order proposed by Legal Counsel.


The motion passed.

7.12 Motion by Patricia Timm, second by Jim Scheer: In Commissioner v. Mary Rittenburg, NDE Case #10-06, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommended Decision of the PPC, finding that Respondent’s certificate be revoked for five years, and to adopt the Final Order proposed by Legal Counsel.


The motion passed.
7.13 Motion by Mark Quandahl, second by Patricia Timm: In *Commissioner v. Scott Brannan*, NDE Case #10-07, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommended Decision of the PPC, finding that Respondent’s certificate be revoked for five years, and to adopt the Final Order proposed by Legal Counsel.


The motion passed.

7.14 Motion by Fred Meyer, second by Patricia Timm: In *In re Reinstatement of Joel Johnston*, NDE Case #10-08, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommended Decision of the PPC, finding that Respondent should be allowed to apply for his teaching certificate, and to adopt the Final Order proposed by Legal Counsel.

Voting No: Quandahl

The motion passed.

7.15 Motion by Robert Evnen, second by Fred Meyer: In *Commissioner v. Brian Margritz*, NDE Case #10-09, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommended Decision of the PPC, finding that Respondent’s certificate be revoked for two years, and to adopt the Final Order proposed by Legal Counsel.

Robert Evnen noted that the decision of the Professional Practices Commission (PPC) was split regarding the length of the revocation in this matter. Mr. Evnen asked the PPC to consider greater penalties for similar conduct in future cases.


The motion passed.
7.16 Motion by Jim Scheer, second by Robert Evnen: In Commissioner v. Ryan Koenig, NDE Case #10-10, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommended Decision of the PPC; however the Board determines that the totality of the evidence in this matter warrants a finding that Respondent’s certificate be revoked for five years, and to adopt the Final Order proposed by Legal Counsel.


The motion passed.

7.17 Motion by Patricia Timm, second by Kandy Imes: In Kelly Outson v. Commissioner, NDE Case #09-20, that this Board adopt the Hearing Officer’s Findings of Fact, Conclusions of Law and Recommended Decision, finding that Petitioner’s request for a teaching certificate be denied, and to adopt the Final Order proposed by Legal Counsel.

Joe Higgins stated that he disagreed with the hearing officer’s conclusion regarding the rehabilitation of the behavior of the individual.

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

The motion passed.

Rebecca Valdez left the meeting at 12:25 p.m.

President Imes called for a break at 12:25 p.m. The meeting resumed at 1:08 p.m.

9. SPECIAL PRESENTATION AND DISCUSSIONS

9.1 President Imes recognized Lana Peterson-Pressler, 2010 National Elementary Physical Education Teacher of the Year for the National Association for Sport and Physical Education. (Resolution of Recognition)

9.2 Larry Starr, Department of Education representative, and Major General Walter Zink II provided a report from the Civics Nebraska Partnership Advisory Council.

There being no further business to come before the Board, President Imes adjourned the meeting at 1:27 P.M.
The State Board of Education met on May 5, 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. 10-05, Commissioner v. Dexter Brown. 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 revoke the Nebraska Public Schools teaching certificate of the Respondent for a period of one year. 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 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.

Respondent was not present but was represented by counsel, Jeff Kirkpatrick. Attorney Kirkpatrick requested a somewhat less penalty in view of the fact that the actions of Mr. Brown were inadvertent.

There being no further testimony, President Imes adjourned the hearing on Case No. 09-12 at 11:26 a.m.
The State Board of Education met on May 5, 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. 10-07, Commissioner v. Scott Brannan. 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 11:29 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 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. Hearing no objections, the Exhibits were received.

Kathi Vontz, representing the Nebraska Professional Practices Commission, presented a summary of the report and recommended that the Respondent's certificate be revoked for a period of five years and to complete the requirements of the Colorado Court prior to applying for reinstatement.

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

Respondent was not present nor represented by counsel.

There being no further testimony, President Imes adjourned the hearing on Case No. 10-6 at 11:31 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. Mary Rittenburg
Case No. 10-06
11:00 a.m.

The State Board of Education met on May 5, 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. 10-06, Commissioner v. Mary Rittenburg. 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 11:26 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 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. Hearing no objections, the Exhibits were received.

Kathi Vontz, representing the Nebraska Professional Practices Commission, presented a summary of the report and recommended that the Respondent's certificate be revoked for a period of five years.

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

Respondent was not present nor represented by counsel.

There being no further testimony, President Imes adjourned the hearing on Case No. 10-6 at 11:29 a.m.
The State Board of Education met on May 5, 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. 10-09, Commissioner v. Brian Margritz. 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 11:35 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 for a period of two 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. Hearing no objections, the Exhibits were received.

Kathi Vontz, representing the Nebraska Professional Practices Commission, presented a summary of the 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.

Respondent was not present but was represented counsel, Rick Wade, and was supportive of the recommendation of the Professional Practices Commission.

There being no further testimony, President Imes adjourned the hearing on Case No. 10-09 at 11:40 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. Ryan Koenig
Case No. 10-10
11:00 a.m.

The State Board of Education met on May 5, 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. 10-10, Commissioner v. Ryan Koenig. 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 11:40 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 for a period of four 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. Hearing no objections, the Exhibits were received.

Kathi Vontz, representing the Nebraska Professional Practices Commission, presented a summary of the report and recommended that the Respondent's certificate be revoked for a period of four years.

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

Respondent was not present but was represented by Counsel, Rick Wade, and requested a lesser term of revocation based on the fact that the relationship began after the student graduated from high school.

There being no further testimony, President Imes adjourned the hearing on Case No. 10-6 at 11:48 a.m.
The State Board of Education met on May 5, 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. 10-08, In the Matter of the Reinstatement of Joel Johnston. 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 11:31 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 permit the Respondent to apply for a new Nebraska teaching certificate. She stated that the Board was provided with a copy of the case file containing the Findings of Fact, Conclusions of Law, and Recommendation, and copies of all pleadings, exhibits, and a written transcript of the hearing, 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.

The Petitioner was present and accepted responsibility and expressed regret for his actions.

Brian Halstead, General Counsel, appeared on behalf of the Respondent, the Commissioner of Education, noting that Mr. Johnston has taken the revocation seriously and appropriately addressed his actions. Mr. Halstead supports the finding that the Respondent is allowed to reapply for reinstatement of his public teaching certificate.

President Imes adjourned the hearing at 11:35 a.m.
RESOLUTION
Recognition of Lana Peterson-Pressler
May 5, 2010

WHEREAS, Ms. Lana Peterson-Pressler has dedicated decades of service to the youth of Lincoln, Nebraska, as a teacher in Lincoln Public Schools; and

WHEREAS, Ms. Lana Peterson-Pressler is the only teacher from Nebraska to receive the National Elementary Physical Education Teacher of the Year award from the National Association for Sport and Physical Education; and

WHEREAS, Ms. Lana Peterson-Pressler is the only elementary physical education teacher from Nebraska to earn the National Board for Professional Teaching Standards certification; and

WHEREAS, Ms. Lana Peterson-Pressler is a continuous innovator in the field of elementary physical education, teaching a variety of nontraditional physical education and serving as a national training consultant for the First Tee National School Program; and

WHEREAS, Ms. Lana Peterson-Pressler’s teaching has instilled the values of lifelong health and wellness in countless numbers of students in Lincoln and throughout the United States; NOW THEREFORE,

BE IT RESOLVED THAT THE Nebraska State Board of Education and the Nebraska Department of Education expresses their appreciation for the achievements of Ms. Lana Peterson-Pressler and for her positive impact on the State of Nebraska.

/s/ Kandy Imes
Kandy Imes, President
State Board of Education

/s/ Roger Breed
Roger D. Breed, Commissioner
Nebraska Department of Education