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NEBRASKA STATE BOARD OF EDUCATION
Nebraska Department of Education
Minutes of Meeting
February 1-2, 2010

MINUTES OF THE WORKSESSION – Monday, February 1, 2010

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

1. CALL TO ORDER

- 1.1 President Imes called the work session to order at 10:02 a.m. Roll call showed the following Board members present: Robert Evnen, Fred Meyer, Patricia Timm, Rebecca Valdez, Jim Scheer, and Kandy Imes. Board members absent: 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

- 2.1.1. Assistant Commissioner Brian Halstead reviewed pending state legislation with the Board as follows:

LB 1096 – Adopt the Nebraska High Performance Schools Initiative Act

The Board took no position.

LB 965 – Change school board and educational service unit vacancy provisions

The Board took no position.

LB 1028 – Adopt the Charter Schools Act

Motion by Jim Scheer, second by Patricia Timm: To oppose LB 1028 with a letter from the State Board of Education noting the concern for additional expense and impact on the Department of Education.

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

The motion passed.

LB 950 - Change provisions relating to retirement

Motion by Jim Scheer, second by Fred Meyer: To support with Staff testimony.

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

The motion passed.

LB 1095 – Change distribution of educational service unit funds

Motion by Jim Scheer, second by Fred Meyer: To support LB 1095 with a letter from the State Board of Education.

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

The motion passed.

Vice President Jim Scheer expressed appreciation to Brian Halstead and all NDE staff for their work in developing the synopsis of bills.

2.1.2 Brian Halstead, Department of Education representative, provided an update on federal legislation. (Handout)

2.2 Sharon Katt, Department of Education representative, provided an overview of the Excellence in Teaching Act implementation and proposed revisions to Rule 25 (92 NAC 25), *Attracting Excellence to Teaching Program*.

- 2.3 Russ Inbody and Beth Bolte, Department of Education representatives, shared, with the Board, the Report on Participants in Nebraska Exempt Schools for the 2009-10 School Year.
- 2.4 Commissioner Breed shared with the Board that Deputy Scott Swisher, Assistant Commissioner Brian Halstead and Dr. Breed have agreed to a voluntary pay freeze for each of them for the year beginning July 1, 2010. It is his intention not to include the remaining staff of the Department under a pay freeze. The State Board supported the prerogative of the Commissioner.
- 2.5 Donlynn Rice and Jim Woodland, Department of Education representatives, provided an update on the science standards.

At 11:08 a.m., President Imes called for a break. The meeting resumed at 11:14 a.m.

3. PRESENTATIONS

- 3.1 Daniel Shoemake, Administrator, ESU 6; Randall Nelson, Administrator, Southeast Nebraska Career Academies Partnership; and Rod Rhodes, Director of Career Academies/Associate Campus Director, Southeast Community College in Beatrice, presented information on Career Academy. (Handouts: PowerPoint dated February 1, 2010; brochures relating to Career Academy)
- 2.6 Policy Committee reports
 - 2.6.2 Board Member Patricia Timm reviewed the Model Policy to Prevent Dating Violence. The Board will take action on the policy during the business meeting of the Board on Tuesday. The language within the parenthesis in the first paragraph will be deleted.

Patricia Timm provided Board members with a draft Policy for Coordinated School Health for review for future action by the Board. Board members are to contact Julane Hill with comments and suggestions. (Handout: Policy for Coordinated School Health). Julane Hill will provide additional information to Board members.

The Committee will continue their meeting this afternoon.
- 2.7 Melody Hobson and Carol Fichter, Department of Education representatives, discussed an agreement from Building Bright Future (BBF) for the purpose of partnership with NDE's Office of Early Childhood/Early Childhood Training Center.

4. HEARINGS

- 4.1 Hearing in NDE Case No. 09-21, Commissioner v. *Sanford Kaplan*. [Minutes of the hearing](#) are attached to these minutes.
- 4.2 Hearing in NDE Case No. 09-23, *Commissioner v. Brenda Kay Croghan*. [Minutes of the hearing](#) are attached to these minutes.
- 4.3 Hearing in NDE Case No. 09-22, *In re Reinstatement of John Anthens II*. [Minutes of the hearing](#) are attached to these minutes.

5. EXECUTIVE SESSION

Motion by Fred Meyer, second by Robert Evnen: To move into Executive Session for purposes of receiving legal counsel regarding contested cases.

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

The motion passed. At 12:15 p.m., the Board moved into Executive Session for purposes of receiving legal counsel regarding contested cases.

Motion by Fred Meyer, second by Jim Scheer: To move out of Executive Session and resume the worksession of the State Board.

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

The motion passed. At 12:22 p.m., the Board adjourned the Executive Session and returned to the worksession of the State Board.

At 12:22 p.m., President Imes called for a break. The meeting resumed at 12:40 p.m.

6. ACTION ITEMS

- 6.1 Motion by Jim Scheer, second by Fred Meyer: In NDE Case 09-21 Commissioner v. Kaplan that this Board adopt the Findings of Fact, Conclusions of Law, and Recommendation of the Professional Practices Commission permanently revoking the Respondent's special services certificate, and adopt the Final Order prepared by legal counsel.

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

The motion passed.

- 6.2 Motion by Robert Evnen, second by Jim Scheer: In NDE Case 09-23 Commissioner v. Croghan that this Board adopt the Findings of Fact, Conclusions of Law, and Recommendation of the Professional Practices Commission suspending the Respondent's teaching certificate for one year, and to adopt the Final Order prepared by legal counsel.

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

The motion passed.

- 6.3 Motion by Patricia Timm, second by Rebecca Valdez: In NDE Case 09-22 In the matter of the Reinstatement of John Anthens II that this Board adopt the Findings of Fact, Conclusions of Law, and Recommendation of the Professional Practices Commission allowing Petitioner to apply for his teaching certificate, and to adopt the Final Order prepared by legal counsel.

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

The motion passed.

- 6.4 Motion by Fred Meyer, second by Patricia Timm: In NDE Case 09-19 Richard Porter v. Commissioner that this Board adopt the hearing officer's Proposed Findings of Fact, Conclusions of Law, and Recommended Decision granting Petitioner's request for an administrative certificate, and to adopt the Final Order prepared by legal counsel.

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

The motion passed.

2. REPORTS AND DISCUSSION

- 2.8 Marilyn Peterson, Department of Education representative, provided information on the School Improvement Grant (SIG) application. (Handout: ESEA Section 1003(g) of Title I School Improvement Grants (SIG))

- 2.9 Commissioner Breed shared the Commissioner Appraisal process and forms with Board members. President Imes asked that the completed appraisal forms be returned to her by February 16, 2010. The Commissioner Appraisal Committee will meet in March. President Imes appointed Robert Evnen, Rebecca Valdez, Jim Scheer and herself to the Commissioner Appraisal Committee.

There being no further business to come before the Board, President Imes adjourned the worksession at 1:15 p.m.

MINUTES OF THE MEETING – Tuesday, February 2, 2010

The State Board of Education met for purposes of a meeting on Tuesday, February 2, 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 9:02 a.m. Roll call showed the following members present: Jim Scheer, Mark Quandahl, Rebecca Valdez, Patricia Timm, Fred Meyer, Robert Evnen, Kandy Imes. Board member Joe Higgins was absent. 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 Jim Scheer, second by Patricia Timm: To approve the minutes of the meeting held January 5-6, 2010 as published.

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

The motion passed.

Motion by Jim Scheer, second by Robert Evnen: To approve the minutes of the Legislative Retreat held January 25 with the following corrections:

- LB 957, strike “if requested” from the motion
- LB 754, change “letter from the Commissioner” to “letter from the Board”

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

The motion passed.

3. APPROVAL OF AGENDA

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

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

The motion passed.

4. PUBLIC COMMENT

None.

7. ACTION ITEMS

7.1 Having completed the review of legislative issues during the worksession, the Board did not take action on the item.

7.2 Motion by Patricia Timm, second by Rebecca Valdez: To approve the proposed revisions of Rule 41 (92 NAC 41), *Regulations for Private postsecondary Career Schools Authorization to operate*.

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

The motion passed.

7.3 Motion by Rebecca Valdez, second by Patricia Timm: To approve the proposed revisions of Rule 42 (92 NAC 42), *Regulations Governing the registration of Agents for Private Postsecondary Career Schools and the Issuance of Certificates of Approval to Recruit.*

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

The motion passed.

7.4 Motion by Patricia Timm, second by Mark Quandahl: To approve the [Model Policy to Prevent Dating Violence](#) dated February 1, 2010.

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

The motion passed.

7.5 Motion by Robert Evnen, second by Fred Meyer: To move the June 8-9, 2010, State Board of Education meeting to July 7-8, 2010.

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

The motion passed.

7.6 Motion by Patricia Timm, second by Rebecca Valdez: To approve grant agreement and acceptance of grant funds from Building Bright Futures (BBF) for the purpose of partnership with NDE's Office of Early Childhood/Early childhood Training Center to design and establish a professional development system to be implemented as part of a quality improvement initiative that will improve the outcomes of young children and their likelihood of success in school.

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

The motion passed.

8. CONSENT AGENDA

Motion by Fred Meyer, second by Patricia Timm: To approve the Consent Agenda as published.

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

The motion passed.

10. BOARD REPORTS, DATES AND DISCUSSIONS

Commissioner Breed encouraged Board members to participate in Read Across America scheduled for March 2. Any Board members interested in reading in a Lincoln school during the March Board meeting are asked to let him know.

President Imes reminded the Board that the March meeting will begin at 2:00 p.m., Monday, March 1, with the business meeting beginning at 9:00 a.m. on Tuesday, March 2.

Committee meetings will be scheduled as follows:

- Standards Sub Committee – will meet prior to the March meeting. Donlynn Rice will contact committee members with that date.
- Legislative Committee – meeting set for Noon on March 1.
- Commissioner’s Appraisal Committee – will meet following the business meeting on March 2.
- Policy Committee – will continue their February meeting following the conclusion of the business meeting today.

Board Member Rebecca Valdez requested additional information from Jay Sears, Nebraska State Education Association, with regard to the organizational meeting scheduled on February 4 regarding the community engagement conversation scheduled for May 15.

President Imes reported on the NASBE Structure of School Time and Technology Committee meeting in Arlington, Virginia, January 22-23, 2010.

There being no further business to come before the Board, President Imes adjourned the meeting at 9:45 a.m.

Model Policy to Prevent Dating Violence

February 1, 2010

(School District Name) provides physically safe and emotionally secure environments for all students and staff. Positive behaviors are encouraged in the educational program and are required of all students and staff. Inappropriate behaviors, including but not limited to, dating violence, will not be tolerated and must be avoided by all students and staff.

Pursuant to Section 79-2,140, the Legislature has defined (a) "dating violence" to mean a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner; and (b) "dating partner" to mean any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or long term.

Strategies and practices are implemented to reinforce positive behaviors and to discourage and protect others from inappropriate behaviors. Dating violence training, as defined by Section 79-2,141(4,) shall be provided to staff deemed appropriate by the administration. The administration will be responsible for reviewing the school district's Student Code of Conduct to insure that this policy is reflected therein.

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. Sanford Kaplan

Case No. 09-21

12:00 p.m.

The State Board of Education met on February 1, 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. 09-21, *Commissioner v. Sanford Kaplan*. 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 12:06 p.m. The following State Board of Education members were present: Fred Meyer, Robert Evnen, Patricia Timm, Rebecca Valdez, Mark Quandahl, Jim Scheer, Kandy Imes; absent: Joe Higgins.

President Imes noted that the Nebraska Professional Practices Commission recommended in the case report that the Board permanently revoke the Nebraska Public Schools 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 not present nor represented by Counsel.

There being no further testimony, President Imes adjourned the hearing on Case No. 09-21 at 12:10 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. Brenda Kay Croghan
Case No. 09-23
12:00 p.m.

The State Board of Education met on February 1, 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. 09-23, *Commissioner v. Brenda Kay Croghan*. 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 12:10 p.m. The following State Board of Education members were present: Fred Meyer, Robert Evnen, Patricia Timm, Rebecca Valdez, Mark Quandahl, Jim Scheer, Kandy Imes; absent: Joe Higgins.

President Imes 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. 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 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 Imes adjourned the hearing on Case No. 09-23 at 12:12 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
In re Reinstatement of John Anthens II
Case No. 09-22
12:00 p.m. a.m.

The State Board of Education met on February 1, 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. 09-22, *In re Reinstatement of John Anthens II*. 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 12:12 p.m. The following State Board of Education members were present: Fred Meyer, Robert Evnen, Patricia Timm, Rebecca Valdez, Mark Quandahl, Jim Scheer, Kandy Imes; absent: Joe Higgins.

President Imes noted that the Nebraska Professional Practices Commission recommended in the case report that the Board allow John Anthens II 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. 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 John Anthens II be allowed to apply for a Nebraska public Schools teaching certificate.

The Petitioner was present and offered a statement on his behalf.

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

There being no further testimony, President Imes adjourned the hearing on Case No. 09-22 at 12:15 p.m.