

PLEASE NOTE: Support documentation for agenda items can be accessed through the posted [Agenda](#).

NEBRASKA STATE BOARD OF EDUCATION
Nebraska Department of Education
Minutes of Meeting
July 7-8, 2010

MINUTES OF THE RETREAT – Wednesday, July 7, 2010

The State Board of Education met for purposes of a work session on Wednesday, July 7, 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 date, time and location of the meeting.

1. CALL TO ORDER

- 1.1 President Imes called the work session to order at 2:10 p.m. 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.
- 1.2 President Imes announced the location of the Open Meetings Act.

2. REPORTS AND DISCUSSION

- 2.2 Standards, Assessment and Accountability
 - 2.2.2 Pat Roschewski, Department of Education representative, and Dave Chayer, Data Recognition Corporation (DRC), provided information regarding cut score recommendations for State Reading tests. The Board will be asked to take action on the adoption of the cut scores during the business meeting on July 8, 2010. (Handout: Overview and Results of the NeSA Reading Standard Setting Studies)

Dr. Susan Davis, Alpine Testing Solutions, provided information on the NeSA-AAR (Alternate Assessment) Standard Setting. [Handout: NeSA-AAR (Alternate Assessment) Standard Setting] The Board will be asked to take action on the adoption of the proficiency levels during the business meeting on July 8, 2010.

2.1 Legislative Update

- 2.1.1 Brian Halstead, Department of Education representative, provided an update on state legislation. (Handout: LR 542 Calculations of Committee Target Levels)
- 2.1.2 Brian Halstead also provided information on federal legislation. (Handout: ECS Alert – Federal Education Jobs Fund).

2.2 Standards, Assessment and Accountability

- 2.2.1 Donlynn Rice and Jim Woodland, Department of Education representatives, provided an update on Science Standards.
- 2.2.3 Pat Roschewski, Department of Education representative, opened discussion on the statewide writing assessment.

President Imes called for a break at 3:40 p.m. The meeting resumed at 3:56 p.m.

- 2.2.4 Commissioner Breed opened discussion on Common Core Standards. (Handout: Common Core Standards – To Adopt or Not?)

2.3 Teacher Preparation Programs

- 2.3.1 Sharon Katt, Department of Education representative, Becky Schnabel, NCTE president elect; Wayne Erickson, president NCTE, shared information and invited discussion regarding educator preparation programs in Nebraska. (Handout: PowerPoint – NCTE Presentation to the Nebraska State Board of Education.)
- 2.3.2 Sharon Katt, Department of Education representative, reviewed the various nominees and their qualifications to serve as alternate State Board representatives for the Nebraska Council on Teacher Education (NCTE) and their qualifications. The Board will take action on selecting candidates for the vacancies.
- 2.3.3 Sharon Katt, Department of Education representative, provided an update on Rule 25.
- 2.7 Marilyn Peterson, Department of Education representative, provided information on the Elementary and Secondary Education Act (ESEA) Section 1003(g) School Improvement Grants (SIG) for the 2010-2011 School Year. The Board will be asked to take action on July 8, 2010. (Handout: ESEA Section 1003(g) School Improvement Grants)

- 2.8 Freida Lange, Department of Education representative, provided information on the recommendations from the State Accreditation Committee (SAC) for classification of schools in 2010-2011.
- 2.9 Freida Lange, Department of Education representative, discussed the request from East Butler School to offer fewer instructional hours (1074.5) than the required minimum (1080 hours) at the high school level due to severe weather conditions experienced in the 2009-2010 school year in accordance with the provisions of Statute 79-213, R.R.S. Ms. Lange will provide additional information to the Board on the enforcement options of accreditation rules at the regular business meeting on July 8, 2010.
- 3.0 Melody Hobson, Department of Education representative, discussed the request from Aurora Public Schools to offer fewer than 450 instructional hours for the purposes of receiving TEEOSA for their qualified Early Childhood Education Program due to severe weather during the 2009-2010 school year.
- 3.1 Margaret Worth and Scott Summers, Department of Education representatives, discussed the proposed revisions to Rule 19 (92 NAC 19), *Regulations Regarding School Enrollment*. The Board will be asked to take action at the business meeting on July 8, 2010.

President Imes adjourned the work session at 5:50 p.m.

MINUTES OF THE MEETING – Thursday, July 8, 2010

The State Board of Education met for purposes of a meeting on Thursday, July 8, 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 date, time and location of the meeting.

1. CALL TO ORDER

- 1.1 President Imes called the meeting to order at 9:15 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 Rebecca Valdez, second by Patricia Timm: To approve the minutes of the May 4-5, 2010, meeting of the State Board of Education.

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

The motion passed.

3. APPROVAL OF THE AGENDA

Commissioner Breed recommended that:

- Work Session Item 2.6 be placed on the agenda following Public Participation
- Action Item 7.1.1 be taken as the last action item
- Action on 7.7 will be taken after 11:00 a.m. Executive Session
- Work Session Items 2.4, 2.5, 3.2, 3.3 and 3.4 will be taken as additions to Discussion Items 9.0

Motion by Joe Higgins, second by Jim Scheer: To approve the agenda with the Commissioner recommendations.

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

The motion passed.

4. PUBLIC COMMENT

4.2 Jay Sears, Nebraska State Education Association, commented on accountability and assessment, teacher/leader education, and budget priorities. (Handouts: Policy Briefs on Teacher/Leader education)

4.3 Special Recognition

President Imes acknowledged the contribution of Robert Beecham by reading a [Board Resolution](#). Motion by Jim Scheer, second by Fred Meyer: To adopt the resolution honoring the serve of Bob Beecham.

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

The motion passed.

2.0 WORK SESSION DISCUSSION ITEMS

- 2.6 Commissioner Breed opened discussion on the Department of Education budget. (Handout: Department of Education General Fund Appropriations)
Henry Rodriguez and Russ Inbody, Department of Education representatives, provided information on the budget.

7. ACTION ITEMS

- 7.1.2 Motion by Patricia Timm, second by Fred Meyer: To approve the cut score recommendations to establish the proficiency levels for the state alternate reading tests (NeSA-AAR). Proficiency levels will be "Meets the Standards," "Exceeds the Standards," "Below the Standards."

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

The motion passed.

- 7.2 Motion by Fred Meyer, second by Joe Higgins: To approve the proposed revisions to Rule 25 (92 NAC 25) Regulations Governing the Excellence in Teaching Act with a non-substantive revision.

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

The motion passed.

- 7.3 Motion by Jim Scheer, second by Mark Quandahl: To appoint Deb Freeze as the State Board alternate in the Teacher-Other Teacher representative category for the Nebraska Council on Teacher Education (NCTE).

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

The motion passed.

Motion by Kandy Imes, second by Patricia Timm: To appoint Mary Kay Hahn as the State Board alternate in the Members At Large category representative for the Nebraska Council on Teacher Education (NCTE).

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

The motion passed.

- 7.4 Motion by Jim Scheer, second by Joe Higgins: to authorize the commissioner to pay annual dues for National Association of State Boards of Education (NASBE), Council

of Chief State School Officers (CCSSO), Nebraska Association of School Boards (NASB) and Education Commission of the States (ECS).

Joe Higgins stated for the record: We emphasize the need for professional development for educators across the state, and CCSSO and NASBE are avenues for professional development for Board and senior leadership at NDE. It is important that board members and leadership team members have a strong commitment to professional development and growth during their years of service. I speak highly favorably of both of the organizations and the return from the dues when we utilize the organizations.

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

The motion passed.

7.5 Motion by Jim Scheer, second by Rebecca Valdez: To authorize President Kandy Imes of the State Board of Education to sign the Memorandum of Understanding (MOU) for Data Sharing with Nebraska Public Postsecondary Institutions.

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

The motion passed.

7.6 Motion by Rebecca Valdez, second by Joe Higgins: To adjust the boundaries of ESU 2 and ESU 7 to reflect the boundaries of their member school districts.

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

The motion passed.

7.8 Motion by Robert Evnen, second by Mark Quandahl: To approve the proposed hearing draft of revisions to Rule 19 (92 NAC 19) *Regulations Regarding School Enrollment*, with the modification of changing the preamble to Section 003.02 by substituting the word "permitted" for the words "specifically required" and to modify the final sentence by adding at the beginning of the sentence "Unless otherwise permitted by law," and authorize the Commissioner to appoint a hearing officer and set a date, time and place for a hearing.

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

The motion passed.

President Imes called for a break at 10:53 a.m. The meeting resumed at 11:05 a.m.

6. EXECUTIVE SESSION

Motion by Robert Even, 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 Case No. 10-01.

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

The motion passed. At 11:09 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 Case No. 10-01.

Motion by Patricia Timm, second by Robert Evnen: To adjourn the Executive Session and resume the business meeting of the Board.

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

The motion passed. At 11:20 a.m., the Board adjourned the Executive Session and resumed the business meeting of the Board.

7. ACTION ITEMS

7.7 Motion by Joe Higgins, second by Patricia Timm: In Case No. 10-01, *Judith Carman v. Commissioner*, 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, Valdez, Timm, Higgins
Voting No: Scheer, Quandahl, Evnen, Meyer

The motion failed.

7.9 Motion by Patricia Timm, second by Fred Meyer: To authorize the Commissioner to approve the Elementary and Secondary Education Act (ESEA) Section 1003(g) School improvement Grants (SIG) for the 2010-2011 School Year.

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

The motion passed.

- 7.7 Vice President Jim Scheer requested the President to reconsider the action taken on Action Item 7.7 based on the split vote. President Imes ruled that another motion for the disposition of Action Item 7.7 be considered.

Motion by Joe Higgins, second by Jim Scheer: In Case No. 10-01, *Judith Carman v. Commissioner*, that this Board Move adopt 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.

Discussion followed concerning the procedural rules and processes in deciding a contested case.

Motion by Joe Higgins, second by Robert Evnen: To postpone action on the motion to the August 11 Board meeting.

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

The motion passed.

- 7.10 Motion by Fred Meyer, second by Robert Evnen: To authorize the Commissioner to approve grant awards for the 2010-2011 Perkins Innovation Grant Program.

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

The motion passed.

- 7.11 Freida Lange, Department of Education representative, provided additional information on the [possible effect of a denial of East Butler's request. (Handout: Statute 79-213 and Rule 10 Section 014)

Motion by Joe Higgins, second by Rebecca Valdez: To consider approval of a request from East Butler Public Schools to offer fewer instructional hours (1074.5) than the required minimum (1080 hours) at the high school level due to severe weather conditions experienced in the 2009-2010 school year, in accordance with the provisions of Statute 79-213 R.R.S.

Discussion followed.

President Imes called for a break at 12:05. The meeting resumed at 12:53 p.m.

Motion to amend by Jim Scheer, second by Fred Meyer: to amend Mr. Higgins' Motion to read as follows: To approve the request of East butler Public Schools to offer fewer instructional hours than the required minimum at the high school level due to severe weather conditions experienced in the 2009-10 school year, in accordance with the provisions of state statute 79-213, but only for the purpose of allowing East Butler to receive TEEOSA aid for 20010-11 and that the State Board will consider East Butler's accreditation status at a later date.

The motion to amend was accepted by Jim Higgins and Rebecca Valdez.

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

The motion to amend passed.

Roll call vote on the Main Motion as amended.

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

The motion passed.

7.12 Motion by Jim Scheer, second by Rebecca Valdez: To approve recommendations from the State Accreditation committee for classification of schools in 2010-2011 with the exception of East Butler Public Schools.

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

The motion passed.

Motion by Robert Evnen, second by Fred Meyer: To classify O'Neil St. Mary's school as accredited on probation for the 2010-11 school year.

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

The motion passed.

7.13 Motion by Fred Meyer, second by Patricia Timm: To consider approval of a request from Aurora Public Schools to offer fewer than 450 instructional hours for the purposes of receiving TEEOSA for their qualified early childhood education program due to severe weather during the 2009-2010 school year.

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

The motion passed.

7.14 Motion by Jim Scheer, second by Fred Meyer: To authorize the commissioner to approve grant awards in an amount not to exceed \$458,850 through the competitive portion of the Enhanced Education Through Technology (EETT), Elementary and Secondary Education Act (ESEA), Title II Part D Program.

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

The motion passed.

7.15.1 Motion by Robert Evnen, second by Patricia Timm: To authorize the Commissioner to contract with the University of Nebraska-Lincoln for services as the State Director for Agricultural, Food and National Resources Career Field.

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

The motion passed.

7.15.2 Motion by Jim Scheer, second by Fred Meyer: To authorize the Commissioner to approve the FY2010 National School lunch program (NSLP) Equipment grants for School food authorities.

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

The motion passed.

7.15.3 Motion by Rebecca Valdez, second by Joe Higgins: To grant the Commissioner authority to contract with Papillion-LaVista Public Schools to coordinate statewide technical assistance for the 21st Century Community Learning Center grant program.

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

The motion passed.

7.16 Motion by Jim Scheer, second by Rebecca Valdez: To authorize the Commissioner to extend (purchase) the PK-12 Uniq-ID system to include students in Nebraska's public postsecondary institutions through an expansion of the current license with eScholar, Inc.

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

The motion passed.

- 7.1.1 Pat Roschewski, Department of Education representative, provided additional information with regard to cut score recommendations. ([Handout: Table 1.0 Percent of Students in Each Level: Four Options](#))

Motion by Jim Scheer, second by Robert Evnen: To adopt Option 4 of the cut score recommendations to establish the proficiency levels for the state reading tests (NeSA-R)

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

The motion passed.

The State Board acknowledged the dedication and hard work of the Department and others with this effort. The Board appreciated the flexibility and responsiveness on a time compressed basis.

8. CONSENT AGENDA

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

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

The motion passed.

9. DISCUSSION ITEMS

Items from the Work Session

- 2.4 Deputy Commissioner Swisher opened discussion of the September 1, 2010, State Board Policy Retreat Agenda. Board members were asked to provide additional issues and topics to Dr. Swisher. The retreat is scheduled for September 1 beginning at 10:30 a.m.
- 2.5 Commissioner Breed provided the Board with a list of Commissioner's Goals for 2010-11. Board members are encouraged to contact the Commissioner or Deputy Commissioner for additional information, concerns and inquiries. (Handout: Commissioner Goals, July 2010)
- 3.2 Board Member Mark Quandahl opened discussion regarding communications with the media. (Handout: State Board of Education Media Response)
- 3.3 Board Member Joe Higgins provided information on the NASBE Project Partners for All Student Success (PASS) Junior Reserve Officer Training Corp (JROTC) in schools. A list of potential schools that may benefit from this program will be generated.

11.3 Board members Joe Higgins, Jim Scheer, Kandy Imes, and Fred Meyer plan to participate in the Department Day at Administrators' Days on July 28, 2010.

President Imes adjourned the meeting at 2:15 p.m.

**RESOLUTION of the STATE BOARD OF EDUCATION
RECOGNITION OF ROBERT BEECHAM**

WHEREAS, Robert “Bob” Beecham has contributed greatly to the development and quality of education data systems covering Nebraska public schools and non-public schools during his 34 year tenure as a Nebraska Department of Education employee.

WHEREAS, Bob Beecham has provided guidance and leadership to the Nebraska Department of Education and Nebraska schools as the Administrator of Data Services for the past 15 years.

WHEREAS, Bob Beecham’s expertise and service have consistently extended the Nebraska Department of Education mission of educational excellence and equity based on accurate and complete data systems.

WHEREAS, Bob Beecham has served education in Nebraska with steadfast dedication to the principles of quality and accurate data by development of major systems at the Department of Education including the Nebraska Student and Staff Record System, State Aid to Education system, Teacher Certification system, and Child Nutrition system.

WHEREAS, Bob Beecham served in numerous leadership roles including State Coordinator for the Integrated Performance Benchmarking System, Team Leader for the development of the Nebraska Department of Education State of the Schools Report, Co-Founder of the Midwest Education Information Consortium and Project Leader for the development and on-going improvements and modifications of the Nebraska Student and Staff Records System.

AND WHEREAS, Bob Beecham resigned his position on June 30, 2010, leaving a legacy of outstanding achievement within the Nebraska Department of Education.

THEREFORE, BE IT RESOLVED

That the Nebraska State Board of Education recognizes Bob Beecham’s contributions and service to Nebraska students and schools, and express their collective appreciation for his leadership and tireless dedication to the Nebraska Department of Education.

On behalf of the State Board of Education on this 8th day of July, 2010.

/s/ Kandy Imes, President

/s/ Jim Scheer, Vice President

Table 1.0 Percent of Students in Each Level: Four Options

	Option 1 Bookmark			Option 2 Contrasting Groups			Option 3 Average			Option 4 (Articulation) ^a		
	Below the Standard	Meets the Standard	Exceeds the Standard	Below the Standard	Meets the Standard	Exceeds the Standard	Below the Standard	Meets the Standard	Exceeds the Standard	Below the Standard	Meets the Standard	Exceeds the Standard
3	21.7	37.7	40.6	35.8	49.5	14.7	29.6	50.3	20.1	32.5	47.4	20.1
4	16.8	44.6	38.6	34.0	50.4	15.6	27.3	51.3	21.4	30.5	48.1	21.4
5	15.4	49.3	35.3	29.0	56.5	14.5	22.7	58.1	19.2	32.6	48.2	19.2
6	20.6	42.1	37.3	25.7	60.2	14.1	25.8	54.6	19.6	31.8	48.6	19.6
7	24.9	38.8	36.3	34.4	49.4	16.2	31.0	48.0	21.0	31.0	48.0	21.0
8	24.0	38.4	37.6	19.3	58.4	22.3	24.0	48.6	27.4	29.6	48.2	22.2
11	28.3	37.9	33.8	28.3	58.1	13.6	28.3	53.5	18.2	31.5	50.3	18.2

a Recommendation

b Raw score conversion tables will be available on August 16th when the formal release of NeSA-R results is made public.

Table 2.0 Scale Score Cutpoints: Four Options

	Option 1 Bookmark			Option 2 Contrasting Groups			Option 3 Average			Option 4 (Articulation) ^a		
	Below the Standard	Meets the Standard	Exceeds the Standard	Below the Standard	Meets the Standard	Exceeds the Standard	Below the Standard	Meets the Standard	Exceeds the Standard	Below the Standard	Meets the Standard	Exceeds the Standard
3	1 to 93	94 to 122	123 to 200	1 to 104	105 to 147	148 to 200	1 to 99	100 to 134	135 to 200	1 to 84	85 to 134	135 to 200
4	1 to 92	93 to 123	124 to 200	1 to 105	106 to 141	142 to 200	1 to 99	100 to 132	133 to 200	1 to 84	85 to 134	135 to 200
5	1 to 93	94 to 124	125 to 200	1 to 104	105 to 139	140 to 200	1 to 99	100 to 131	132 to 200	1 to 84	85 to 134	135 to 200
6	1 to 96	97 to 124	125 to 200	1 to 101	102 to 142	143 to 200	1 to 99	100 to 133	134 to 200	1 to 84	85 to 134	135 to 200
7	1 to 95	96 to 119	120 to 200	1 to 102	103 to 132	133 to 200	1 to 99	100 to 126	127 to 200	1 to 84	85 to 134	135 to 200
8	1 to 100	101 to 122	123 to 200	1 to 97	98 to 131	132 to 200	1 to 99	100 to 127	128 to 200	1 to 84	85 to 134	135 to 200
11	1 to 99	100 to 119	120 to 200	1 to 99	100 to 133	134 to 200	1 to 99	100 to 126	127 to 200	1 to 84	85 to 134	135 to 200