

Approved February 6, 2015
State Board of Education Meeting
January 8, 2015 3:30 PM
State Board Meeting Room
State Office Building, Sixth Floor
301 Centennial Mall South
Lincoln, NE 68509-4987

1. CALL TO ORDER - President Wise called the meeting to order at 3:33 p.m.

1.1. Roll Call

Present Board Members:

Rachel Wise

Glen Flint

Lillie Larsen

John Witzel

Molly O'Holleran

Patricia Timm

Maureen Nickels

Patrick McPherson – arrived at 3:40 p.m.

Commissioner Blomstedt was also present.

1.2. Announcement of the placement of the Open Meetings Act information

2. BOARD REPORTS, DATES AND DISCUSSION ITEMS

Board members reported on various activities and meetings attended since the December meeting.

3. COMMISSIONER'S REPORT AND AGENDA OVERVIEW

3.1. Consent agenda process

Commissioner Blomstedt reviewed the Consent Agenda process.

3.2. Update on Status of Rule 10 Hearing Draft / AQuESTT

Freida Lange, Department of Education representative, and Commissioner Blomstedt, provided an update on the status of the Rule 10 hearing draft and AQuESTT.

3.3. Overview of quasi-judicial role of the Board

Brian Halstead, Assistant Commissioner; and Commissioner Blomstedt, provide an overview of the quasi-judicial role of the Board.

4. DISCUSSION OF ACTION ITEMS

- 4.1. Gary Sherman and Amy Bunnell, Department of Education representatives; and Cole Johnson, Department of Health and Human Services, discussed the Elkhorn Public School District as a preschool planning region for children with disabilities who are less than five years of age effective August 1, 2015.
- 4.2. Joel Scherling, Department of Education representative, discussed the 2015-2017 NDE-NAPE/AFSCME Bargaining Agreement.
- 4.3. Melody Hobson and Diane Kvasnicka, Department of Education representatives, discussed the hearing draft of Rule 11: Regulations for the Approval of Prekindergarten Programs Established by School Boards of Educational Service Units and for the Issuance of Early Childhood Education Grants, and set a time and place for a hearing and appoint a hearing official to conduct a hearing on behalf of the State Board.
- 4.4. Melody Hobson, Department of Education representative, discussed the contract for coaching, training, and program assessment services; the contract with NeAEYC for coaching, training, and program assessment services; and the contract for training, coaching, and program assessment services
- 4.5
- 4.6

5. COMMITTEE REPORTS AND OTHER ITEMS FOR DISCUSSION

5.1. LEGISLATION

Brian Halstead, Assistant Commissioner, provided an overview of state legislation; the State Board Legislative Retreat scheduled for January 28, 2015; and federal legislation.

5.2. ACCOUNTABILITY

Commissioner Blomstedt updated the Board on the waiver process. The waiver writing team continues to develop the draft document.

5.3. ASSESSMENT

The discussion of the transition of NeSA-Reading to NeSA-English Language Arts with the work to be initiated February to June 2015 was referred to Committee.

- 6. ADJOURNMENT** - The meeting adjourned at 5:20 p.m. The regularly scheduled meeting of the State Board of Education will reconvene at 9:00 a.m. on January 9, 2015, State Board Meeting Room, State Office Building, Sixth Floor, 301 Centennial Mall South, Lincoln, NE 68509-4987.

State Board of Education Meeting Notification and Agenda

January 09, 2015 9:00 AM
State Board Meeting Room
State Office Building, Sixth Floor
301 Centennial Mall South
Lincoln, NE 68509-4987

1. CALL TO ORDER - President Wise called the meeting to order at 9:05 a.m.

1.1. Roll Call

Present Board Members:

Rachel Wise
Glen Flint
Lillie Larsen
John Witzel
Patrick McPherson
Molly O'Holleran
Patricia Timm
Maureen Nickels

Commissioner Blomstedt was also present.

1.2. Pledge of Allegiance

1.3. Announcement of the placement of the Open Meetings Act information

2. APPROVAL OF THE MINUTES

Motion Passed: Approval of the minutes of the December 4-5, 2014, State Board of Education meeting as published passed with a motion by Patricia Timm and a second by Lillie Larsen.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Abstain

3. APPROVAL OF AGENDA

Motion Passed: With the recommendation from Commissioner Blomstedt to remove Action Item 7.1, the Agenda passed with a motion by Molly O'Holleran and a second by John Witzel.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Yes

3.2. 2015 ORGANIZATION OF THE STATE BOARD OF EDUCATION

Motion Passed: That the Commissioner, as Secretary of the State Board, preside over the nomination process; that secret ballots will be used during the election; that each vote will be announced and recorded in the minutes; and that the ballots will be destroyed after voting is concluded passed with a motion by John Witzel and a second by Patricia Timm.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Yes

3.2. A. Term of Office

Motion Passed: That the elected officers of the Board serve a one year term passed with a motion by Patricia Timm and a second by Patrick McPherson.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Yes

3.2. B. Election of Board President

Commissioner Blomstedt asked for nominations for President of the State Board of Education.

John Witzel nominated Rachel Wise.

Motion Passed: That the Board cease nominations passed with a motion by Patricia Timm and a second by John Witzel.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Yes

Margaret Worth and Lora Sypal, Department of Education representatives, were appointed to distribute, collect, and tally the ballots.

Commissioner Blomstedt announced that Rachel Wise received 8 votes.

3.2. C. Election of Board Vice President

President Wise opened nominations for Vice President.

Patricia Timm nominated Lillie Larsen. There being no further nominations, nominations were closed.

President Wise announced that Lillie Larsen received 8 votes.

3.2. D. Appoint Members to Committees

President Wise announced the following Committee structure:

Policy Committee - Lillie Larsen
Patricia Timm
John Witzel
Glen Flint

Legislative Committee - Rachel Wise

Molly O'Holleran
Patrick McPherson
Maureen Nickels

AQuESTT - Teaching and Learning

College & Career Ready - Lillie Larsen, Patrick McPherson
Assessment - Glen Flint
Educator Effectiveness - Maureen Nickels or Rachel Wise

AQuESTT - Student Success and Access

Positive Partnerships, Relationships & Student Success - Molly O'Holleran
Transitions - John Witzel
Educational Opportunities and Access - Patricia Timm

Study Groups

Early Childhood Education - Patricia Timm
Molly O'Holleran
Glen Flint
Maureen Nickels

Career and Technical Education - John Witzel

Lillie Larsen
Patrick McPherson
Rachel Wise

Commissioner Appraisal Committee - determined at a later time

3.3. President Wise called for a break at 9:20 a.m. At 9:35 a.m., the meeting resumed.

4. **PUBLIC COMMENT PERIOD**

- Pete Seiler, Nebraska Association of the Deaf
- Lindsey Darnell, Jr.
- Jay Sears – Nebraska State Education Association
- Rachel Pinkerton, LEAP
- Johnathon Scherling - Nebraska Association of the Deaf

4.1. **REQUEST FOR APPEARANCE**

- John Wyvill, Nebraska Commission for Deaf and Hard of Hearing, speaking to LR 517, interpreter services

5. **HEARINGS**

5.1. Hearing in NDE Case No. 14-16, Commissioner v. Cody Magee

President Wise called the hearing to order at 10:32 a.m.

Petitioner was present and represented by legal counsel, Brian Halstead and in full support of the PPC recommendation for a one-year suspension of Respondent's teaching certificate.

The Respondent was not present nor represented by counsel.

The hearing was adjourned at 10:35 a.m.

5.2. Hearing in NDE Case No. 14-17, Commissioner v. Adam Finley

President Wise called the hearing to order at 10:35 a.m.

Petitioner was present and represented by legal counsel, Brian Halstead, in support of the PPC recommendation for a five year suspension of Respondent's teaching certificate.

Respondent was not present, nor represented by legal counsel.

President Wise closed the hearing at 10:39 a.m.

6. EXECUTIVE SESSION

Motion Passed: That the State Board go into Executive Session to deliberate and receive advice from Legal Counsel on contested cases at 10:40 a.m. passed with a motion by Lillie Larsen and a second by Molly O'Holleran.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Yes

Motion Passed: That the Executive Session of the State Board be adjourned at 10:55 a.m. passed with a motion by Lillie Larsen and a second by John Witzel.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Yes

7. ACTION ITEMS

7.1. This item was removed from the agenda.

7.2. **Motion Passed:** Approve Elkhorn Public School District as a preschool planning region for children with disabilities who are less than five years of age effective August 1, 2015, passed with a motion by John Witzel and a second by Patricia Timm.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Yes

7.3. **Motion Passed:** Approval of the 2015-2017 NDE-NAPE/AFSCME Bargaining Agreement passed with a motion by Patricia Timm and a second by Maureen Nickels.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Yes

7.4. Motion Passed: In Leslie Philips v. Commissioner, NDE Case No. 14-11, that this Board adopt the Hearing Officer's recommendation that this board accept the request of the Petitioner to withdraw his appeal and to dismissal the appeal passed with a motion by Patricia Timm and a second by Patrick McPherson.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Yes

7.5. Motion Passed: In Commissioner v. Cody Magee, NDE Case No. 14-16, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, suspending Respondent's teaching certificate for a period of one year, and to adopt the Final Order proposed by Legal Counsel passed with a motion by Molly O'Holleran and a second by Maureen Nickels.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Yes

7.6. Motion Passed: In Commissioner v. Adam Finley, NDE Case No. 14-17, that this Board adopt the Findings of Fact, Conclusions of Law and the Recommendation of the Nebraska Professional Practices Commission, revoking Respondent's teaching certificates for a period of five years, and to adopt the Final Order proposed by Legal Counsel passed with a motion by John Witzel and a second by Lillie Larsen.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Yes

8. APPROVAL OF CONSENT AGENDA

Motion Passed: Approval of the Consent Agenda passed with a motion by John Witzel and a second by Lillie Larsen.

Rachel Wise	Yes
Glen Flint	Yes
Lillie Larsen	Yes
John Witzel	Yes
Patrick McPherson	Yes
Molly O'Holleran	Yes
Patricia Timm	Yes
Maureen Nickels	Yes

9. SPECIAL PRESENTATIONS AND DISCUSSIONS

10. BOARD REPORTS, DATES AND DISCUSSION ITEMS

10.2. State Board Policies G1, "Nondiscrimination and Equal Educational Opportunity in Schools" and B2, "Public Statements" for review

12. ADJOURNMENT

President Wise adjourned the meeting at 11:08 a.m.

The next regularly scheduled meeting of the State Board of Education will be held on Friday, February 6, 2015 at 9:00 a.m. at the Nebraska State Office Building, Nebraska Department of Education, Sixth Floor, 301 Centennial Mall South, Lincoln, NE 68509. A work session will be held on Thursday, February 5, 2015 at 2:00 p.m. at the Nebraska State Office Building, Nebraska Department of Education, Sixth Floor, 301 Centennial Mall South, Lincoln, NE 68509.