

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

| | | |
|---------------------------------------|---|-------------------------------|
| Douglas D. Christensen |) | |
| Commissioner of Education |) | N.P.P.C. Case No. 07-14 |
| 301 Centennial Mall South - 6th Floor |) | Case No. 07030 |
| P.O. Box 94933 |) | |
| Lincoln, NE 68509-4933, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | |
| |) | Findings Of Fact, Conclusions |
| |) | Of Law And Decision |
| Donnelle Saunsoci |) | Of the Commission |
| P.O. Box 162 |) | |
| Niobrara, NE 68760, |) | |
| |) | |
| Respondent. |) | |

I. STATEMENT OF THE CASE

This case commenced with the filing of a Petition on November 19, 2007, by Douglas D. Christensen, Commissioner of Education, Department of Education, State of Nebraska, hereinafter referred to as "Petitioner." The Petition was filed against Donnelle Saunsoci, hereinafter referred to as "Respondent." The Petition alleges certain acts of conduct by the Respondent in violation of Neb. Rev. Stat. Section 79-821 and 79-866(2); Title 92, Nebraska Administrative Code, Chapter 27, Section 004.06C (effective date: November 12, 2003), and Section 007 (same effective date) of the above title and chapter of the Nebraska Administrative Code.

On November 20, 2007, the Petition, Notice of Right to Submit an Answer, and a copy of Title 95, Nebraska Administrative Code, Chapter 1 (effective date: October 30, 1993), were served upon Respondent by certified mail, return receipt requested. No Answer has been filed with the Commission. On December 20, 2007, a Motion for Default Judgment was filed by Brian Halstead, General Counsel for the Petitioner. On December 21, 2007 a Request for Support Information was filed by Kathi Vontz, Clerk of the Commission. On January 4, 2008, said Support Information was filed by Brian Halstead, General Counsel for the Petitioner.

On or about February 20, 2008, Kathi Vontz, Clerk of the Commission, filed a Notice of Hearing which was sent to the Respondent, postage prepaid, and delivered by hand to the Petitioner's General Counsel. The Notice of Hearing advised that a public hearing on the

Petition and Default Motion would be held on the 29th day of March, 2008, commencing at approximately 9:15 a.m., in the State Board Hearing Room, 6th Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The Notice further advised that the hearing would be held before a designated hearing committee of the Commission, with Samuel Van Pelt serving as legal counsel to advise the Chair in the performance of his duties.

The Petition and Default Motion came on for hearing at the above date, time, and place before a Hearing Panel of the Commission consisting of Commission Members Robert Beck, Jay Bellar, Sharon Bohling, Randy Butcher, Kirby Eltiste, Jodi Kupper, Marie Meyers, Linda Mihm, Joan Reznicek, Daniel Ross, Lynn Strack, and Debra Wallman. Commissioner Beck served as Chairperson. The proceedings were reported by Wendy Cutting of General Reporting Services, Lincoln, Nebraska. The Petitioner appeared by Brian L. Halstead, General Counsel. The Respondent appeared pro se. Exhibits were received in evidence, and counsel for the Petitioner and the Respondent made their closing arguments.

Thereupon, the Commission adjourned and deliberated based on the record before it, and makes the following Findings of Fact, Conclusions of Law, and Recommendation to the State Board of Education.

II. FINDINGS OF FACT

1. The Petitioner, Douglas D. Christensen, is the Commissioner of Education for the State of Nebraska; Respondent holds Nebraska public schools teaching certificate XXX-XX-9297, endorsed in Middle Grades 4-9, Middle Grades Social Science 4-9, Middle Grades Language Arts 4-9, and English as a Second Language K-12, with an expiration date of August 31, 2011.

2. The Respondent was employed as a culture teacher by the Santee Community School beginning with the 2006-2007 school years.

3. On or about August 9, 2007, the Respondent failed to give prompt notice to her employer, the Santee Community School, of a change in her availability of service, and she failed to adhere fully to the terms of her contract with such employer.

III. CONCLUSIONS OF LAW

1. The Commission has jurisdiction in this case and all proceedings have been in accordance with applicable Constitutional, Statutory, and Regulatory Requirements.

2. The Petitioner has failed to prove by a preponderance of the evidence that the Respondent, without just cause, abrogated her contract with the Santee Community School, in violation of Neb. Rev. Stat. Sec. 79-821. The Petitioner has proven by a preponderance of the evidence that the Respondent has failed to give prompt notice to this employer of a change in the availability of service in violation of Title 92, Nebraska Administrative Code, Chapter 27, Section 004.06C (effective date: November 12, 2003), and that the Respondent failed to fully

adhere to the terms of a contract of appointment in violation of Section 007 (same effective date) of the above title and chapter of the Nebraska Administrative Code.

IV. ORDER

Therefore, the Commission orders that Donnelle Saunsoci, holder of Nebraska public schools certificate, number XXX-XX-9297, endorsed in Middle Grades 4-9, Middle Grades Social Science 4-9, Middle Grades language Arts 4-9, and English as a Second Language K-12, with an expiration date of August 31, 2011, be issued a Public Reprimand.

Dated this 3rd day of April, 2008.



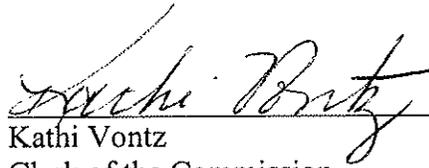
Robert Beck, Chairperson
Hearing Committee
Nebraska Professional Practices Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, and Recommendation of the Commission for Case No. 07-14 was served upon Respondent, Donnelle Saunsoci, by U.S. Mail, postage prepaid. It was also hand delivered to Brian Halstead, attorney for the Petitioner, on this 17th day of April, 2008, at the following addresses.

Donnelle Saunsoci
Respondent
P.O. Box 162
Niobrara, NE 68760

Brian L. Halstead
Attorney for Petitioner
301 Centennial Mall South
Lincoln, NE 68509



Kathi Vontz
Clerk of the Commission