

Respondent denied the allegations of paragraph 6 of the Petition insofar as Respondent alleged that she had just cause to not fulfill the term of her contract and alleged that it was practically, rationally, reasonably, and responsibly necessary to abrogate her contract commitment for the 2014-2015 year with Overton for the best interests of her children and family and further alleged that the same was well known by Overton. Respondent further alleged that Respondent's position was timely filled without disruption to Overton students. Respondent further alleged that Respondent offered her assistance on a temporary basis to help in the transitional process for a teacher to fulfill her position but said offer was refused by Overton. Finally, Respondent requests that the Professional Practices Commission find that there was just cause for Respondent to not fulfill the term of her contract and that the Petition against Respondent be dismissed without action taken against Respondent.

On May 15, 2015, Kathi Vontz, Clerk of the Commission, filed a Notice of Hearing which was sent to the Respondent and the Respondent's attorney, Rick G. Wade, postage prepaid, and delivered by hand to the Petitioner's general counsel. The Notice of Hearing advised that a public hearing on the Petition would be held on June 17, 2015, at 1:30 p.m., or immediately following the preceding hearing, 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 Jeffery Kirkpatrick serving as legal counsel to advise the Chair in the performance of her duties.

The Petition and Answer came on for hearing at the above time and place before a Hearing Panel of the Commission consisting of Commission Members: Susan J. Anglemyer, Sarah Brown, Michael Cobelens, Michael Fryda, Susan Johnson, Damon McDonald, Kevin Pettigrew, Andrew Rikli, Joy Schott, Darolyn Seay, and Karen Shelton. Commissioner Anglemyer served as Chairperson. The proceedings were reported by Linda Rohman of General Reporting Services, Lincoln, Nebraska. The Petitioner appeared by Brian L. Halstead, General Counsel. The Respondent appeared with her attorney, Rick G. Wade. Exhibits and testimony were received in evidence and the Petitioner's general counsel and the Respondent's attorney 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, Matthew L. Blomstedt, is the Commissioner of Education for the State of Nebraska. Respondent holds a public Nebraska Standard Teaching certificate number 2013005041, endorsed in Early Childhood Education Birth-3 and Elementary Education K-6, with an expiration date of August 31, 2018.
2. The Respondent was employed as a preschool teacher by the Overton Public Schools for the 2014-2015 year.

3. Beginning on and after August 11, 2014, Respondent failed to give prompt notice to her employer, the Overton Public Schools, of a change in her availability of service, and she failed to adhere fully to the terms of her teaching contract with the Overton Public Schools for the 2014-2015 school year.

III. CONCLUSIONS OF LAW

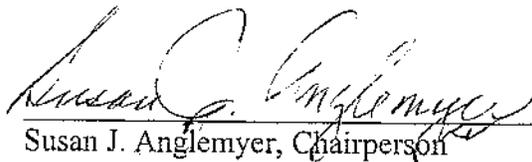
1. The Commission has jurisdiction in this case and all proceedings have been in accordance with applicable Constitutional, Statutory, and Regulatory Requirements.

2. The Petitioner has failed to prove by a preponderance of the evidence that the Respondent, without just cause, abrogated her contract with the Overton Public Schools, in violation of Neb. Rev. Stat. § 79-821(Reissue 2008) and § 79-866(2) (Reissue 2008). 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, after a vote of seven ayes, three nays, and one abstention, that Kim Staehr, holder of Nebraska public Standard Teaching certificate number 2013005041, endorsed in Early Childhood Education Birth-3 and Elementary Education K-6, with an expiration date of August 31, 2018, be issued a Public Reprimand.

Dated this 15th day of July, 2015.



Susan J. Anglemyer, Chairperson
Hearing Committee
Nebraska Professional Practices Commission

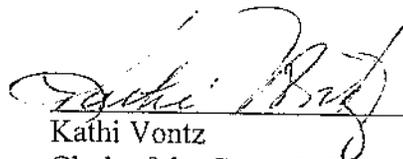
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, and Recommendation for Case No. 15-06, was served upon Respondent, Kim Staehr, by certified U.S. Mail, postage prepaid, and hand delivered to Brian Halstead, attorney for the Petitioner, on this 15th day of July, 2015, at the following addresses.

Kim Staehr
Respondent
614 O Street
Aurora, NE 68818

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

Rick G. Wade
Attorney for Respondent
605 S. 14th Street, Suite 220
Lincoln, NE 68508



Kathi Vontz
Clerk of the Commission