

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Tim Crocker
705 W. 22nd Street
Kearney, NE 68845,

Petitioner,

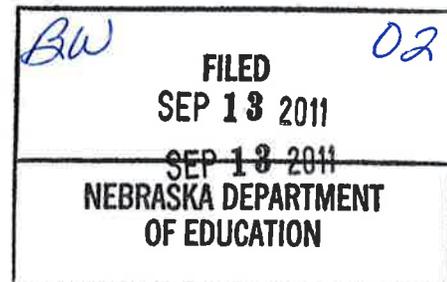
v.

Roger D. Breed, Ed.D.
Commissioner of Education
P.O. Box 94933
Lincoln, NE 68509,

Respondent.

Case No. 11-14

ANSWER



COMES NOW the Respondent, Roger D. Breed, and for his answer to the Petition of the
Petitioner, admits, denies, and alleges as follows:

1. Admits paragraphs 1, 2, and 3 of the Petition.
2. Denies paragraph 5 of the Petition.
3. Admits that on August 29, 2011, the Respondent, by letter, notified Petitioner of Respondent's decision to deny approval to participate in pre-student teaching activities. A copy of the letter is attached and marked as exhibit "A", and by this reference is incorporated herein.

WHEREFORE, the Respondent requests that the State Board of Education appoint a hearing officer to hold a hearing on this matter, make a recommendation to the Board, and the Board take such action as may be warranted by the evidence at such hearing.

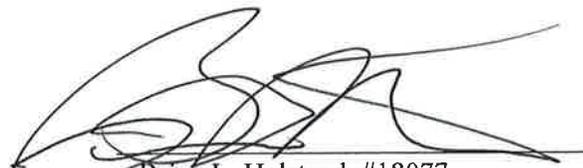


Roger D. Breed, Ed.D.
Commissioner of Education

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Answer was mailed to the following person, through regular United States mail, postage prepaid, this 13th day of September 2011:

Tim Crocker
705 W. 22nd Street
Kearney, NE 68845



Brian L. Halstead, #18077
Attorney for Respondent



Roger D. Breed, Ed.D., Commissioner
Scott Swisher, Ed.D., Deputy Commissioner

301 Centennial Mall South Tel: (402) 471-2295
PO Box 94987 Fax: (402) 471-0117
Lincoln, NE 68509-4987 Web: www.education.ne.gov

CERTIFIED MAIL

August 29, 2011

Mr. Tim Crocker
705 West 22nd Street
Kearney, NE 68845

Re: Request for Approval to Participate

Dear Mr. Crocker:

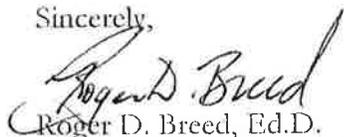
I have received your Request for Approval to Participate in Pre-Student Teaching Field, Laboratory, and Classroom Experiences or Student Teach.

In reviewing the information, I have decided to deny your request based on the following determinations: 1) On March 24, 2009, you were charged in the Buffalo County Court with Contributing to Delinquency, a misdemeanor, amended from First-Degree Sexual Assault, a felony; 2) On July 9, 2009, you were sentenced to 18 months of probation and 90 days of jail, and you were released from probation on December 23, 2010; 3) You were 19 years old at the time of the incident in which you had sexual intercourse with a 14-year-old female; and 4) Only two years has elapsed since the incident.

You may appeal my decision within twenty (20) days after receipt of this letter by filing a petition with the State Board of Education using the procedures set forth in 92 Nebraska Administrative Code, Chapter 21, Section 009.03, and Title 92, *Nebraska Administrative Code*, Chapter 61. Copies of these rules are enclosed.

If you have any questions, please feel free to contact Brian Halstead, General Counsel, at 402-471-0732.

Sincerely,


Roger D. Breed, Ed.D.
Commissioner of Education

Enclosures

xc: UNK

10.06.11 State Board of Education



To lead and support the preparation of all Nebraskans for learning, earning, and living.

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Tim Crocker
(Name)
705 W 22nd St
(Address)
Kearney, NE 68845
(City, State, and Zip Code)

Case No. 11-14
(Leave Blank)

Petitioner,

PETITION FOR APPROVAL TO
PARTICIPATE IN PRE-STUDENT
TEACHING FIELD, LABORATORY,
AND CLASSROOM EXPERIENCES
OR STUDENT TEACH

vs.

Roger D. Breed, Ed.D.
Commissioner of Education
P.O. Box 94933
Lincoln, NE 68509,

Respondent.

The Petitioner, in accordance with Title 92, Chapter 61, of the *Nebraska Administrative Code*, states and alleges as follows:

1. The Petitioner is Tim Crocker 705 W 22nd St
(Name) (Address)
Kearney, NE 68845 308-293-7225 07-05-1990 506-27-0902
(City, State, Zip Code) (Telephone Number) (Date of Birth) (Social Security Number)

2. The Petitioner is currently enrolled at UNK 905 W 25th Street Kearney, NE 68845
(Name & Address of University or College)
Sophomore, Spring 2012
(Current status and anticipated date of participation in pre-student teaching activities)

3. The following is a list of all convictions:

- a. Criminal Charge: Contributing to Delinquency of a Minor
Disposition: 18 month Probation
Date: March 24th, 2002
Name and address of court: Buffalo County Courthouse
1912 Central Ave Kearney, NE

b. Criminal charge: _____
 Disposition: _____
 Date: _____
 Name and address of court: _____

4. The Petitioner's request for approval to participate in pre-student teaching field, laboratory, and classroom experiences, or student teach was denied by the Respondent on August 29, 2011.
 (Date on letter from Commissioner).

5. Other relevant data: On 28th day of May, 2009 I went to court and they stated my conviction be set aside and therefore be nullified.

6. Title 92, *Nebraska Administrative Code*, Chapter 20, Section 005.07B states: "A person with a conviction as defined in Section 005.07A shall not be allowed to participate in pre-student teaching field, laboratory, and classroom experiences or student teach, without approval by the Commissioner or the Board. A person with a conviction as defined in Section 005.07A may request approval by the Commissioner or the Board by using the procedures set forth in 92 NAC 21 Sections 009.02 through 009.04."

WHEREFORE, Petitioner requests that the State Board of Education approve that the Petitioner be allowed to participate as provided under Title 92, Chapter 20, of the *Nebraska Administrative Code*. Petitioner grants permission for the Nebraska Department of Education to obtain and review all criminal records maintained by any law enforcement agency regarding the Petitioner.

Dated this 8 day of September, 2011.

Kim Leghorn
 Signature of Petitioner

VERIFICATION

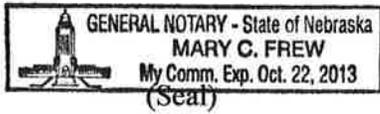
STATE OF NEBRASKA)
) SS
COUNTY OF Buffalo)

I, Tim Crocker, being first duly sworn under oath, state that I have read the contents of the petition and that to the best of my knowledge, information, and belief such contents are true and there is reasonable cause for filing said petition.

Tim Crocker
Signature of Petitioner

Subscribed and sworn before me this 8 day of Sept., 2011, by

Tim Crocker
(Petitioner)



Mary C. Frew
Notary Public

Here is a list of things that I have done in my community working with all ages of kids.

- *Summer 2009 – Present, I was a clinician at three camps per summer at the University of Nebraska at Kearney. I worked with all the Elementary kids in nine camps.
- *Summer 2010 – Present, I worked camps in three different states such as Nebraska, Colorado, and Kansas. The camp was run by former USA Olympian Ken Chertow. I was on his staff. I was a clinician at four of his camps and was in charge of all the elementary wrestlers.
- *Spring 2010 - Present, I was an assistant with a wrestling club called Twister Wrestling Academy. The Head Coach was Joey Morrison and as the Fall of 2010, I was the Head Coach. At Twister Wrestling Academy I worked with more than thirty youth and high school aged wrestlers. This program ran in the fall and spring seasons. I was Head Coach Fall 2010 and Spring 2011. The Academy will be starting once again this Fall.
- Spring 2011 - I was the Head Coach for Mat Cat Wrestling Club. This club is the biggest wrestling organization help in Kearney. There were over 100 wrestlers, but I was the coach for the 3rd – 8th graders. At Mat Cats, I was in charge of organizing practices and showing techniques, as well as coaching them in local tournaments.

- Summer 2011 - This past summer, I did a total of eight wrestling camps.
 - May 29th- June 3rd – Ken Chertow camp in Kearney
 - June 3rd – June 8th - Ken Chertow camp in Denver Colorado.
 - June 16th – I did a camp at Ogallala Nebraska.
 - June 18th – 20th – UNK Team Camp.
 - June 21st – 23rd - I held my own camp in Kearney.
 - June 28th – 30th – UNK Team Camp.
 - July 5th – 7th – I did a camp in Hastings Nebraska.
 - July 11th – 13th – I was head clinician at UNK’s technique camp for all Elementary wrestlers.