

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

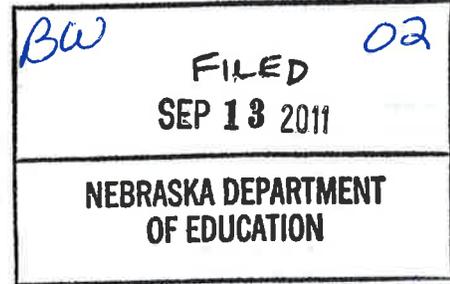
Logan Ross Gregory)
1709 W. 38th Street, Apt 10)
Kearney, NE 68845,)
Petitioner,)

Case No. 11-12

v.)

ANSWER

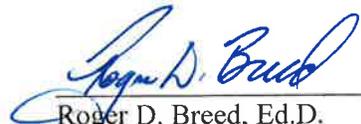
Roger D. Breed, Ed.D.)
Commissioner of Education)
P.O. Box 94933)
Lincoln, NE 68509,)
Respondent.)



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. Admits that on August 11, 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:

Logan Gregory
1709 W. 38th Street Apt 10
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 11, 2011

Mr. Logan Gregory
1709 W. 38th Street Apt 10
Kearney, NE 68845

Re: Request for Approval to Participate

Dear Mr. Gregory:

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 April 6, 2010, you were charged in the Hall County District Court with two counts of Theft By Unlawful Taking (one felony, one misdemeanor) and Criminal Attempt-Theft By Unlawful Taking, a misdemeanor; 2) On or about October 5, 2010, an Amended Information was filed charging you with two counts of Criminal Attempt-Theft By Unlawful Taking, and one count of Theft By Unlawful Taking (all misdemeanors); 3) On January 11, 2011, you were sentenced to 24 months of probation and restitution; and 4) You are currently on probation.

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

Logan Ross Gregory)
 (Name))
1709 W 38th St, Apt 10)
 (Address))
Kearney, NE 68845)
 (City, State, and Zip Code))

Case No. 11-12
 (Leave Blank)

Petitioner,)

vs.)

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

Respondent.)

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

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

1. The Petitioner is Logan Ross Gregory 1709 W 38th St, Apt 10
 (Name) (Address)
Kearney, NE 68845 (308) 850-0144 Dec 10, 1991 508-29-5348
 (City, State, Zip Code) (Telephone Number) (Date of Birth) (Social Security Number)

2. The Petitioner is currently enrolled at University of NE at Kearney
 (Name & Address of University or College)
Enrolled, 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: Criminal Offense Attempted Theft by Unlawful Taking
- Disposition: Two Years Probation
- Date: January 21, 2011
- Name and address of court: Hall County District Court
111 W 1st St
Grand Island, NE 68801-6016

b. Criminal charge: Theft By Unlawful Taking

Disposition: Two years probation

Date: January 21, 2011

Name and address of court: Hall County District Court

111 W 1st St, Grand Island, NE 68801-6016

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 11, 2011
(Date on letter from Commissioner).

5. Other relevant data: See attached letters

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 28th day of August, 2011.

[Signature]
Signature of Petitioner

C. Criminal Attempt - Theft by unlawful taking
2 Years probation
January 21, 2011
Hall County District Court
111 W 1st St
Grand Island, NE 68801-6016

VERIFICATION

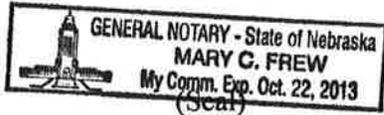
STATE OF NEBRASKA)
) SS
COUNTY OF Buffalo)

I, Logan R Gregory, 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.

Logan R Gregory
Signature of Petitioner

Subscribed and sworn before me this 31 day of August, 2011, by

Logan R. Gregory
(Petitioner)



Mary C. Frew
Notary Public

I, Logan Ross Gregory reside at 1709 W 38 St, Apt. #10, Kearney, NE 68845, phone - 308-850-0144, Social Security Number - 508-29-5348, date of birth - December 10, 1991, and am appealing the denial of my *Request for Approval to Participate in Pre-Student Teaching Field, Laboratory, and Classroom Experiences or Student Teach* finding by Dr. Roger D. Breed, Commissioner of Education as stated in his letter dated August 11, 2011.

I currently attend the University of Nebraska – Kearney where I am currently a sophomore. I anticipate taking TE100 – Teaching in a Democratic Society during the Spring term 2012; TE204 - Typical/Atypical Growth and Development and TE206 - Instructional Technology and the Preservice Teacher in the Summer term 2012 if offered, if not, then during the next term it is available.

Criminal charges: Two counts of Theft by Unlawful Taking, one count of Theft by Unlawful Taking, all final charges were misdemeanors. I received two years' probation for all charges with probation periods to run concurrently. My date of sentencing for all charges was January 21, 2011. Sentence was pronounced at the District Court located in Hall County with mailing address of 111 W. 1st St, Grand Island, NE 68801-6016.

The letter of denial from Dr. Breed was dated August 11, 2011.

Other Relevant Information

- I was 17 when the incidents occurred
- I agreed to the Prosecution's requests to delay hearings
- I was sentenced when I was 19
- I regret my decisions, I never realized how being stupid as a 17 year old could affect my future this much
- I am trying to get into the band fraternity Kappa Kappa Psi, I am maintaining a good grade point average, and am actively participating in Marching Band, symphonic band, MENC, NMEA, and am currently working at Target

I hope that I have given you enough information showing that I have matured and understand the consequence of my actions now more than ever. I have wanted to be a Music Educator ever since I was in middle school and I don't know what I would do for a profession if I wasn't able to do so. I didn't realize how the things I have done in the past could affect my future so radically, and I have maintained a crime free lifestyle since all of these things happened in 2009.

Sincerely,


Logan R. Gregory

August 29, 2011

To whom it may concern:

I am writing a letter of support for Logan Gregory, who is a music education student at the University of Nebraska, Kearney. I have known Logan for a year, when he entered UNK as a freshman music education student in Fall 2010. He was in my MUS 109 class, Intro to Music Education, in the Fall 2010. Logan excelled in this class, earning the grade of A+. He has shown much enthusiasm for music and teaching music, participating in all that is required with a positive attitude. He really enjoyed going to the Nebraska Music Educators Association's yearly conference in November, 2010, in Lincoln, NE.

This year I have watched him in marching band, where he shows much enthusiasm for making music. I believe that Logan has much potential to grow as a student, musician, and future educator. He has learned from his past mistakes, and I hope that he is given the opportunity to fulfill his goals of teaching music in the public schools.

Sincerely,



Dr. Jan Harriott

Associate Professor of Elementary Music Education

University of Nebraska, Kearney

Dept. of Music & Performing Arts

harriottjm@unk.edu

308-865-8608

August 30, 2011

To Whom It May Concern:

I am writing this letter in support of Logan Gregory's appeal of permission to be allowed to interact with students and continue his studies in education. I have been Logan's academic advisor and teacher and he has shown maturation and responsibility in attending and being prepared for class. He also communicates when he has needing to deal with his legal matters as well as having general questions about course materials.

Logan has a passion for music and wants to be able to share this with others through teaching. I hope you sincerely reconsider the decision to allow him to become a teacher. and He made poor choices in high school and now is becoming a young man who can help and relate to teenagers who may go through the same type of problems. Thank you for your time.

Sincerely,



Michael R. Beard, D.M.A.
Assistant Director of Bands
Assistant Professor of Music/Teacher Education
University of Nebraska at Kearney