

by hand to the Petitioner's general counsel. The Notice of Hearing advised that a public hearing on the Petition would be held on January 21, 2012, commencing at approximately 9:17 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 Jeff Kirkpatrick serving as legal counsel to advise the Chair in the performance of his 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, Robert Beck, Sarah Brown, Raymond Keller, Jodi Kupper, Brian Maher, Cindy Serfass, Karen Shelton, Lana Sides, Jane Stavem and Lynn Strack. Commissioner Keller 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 Petitioner appeared by Brian L. Halstead, General Counsel. The Respondent appeared with her attorney, Rick G. Wade. Exhibits were received in evidence. The Respondent testified. 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, Roger D. Breed, is the Commissioner of Education for the State of Nebraska; Respondent holds a Public Nebraska standard teaching certificate number 2007007854, endorsed in Elementary Education K-6, Middle Grades/Mathematics 4-9, Middle Grades/Social Studies 4-9, Middle Grades 4-9, and Mild/Moderate Disabilities K-6 with an expiration dates of August 31, 2014
2. The Respondent was employed as a teacher by the Cozad Schools until she submitted her resignation which was accepted by the Cozad School Board on February 10, 2011.
3. On or between the 2009-2010 and 2010-2011 school years, the Respondent took for personal use approximately \$835.00 from the Sunshine Fund which contained money donated by staff for the purchasing of flowers, memorials, cards, gifts, etc. for staff.

III. CONCLUSIONS OF LAW

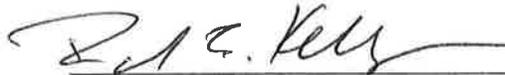
1. The Commission has jurisdiction in this case and all proceedings have been in accordance with applicable Constitutional, Statutory, and Regulatory Requirements.
2. The Petitioner has proven by a preponderance of the evidence that the Respondent committed an immoral act and an act of moral turpitude in violation of Neb. Rev. Stat. Section 79-866(2) (Reissue 2003); and Title 92, Nebraska Administrative Code, Chapter 27, Section 004.02D (effective date: November 12, 2003) which states, "the educator: Shall not make any

fraudulent statement or fail to disclose a material fact for which the educator is responsible”; Section 004.04B (same effective date) which states, “the educator: Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities”; and Section 004.04E (same effective date) which states: “the educator: Shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21”.

IV. RECOMMENDATION

Therefore, the Commission respectfully recommends to the State Board of Education that the Respondent’s public Nebraska standard teaching certificate number 2007007854, endorsed in Elementary Education K-6, Middle Grades/Mathematics 4-9, Middle Grades/Social Studies 4-9, Middle Grades 4-9, and Mild/Moderate Disabilities K-6 with an expiration dates of August 31, 2014, be revoked for a period of two years from and after final action herein by the State Board of Education.

Dated this 25th day of JANUARY, 2012.



Raymond Keller, Chairperson
Hearing Committee
Nebraska Professional Practices Commission

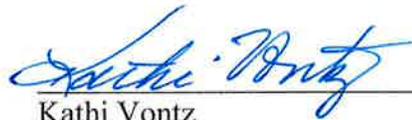
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, and Recommendation for Case No. 11-10, was served upon Respondent, Cherry Canas, by certified U.S. Mail, postage prepaid, and Respondent's attorney, Rick G. Wade by U.S. Mail, postage prepaid and hand delivered to Brian Halstead, attorney for the Petitioner, on this 6th day of February, 2012, at the following addresses.

Cherry Canas
Respondent
1710 Papio
Cozad, NE 69130

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

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



Kathi Vontz
Clerk of the Commission

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A P P E A R A N C E S

For the Commissioner: Brian L. Halstead, #18077
Assistant Commissioner/
General Counsel
Department of Education
301 Centennial Mall South
Sixth Floor
Lincoln, NE 68509

For the Respondent: Rick G. Wade, #17820
605 South 14th Street
Suite 220
Lincoln, NE 68508

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REPORTER'S CERTIFICATE:

State of Nebraska)
) ss.
County of Lancaster)

I, WENDY C. CUTTING, reporter for GENERAL REPORTING SERVICE, certify that I reported the proceedings in this matter; that the transcript of testimony is a true and accurate and complete extension of the recording made of those proceedings; that the transcript consists of:

Volume I, pages 1 through 30, and Exhibits 1 through 7; and further that the disposition of the exhibits is referenced in the index hereto.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Lincoln, Nebraska, this 2nd day of February, 2012.

Wendy C. Cutting
Reporter

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1 PROCEEDINGS:

2 (Exhibits 1 through 7 were marked for
3 identification.)

4 CHAIRPERSON KELLER: Ladies and gentlemen, I am
5 Raymond Keller, chairperson of the hearing panel of the
6 Nebraska Professional Practices Commission. I convene this
7 hearing at 9:17 a.m. for the purpose of receiving evidence
8 on a petition filed by Roger D. Breed, Commissioner of
9 Education, Petitioner, against Cherry Canas, Respondent,
10 Case No. 11-10.

11 The other members of the hearing committee are
12 Susan Anglemeyer, Robert Beck, Sarah Brown, Jodi Kupper,
13 Brian Maher, Cindy Serfass, Karen Shelton, Lana Sides, Jane
14 Staven, and Lynn Strack.

15 The Commission's attorney is Jeff Kirkpatrick.
16 His purpose is to advise the hearing panel, chairperson, and
17 the Commission on the performance of our duties under the
18 Commission's rule and regulations.

19 The court reporter is Wendy Cutting. Her purpose
20 is to record the testimony of the witness and mark the
21 exhibits.

22 The Clerk of the Commission is Kathi Vontz. Her
23 purpose is administrative.

24 This case arises from a request of the State Board
25 of Education that the Commission hear this matter pursuant

1 to Sections 79-859 through 79-871 of the Nebraska statutes
2 and the rules and regulations thereunder.

3 At this time I ask the attorneys to enter their
4 appearance.

5 MR. HALSTEAD: Brian Halstead, 301 Centennial Mall
6 South, Sixth Floor, Lincoln, Nebraska 68509, on behalf of
7 the Commissioner of Education.

8 MR. WADE: Rick Wade, 605 South 14th, Suite 220,
9 Lincoln, Nebraska 68508, from McGuire Norby on behalf of the
10 respondent, Cherry Canas.

11 CHAIRPERSON KELLER: At this time, if there are no
12 objections, I will enter into the record the pleadings which
13 are marked as Exhibit 1; the standards of ethics and
14 competency, which is 92 Nebraska Administrative Code,
15 Chapter 27, and is marked as Exhibit 2; and the Regulations
16 Concerning Teacher and Administrator Professional Practices
17 Hearings, which is 95 Nebraska Administrative Code, Chapter
18 1, and is marked as Exhibit 3. Are there any objections?

19 MR. HALSTEAD: I have no objections.

20 MR. WADE: I have none.

21 CHAIRPERSON KELLER: Exhibits 1, 2, 3 are
22 received.

23 (Exhibits 1 through 3 were received in evidence.
24 See Index.)

25 At this time the hearing committee's attorney will

1 conduct the hearing.

2 THE HEARING OFFICER: Thank you. Opening
3 statements?

4 Mr. Halstead.

5 MR. HALSTEAD: Thank you. Ladies and gentlemen of
6 the Commission, this morning we have the case involving Ms.
7 Canas who was an employee and a teacher at the Cozad Public
8 Schools until it was discovered that she had stolen money
9 from the school district and funds that had been set up by
10 the school district that staff contributed to. She was
11 subsequently charged and criminally convicted in the County
12 Court for her theft offenses for which she was sentenced to
13 probation. Those allegations have all been admitted by the
14 respondent.

15 The only real issue before you this morning is
16 what sanction do we impose for her unethical behavior? We
17 certainly are going to provide you with evidence that her
18 thefts occurred over a period of time. They were not just a
19 single incident. That, in fact, the money that was stolen
20 was money that staff contributed to a fund to assist other
21 staff members; that clearly, the conduct violates the
22 ethical standards and we would suggest to you that this case
23 is no different than others and that her certificate be
24 revoked for a period of two years for her theft of funds
25 from the Cozad Public Schools.

1 THE HEARING OFFICER: Mr. Wade.

2 MR. WADE: Thank you. As Mr. Halstead indicated,
3 Ms. Canas has accepted responsibility for her actions. She
4 has -- she did receive probation. She did complete
5 successfully all conditions of probation. She has also been
6 part of classes that have helped her to recognize and accept
7 her responsibilities. She is gainfully employed now, not as
8 a teacher, but she's gainfully employed and appreciated as
9 an employee in her new position.

10 I will offer letters from individuals who know
11 her, that have known her as a teacher and know her as an
12 employee now and know her as an individual through various
13 associations, including her pastor.

14 She's a good person. She made a mistake. Human
15 beings make mistakes and she regrets the mistake. You can't
16 undo a mistake, but you can try to make your life better,
17 improve you attitude, and improve your actions. She has
18 learned a lot from this and she wants to be a teacher.
19 She's just hours away from a master's degree, which she
20 continued to work on for teaching purposes even after this
21 all occurred. She wants to be a teacher and I would remind
22 the Commission that she has already been off -- or out of
23 the profession for a year now. It was February when she
24 last -- left the profession, so she has not been a part of
25 this profession, one that she truly loves, for a period of

1 time, and I would ask that you take that into consideration.
2 And I think one year would be a significant and sufficient
3 amount of time for the same kinds of thing that has been
4 administered for disciplinary measures to other individuals.
5 And with that, I have no further statement.

6 THE HEARING OFFICER: Thank you, Mr. Wade.

7 Any additional evidence, Mr. Halstead?

8 MR. HALSTEAD: I do, Your Honor. I have three
9 exhibits that I'd like to offer, the first being Exhibit No.
10 4, which is Title 92, Nebraska Administrative Code, Chapter
11 28, the rules and regulations regarding complaints and
12 investigations by the Commissioner of Education.

13 THE HEARING OFFICER: Any objection?

14 MR. WADE: No objection.

15 THE HEARING OFFICER: Received.

16 (Exhibit 4 was received in evidence. See Index.)

17 MR. HALSTEAD: Exhibit No. 5, which is Title 92,
18 Nebraska Administrative Code, Chapter 29, the rules and
19 regulations regarding hearings before the State Board of
20 Education on professional practices matters.

21 THE HEARING OFFICER: Objection?

22 MR. WADE: No objection.

23 THE HEARING OFFICER: Received.

24 (Exhibit 5 was received in evidence. See Index.)

25 MR. HALSTEAD: And Exhibit No. 6, which is the

1 Report of Investigation completed in the case.

2 We would offer Exhibits 4, 5 and 6.

3 THE HEARING OFFICER: Any objection to 6?

4 MR. WADE: Just to clarify that, oftentimes I'm
5 concerned about an entire report going in because there may
6 be things that are objectionable or haven't been dealt with
7 and to a degree that I think are necessary. But, because,
8 especially of Ms. Canas' situation, she wants and I want the
9 Board to see the entire report. So, no objection.

10 THE HEARING OFFICER: Thank you. Four, 5 and 6
11 are received.

12 (Exhibit 6 was received in evidence. See Index.)

13 MR. HALSTEAD: May I distribute a copy to the
14 members?

15 THE HEARING OFFICER: If you would, please. Thank
16 you.

17 Since this is the first time that the Commission
18 has had an opportunity to see this report and it's
19 relatively lengthy, may I ask the Commission, would you like
20 to take a break now and have the chance to review that so
21 the closing statements might make a little more sense?

22 COMMISSIONER MAHER: I would just in case we want
23 to ask any clarifying questions.

24 THE HEARING OFFICER: Mr. Halstead?

25 MR. HALSTEAD: I have no further evidence to

1 offer, so I would rest my side of the case, if that would
2 make your break more convenient.

3 THE HEARING OFFICER: That would be a little
4 cleaner, thank you, Mr. Halstead.

5 Shall we take a -- want to take a ten-minute
6 break? We'll take a ten-minute recess, thank you.

7 (Off the record from 9:26 a.m. until 9:28 a.m.)

8 THE HEARING OFFICER: Let's go back on the record.

9 And Mr. Wade, I believe you have some evidence to
10 offer.

11 MR. WADE: I would offer Exhibit 7, which is a
12 collection of letters, basically in support of Ms. Canas
13 just from individuals who've worked with her and and who
14 give some statements about her personality and things that
15 they see in her, positive qualities.

16 THE HEARING OFFICER: And for the record, how many
17 pages is Exhibit 7?

18 MR. WADE: There are, I believe, four letters, but
19 they're not very long.

20 THE HEARING OFFICER: Four letters?

21 MR. WADE: Yes.

22 MR. HALSTEAD: I have no objection to Exhibit No.
23 7 and I just thought it might speed up the process --

24 THE HEARING OFFICER: I appreciate that.

25 MR. HALSTEAD: -- if the Commission members could

1 read everything during this recess. That's fine with me if
2 they are received by the Commission.

3 THE HEARING OFFICER: Exhibit 7 is received.

4 (Exhibit 7 was received in evidence. See Index.)

5 You may distribute it to the panel.

6 (Off the record from 9:29 a.m. until 9:38 a.m.)

7 THE HEARING OFFICER: We're back on the record.

8 Mr. Wade, is there any additional evidence you
9 would offer at this time?

10 MR. WADE: Yes, I would like to call Ms. Cherry
11 Canas.

12 THE REPORTER: Would you raise your right hand,
13 please. Do you solemnly swear or affirm the testimony
14 you're about to give will be the truth, the whole truth, and
15 nothing but the truth?

16 MS. CANAS: Yes.

17 CHERRY CANAS

18 Called as a witness on her own behalf, having been
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. WADE:

22 Q Would you please state your full name and address,
23 please?

24 A Cherry Canas, 1710 Papio Lane, Cozad, Nebraska.

25 Q And how long have you been at that address?

1 A Since 2008.

2 Q And are you presently married?

3 A Yes.

4 Q And you have children?

5 A Yes.

6 Q Is your husband and your children -- one of your
7 children, are they here today?

8 A They are in Lincoln.

9 Q They came with you today, is that correct?

10 A (Nodding head.)

11 Q Your husband is not in the room at this time,
12 obviously, but he is waiting for you, is that correct?

13 A Yes.

14 Q Has he been supportive of you throughout this?

15 A Yes.

16 THE HEARING OFFICER: Let me stop and ask, Court
17 Reporter, are you having any trouble picking up the --

18 THE REPORTER: I am hearing you, but it would help
19 if you'd speak up, please.

20 Q (By Mr. Wade) This incident, these incidents
21 occurred during a period of time of your life and you
22 received probation as a result of criminal actions that came
23 from this, is that correct?

24 A Yes.

25 Q Did you complete all the conditions of probation?

1 A Yes.

2 Q And was there community service as a part of the
3 probation?

4 A Yes, 60 hours.

5 Q And what types of community service did you do?

6 A I did cleaning at our church. I helped serve at a
7 benefit dinner for a little girl who had a -- she had to
8 have facial reconstructive surgery. I served at another
9 dinner at the church for our Father's -- I believe that was
10 his 50th year being a priest.

11 I do volunteer work at the Grand Generation Center
12 with the local Job's Daughters. We serve -- help with the
13 trays and the food at the Grand Generation Center every
14 couple of months. I was Bethel Guardian for the Job's
15 Daughters.

16 Now I forgot the question.

17 Q That's fine. We were talking about the kinds of
18 things you did as community service. And you completed
19 community service for your probation -- for the condition of
20 probation, I assume, from what you're telling me.

21 A Uh-huh.

22 Q Do you continue to do some of the things that
23 you've identified?

24 A Yes. I'm still involved with the Job's Daughters,
25 but not as the Guardian. I still help with their activities

1 in the community.

2 Q And you've indicated that you've worked with the
3 church, is that correct?

4 A Yes.

5 Q And there is a letter from a pastor that is part
6 of Exhibit 7. I'm showing you Exhibit 7. Is that the
7 church that you've been working with?

8 A Yes.

9 Q It is, okay, and Pastor O'Brien --

10 A Father O'Brien, yes.

11 Q Excuse me, I'm sorry, Father O'Brien, my
12 apologies. Have you also sought guidance from Father
13 O'Brien?

14 A That was the first place that I went.

15 Q And you've discussed with him the nature of what
16 you believe was a mistake that you made.

17 A Yes.

18 Q And he has helped you with -- to guide you through
19 some of those issues?

20 A Yes, he has.

21 Q And do you believe that's been successful, that
22 you understand and that you appreciate the seriousness of
23 the matter?

24 A Yes.

25 Q Do you believe there is forgiveness in Father

1 O'Brien's opinion for what you have done?

2 A Yes. He's been a very good help.

3 Q And you've also been, and I've indicated in an
4 earlier statement that I understand from my conversations
5 with you that you continue to work on your educational
6 betterment or you improvement in your educational
7 qualifications by trying to obtain a master's degree, is
8 that correct?

9 A Yes.

10 Q And you have done that and did that during the
11 period of time after all of this has occurred, is that
12 correct?

13 A Well, I did sign up for classes this summer, but
14 then I was unable to take them. It is my intention to
15 continue.

16 Q How long do you have left and how many hours do
17 you have approximately, four hours?

18 A Four classes and my internship.

19 Q That is still a part of your goal for your future,
20 is that correct?

21 A Yes.

22 Q And I ask this as a leading question, but from
23 what I've seen and read, your passion, is it to be an
24 educator?

25 A Yes.

1 Q What did you teach most recently?

2 A Math.

3 Q And what age group?

4 A Middle school.

5 Q Do you like working with those young people?

6 A I do.

7 Q And you did?

8 A (Nodding head.)

9 Q And you want to continue to work with those young
10 people as soon as possible again?

11 A Yes.

12 Q You are now working elsewhere?

13 A Yes.

14 Q And where are you working now?

15 A I work for Skyview Transportation, a trucking
16 company.

17 Q Do you believe you have a good relationship with
18 the individuals with whom you work there?

19 A Yes.

20 Q There may be a letter also from an individual who
21 works with you, is that correct?

22 A Yes, Charlotte.

23 Q That's a part of Exhibit 7?

24 A Yes.

25 Q And that's a letter that is -- I'm sorry, what is

1 her name?

2 A Charlotte.

3 Q Charlotte --

4 A Pentheny.

5 Q As an educator, do you believe you were successful
6 working with the children, meaning, did you get good
7 evaluations?

8 A Yes.

9 Q I've asked you questions, obviously, members of
10 the Commission have seen the Report of Investigation, and
11 rather than to have me continue to ask you by inches what
12 your position is and how you feel about continuing and what
13 you would like to say to the Commission, would you like to
14 make a statement yourself?

15 A Yes. There's so many things I want to say. You
16 know, I made a mistake and I will never make it again. I
17 have lost friends and I think the worst part was hurting my
18 family. And it doesn't say anything in here, but one of my
19 students was my niece and she's suffered from it, too. And
20 I don't know how to ever make that up to her.

21 I just, you know, I'm working really hard to get
22 my life back on track and the Responsible Thinking class I
23 took helped a lot. It helped me consider what the
24 consequences my actions are going to have on other people,
25 which I obviously did not think of before.

1 Q Tell me a little bit -- by interrupting you, tell
2 me and tell the Commission members, what is the Responsible
3 Thinking class?

4 A It was an eight-week class. We met for two hours
5 once a week, and we went -- it was like a journaling thing.
6 We went through and were given different situations and, you
7 know, how would our, you know, what would our actions --
8 what would be the consequences of our actions if we did
9 this, and relate it to the crime we committed. And it
10 was -- it really made me think a lot.

11 Q And you've indicated that you want to get your
12 life back on track. Do you believe you have gotten your
13 life back on track?

14 A Well, I'm getting there.

15 Q And what -- is it your emotional part of it or do
16 you believe that you would be inclined to do anything like
17 you did that caused this action?

18 A No, I'll never do that again.

19 Q So, as far as getting your life back on track,
20 obviously, you certainly would not repeat any behavior that
21 would be a part of why we're here today.

22 A No.

23 Q Getting your life back on track means to put it
24 back together the way it was as a family and as a

25

1 A Yes.

2 Q And do you believe you're working on that and
3 you're making improvement in going down that track?

4 A Yes. The company that I work for is -- they're
5 very big on honesty and they -- you know, that's how I want
6 my life to be, too.

7 Q And they, from your perspective, from your
8 knowledge, do you believe they trust in you to do the things
9 that they expect of you?

10 A Yes.

11 Q And there has not been any restrictions on you
12 because of this matter?

13 A No.

14 Q Are you asking the members of the Commission to
15 take into consideration that you've already been out a year
16 and you'd like to get in -- back in the profession as soon
17 as possible?

18 A Yes, please.

19 Q Do you have anything else you would like to say,
20 and I know you will be open to questions from the
21 Commission, but is there anything else you'd like to ask the
22 Commission, tell the Commission?

23 A I just want to say that I'm very sorry that I did
24 this and I don't blame anyone else, and it will not happen

25 again.

1 MR. WADE: I have no further questions.

2 THE HEARING OFFICER: Thank you, Mr. Wade.

3 Mr. Halstead, do you have questions?

4 MR. HALSTEAD: Just some clarifications.

5 CROSS-EXAMINATION

6 BY MR. HALSTEAD:

7 Q You're working on your master's degree is what you
8 testified. What is your master's degree in?

9 A School and community counseling.

10 Q And you have four classes left?

11 A Yes.

12 Q How many credit hours is that at the college
13 level, do you know?

14 A Twelve.

15 Q Twelve. And then you have an internship that's
16 required?

17 A Yes.

18 Q And do you know how long the internship lasts or
19 credit hours that is?

20 A I can't remember.

21 Q And the master's degree, from where are you
22 working on the master's degree? Where are you getting it
23 from?

24 A Chadron State College. Susan Schaeffer was my

1 Q Mr. Wade asked you about the Responsible Thinking
2 class, I think is what it was called.

3 A Yes.

4 Q Is that part of probation?

5 A Yes.

6 Q And if you recall, approximately how many times
7 did you take the money from the Cozad schools?

8 A I didn't keep track. I know it wasn't as much as
9 they said, and I paid back the full amount even though I did
10 not take that amount to avoid going to jail.

11 Q The \$865 that Cozad said they were missing.

12 A Yes. And I also had it paid back before my first
13 meeting with my probation officer.

14 MR. HALSTEAD: I don't believe I have any more
15 questions. Thank you very much.

16 THE HEARING OFFICER: Thank you, Mr. Halstead.

17 Is there anything that you would like to ask your
18 client because of these questions?

19 MR. WADE: No, I would have no questions in light
20 of what Mr. Halstead has asked.

21 THE HEARING OFFICER: Thank you, Mr. Wade.

22 Questions from the Commission? On my right
23 anyone?

24 Yes.

25 COMMISSIONER SHELTON: Cherry, when you were doing

1 your probationary work, it sounded like a lot of it was with
2 your church organization. Were there other groups that you
3 served through that probation as well?

4 THE WITNESS: With the Job's Daughters.

5 THE HEARING OFFICER: Other questions?

6 (No response.)

7 Closing, Mr. Halstead?

8 MR. HALSTEAD: I think, ladies and gentlemen,
9 unfortunately, this is another one of the cases that this
10 Commission gets to hear on far too frequent a basis. I
11 think in all past cases, the educator has been remorseful
12 for what they did. Past cases, they've all had financial
13 issues that they've made horrible decisions with in how they
14 met them. I don't think Ms. Canas' case is any different
15 than almost all of the other cases this Commission has seen
16 in its 20 years I've been doing this.

17 The Nebraska Supreme Court always sets forth these
18 criteria when they're looking at lawyers and these are the
19 things I always suggest you should look at when you're
20 dealing with disciplinary matters for educators. Number
21 one, the nature of the offense. Number two, the need for
22 deterring others. Three, the maintenance of the reputation
23 of the profession as a whole. Number four, the protection
24 of the public. Number five, the attitude of the respondent
25 generally. And six, the respondent's present or future

1 fitness to continue in the education profession.

2 The nature of the offense, stealing from others.
3 We all know that's wrong. It wasn't a single event. This
4 was multiple events as the Report of Investigation
5 indicates. It went on for about a period of one year.
6 Obviously, I think the evidence shows, she was taking the
7 money to pay bills. Her family was struggling. Her husband
8 had lost a job. Those are all factors you can take into
9 consideration.

10 I would submit though that those are probably no
11 different than all the other cases where educators have
12 taken money. There was a financial need and family matters
13 and poor decision-making.

14 For maintenance of the reputation of the education
15 profession. This Commission has very regularly recommended
16 two-year revocations for educators who have criminal
17 convictions for stealing funds from a school district or
18 from local education associations. I can go through the
19 list of all of those cases going back to 1992 when Tammy
20 Larson in Banner County, to Katie Andrews who I believe was
21 in, at that time, Stromsburg.

22 The attitude of the respondent. I don't think
23 there's any doubt she's remorseful. I don't think there's
24 any doubt that she's sorry for what she's done and she's
25 working and trying to put her life back together. But

1 that's still a project that she's working on. As she even
2 said one of the people she hurt was her niece who was a
3 student who got impacted by her decision. It isn't just
4 her. Even the students at Cozad got an impact from this.
5 That's not why, as educators, you get into the profession.
6 And I'm sure she is totally remorseful about what she's done
7 to her niece. And I'm not sure that there's anything she's
8 going to be able to do to repay that or make that different.

9 We believe this case is like no others. She is a
10 different person just as every educator is that appears
11 here. But I think you have consistently said, if you're
12 going to steal from your colleagues, if you're going to
13 steal from your employer, you need to set a high bar to
14 ensure the reputation of the education profession is seen
15 well by the public. As such, we would recommend a two-year
16 revocation of her certificate. Thank you.

17 THE HEARING OFFICER: Thank you, Mr. Halstead.

18 Mr. Wade, it occurs to me that you have not
19 formally rested. I anticipated that you were through.

20 MR. WADE: Yes, I'm sorry. Yes, I rest on behalf
21 of my client, yes.

22 THE HEARING OFFICER: Closing statement?

23 MR. WADE: Thank you. I, as an attorney, and I'm
24 sure Mr. Halstead as an attorney knows that the reason why

25 we gather to hear evidence is because each case is different

1 and we don't say, well, in the last ten cases X was done,
2 so, we should do X again in this particular case. We have
3 judges that look at each case individually before they
4 impose penalties or punishment or whatever kind of sanction.
5 We and you have spent the time today, all the other days,
6 looking at the evidence, listening to the individuals,
7 listening and seeing the demeanor of the person who is
8 before you. And by saying that, I would like to believe
9 that this isn't just a gesture of listening without any
10 meaning to what is being presented, because I believe and I
11 truly believe the Commission members want to know how these
12 matters are different and why, perhaps, maybe one should be
13 dealt with differently. And I believe each one deserves
14 individual and specific attention without adherence --
15 strict adherence to what has happened in the past. And I
16 know that's a lot of verbatim or verbiage by me just saying
17 Cherry Canas is an individual. She is a person who has come
18 before you voluntarily, hiding nothing, saying, obviously
19 nothing other than "I've done wrong. I want to teach." And
20 her case should be considered individually and not just as
21 the last 20 years of cases, because that's why we're here.
22 If we could just look at what happened, we'd submit a
23 document to you and our statement and you could just decide
24 it then in a few minutes. But we want you to see and hear
25 the person and consider the individual. Each individual's

1 different and I think Cherry is an individual who
2 specifically shows utmost remorse and is extremely sorry for
3 what she's done and continues to be hopeful that she can
4 teach by pursuing a master's degree in the educational
5 field. So, I'm urging the Commission to consider the fact
6 that cases are different. They don't always have to be two
7 years. And to take into consideration that she's already
8 been out one year and she continues to pursue the
9 educational career that she wants to practice and be a part
10 of. So, I would ask that less than two years, one year
11 would be sufficient, because she's really been out two years
12 already. Thank you.

13 THE HEARING OFFICER: Thank you, Mr. Wade.

14 Question from the Commission on my left?

15 (No response.)

16 Any questions?

17 (No response.)

18 Thank you. The chairman will now close the
19 hearing.

20 CHAIRPERSON KELLER: The hearing committee will
21 now adjourn and will consider the evidence. The hearing
22 committee's decision will be reduced to writing. A copy of
23 the hearing committee's findings, conclusions, and decision
24 will be furnished to the parties. If the decision includes
25 a recommendation to suspend or revoke the respondent's

1 certificate, the findings, conclusions, and recommendation
2 will be presented to the State Board of Education.

3 I declare this hearing adjourned at 9:58 a.m.

4 (Whereupon, the hearing was adjourned at 9:58 a.m.
5 to be reconvened after executive session and deliberation of
6 the evidence.)

7 (Back on the record 11:03 a.m.)

8 CHAIRPERSON SIDES: Is there a motion regarding
9 the Commission's recommendation on Case No. 11-10?

10 COMMISSIONER SHELTON: I move that the Nebraska
11 Professional Practices Commission adopts the findings of
12 fact and conclusion of law and recommend to the State Board
13 of Education that the certification of Cherry Canas be
14 revoked for a period of two years.

15 COMMISSIONER STRACK: I second.

16 CHAIRPERSON SIDES: It has been moved and seconded
17 to accept the findings of fact and conclusions of law and
18 recommend that Cherry Canas' certificate be revoked for a
19 period of two years. Is there discussion?

20 (No response.)

21 CHAIRPERSON SIDES: Will the clerk please call the
22 roll?

23 THE CLERK: Anglemeyer.

24 COMMISSIONER ANGLEMEYER: Yes.

25 THE CLERK: Beck.

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COMMISSIONER BECK: Yes.

THE CLERK: Brown.

COMMISSIONER BROWN: Yes.

THE CLERK: Johnson. Keller.

COMMISSIONER KELLER: Yes.

THE CLERK: Kupper.

COMMISSIONER KUPPER: Yes.

THE CLERK: Maher

COMMISSIONER MAHER: Yes.

THE CLERK: Serfass.

COMMISSIONER SERFASS: Yes.

THE CLERK: Shelton.

COMMISSIONER SHELTON: Yes.

THE CLERK: Sides.

CHAIRPERSON SIDES: Yes.

THE CLERK: Stavem.

COMMISSIONER STAVEM: Yes.

THE CLERK: Strack.

COMMISSIONER STRACK: Yes.

(Whereupon, at 11:05 a.m. on January 21, 2012, the proceedings were concluded.)

- - -

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Notice dated January 5, 2012, for Case Number 11-10, was mailed to Cherry Canas, Respondent, and Rick G. Wade, attorney for the Respondent, by U.S. Mail postage prepaid, and delivered by hand to Brian Halstead, Attorney for the Petitioner, on this 5th day of January, 2012, at the following addresses.

Cherry Canas
Respondent
1710 Papio
Cozad, NE 69130

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

Rick G. Wade
605 South 14th Street, Suite 220
Lincoln, Ne 68508



Kathi Vontz
Clerk of the Commission

McGUIRE AND NORBY
ATTORNEYS AT LAW

605 South 14th Street, Suite 220
Lincoln, Nebraska 68508
Telephone (402) 434-2390
Facsimile (402) 434-2393

Mark D. McGuire
Scott J. Norby
Rick G. Wade

October 11, 2011

Ms. Kathi Vontz
Clerk
Nebraska Professional Practices Commission
PO Box 94987
301 Centennial Mall South
Lincoln NE 68509

RE: PPC Case No. 11-10

Dear Ms. Vontz:

Enclosed please find an original and two copies of an Answer to be filed in the above-captioned case. Thank you for your attention to this matter.

Sincerely,

McGUIRE and NORBY

By:


Rick G. Wade

RGW:kmk/kv10-11.ltr

Enclosures

cc: Brian Halstead

**BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA**

Roger D. Breed, Ed.D.)
 Commissioner of Education)
 301 Centennial Mall South - 6th Floor)
 P.O. Box 94933)
 Lincoln, NE 68509-4933,)

Case No. 11023
 PPC Case No. 11-10

Petitioner,)

ANSWER

vs.)

Cherry Canas)
 1710 Papio Lane)
 Cozad, NE 69130,)

Respondent.)



COMES NOW the Respondent, Cherry Canas, by and through her undersigned attorneys of record, and for her Answer to the Petition admits, denies, and alleges as follows:

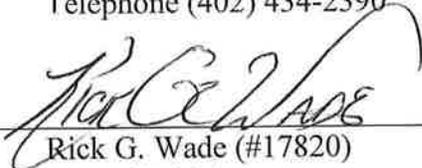
1. Admits the allegations of paragraph 1 of the Petition.
2. Admits that the Respondent is Cherry Canas, 1710 Papio Lane, Cozad, Nebraska 69130.
3. Admits the allegations of paragraph 3 of the Petition.
4. Admits the allegations of paragraph 4 of the Petition.
5. Admits that on or about March 22, 2011, Respondent was found guilty of Count I Thief by Unlawful Taking \$0-200 and Count II Thief by Unlawful Taking \$0-\$200 and was given an order of probation for a period of six months with various conditions of which she has completed.
6. Admits that the Nebraska statute and the *Nebraska Administrative Code* states as set forth in paragraph 6 of the Petitioner's Petition but denies that Respondent violated all sections as set forth in paragraph 6.

WHEREFORE, Respondent requests that the Professional Practices Commission take such action regarding the certificate of the Respondent as is warranted.

Dated this 11TH day of October, 2011.

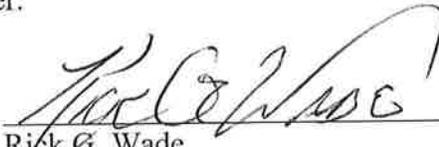
CHERRY CANAS, Respondent,

BY: McGUIRE and NORBY
Respondent's Attorneys
605 South 14th Street
Suite 220
Lincoln, Nebraska 68508
Telephone (402) 434-2390

By 
Rick G. Wade (#17820)
One of Said Attorneys

CERTIFICATE OF SERVICE

On this 11TH day of October, 2011, a copy of the foregoing Answer was served by regular United States Mail, postage prepaid, to Mr. Brian Halstead, General Counsel, Nebraska Department of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, Nebraska 68509-4933, attorney for Petitioner.


Rick G. Wade

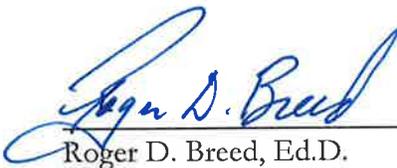
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Addressee <i>Teresa Greve</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: RICK WADDE 605 S. 14th St 220 Lincoln Ne 68508	B. Received by (Printed Name) <i>Teresa Greve</i>	C. Date of Delivery <i>10-3-11</i>
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		
7009 1410 0001 5281 4661		8

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Addressee <i>Cherry Canas</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Cherry Canas 1710 Papio Cozad Ne 69130	B. Received by (Printed Name) <i>Cherry Canas</i>	C. Date of Delivery <i>10-4-11</i>
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		
7009 1410 0001 5281 4678		6

state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02D (effective date: November 12, 2003), which states, "the educator: Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible"; Section 004.04B (same effective date) which states, "the educator: Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities;" and Section 004.04E (same effective date) which states, "the educator: Shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21".

WHEREFORE, the Petitioner requests that the Professional Practices Commission hold hearings and make recommendations to the State Board of Education as is warranted, regarding the certificate(s) of the Respondent.

Dated this 30th day of September 2011.



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

VERIFICATION

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

I, Roger D. Breed, 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.

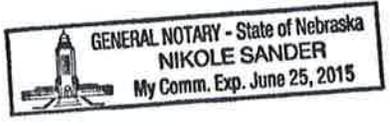


Petitioner

Subscribed and sworn to before me this 30th day of September 2011 by Roger D. Breed, Commissioner of Education, as Petitioner.



Notary Public



CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Petition and a copy of Title 95, *Nebraska Administrative Code*, Chapter 1, was mailed to the following persons, postage prepaid, by certified mail, return receipt requested, this 30 day of September 2011:

Cherry Canas
1710 Papio
Cozad, NE 69130
Article Number 70100780000034559906

Rick Wade, #17820
Attorney at Law
605 South 14th Street, Suite 220
Lincoln, NE 68508
Article Number 70100780000034559890


General Counsel

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South - 6th Floor)
P. O. Box 94933)
Lincoln, NE 68509-4933)

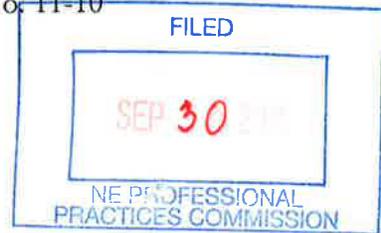
Petitioner,)

vs.)

Cherry Canas)
1710 Papio)
Cozad, NE 69130)

Respondent.)

Case No. 11023
PPC Case No. 11-10



NOTICE OF RIGHT
TO SUBMIT ANSWER

Notice is hereby given that Respondent has a right to submit an Answer within 21 days after the receipt of this Notice by filing an Answer with the Nebraska Professional Practices Commission, P. O. Box 94941, Lincoln, NE 68509.

Brian L. Halstead #18077
General Counsel
Nebraska Department of Education

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Notice was mailed to the following persons, postage prepaid, by certified mail, return receipt requested, this 30th day of September 2011:

Cherry Canas
1710 Papio
Cozad, NE 69130
Article Number 70100780000034559906

Rick Wade, #17820
Attorney at Law
605 South 14th Street, Suite 220
Lincoln, NE 68508
Article Number 70100780000034559890

Brian L. Halstead #18077
General Counsel
Nebraska Department of Education

**NEBRASKA DEPARTMENT
OF EDUCATION**

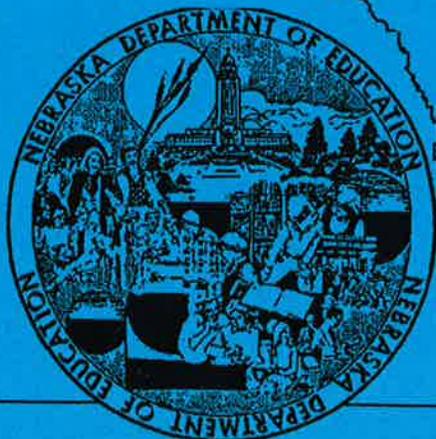
RULE 27

**REGULATIONS AND STANDARDS FOR
PROFESSIONAL PRACTICES CRITERIA**

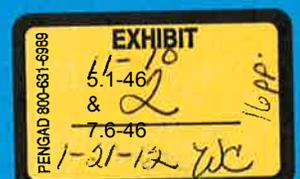
**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 27**

**EFFECTIVE DATE
November 12, 2003
(REVISED)**

**State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509
Douglas D. Christensen, Ph.D.
Commissioner**



03.06.12 State Board of Education
&
03.06.12 State Board of Education



NEBRASKA PROFESSIONAL PRACTICES COMMISSION

TITLE 95, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 1

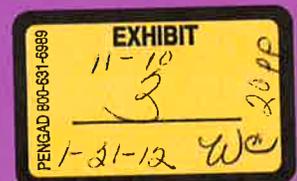
REGULATIONS CONCERNING
TEACHER AND ADMINISTRATOR
PROFESSIONAL PRACTICES HEARINGS



03.06.12 State Board of Education
&
03.06.12 State Board of Education

Effective Date
October 30, 1993

5.1-47
&
7.6-47



NEBRASKA DEPARTMENT
OF EDUCATION

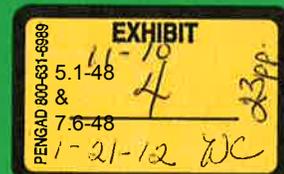
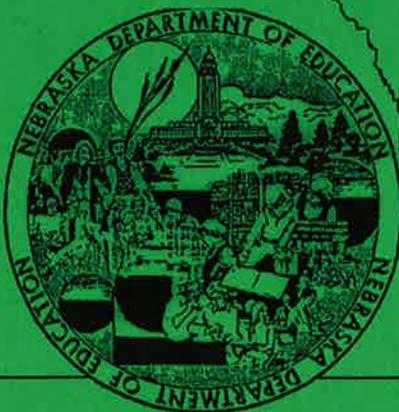
RULE 28

REGULATIONS AND STANDARDS FOR INVESTIGATIONS AND
NONPUBLIC PROFESSIONAL PRACTICES HEARINGS

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 28

EFFECTIVE DATE
DECEMBER 25, 1989

State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509



NEBRASKA DEPARTMENT
OF EDUCATION

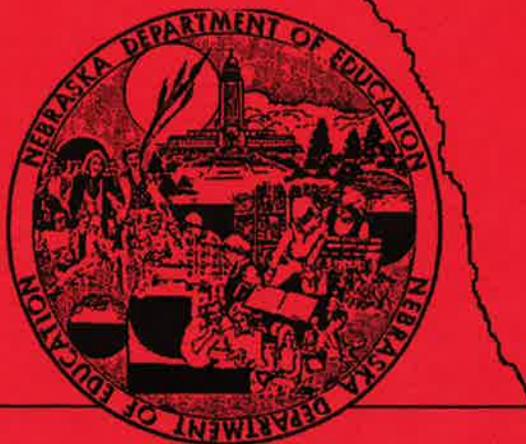
RULE 29

REGULATIONS AND STANDARDS FOR
PROFESSIONAL PRACTICES CASE
DETERMINATIONS BY THE STATE BOARD

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 29

EFFECTIVE DATE
DECEMBER 25, 1989

State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509
Douglas D. Christensen, Ph.D.
Commissioner



03.06.12 State Board of Education
&
03.06.12 State Board of Education



BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Kelley Baker
P.O. Box 82028
Lincoln, NE 68501

Complainant,

vs.

Cherry Canas
1710 Papio
Cozad, NE 69130

Respondent.

Case No. 11023

REPORT OF INVESTIGATION

In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, the attached Report of Investigation into case number 11023 is submitted to the Commissioner of Education on the 29th day of September 2011. The Report was submitted to the Respondent on the 16th day of September 2011, and no exceptions were filed.

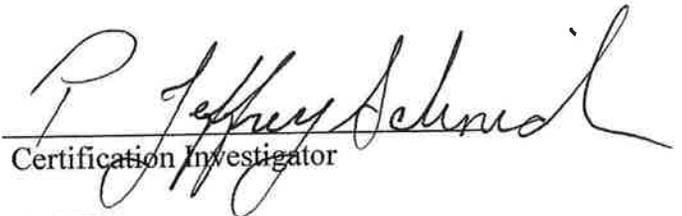

Certification Investigator

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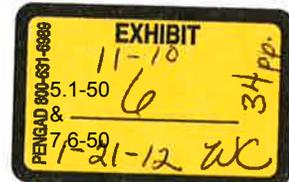
FINDINGS 2-5

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DETERMINATION OF LEGAL SUFFICIENCY 6

RECOMMENDATION 6

EXHIBITS 6



BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Kelley Baker
P.O. Box 82028
Lincoln, NE 68501

Complainant,

vs.

Cherry Canas
1710 Papio
Cozad, NE 69130

Respondent.

Case No. 11023

REPORT OF INVESTIGATION

In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, the attached Report of Investigation into case number 11023 is submitted to the Respondent on the 16th day of September 2011.

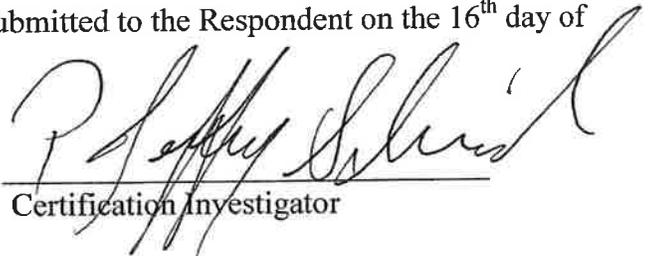

Certification Investigator

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JURISDICTION 2

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JURISDICTION

On May 17, 2011, Kelley Baker filed a Complaint with the Commissioner of Education against Cherry Canas, the Respondent. A copy of the Complaint was served upon the Respondent on May 20, 2011. Copies of the Complaint and return receipt are collectively attached and marked as exhibit "E-1".

The Teacher Certification Office Records revealed that the Respondent holds a public Nebraska standard teaching certificate number 2007007854, endorsed in Elementary Education K-6, Middle Grades/Mathematics 4-9, Middle Grades/Social Science 4-9, Middle Grades 4-9, and Mild/Moderate Disabilities K-6, with an expiration date of August 31, 2014.

SUMMARY OF COMPLAINT

The Complainant alleged that the Respondent stole money from cash funds of the Cozad City Schools. In addition, on March 22, 2011, the Respondent was found guilty by the Dawson County Court of two counts of Theft-Unlawful Taking and sentenced to Probation.

POSITION OF RESPONDENT

The Respondent, through her attorney, requested a personal conference in this matter. The Respondent admitted to the allegations against her.

FINDINGS

The investigator obtained documents from the Cozad City Schools as it related to the complaint filed against the Respondent and her employment with the school district, copies of which are collectively attached and marked as exhibit "E-2". According to the documentation, the Respondent had been employed as a middle school teacher since the 1997-1998 school year. Included in the school district documentation is an undated Notice of Administrative Leave letter to the Respondent. On January 27, 2011, the Respondent is given a Notice of Proposal to Cancel Employment, and on January 27 the attorney representing the Respondent requested a hearing in the matter. On February 10 the Respondent resigned her employment with the Cozad City Schools effective February 10 and entered into an Agreement with the district. On February 10 the Respondent's resignation was accepted by the Cozad City School Board.

Law enforcement reports were included with the documents obtained from Cozad Public Schools. Chief Mark Montgomery of the Cozad Police Department supplied the information. His incident report (IR) indicates he was aware the Cozad Middle School postage-sunshine fund had been missing money on several occasions and in November of 2010 he had set up a camera to cover the area where the fund was. His IR stated he received a call on January 21, 2011, at approximately 2:00 p.m. hours from Cozad

Middle School Principal Todd Hilyard who advised another theft had occurred. Chief Montgomery retrieved the SD card from the camera, viewed the video, and recognized the Respondent removing money from an envelope inside the cash box. The amount was \$50.00. The thefts were first noticed in September of 2010 and they were confirmed in October 2010. Chief Montgomery installed a camera and it was not working properly and did not record the thefts until 2011. There were seven thefts reported prior to the theft of January 21. Cozad Middle School Secretary Donna Brown provided a written account detailing the thefts which, including the theft occurring on January 21, 2011, that totaled \$885.58. This amount does not include the funds missing prior to Donna Brown being hired as a secretary in June 2010.

The Respondent was contacted by Chief Montgomery and arrived at the Cozad Police Department on her own volition. She waived her Miranda rights and spoke with the Chief without an attorney present. After first denying any culpability the Respondent was shown the video; admitted to taking the \$50.00 and still having it in her vehicle; and then admitted that she had started taking money at the end of 2009-2010 school year to pay bills. The Respondent did not remember taking \$299.00 at one time and thought she had only taken smaller amounts, but when asked what she had done with the \$170 taken on January 14, 2011 she stated she may have paid a bill with it, but believes she spent it on groceries.

Chief Montgomery followed the Respondent to her car and she gave him five \$10 bills that she stated was the \$50 she had taken that was on video. The Respondent was then released. A voice recording on a CD was made of the interview and a video of the theft that occurred January 21, 2011, was also provided to this investigator.

Chief Montgomery contacted Mr. Hilyard again who reported that at the end of the last school year the same sunshine-postage fund was missing approximately \$400. Mr. Hilyard stated the accounting procedures at the time were inadequate to know an exact amount.

Secretary Donna Brown submitted a written statement dated January 26, 2011. Ms. Brown stated she had been a para-professional beginning in 2005, and in June 2010 became the secretary in the Middle School Office. In her statement Ms. Brown describes where the room was that the money was kept, that it had a sign on the door that stated, "Please do not enter without permission", and that the Respondent knew not to enter as she had asked Ms. Brown to enter the room for a student's file because it was off limits for unauthorized staff. Ms. Brown began noticing small amounts of money missing in September 2010 but thought she had spent more on postage than she realized. Ms. Brown indicated she did not keep a balance of the funds at that time because she trusted those she worked with. Ms. Brown stated she locked the room to the funds at night and someone was always in the office during the day. According to Ms. Brown, "During the lunch hour we have a student in the office to answer the phone".

On September 21 a teacher asked for change and Ms. Brown went to the postage envelope in the back office and there was less than \$100 left out of \$200 she had started the school year with. Ms. Brown knew she had not used anywhere near that amount on postage and went to Principal Todd Hilyard and reported the missing money. Ms. Brown began counting the money every morning beginning October 1 and began keeping a daily balance of the postage October 8. Ms. Brown counted the money December 13 in the morning and it was missing \$110. Mr. Hilyard was not at school that day and Ms. Brown reported it to the High School Principal Mr. Beckenhauer. Ms. Brown counted the money before lunch on January 14, 2011 and again right after lunch. The postage balance ledger showed a loss of \$170. Mr. Hilyard told Ms. Brown that he had seen the Respondent coming out of the storage room with two boxes of Kleenex and she seemed very nervous and shocked to see him. The office helper advised Mr. Hilyard the Respondent was the only one to enter the storage room.

Ms. Brown explained the "Sunshine Fund" is supplied by donated money from the Cozad Middle School staff that is used to help pay for special needs of staff. Ms. Brown stated the fund is used for flowers, memorials, cards, congratulatory gifts and other things that arise.

According to Dawson County Court documents, on February 17, 2011, the Respondent was charged with three counts of Theft by unlawful taking \$0-200. The information presented from the Dawson County Court shows Count 1 as occurring from May 2011 through January 13, 2011, however the proper time frame for Count 1 should be May 2010 through January 13, 2011. Counts 2 and 3 both correctly show the dates of offense as January 13, 2011 and January 21, 2011 respectively. On March 22 the Respondent pled No Contest and was found guilty of Counts 1 and 2 and the State dismissed Count 3. The Respondent was sentenced to six months of probation which included restitution in the amount of \$835 made payable to the Cozad City Schools. On June 23 the Respondent was released from probation. Copies of court documents are collectively attached and marked as exhibit "E-3".

The Respondent was interviewed by use of a teleconference on September 16, 2011, with her attorney present. The Respondent stated she had been employed at Cozad Middle School as a 6th and 7th grade mathematics teacher since 1997. She stated she had also been involved in a variety of activities in the school that benefitted students. The Respondent stated she wanted a personal conference to explain that she wants to get back into teaching, and she is currently four hours away from obtaining her masters degree.

The Respondent admitted to stealing money from the sunshine fund, and she explained the sunshine fund was used for memorials, flowers, and funerals and was donated funds from the staff to be used for that purpose. The Respondent stated she was not aware there was a separate cash fund for postage until after she had been caught. According to the Respondent, the court documents were accurate and she had taken money in the spring of 2010. The Respondent advised the money was in an unlocked money box in a storage

2010. The Respondent advised the money was in an unlocked money box in a storage room located through the main office, and there was a sign on the door to the room that said "Authorized Personnel Only". The Respondent indicated she had access to it because she was a teacher and also because she was the SAT team leader and needed to retrieve student records. According to the Respondent, the money was both in envelopes and lying loosely in the box and she had taken money from both. The investigator referred to the video of the Respondent stealing and asked about the clear plastic glove the Respondent was wearing on her right hand. The Respondent stated she had gotten the glove from her room in the cleaning supplies and used it because she was afraid of getting caught. She stated she had not used it all the time.

The Respondent was asked why she had started stealing and she said it was because her husband had lost his job and they needed money. The Respondent then began to address that her husband had lost his job during the 2007-2008 year, but she didn't start stealing then and she was stopped by her attorney from going into more detail.

The Respondent stated she was remorseful and had written letters of apology to some staff members who had been friends of hers and received mixed reactions from them. The Respondent stated she completed all conditions of her probation and had repaid \$835 prior to seeing her probation officer for the first time. She was asked if the \$835 included the estimated \$400 missing in the spring and she did not know. The Respondent also advised that she was not responsible for all the money missing. She was asked if she knew who was and she stated she did not know.

During questions from her attorney she stated part of her probation included volunteering in the community and stated she enjoyed it. The investigator asked if she continued volunteering after the probation was completed, and she stated she did not as it was not conducive to the times of her new job.

STANDARDS OF PROFESSIONAL CONDUCT AND ETHICS

The following statute and standards would appear applicable: Neb. Rev. Stat. § 79-866(2) (Reissue 1996) which in part states, "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.04E (effective date: November 12, 2003) which states, "the educator: Shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21"; Section 004.04F (same effective date) which states, "the educator: Shall, with reasonable diligence, attend to the duties of his or her professional position"; and Section 005.06D (same effective date) which states, "the educator shall: Develop and maintain positive standards of conduct".

DETERMINATION OF LEGAL SUFFICIENCY

Cozad Public Middle School had been missing money from two funds kept in a storage room in the office area. The administration first noticed a loss of funds in the spring of 2010. Law enforcement was contacted and a camera was installed to view the area in October 2011. The video captured the Respondent stealing money from the storage area. The Respondent was questioned by law enforcement and confessed to multiple thefts. The Respondent was charged and pled no contest in court to the offenses. The Respondent agreed to a monetary retribution of \$835.00. There is legally sufficient evidence to indicate a violation of the above-referenced statute and standards with regard to this allegation.

RECOMMENDATION

The Certification Investigator would recommend the Commissioner of Education file a petition in this matter.

EXHIBITS

- E-1. Copies of the Complaint and return receipt.
- E-2. Copies of documentation of the Cozad City Schools.
- E-3. Copies of Dawson County Court documentation.

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Kelley Baker)
121 South 13th Street)
Suite 800)
Lincoln, NE 68508)
Complainant,)
vs.)
Cherry Canas)
1710 Papio)
Cozad, NE 69130)
Respondent.)

CASE NO. 11023



COMPLAINT

In accordance with Title 92, Chapter 28, of the Nebraska Administrative Code, the complainant states as follows:

1. I, Kelley Baker, am the complainant. My address is 121 South 13th Street, Suite 800, Lincoln, NE 68508. My telephone number is (402) 434-3000.
2. The respondent is Cherry Canas. Her address is 1710 Papio Street, Cozad, NE 69130. Her telephone number (308) 325-4264.
3. Mrs. Canas stole money from cash funds of Cozad City Schools. She admitted the theft to law enforcement officers. Her employment with the school district was cancelled and she was convicted of two counts of theft by unlawful taking in the County Court of Dawson County (see attached documents).
4. Superintendent John Grinde will provide the names, addresses and telephone numbers of witnesses to testify regarding the complaint.

WHEREFORE, complainant requests that the Commissioner of Education investigate this complaint and take such action as is warranted, including the filing of a petition.



Dated May 16, 2011.


Kelley Baker, Complainant

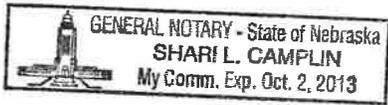
VERIFICATION

State of Nebraska)
) ss.
County of Lancaster)

I, Kelley Baker, being first duly sworn under oath, state that I have read the contents of the complaint. Its contents are true to the best of my knowledge, information, and belief; and there is reasonable cause for filing the complaint.


Kelley Baker

Subscribed and sworn before me this 16th day of May, 2011.




Notary Public

I:\3\7938\017\009.doc



[Courts Homepage](#) [Case Search](#) [Name Search](#) [Have Questions?](#)

Case Summary

In the County Court of Dawson County
 The Case ID is CR 11 0000268
 Citation No.: 0000000
 State v. Cherry Canas
 Classification: Misdemeanor
 Filed on 02/17/2011 by the County Prosecutor
 This case is Closed as of 03/22/2011
 It was disposed as Guilty Plea/Admission in Court
 Original appearance date 03/15/2011 at 09:00

Parties/Attorneys to the Case

Party	Attorney
Plaintiff State of Nebraska	Michael R Johnson 700 North Washington Lexington NE 68850 308-324-5644
Defendant Cherry Canas 1710 Papio Lane Cozad NE 69130	Brian Davis 801 Meridian Avenue P.O. Box 214 Cozad NE 69130 308-784-2040
Date of Birth is 04/06/1970	Drivers License is

Offense Information

Count	Charge	Offense Class
01	Theft-unlawful taking \$0-200 Offense Date is 01/13/2011 Plea is No Contest Finding is Guilty Sentence includes: Probation Start Date 03/22/2011 Term of 06 Months Offender Assessment Screening of Comm Service \$10.00 Start Date 03/22/2011 Term of 002 Hours Probation Administrative Enrollment Fee of \$30.00 Probation Fee - Regular of \$150.00 Restitution of \$835.00	; Class 2 Misdemeanor
02	Theft-unlawful taking \$0-200 Offense Date is 01/13/2011 Plea is No Contest Finding is Guilty Sentence includes: Probation Start Date 03/22/2011 Term of 06 Months	; Class 2 Misdemeanor
03	Theft-unlawful taking \$0-200 AMENDED TO...Count dropped/dismissed Offense Date is 01/13/2011	; Class 2 Misdemeanor ;

Arresting Officers

Agency _____

Officer _____

Court Costs Information

Incurring By	Account	Date	Amount
Defendant	Filing Fees	02/17/2011	\$18.00
Defendant	NSC Education Fee	02/17/2011	\$1.00
Defendant	Dispute Resolution Fee	02/17/2011	\$0.75
Defendant	Indigent Defense Fee	02/17/2011	\$3.00
Defendant	Uniform Data Analysis Fee	02/17/2011	\$1.00
Defendant	J.R.F.	02/17/2011	\$6.00
Defendant	Filing Fee/JRF	02/17/2011	\$2.00
Defendant	Crime Victim Fund	03/22/2011	\$1.00
Defendant	Civil Legal Services Fund	02/17/2011	\$1.00
Defendant	L.E.I.F.	02/17/2011	\$2.00
Defendant	LASF/Non-waivable	02/17/2011	\$2.00
Defendant	Legal Aid/Services Fund	02/17/2011	\$3.25
Defendant	Automation Fee	02/17/2011	\$8.00

Financial Activity

No trust money is held by the court
 No fee money is held by the court

Payments Made to the Court

Receipt	Type	Date	For	Amount
185631	Check	04/01/2011	Canas, Cherry,	\$57.25
			Filing Fees	\$18.00
			Probation Fee	\$12.00
			J.R.F.	\$6.00
			Filing Fee/JRF	\$2.00
			Crime Victim Fund	\$1.00
			Civil Legal Services F	\$1.00
			L.E.I.F.	\$2.00
			LASF/Non-waivable	\$2.00
			Legal Aid/Services Fun	\$3.25
			Offender Assessment Sc	\$10.00
185340	Check	03/23/2011	Canas, Cherry,	\$1,016.75
			Probation Administrati	\$30.00
			Probation Fee	\$138.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$.75
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			Automation Fee	\$8.00
			Restitution	\$835.00

Check	Date	To	Amount
38641	04/04/2011	Cozad Middle School	\$835.00

Register of Actions

04/04/2011 Probation Order
 This action initiated by Judge Carlton Clark
 Image ID 000062200C18

03/22/2011 Victim Fund Assessment

03/22/2011 Journal Entry & Order
 This action initiated by Judge Carlton Clark

03/22/2011 Dismissal Partial

03/22/2011 Sentencing

03/22/2011 Arraignment
 Image ID 000061560C18

02/23/2011 Order-Continuance
 This action initiated by Judge Carlton Clark
 Image ID 000057388C18

02/18/2011 Motion-Continuance
 This action initiated by attorney Brian Davis
 Image ID 000057149C18

02/17/2011 Notice Issued on Michael R. Johnson
 The document number is 00128352
 Document Number 128352 E-MAILED
 Image ID D00128352C18

02/17/2011 Notice Issued on Brian Davis
 The document number is 00128351
 Document Number 128351 E-MAILED
 Image ID D00128351C18

02/17/2011 Complaint
 This action initiated by party State of Nebraska
 Image ID 000057310C18



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

*General Counsel's Office
Nebraska Department of Education
P. O. Box 94933
Lincoln, NE 68509-4933*



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. *11023*

1. Article Addressed to:

*Cherry Canyon
1710 Papio
Covad NE 69130*

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X Barbara Jones

B. Received by (Printed Name) *Barbara Jones*

C. Date of Delivery *5-20*

D. Is delivery address different from item 1? Yes
 No
 If YES, enter delivery address below:

2005 ALE C

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

7010 0780 0000 3455 7780

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Cozad City Schools

John Grinde, Superintendent of Schools
1910 Meridian
Cozad, Nebraska 69130
Phone (308) 784-2745 Fax (308) 784-2728
jgrinde@esu10.org

William Beckenhauer.....High School Principal 308 784-2744
Todd Hilyard.....Middle School Principal 308 784-2746
Dale Henderson.....Elementary Principal 308 784-3462
Brian Regelin.....Activities Director 308 784-2744
Nancy Niles.....Special Education Director 308 784-3320

Board of Education

Scott GeiserPresident
Dr. Pat Wetovick.....Vice-President
Dennis Worrell.....Secretary
Ann Burkholder.....Member
Reggie Fox.....Member
John Peden.....Member

Mrs. Cherry Canas
1710 Papio Drive
Cozad, NE 69130

Re: **Notice of Administrative Leave**

Dear Mrs. Canas:

I am writing to inform you that I have placed you on administrative leave until further notice. Your pay and benefits will be continued without change while you are on administrative leave. As you are being paid during the leave, you must be available for communications and consultation. I am directing you to keep the school district apprised of your current address and phone number.

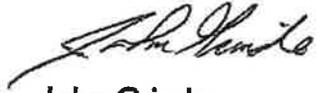
You are directed to return any keys or other school property that you have in your possession. In order that we may assure the security of any personal property you have at school, we will endeavor to collect all your personal items and return them to you until the conclusion of the administrative leave. If you have any directions or requests in this regard, please contact me.

While the administrative leave is in effect, you are directed to remain off school premises unless you have secured my personal permission to return. This directive applies to all school functions, including academic, athletic and extracurricular functions.

If you have any questions about this leave, please feel free to contact me or to have your representative contact me or Kelley Baker, the school district's attorney. Mr. Baker can be contacted at Harding & Shultz, P.C., L.L.O., 121 South 13th Street, P.O. Box 82028, Lincoln, Nebraska 68501-2028, (402) 434-3000.

Yours truly,





John Grinde
Superintendent of Schools

Cozad City Schools

John Grinde, Superintendent of Schools

1910 Meridian

Cozad, Nebraska 69130

Phone (308) 784-2745 Fax (308) 784-2728

jgrinde@esu10.org

William Beckenhauer.....High School Principal 308 784-2744
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Board of Education

Scott Geiser.....President
Dr. Pat Wetovick.....Vice-President
Dennis Worrell.....Secretary
Ann Burkholder.....Member
Reggie Fox.....Member
John Peden.....Member

January 27, 2011

Cherry Canas
1710 Papio Lane
Cozad, NE 69130

Re: **Notice of Proposal to Cancel Employment**

Dear Ms. Canas:

I am writing to inform you that the Cozad Board of Education will consider the cancellation of your employment contract as a teacher. The board will consider charges that you stole money from the school district. The board will also consider charges that you have engaged in unprofessional and immoral conduct and that you have neglected your duty.

Entitlement to Hearing. You are statutorily entitled to a hearing, if you wish one, prior to a final decision by the board. To secure a hearing, you must send a written request to me or to the secretary of the board within seven calendar days of receiving this letter. Upon receipt of your request, you will be provided with a formal due process hearing pursuant to Nebraska statutes.

Hearing-Related Rights. By statute, you have the rights listed below. You also have additional statutory rights, and I recommend that you confer with your attorney regarding them.

1. You have the right to written notice at least five (5) days prior to the hearing of the proposed grounds for terminating your employment, the names of any witnesses who will be called to testify against you, and an opportunity to examine any documents that will be presented at the hearing.
2. You have the right to be represented by legal counsel.
3. You or your legal counsel will have an opportunity to cross-examine all witnesses, to examine all documents, and to present evidence material to the issues.

Contact Your Professional Association or Private Attorney. If you are a member of the Nebraska State Education Association, I recommend that you

contact your NSEA representative. The NSEA toll-free telephone number is 1-800-742-0047. If you are not a member of the NSEA, you may wish to consult with a private attorney about the matter.

Public Hearing. If you request a hearing, it will be held in public unless (1) you or your representative specifically request that it be held in closed session and (2) the board approves your request. The board will take all formal action in open session.

Resignation. If you choose to resign your position rather than request a hearing, the board's only action will be to accept your resignation.

Failure to Request Hearing or Resign. If you choose not to request a hearing within seven calendar days, you will be deemed to have waived your right to a hearing. If you do not request a hearing or submit a letter of resignation, I will recommend that the board take action to cancel your employment contract; and its action will be final.

Confidentiality. The recommendation to cancel your employment will be kept in confidence until the scheduling of a hearing, the scheduling of acceptance of your resignation, or the scheduling of board action.

Personnel File. Your personnel file is available for your inspection.

Administration's Legal Counsel. The administration is represented by Kelley Baker of Harding & Shultz, 123 South 13th Street, Suite 800, P.O. Box 82028, Lincoln, NE 68501-2028, (402) 434-3000. If your attorney or representative has any questions, they may contact Mr. Baker.

Sincerely,

John Grinde
Superintendent of Schools

I acknowledge receipt of this notice on January ²⁰¹¹ 27, 2010. *cey*

Cherry Canas

Cherry Canas

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McGUIRE AND NORBY
ATTORNEYS AT LAW

605 South 14th Street, Suite 220
Lincoln, Nebraska 68508
Telephone (402) 434-2390
Facsimile (402) 434-2393

Mark D. McGuire
Scott J. Norby
Rick G. Wade

January 27, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Certified Article No. 7002 2030 0002 4716 8596

REGULAR UNITED STATES MAIL

Mr. John Grinde
Superintendent of Schools
Cozad City Schools
1910 Meridian
Cozad NE 69130

RE: Cherry Canas

Dear Superintendent Grinde:

This office is legal counsel to the Nebraska State Education Association and its member, Ms. Cherry Canas.

We have been advised that you have informed Ms. Canas that you will be recommending to the School District's Board of Education that it consider the possible cancellation of Ms. Canas's teaching contract for the 2010-2011 school year. Please consider this letter to be Ms. Canas's request for a hearing pursuant to Neb. Rev. Stat. §§ 79-824 through 79-842 (Reissue 2008). I or another member of this office will be representing Ms. Canas at any hearing to be held in this regard. I would, therefore, request that all future contacts and correspondence regarding the matter of Ms. Canas's continued employment be directed to this office.

On behalf of Ms. Canas, request is hereby made for a complete listing of all of the charges, incidents, events, observations, and reasons that will be raised or otherwise relied upon at the hearing as alleged grounds for the cancellation of Ms. Canas's employment. Additionally, request is hereby made for a complete list of all witnesses who will testify at the hearing, a summary of what such witnesses will testify to, and copies of all documents that will be presented at the hearing and used as either a basis for any witness's testimony and/or identified as exhibits.

Because the action of the Board of Education is subject to review by the District Court, I request that the Board of Education employ a certified court reporter to be present at the hearing to

McGUIRE AND NORBY

2

transcribe all testimony in order that the School District can provide a transcript of the proceedings as provided by law in the event judicial review is necessary. I also request that you advise me of the name of the attorney who will present the School District's case at the hearing, the name of the attorney who will serve as a hearing officer/advisor to the Board of Education at the hearing, and the name of the court reporter employed by the School District who will record the hearing.

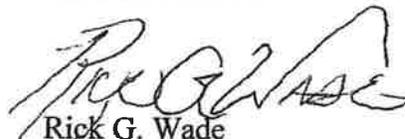
I would ask that the School District's attorney contact me for the purpose of arranging a mutually convenient scheduling of this hearing. It is my desire to schedule this hearing at a time convenient to all involved.

By making the requests contained in this letter, I do not waive any claims that I may now or subsequently have on behalf of Ms. Canas as to the procedures used in this matter.

Sincerely,

McGUIRE and NORBY

By:


Rick G. Wade

RGW:jls/jg1-27.rfh

cc: Cherry Canas
Kelley Baker

AGREEMENT

This Agreement is made by and between Cherry Canas ("Ms. Canas") and John Grinde, Superintendent of Cozad City Schools (legally known as Dawson County School District 24-0011 and referred to herein as the "Superintendent" and "School District" respectively).

WHEREAS, Ms. Canas is employed as a tenured certificated employee of the School District; Mrs. Canas desires to resign her employment, and the parties desire to end her employment relationship with the School District;

NOW, THEREFORE, in consideration of the agreements contained herein, the parties agree as set forth below.

- 1. Employment.** The School District currently employs Ms. Canas as a tenured certificated employee pursuant to an employment contract for the 2010-11 school year.
- 2. Resignation of Employment.** Ms. Canas resigns her employment and all contractual relations with the School District effective February 10, 2011. A copy of Ms. Canas's letter of resignation is attached hereto and incorporated herein by this reference as Exhibit "A." Her resignation is irrevocable and is conditioned solely upon the Board's acceptance of and approval of this agreement. If the Board does not accept her resignation, it shall be void.
- 3. Payment of Salary and Benefits.** The School District will pay Ms. Canas her salary through February 10, 2011 and provide her with fringe benefits to which she is entitled by law in accordance with her individual employment contract, and the negotiated agreement between the Board and the Cozad Education Association. The School District will pay Ms. Canas \$10,799.32 (Ten Thousand Seven Hundred Ninety-Nine Dollars and Thirty Two Cents) for teaching service days through and including February 10, 2011 and \$386.45 (Three Hundred Eighty-Six Dollars and Forty Five Cents) for one and one-half day of unused personal leave. The School District will pay to Mrs. Canas the amounts of the premiums it would have paid on her behalf for health insurance, dental insurance, and vision insurance for the months of March and April, 2011. The School District will reduce these amounts by applicable taxes and withholding (e.g. income tax, retirement contributions, FICA). The School District will make these payments to Ms. Canas on February 20, 2011.

4. **Notification of Rights.** By her signature below, Ms. Canas acknowledges that she has been advised in writing by this Agreement that she should consult with an attorney prior to executing this Agreement. Ms. Canas has been represented by Rick Wade, attorney at law, who has reviewed and approved this Agreement. Ms. Canas has acted voluntarily and upon her own best judgment in executing this Agreement.
5. **No Admission of Liability.** This Agreement is not to be construed as an admission of liability on the part of either party.
6. **Entirety of Agreement.** This Agreement contains the parties' entire agreement. Its terms and release are contractual and not a mere recital.
7. **Nebraska Law.** This Agreement shall be construed in accordance with the laws of the State of Nebraska. Any dispute arising hereunder shall be submitted only to a state court or federal court of competent jurisdiction in Nebraska to whose jurisdiction all parties hereto consent.
8. **Acknowledgment of Understanding.** The parties confirm that they have read this Agreement in full; are fully apprised of its contents; and understand its meaning and implications.


Cherry Canas


John Grinde, Superintendent
Cozad City Schools

Dated February 10, 2011

Dated February 10, 2011

Attachment
I:\37938\017\012.doc

21

February 10, 2011

Board of Education
Cozad City Schools
1910 Meridian
Cozad NE 69130

Dear Board Members:

I hereby offer my resignation of employment and all other contractual relations with Cozad City Schools effective February 10, 2011.

Sincerely,



Cherry Canas

Exhibit "A"

Cozad City Schools

John Grinde, Superintendent of Schools
1910 Meridian
Cozad, Nebraska 69130
Phone (308) 784-2745 Fax (308) 784-2784
jgrinde@esu10.org

William Beckenhauer.....High School Principal 308 784-2744
Todd Hilyard.....Middle School Principal 308 784-2746
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Board of Education
Scott GeiserPresident
Dr. Pat Wetovick.....Vice-President
Dennis WorrellSecretary
Ann Burkholder.....Member
Reggie Fox.....Member
John Peden.....Member

A Member of North Central Association

February 10, 2011

Cherry Canas
1710 Papio Lane
Cozad, NE 69130

Dear Cherry:

The Cozad City Schools' Board of Education held a special meeting at which time they agreed to accept your resignation effective February 10, 2011.

Sincerely,



John Grinde
Superintendent

DAWSON COUNTY COURT
(308) 324-5606
LEXINGTON, NE 68850



CR 11 268
State v. Cherry Canas

PAY Eight Hundred Thirty-Five and 00/100 Dollars

TO THE ORDER OF

4/04/2011 *****835.00

Cozad Middle School
1810 Meridian Ave
Cozad, NE 69130

DAWSON COUNTY COURT
VOID IF NOT CASHED IN:

Jeri Deans
AUTHORIZED SIGNATURE

⑈038641⑈ ⑆091408734⑆ 0101774785⑈

DAWSON COUNTY COURT

Case ID: CR 11 268

Check No. 38641

CREDIT DATE	DESCRIPTION	AMOUNT	PAYMENT SOURCE
3/23/2011	Restitution	\$ 835.00	Local Bank

*Sunshine 236.00
Postage 599.00*

Middle School Sunshine Fund
In & Out

4/28/2011

*Jeri Deans
from Trust funds
See Order
4-28-2011*

Cozad City Schools Rev Canas settlement



Middle School Sunshine Fund



39303

4/28/2011

First Bank & Trust Company
Cozad, Clay Center, Eustis, Imperial

Date

4/28/11

ACCT. NO. *0100310602*

Name

Address

Sign For

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

DESCRIPTION	DOLLARS	CENTS
DAWSON COUNTY COURT		
Canas Settlement	399	00
In & Out (Sunshine Fund)	236	00
LESS CASH RECEIVED		76-73

TOTAL

\$

835.00

03.06.12 State Board of Education &
03.06.12 State Board of Education

*Cozad Community Schools
Revolving Acct*

IN THE COUNTY COURT OF DAWSON COUNTY, NEBRASKA

STATE OF NEBRASKA,

VS

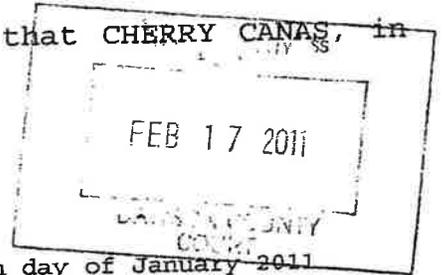
CHERRY CANAS,
1710 PAPIO LANE
COZAD, NE
DOB: 4-6-1970

Case No. CR11-268

COMPLAINT

CT I - CT III THEFT BY TAKING
(Value of \$200.00 or Less)
§ 28-511
CLASS II MISDEMEANOR

Elizabeth F. Waterman, County Attorney, by and through Michael R. Johnson, Deputy County Attorney of Dawson County, in the name of the State of Nebraska, swears that CHERRY CANAS, in Dawson County, State of Nebraska,



COUNT I

did from the month of May 2011 through the 13th day of January 2011 take or exercise control over movable property of Cozad Middle School valued at \$200 or less with the intent to deprive thereof;

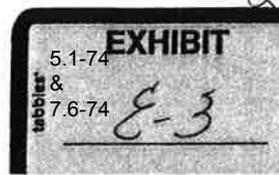
COUNT II

did on the 13th day of January, 2011 take or exercise control over movable property of Cozad Middle School valued at \$200 or less with the intent to deprive thereof;

COUNT III

did on the 21st day of January, 2011 take or exercise control over movable property of Cozad Middle School valued at \$200 or less with the intent to deprive thereof;

contrary to the form of the Statutes in such cases made and provided and against the peace and dignity of the State of Nebraska.



STATE OF NEBRASKA, Plaintiff
ELIZABETH F. WATERMAN,
Dawson County Attorney

By: Michael R. Johnson
Michael R. Johnson, #22563
Deputy Dawson County Attorney,
700 North Washington
Dawson County Courthouse
Lexington, NE 68850
(308) 324-5644

SUBSCRIBED AND SWORN TO before me this 15th day of February,
2011.

Carlton E. Clark
Carlton E. Clark, County Judge



CRIMINAL COVER SHEET FOR DAWSON COUNTY

Court: (check appropriate blank)

Juvenile Court

Original Case No. (if transferred): _____

County Court

District Court

Original Case No. (if bound over): _____

Current Case No.:

entered by clerks when case is filed:

Defendant's Name:

Cherry Canas

Date of Birth:

4/6/1970

Sex: M

F

Race/Ethnicity: (check only one)

American Indian or Alaska Native

Asian

Black or African American

Hispanic or Latino

Native Hawaiian or Other Pacific Islander

White/Caucasian

Other

Complaint

Information

Indictment

Petition

IN THE COUNTY COURT OF DAWSON COUNTY, NEBRASKA

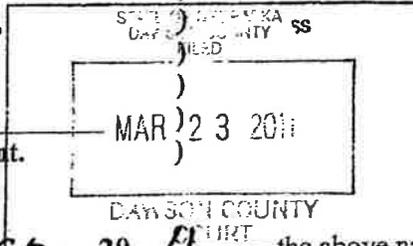
9:00

THE STATE OF NEBRASKA,

Plaintiff,

Vs.

Cherry Caras
Defendant.



CASE NO. CR11-268
Arraignment
Bond setting / Judgment

On this 22 day of March, 2011, the above named Defendant () appeared, () did not appear () without counsel () with () by counsel DAVIS for () ARRAIGNMENT () BOND SETTING () HEARING on the complaint charging Theft by taking

Prosecutor Johnson (X) appeared () was excused and presence waived by defendant.
Interpreter

RIGHTS EXPLAINED TO THE DEFENDANT including:

- Obtain counsel of his/her choice.
- Court appointed counsel if a jail sentence is possible and the defendant is indigent.
- Continuance to obtain counsel at all stages of the proceedings.
- Speedy trial / jury if misdemeanor or city ordinance with significant penalty.
- Presumed innocent until proven guilty
- The State is required to prove your guilt beyond a reasonable doubt
- Confront and cross-examine witnesses.
- Compulsory process of witness on Defendant's behalf
- Remain silent and / or testify in his / her own Behalf
- Copy of Complaint
- Appeal any final decision or order of the Court and to have a transcript of the proceedings.
- If under age eighteen at the time of offense, to request a transfer to Juvenile Court.
- () Preliminary Hearing



COMPLAINT/PENALTIES:

- () Defendant advised of the nature of the proceedings and charges
- () Complaint read () reading waived by Defendant
- () Possible penalties explained (X) enhanced penalties explained on subsequent offenses.
 - Non USA Citizen
 - () Sex Offender

DEFENDANT ACKNOWLEDGED UNDERSTANDING OF RIGHTS, CHARGES, PROCEEDINGS AND POSSIBLE PENALTIES ON DIRECT INQUIRY BY THE COURT.

() State waives jail sentence.

COUNSEL

() Defendant waived right to counsel, whether obtained or appointed, and requested to proceed. Upon direct inquiry the Court finds the Defendant's waiver of counsel has been made knowingly, voluntarily and intelligently.

The Defendant () requests court appointed counsel () Defendant (and parents, if juvenile) to file an affidavit of financial status.

() Court appoints _____ () Defendant will retain _____

JUVENILE:

The Court finds the Defendant to be under 18 years of age () on direct inquiry of the Juvenile () waived () requested transfer to Juvenile Court jurisdiction. State () objects, matter set for hearing () does not object, matter transferred to Juvenile Court.

MOTIONS:

DEFENDANT'S _____ () Granted () Denied
STATE'S _____ () Granted () Denied

03.06.12 State Board of Education

() PLEA AGREEMENT

03.06.12 State Board of Education

() Court not bound 5.1-77 & 7.6-77

28

PLEAS EXPLAINED BY THE COURT: Defendant acknowledged understanding of pleas and consequences of each on inquiry whereupon plea(s) was / were tendered () by defendant () by counsel for Defendant () Court entered pleas for Defendant as follows:

GUILTY 1. () 2. () 3. () 4. () 5. () 6. ()
NO CONTEST 1. (X) 2. (X) 3. () 4. () 5. () 6. ()
NOT GUILTY 1. () 2. () 3. () 4. () 5. () 6. ()

JURY TRIAL: Defendant (X) Waived knowingly, voluntarily and intelligently, () Requested () Court () Granted () Denied.
(X) On Defendant's plea(s) of GUILTY/NO CONTEST and after personal colloquy with Defendant, the Court finds that the Defendant is competent, understands the nature of the pending charges and the possible penalties which may be imposed, both minimum and maximum that the Defendant understands the consequences of such plea(s) and that said plea(s) waive Defendant's rights to counsel, confrontation, privilege against self-incrimination and right to jury trial on misdemeanors. Further, the Court finds the Defendant's plea(s) was/were entered voluntarily and not as a result of threats or improper promises and that there is a factual basis for each count. Therefore, the Defendant's plea(s) is/are accepted and the defendant is FOUND GUILTY as charged in: Ct. 1. (X) ct. 2. (X) ct. 3. () ct. 4. () ct. 5. () ct. 6. () upon said plea(s)

STATE DISMISSES Ct. 1. () ct. 2. () ct. 3. (X) ct. 4. () ct. 5. () ct. 6. () () with () without prejudice.

ENCHANCEMENT hearing held on count(s) _____ () Defendant advised of right to review the records of any alleged prior to conviction to object to the validity of any alleged prior convictions and to present mitigating circumstances prior to sentence. Defendant () admitted () denied prior conviction(s); Court finds that () the conviction on count(s) _____ is a _____ offense. () The Court upon direct inquiry finds that the Defendant understands that he/she has been found guilty of _____.

DETENTION / BOND: Court () finds () does not find probable cause for detention of defendant on available facts/affidavit. () Released on personal recognizance. () Bond set _____, () prior bond continued. () Court finds Defendant understands right to bond review, bond set and ramifications of failure to comply with conditions of bond.

() ORDERED TO APPEAR before this Court on _____, 20____ at _____ for
() Arraignment () Trial () Preliminary hearing () Sentencing () Hearing on Motion to Transfer to Juvenile
() Show Cause () Other _____

- () The Court suspends further proceedings and orders:
- () Pre-sentence evaluation report to be prepared. () That restitution be determined.
- () Other _____

() IT IS THE JUDGMENT AND SENTENCE OF THE COURT: (Allocation granted and the Court finds no legal cause why the sentence should not be pronounced). The Defendant is sentenced to:

(X) PROBATION for a 6 (X) month () year term as per Order of Probation.

Conditions of Probation Theft Class or Cognitive Program + 2 hrs week Com Service

Handwritten notes:
2 X 48 hrs Jail
30 Day Jail
Stand
Waive

() Defendant advised of the consequences of probation violations.
() COMMUNITY SERVICE IS ORDERED: For _____ hours pursuant to State statute for a non-profit organization or a public entity and said service shall be completed by _____

() OPERATOR'S LICENSE: () revoked () suspended () impounded for _____ from _____ Defendant ordered not to operate a motor vehicle in the State of Nebraska for a like period of time.

() FINED: \$ _____; Court costs of \$ 49-; Sheriff fees of \$ _____
Witness fees and mileage \$ _____ and Restitution of \$ 825 835 payable to the Clerk of the Dawson County Court for distribution to COZAD SCHOOLS

() JAIL: To serve _____ in the County Jail. SEE COMMITMENT.

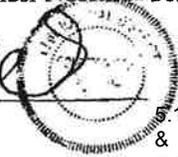
- () It is further ordered that the Defendant:
 - () be remanded to the custody of the sheriff
 - () be released on:
 - () bond.
 - () signing of agreement to pay by deferred payment, due _____ () Defendant advised
 - () payment of fine and costs
 - () signing of probation order of penalties for failure to comply with payment agreement.

FINDINGS: It is the finding of the Court that the defendant is:

() a sexual offender or () a sexual violent offender

pursuant to section 29-4007 R.N.S., as amended, therefore the defendant is hereby given notice that he/she is subject to the Sex Offender Registration Act, and as such has a duty to register under the Sex Offender Registration Act. It is therefore ordered that the defendant acknowledge his/her duty to register by reading and signing a notification of Registration Responsibilities Under Nebraska Sex Offender Registration Act.

BY THE COURT: Carly Z...
Judge/Clerk Magistrate.

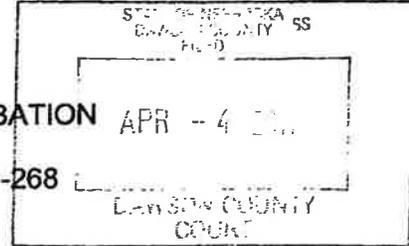


IN THE COUNTY COURT OF DAWSON COUNTY, NEBRASKA

THE STATE OF NEBRASKA,)
)
 Plaintiff;)
)
 -vs-)
)
 CHERRY CANAS,)
)
 Defendant.)

ORDER OF PROBATION APR - 4 2011

Case No. CR11-268



NOW on this 22nd day of March, 2011, this matter comes on for sentencing. The Defendant is present and is represented by Attorney Brian Davis. The State of Nebraska is represented by Michael R. Johnson, Deputy County Attorney. The Honorable Carlton E. Clark is presiding.

The Court finds that the Defendant has been found guilty of Ct. I: Theft by Unlawful Taking \$0-200, and Ct. II: Theft by Unlawful Taking \$0-200, and is a fit subject for probation.

IT IS THEREFORE ORDERED that the Defendant be and hereby is sentenced to probation for a period of six (6) months under the supervision of the District Officer of the Eleventh Probation District under the following conditions. The Defendant shall:

1. Refrain from unlawful conduct;
2. Work faithfully at suitable employment and meet his/her family responsibilities;
3. Avoid social contact with those persons having criminal records or on parole or probation except by written permission;
4. Remain within the Eleventh Judicial District of Nebraska and not leave said District without the written permission of the Probation Officer, and notify the Probation Officer prior to any change of address or employment;
5. Report as directed to the Probation Officer and permit the Probation Officer to visit him/her at all reasonable times and places;
6. Cooperate in all respects with the Probation Officer on all matters which may affect his/her probation and answer all reasonable inquiries;
7. Take and complete any physical, psychiatric or psychological examinations or tests, treatment or counseling the Probation Officer directs;
8. Pay for blood, urine, or breath alcohol tests, psychological evaluations, and rehabilitative services required in identification, evaluation and treatment;
- X 9. Pay \$ fine, \$49 costs, \$10 Offender Assessment Fee as well as any additional costs that may be incurred at the rate of not less than \$100 per month beginning within thirty (30) days following sentencing date to be paid in full by the 22nd day of September, 2011;



- 9a. Assessment fee in the amount of \$10 is waived.
- 10. Pay restitution to the victim in the amount of \$835 .
- 11. Pay restitution jointly and severally as directed by the Probation Officer;
- 12. Pay \$30 Probation Administrative Enrollment fee to the Clerk of the sentencing court this date. In addition, pay to the Clerk of the sentencing court, the monthly Probation Programming fee of \$25 per month for six (6) months for a total of \$150. Monthly Programming fees are due and payable on or before the 10th day of each month for the duration of probation;
- 12a. Monthly Probation Programming fees have been waived by the Court;
- 13. Not operate a motor vehicle in the State of Nebraska for any purpose for a period of from and that his/her driver's license shall be surrendered to the custody of the Court during said revocation period;
- 13a. The Court authorizes issuance of a Ignition Interlock Permit (IIP) and the Interlocking Ignition Device, and pay all associated costs, in accordance with Statutory terms upon application of the Defendant;
- 14. Not consume nor possess alcoholic liquor or any non-prescribed controlled substances nor be present where alcoholic liquor is sold or served as a primary business;
- 15. Submit to a chemical dependency evaluation by an approved counselor, at the discretion of the Probation Officer in compliance with the Standardized Model and comply with the recommendations of the evaluation, including treatment, counseling and/or attendance at Alcoholics Anonymous meetings;
- 16. Attend and satisfactorily complete alcohol education classes, at his/her own expense;
- 17. Complete a recovery program for chemical dependency to include, but not limited to, alcohol counseling and/or regular attendance at Alcoholics Anonymous meetings;
- 18. Shall submit to a chemical test of his/her blood, breath, or urine upon request of the probation officer to determine the use or possession of alcoholic liquor or drugs. Failure to submit to said test will constitute a violation of probation. He/She shall pay the Clerk of the Court \$5.00 per month for months or a total of \$ for chemical testing while on probation. Payment is due the first day of the following month and the first day of each month thereafter;
- 19. Submit to a search of his/her person or property at any time by the probation officer or any law enforcement officer, with or without probable cause;
- 20. Submit to a search of his/her person or property for alcohol and/or controlled substances at any time by the probation officer or any law enforcement officer, with or without probable cause;
- 21. Be confined in the Dawson County Jail for a period of days, may be granted credit for days previously served;
- 22. Serve thirty (30) days in the Dawson County Jail at the end of the probation period, may be granted credit for 0 days previously served; sentence may be waived upon satisfactory completion of probation;

- 23. Serve days in the Dawson County Jail to commence ; may be granted credit for days previously served;
- 24. Serve days in the Dawson County Jail commencing , and an additional days in the Dawson County Jail commencing ; said sentences may be waived by the Probation Officer due to satisfactory compliance with the terms and conditions of probation;
- 25. Attend and satisfactorily complete a program of domestic violence counseling at his/her own expense;
- 26. Attend and satisfactorily complete a program of anger management counseling at his/her own expense;
- 27. Attend individual or family counseling at his/her own expense;
- 28. Complete a domestic abuse assessment at his/her own expense;
- 29. Attend and satisfactorily complete a driver improvement program, at his/her own expense;
- 30. Obtain a valid Nebraska driver's license from the Department of Motor Vehicles as soon as it becomes available;
- 31. Complete two (2) hours community service work **per week** at his/her own expense;
- 32. Not establish nor have access to a checking account;
- 33. Submit a letter of apology to the Victim, through the Probation Office;
- 34. Shall complete course of study to obtain his/her General Equivalency Diploma;
- 35. Participate in and complete all living and work skills education programs, classes and courses as directed;
- 36. Attend a MADD Victim Impact Panel meeting and furnish proof of said attendance;
- 37. Offender will submit to and complete _____ days of continuous alcohol monitoring in the Continuous Alcohol Monitoring (CAM) Program. The offender is ordered not to consume any alcohol while under CAM monitoring and agrees to comply with any associated policies and procedures including payment of required fees;
- 38. Reside in a structured, sobriety-based living environment in conjunction with the completion of dual diagnosis treatment on an intensive outpatient level. Upon completion of primary treatment, adhere to all discharge recommendations made for continuing care and/or structured relapse prevention;
- 39. Continue mental health services and psycho tropic medication as prescribed by a physician;
- 40. Submit to a sex offender specific evaluation by an approved counselor and comply with the recommendations of the evaluation, including treatment and/or counseling;

- 41. Refrain from having in his/her possession any firearm or other dangerous weapon;
- 42. Complete inpatient and outpatient substance abuse treatment if recommended;
- 43. Regularly attend community support group meetings, a minimum of two to three times per week. Obtain a sponsor and maintain regular contact with the sponsor, a minimum of once per week;
- X 44. Follow the case plan developed with the Probation Officer to address areas to aid in rehabilitation, develop life skills, and reduce the risk of further unlawful conduct. In the event the Defendant objects to the case plan, the Defendant shall have ten (10) days after presentation of the plan to request a hearing on the objection, otherwise, the objection is waived;
- X 45. Probation officer is authorized to put defendant in jail for up to 48 hours, two (2) times, must be in increments of 24 hours, for failure to observe probation conditions while defendant is on probation.
- X 46. Complete such cognitive behavior modification programs as directed, including Theft Class:

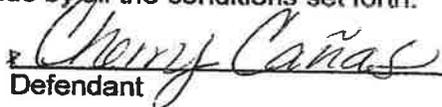
IT IS THEREFORE ORDERED that during the term of this Probation Order, the Court, upon application of the Probation Officer, the Defendant, or upon its own motion, may modify or eliminate any of the above conditions or add further conditions. Upon violation of any condition of Probation, the Defendant may be brought before the Court and sentenced upon the original charge as provided by law.

BY THE COURT:


 Carlton E. Clark
 County Judge



I received a copy of the above Probation Order on the 1st day of April, 2011. I hereby accept Probation and agree to abide by all the conditions set forth.


 Defendant


 Witness
 dks

IN THE COUNTY COURT OF DAWSON COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,

vs.

Canas, Cherry,

Defendant.

ORDER OF SATISFACTORY RELEASE

Case No. CR11-268

NOW on this 23 day of June, 2011, there

appears before the Court, Lonnie Folchert, Chief Probation Officer of the State of Nebraska, representing Laressa Swedberg, Case Monitor, District #11 Probation Office of the State of Nebraska and respectfully represents unto this Court that the Defendant, Cherry Canas, was on the 22nd day of March, 2011, sentenced to Probation to the District #11 Probation Office for the period of Six (6) Months.

The Probation Officer shows this Court that the said Defendant has satisfactorily completed the terms of her Probation and that she should be fully discharged from the same as provided by law.

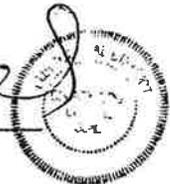
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the Defendant, Cherry Canas, be and she is hereby fully discharged from said Probation as provided by law. Thirty (30) Days Jail shall be waived in this case.

A copy of this order is to be sent to the Defendant by her Case Monitor.

BY THE COURT:

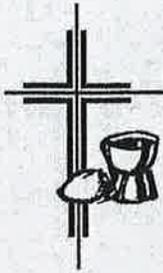
Carlton E. Clark

Carlton E. Clark
COUNTY JUDGE



tlk





CHRIST THE KING
 COZAD, NE
 OUR LADY OF GOOD COUNSEL
 GOTHENBURG, NE

January 20, 2012

Professional Practices Commission:
 Lincoln, Nebraska

Re. Cherry Canas

To whom it may concern:

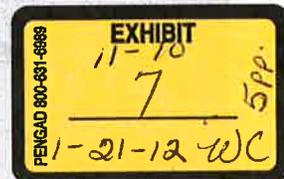
I welcome this opportunity to recommend Cherry Canas of Cozad, NE for your consideration. Cherry has been a member of this church for over 20 years. I witnessed their marriage and baptized their children during that period. I know Cherry as a faithful wife and mother and teacher in the Cozad School System. She was done this for the past 14 years. She was and is basically an honest person who failed in her judgment in a particular situation. She deeply regrets this action. She wants to continue her profession and use her degree and talents. She has completed her Bachelors and just four hours short of her Master's Degree.

I feel that Cherry is worthy of your consideration in this matter and be reinstated in her profession. If I can be of any further help in this matter, please feel free to contact me.

Sincerely yours,

Fr. Donald J. O'Brien

Fr. Donald J. O'Brien, Pastor



CHRIST THE KING
 1220 AVE. M
 COZAD, NEBRASKA 69130
 (308) 784-3959

OUR LADY OF GOOD COUNSEL
 1915 AVE. J.
 GOTHENBURG, NEBRASKA 69138
 (308) 537-3364

To whom it may concern,

I am writing in reference to Cherry Canas. I have worked with Cherry for almost a year and have seen how caring and patient she is with many different kinds of individuals. We work for a trucking company and not everyone is always easy to get along with. Cherry has shown exemplary patience with each person she speaks with and helps them to the best of her capability. She takes her job as driver service very seriously and goes above and beyond to help the drivers out with any problem or situation they may have. She even goes as far as taking time out of her weekend to go to the office to help a driver with paperwork if need be. I cannot say this is something the rest of us would do.

Somehow she manages to keep our department organized through all the chaos. It is her filing system of folders on the computer and designing a calendar for driver home time that makes our jobs much easier. We know where everyone is at all times because of her communication. I feel privileged to work with her each day because I know that no matter the situation her calmness will get us through it easily.

Even though I have had the opportunity to know Cherry better this past year, I have known of her most of my life. She was good friends with my brother through their younger years. When my mom passed away several years ago it was her strength and friendship that helped my brother overcome the grief of losing her. Although Cherry was young at the time she made a stamp on our family through her help and kindness that will never be forgotten.

I have also seen this kindness shine through when Cherry is around children. If a child comes into the office she is the first one to greet them and comfort them in the midst of strangers.

Sometimes the owners children come in and Cherry seems to know the right words to say to make them feel as though they are the most important people in the world. Any child or person is lucky to know Cherry and to learn from her great example of character.

Thank you,

Charlotte Pentheny

Cozad City Schools

William Beckenhauer.....High School Principal 308 784-2744
Todd Hilyard.....Middle School Principal 308 784-2746
Dale Henderson.....Elementary Principal 308 784-3462
Brian Regelin.....Activities Director 308 784-2744
John Heckenlively.....Special Education Director 308 784-3320

John Grinde, Superintendent of Schools
1710 Meridian P.O. Box 15
Cozad, Nebraska 69130
Phone (308) 784-2745 Fax (308) 784-2728
jgrinde@esu10.org

Board of Education
Scott GeiserPresident
Dr. Pat Wetovick.....Vice-President
Dennis Worrell.....Secretary
Robert Anderson.....Member
Reggie Fox.....Member
Ann Burkholder.....Member

A Member of North Central Association

To Whom It May Concern:

It is my pleasure to write this letter of recommendation for Cherry Canas. I have known and worked with her for the past 15 years. Cherry is the math teacher at Cozad Middle School and I am the math inclusion Resource Specialist.

As a teacher, Cherry has many positive qualities. Her number one priority is her students. Cherry uses many different strategies to teach her students. She is well versed in using hands-on activities and real-life situations to teach new concepts. Her ability to teach using innovative ideas and techniques that enable her students to be involved in the learning process is an asset in the classroom. She also utilizes a variety of techniques and strategies for teaching the same concept, thus students who may not comprehend the initial directions are given many different opportunities to grasp the concept.

Cherry is also the leader of the seventh grade Student Assistance Team. Her role requires her to monitor each student's progress and set up an intervention plan using strategies and modifications when needed. She is also a technology assistant for the teaching staff. Cherry regularly volunteers to sponsor school activities. She is a member of the School Improvement Team. She is a member of the Cozad Crisis Team and is certified in CPR and First Aid, she has been trained for the AED, she has also been the secretary of the Cozad Education Association for the past four years. Cherry spends countless hours of time supporting staff and students.

Cherry is a strong community member. She has been an active member in the Cozad Young Mom's Association for the past several years. Cherry had been involved in the local soccer association as a coach for three years. She has recently become the Bethel Guardian for the local Job's Daughters. Cherry is also an assistant coach for an elementary Destination Imagination team.

Cherry displays qualities that will make her an asset for any position. She is motivated, organized and willing to take on tasks that need to be completed. Cherry's strengths are her adaptability and organization. These skills are an asset as an employee. She possesses many strong characteristics, and is respected by her peers.

Stacy Hickenbottom

Resource Specialist
Cozad Middle School

03.06.12 State Board of Education
&
03.06.12 State Board of Education

5.1-87
&
7.6-87

4

March 16, 2011

To: Chris Griffiths, Human Resources
Family Skill Building Services, LLC

It is my pleasure to recommend Cherry Canas for a position with your organization. Mrs. Canas is an outstanding educator with a multi-faceted knowledge base in elementary/early childhood education and middle school education. She has added a Counseling and Guidance endorsement to expand not only her knowledge base, but her marketability.

My children had the opportunity of being in Mrs. Canas' middle school math classroom. Their experiences were outstanding, both academically and socially. She made every effort to meet the needs of every individual in her classroom. The "extras" she provided for student enrichment went above and beyond what most educators do. Children in her classroom were happy, successful learners. She believes in instilling a desire to be lifelong learners and is very successful with this.

As a fellow educator and counselor, I am delighted she has chosen to pursue a career in counseling and guidance. Cherry Canas truly understands the importance of a secure social/emotional environment and the impact the environment has on academics, as well as future success. She is passionate about her desire to help youth and displays empathy without losing her objectivity. She will work well with children and families in crisis.

As a director in our after school program, I have also had the opportunity to observe her teaching firsthand. Cherry Canas has been a part of the 21st Century Community Learning Center in our district providing program planning and instruction. She is punctual, organized, and well-prepared – a professional in every sense of the word. Mrs. Canas engages children and encourages exploration with her instruction. Children are excited about her lessons and eager to be a part of her program.

Mrs. Canas is also involved with several community organizations. She has demonstrated good leadership skills as Bethel Guardian of Job's Daughters Bethel #30 in Cozad. Her desire to help others reach their full potential and her willingness to donate her time and talents are characteristics which will ensure her success as a counselor.

Again, I highly recommend Cherry Canas for a position within your system. She will be an outstanding counselor and youth/family advocate.

If you have further questions, please feel free to contact me. I can be reached at my office at 308/784-5050 or at my home at 308/784-2288.

Sincerely,

Melinda J. Young

Melinda J. Young, M.S.
2205 Papio Lane
Cozad, NE 69130