NEBRASKA DEPARTMENT OF EDUCATION

CONTESTED CASE DOCKET SHEET

CASE # 12-13

NAME Fendt v. Commissioner

Filing Number	Date	Description
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BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Sarah Fendt 2517 W. 5th Grand Island, NE 68803	)	N.P.P.C. Case No. 12-01
Petitioner,	)	
vs.	)	
Roger Breed, Ed.D. Commissioner of Education 301 Centennial Mall South - 6th Floor P.O. Box 94933 Lincoln, NE 68509-4933,	)	Findings Of Fact, Conclusions Of Law, And Recommendation of the Commission
Respondent.	)	

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AUG 3 2012
NEBRASKA DEPARTMENT OF EDUCATION

I. STATEMENT OF THE CASE

This case commenced before the Professional Practices Commission, hereinafter referred to as the "Commission," with the filing of a Petition for Reinstatement on April 27, 2012, by Sarah Fendt, hereinafter referred to as the "Petitioner." The Petition was filed against Roger Breed, Commissioner of Education, Department of Education, State of Nebraska, hereinafter referred to as the "Commissioner."

The Petition alleges that the Petitioner's public school certificate number XXX-XX-0564, was revoked by the State Board of Education on the 3rd day of April, 2008 for a period of four years. The Petitioner further alleges that she has been employed during the term of her revocation at Wells Fargo Bank of Grand Island, NE from April 2008 until September of 2010 and from December of 2010 until the present time at Axis Capital, Inc., of Grand Island, Nebraska. The Petitioner further alleges that she has fully complied with the Order of Revocation, that she will not in the future engage in any practice which is listed in the statutes or regulations as grounds for revocation or suspension of a certificate, and that she is familiar with the Criteria of Professional Practices adopted pursuant to Neb. Rev. Stat. Section 79-868(2) (Reissue 2003).

On May 9, 2012, the Commissioner, through his General Counsel, filed an Answer to said Petition, admitting the revocation of the Petitioner's certificate and attaching a copy of the

Final Order of Revocation to the Answer. He asked that the Commission hold a public hearing on the Petition and make an appropriate recommendation to the State Board of Education as is warranted by the evidence.

On or about May 10, 2012, Kathi Vontz, Clerk of the Commission, filed a Notice of Hearing which was sent to the Petitioner by U.S. Mail, postage prepaid and delivered by hand a copy of the same to the Commissioner's General Counsel. The Notice of Hearing advised that a public hearing on the Petition and Answer would be held on the 18th day of July, 2012, commencing at approximately 9:05 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 Jeffery R. Kirkpatrick serving as legal counsel to advise the Chair in the performance of her duties.

The Petition and Answer came on for hearing at approximately 9:05 a.m. at the above time and place before a Hearing Panel of the Commission consisting of Commission Members Sarah Brown, Susan Johnson, Raymond Keller, Jodi Kupper, Brian Maher, Damon McDonald, Cindy Serfass, Karen Shelton, Jane Stavem and Lynn Strack. Commissioner Kupper served as Chairperson. The proceedings were reported by Wendy Cutting of General Reporting Services, Lincoln, Nebraska. The Petitioner appeared in person. The Commissioner appeared by his General Counsel, Brian L. Halstead. Exhibits and testimony were received in evidence. Thereafter, the Petitioner and the Commissioner's General Counsel 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, previously held two public Nebraska certificates, number XXX-XX-0564: 1) Standard teaching endorsed in Mathematics 7-12, with an expiration date of August 31, 2009; 2) Standard administrative endorsed as Principal 7-12 and Mathematics 7-12, with an expiration date of August 31, 2011.

2. The Petitioner has been gainfully employed during the period of revocation. She acknowledged that she received two misdemeanor DUI convictions during her period of certificate revocation.

3. The Petitioner has met the requirements of Neb. Rev. Stat., Section 79-1282 (Supp.1996) and Title 92, Nebraska Administrative Code, Chapter 21, for the issuance of teaching certificates, all as required by Neb. Rev. Stat. Section 79-869 (Supp.1996). The Petitioner understands those requirements and has stated that she will not violate nor fail to comply with any of the same if she is issued a new teaching certificate.

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 she has met all the requirements of Neb. Rev. Stat. Section79-806 through 79-815 (Reissue 2003), and Title 92, Nebraska Administrative Code, Chapter 21, for the issuance of a Nebraska teaching certificate, all as required by Neb. Rev. Stat. 79-869 (Reissue 2003).

3. The Petitioner has further proven by a preponderance of the evidence that she should be allowed to apply to the State Department of Education for the issuance of a new teaching certificate.

IV. RECOMMENDATION

Therefore, the Commission respectfully recommends, by a majority vote, to the State Board of Education that Sarah Fendt has met all of the statutory and regulatory requirements for the issuance of a Nebraska public schools teaching certificate and that she accordingly be allowed to apply for the same before the Commissioner of Education, State of Nebraska.

Dated this 3rd day of August 2012.

Jodi Kupper, Chairperson
Hearing Committee
Nebraska Professional Practices Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, and Recommendation of the Commission was served upon Petitioner, Sarah Fendt, by U.S. Mail, postage prepaid. It was also hand delivered to Brian Halstead, General Counsel for the Commissioner, on this 3rd day of August, 2012, at the following addresses.

Sarah Fendt
Petitioner
2517 W. 5th
Grand Island, NE 68803

Brian L. Halstead
Attorney for Respondent
301 Centennial Mall South
Lincoln, NE 68528

Kathi Vontz
Clerk of the Commission

ORIGINAL

BEFORE THE NEBRASKA PROFESSIONAL PRACTICE COMMISSION
STATE OF NEBRASKA

Sarah E. Fendt 2517 W. 5th Grand Island, NE 68803 Petitioner, vs. Roger D. Breed, Ed.D. Commissioner of Education 301 Centennial Mall South P.O. Box 94933 Lincoln, NE 68509-4933, Respondent.	PPC Case No. 12-01 TRANSCRIPT VOLUME I of I (Pages 1 through 27) EXHIBITS 1-3

Nebraska State Office Building
301 Centennial Mall South
Department of Education Board Room
Sixth Floor
Lincoln, NE

Convened, pursuant to notice at 9:05 a.m., on July 18, 2012,

BEFORE:

JEFFREY R. KIRKPATRICK, Hearing Officer.

COMMISSION MEMBERS PRESENT:

JANE STAVEM, Chairperson; JODI KUPPER, Presiding; SARAH BROWN; SUSAN JOHNSON; RAYMOND KELLER; BRIAN MAHER; DAMON McDONALD; CINDY SERFASS; KAREN SHELTON; and LYNN STRACK.

OTHERS PRESENT:

KATHI VONTZ, Clerk of the Commission

1
2 A P P E A R A N C E S

3 For the Commissioner: Brian L. Halstead, #18077
Assistant Commissioner/
4 General Counsel
Department of Education
5 301 Centennial Mall South
Sixth Floor
6 Lincoln, NE 68509

7 Pro se: Sarah Fendt
2517 W. 5th
8 Grand Island, NE 68803

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I N D E X

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WITNESSES:	Direct	Cross	Redirect	Recross
FOR THE PETITIONER:				
Margaret Weber	9	12	--	--
Sarah Fendt	13	14	--	--

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EXHIBITS:	Marked	Offered	Ruled On	Found
1 Pleadings (12 pages)	5	6	7	Appendix
2 Title 92, Nebraska Administrative Code, Chapter 27 (16 pages)	5	6	7	Appendix
3 Title 95, Nebraska Administrative Code, Chapter 2 (11 pages)	5	6	7	Appendix

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Appearances	2
Reporter's Certificate	4
Opening Statement by Ms. Fendt	7
Closing by Ms. Fendt	24
Closing by Mr. Halstead	24
Motion	25
Decision	27

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REPORTER'S CERTIFICATE:

State of Nebraska)
) ss.
County of Lancaster)

I, WENDY C. CUTTING, reporter for GENERAL REPORTING SERVICE, and a Notary Public duly commissioned, qualified and acting under a general notarial commission within and for the State of Nebraska, certify that I reported the proceedings in this matter; that the witnesses in this proceeding personally appeared before me an was sworn by me to testify the truth, the whole truth and nothing but the truth; 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 27, and Exhibits 1 through 3; and further, that the disposition of exhibits is referenced in the index hereto.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Lincoln, Nebraska, this 27th day of July, 2012.

GENERAL NOTARY - State of Nebraska
WENDY C. CUTTING
My Comm. Exp. Nov. 10, 2014

Wendy C. Cutting
Notary Public

- - -

1 PROCEEDINGS:

2 (Exhibits 1 through 3 were marked for

3 identification.)

4 CHAIRPERSON KUPPER: Ladies and gentlemen, I am

5 Jodi Kupper, chairperson of this hearing panel of the

6 Nebraska Professional Practices Commission. I convene this

7 hearing at 9:05 a.m. for the purpose of receiving evidence

8 on a petition filed by Sarah Fendt, Petitioner, against

9 Roger D. Breed, Commissioner of Education, Respondent, Case

10 No. 12-01.

11 The other members of the hearing committee are

12 Sarah Brown, Susan Johnson, Raymond Keller, Brian Maher,

13 Damon McDonald, Cindy Serfass, Karen Shelton, Jane Stavem,

14 and Lynn Strack. The Commission's attorney is Jeffrey R.

15 Kirkpatrick. His purpose is to advise the hearing panel,

16 chairperson, and the Commission on the performance of our

17 duties under the Commission's rules and regulations.

18 The court reporter is Wendy Cutting. Her purpose

19 is to record the testimony of the witnesses and mark the

20 exhibits.

21 The Clerk of the Commission is Kathi Vontz. Her

22 purpose is administrative.

23 This case arises from a request by the State Board

24 of Education that the Commission hear this matter pursuant

25 to Section 79-859 through 79-871 of the Nebraska statutes

1 and the rules and regulations thereunder.
2 At this time I ask the attorneys to enter their
3 appearances.
4 MS. FENDT: My name is Sarah Hill, previous name
5 was Sarah Fendt. I just got married ten days ago. So, I'm
6 here to ask for permission to apply for my teaching license
7 back. Approximately, about four and a half years ago --
8 THE HEARING OFFICER: If you would just give your
9 current address.
10 MS. FENDT: Oh, perfect. Okay, 2517 West Fifth
11 Street, Grand Island, Nebraska.
12 MR. HALSTEAD: Brian Halstead, 301 Centennial Mall
13 South, Sixth Floor, Lincoln, Nebraska 68509, on behalf of
14 the Commissioner of Education.
15 CHAIRPERSON KUPPER: At this time, if there are no
16 objections, I will enter into the record the pleadings which
17 are marked as Exhibit 1; standards of ethics and competency,
18 which is 92 Nebraska Administrative Code, Chapter 27, and is
19 marked as Exhibit 2; and the Regulations Concerning Teacher
20 and Administrator Certificate Reinstatement, which is 95,
21 Nebraska Administrative Code, Chapter 2, and is marked as
22 Exhibit 3. Are there any objections?
23 MR. HALSTEAD: I have no objections to those three
24 exhibits.
25 MS. FENDT: No.

1 CHAIRPERSON KUPPER: Exhibits 1, 2, 3 are
2 received.
3 (Exhibits 1 through 3 were received in evidence.
4 See Index.)
5 At this time the hearing committee's attorney will
6 conduct the hearing.
7 THE HEARING OFFICER: Thank you.
8 Ms. Hill, I think for the record we'll refer to
9 you as Ms. Fendt, at least on the record. Since this is
10 your motion, we'll give you an opportunity to go first and
11 give an opening statement if you would like to. That gives
12 you an opportunity to basically tell the panel why you're
13 here and why we're here. You may proceed.
14 MS. FENDT: On April 3rd, 2008, the Professional
15 Practices Committee had revoked my teaching license for four
16 years due to some unprofessional conduct on my part
17 previously. I'm here to ask permission back to reinstate my
18 teaching license that I can get back in the classroom.
19 THE HEARING OFFICER: Thank you.
20 Mr. Halstead.
21 MR. HALSTEAD: I don't have any opening statement.
22 I'd waive one.
23 THE HEARING OFFICER: Ms. Fendt, is there any
24 evidence that you'd like to offer?
25 MS. FENDT: Yes, I'd like to call a witness,

1 Margaret Weber.

2 THE HEARING OFFICER: You may.

3 MS. WEBER: I hope it's okay with the Board, I've

4 prepared a statement, too.

5 THE HEARING OFFICER: If you would, we'll have you

6 sworn in first.

7 MS. WEBER: Okay.

8 THE REPORTER: Will you raise your right hand,

9 please? Do you solemnly swear or affirm the testimony

10 you're about to give will be the truth, the whole truth, and

11 nothing but the truth?

12 MS. WEBER: I do.

13 MARGARET WEBER

14 Called as a witness on behalf of the Petitioner,

15 having been first duly sworn, testified as follows:

16 THE HEARING OFFICER: For the record, would you

17 state your name and your current address?

18 THE WITNESS: Margaret Weber, 53971 835th Road,

19 Meadow Grove, Nebraska 68752.

20 THE HEARING OFFICER: And could you spell your

21 last name?

22 THE WITNESS: W-e-b-e-r.

23 THE HEARING OFFICER: Mr. Halstead, do you have

24 any objection to her reading a statement?

25 MR. HALSTEAD: No, I don't.

1 THE HEARING OFFICER: You may proceed.

2 DIRECT TESTIMONY

3 BY MS. WEBER:

4 I feel I need to give a little background
5 information on Sarah and how she got where she is today. My
6 husband is a Vietnam veteran and I was a homemaker taking
7 care of our six children. Neither of us had a college
8 education, but realized how important a college education
9 was for the future of our children. Each of our children
10 went on to get a degree. Our oldest child, Sarah, decided
11 to go to college in pre-med when she was a senior. But we
12 weren't really surprised when she called us in the first
13 semester and told us she had changed her major to math to
14 become a high school math teacher. When Sarah was a senior,
15 she was chosen as homecoming queen, not because she was so
16 popular, but because she was so friendly and helped the
17 other students with math and other subjects. We were never
18 more proud of her when she walked across that stage to
19 receive her college degree in teaching.

20 We had only heard wonderful reports of her
21 teaching and the good rapport she has with her students.
22 When I decided to resume working outside the home, I became
23 a paraeducator working with high school students in the
24 special education program. I realized then what special
25 talent it takes to teach high school students today. Some

1 days you wonder what species they are and the next you're so
2 happy when they come to class and understand the concepts.
3 I believe Sarah has what it takes to help the students get
4 it. It takes patience, tenacity, hard work and the love of
5 teaching and students, all attributes which Sarah possesses.
6 In everyone's lives there are also times that we
7 have made choices. Ones not accepted by others or ones we
8 wish we could do over. Sarah realizes she has not always
9 made good choices in the past, but they should also not be
10 held against her forever. What happened to her had to do
11 with her extremely emotional and upsetting breakup of her
12 marriage. It was not a reflection on her teaching ability
13 and her classroom management. She has always maintained
14 professionalism in her classroom throughout the whole
15 emotional ordeal.
16 I have to give Sarah credit for not letting the
17 divorce beat her down, but use the experience as a tool to
18 redirect her life. She did not let the divorce own her, but
19 she owned up to her mistakes and accepted responsibility for
20 her actions. She went on to get a job, an apartment, all
21 the while continuing to be the loving supporting mother to
22 her son. Sarah now has a wonderful husband who loves her as
23 she starts with a new family and a new life.
24 The best teachers are those that have made
25 mistakes and then can be more compassionate to their

1 students. Sarah can now encourage her students to never
2 give up and will think of other ways for her students to
3 deal with problems and issues. Adversity is the means which
4 helps great teachers become strong and more perceptive to
5 their students and their needs. Sarah has spent the last
6 five years learning how important it is to be a good role
7 model for her students.
8 After being a paraeducator for 20 years now, I see
9 the need for teachers to instill in our students math,
10 science, and academic skills more than ever. And just a
11 note here, with standards and stuff, my -- it's just so
12 important to get these skills across to kids. My husband
13 just recently retired from a manufacturing plant and he
14 said, "It's amazing, these kids come in and they don't have
15 any math skills. They don't know how to measure." I mean,
16 that's why it's so important to teach, to get good teachers
17 to teach our students that are coming up in the world.
18 I know that Sarah has always been a great teacher
19 and has the ability to teach these skills to children.
20 Sarah is respectful and appreciative of this opportunity to
21 resume sharing her teaching talents with students. Thank
22 you.
23 THE HEARING OFFICER: Thank you.
24 Ms. Fendt, do you have any questions for this
25 witness?

1 MS. FENDT: I do not.
2 THE HEARING OFFICER: Mr. Halstead?
3 CROSS-EXAMINATION
4 BY MR. HALSTEAD:
5 Q Ms. Weber, I assume you're Sarah's mother?
6 A Correct.
7 MR. HALSTEAD: Okay, just wanted to make -- that
8 clearly was implied by your letter, but I figured we'd get
9 it into the --
10 THE WITNESS: Thank you.
11 MR. HALSTEAD: Thank you very much.
12 THE HEARING OFFICER: Thank you, you may be
13 excused.
14 Do you have any further evidence, any further
15 witnesses?
16 MS. FENDT: I do not.
17 THE HEARING OFFICER: Any further statements or
18 documentary evidence?
19 MS. FENDT: If I can just, yeah, speak.
20 THE HEARING OFFICER: You would like to speak in
21 your behalf?
22 MS. FENDT: If I -- could I speak on my behalf?
23 THE HEARING OFFICER: Well, I think we'll have you
24 sworn in so you can be questioned by Mr. Halstead if he
25 chooses to.

1 MS. FENDT: Perfect.

2 THE REPORTER: Do you solemnly swear or affirm the
3 testimony you're about to give will be the truth, the whole
4 truth, and nothing but the truth?

5 MS. FENDT: I do.

6 SARAH FENDT

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

9 THE HEARING OFFICER: And now acting as your own
10 witness, you can give us any narrative testimony that you
11 would like to.

12 DIRECT TESTIMONY

13 BY MS. FENDT:

14 The last five years have been quite challenging,
15 but all in a wonderful, wonderful way. I am a lot stronger
16 person today and I am a better person today. I am not proud
17 of, you know, some of the choices that I've made, and, you
18 know, it was one of those moments that, you know, you wish
19 it would not have happened, but part of me knows that I
20 wouldn't be the person I am today for the choices and the
21 consequences and the responsibilities that were put upon me.
22 So, I think that I am a better person. I am a stronger
23 person. I've had a couple different jobs with different
24 opportunities involving math and things that I wouldn't have
25 known had I still continued to teach this whole time. And

1 I've learned so many things that I think I can take back to
2 the classroom to tell the kids. When I was working at Wells
3 Fargo, I did this. When I was working at Axis Capital, I
4 did this. And this is about their credit. And this is
5 about your report. And this is things we need to do to talk
6 about loans versus leases. And so many wonderful things
7 that I've learned that I'm, like, oh, wow, you now. I can't
8 wait to teach the kids, talk to the kids. And probably the
9 biggest compliment I've had in the last few years is I've
10 had some parents of former students come -- you know, know
11 that I still live in the Aurora area where I taught and I
12 live in Grand Island, and that they found me and said, "We
13 know what a wonderful job you did with our older sons and
14 daughters. We would like you to -- we would like to pay you
15 to tutor our younger children. So, I've actually tutored
16 some former students, younger brothers and sisters over the
17 last few years. So that's quite a compliment from the
18 parents and from the community saying, yes, we know you're a
19 very good teacher. We want you to work with our young
20 children.
21 THE HEARING OFFICER: Thank you.
22 Mr. Halstead, do you have any questions?
23 CROSS-EXAMINATION
24 BY MR. HALSTEAD:
25 Q Sarah, let's go back to -- and I just want to

1 cover briefly the reason why your certificates got revoked
2 in 2008, okay? And it went back to an event in the fall of
3 2007. I think it was the Aurora County Club.
4 A Correct.
5 Q Would it be fair to say that you were intoxicated
6 or under the influence of alcohol with that conduct?
7 A Yes. Correct.
8 Q And your job there was subsequently terminated by
9 the Aurora School District.
10 A Correct.
11 Q And your certificate was revoked based on those
12 incidents from that one day.
13 A Correct.
14 Q I think you mentioned in your statement, what have
15 you been doing since?
16 A I worked at Wells Fargo in Grand Island for about
17 a little over two years. Well, first I substituted until my
18 certificate got revoked, so substituting in all the
19 communities. And a lot of the different schools had
20 openings in math and they said, "Keep us posted. We'd like
21 you to apply for this job. We'd like you to apply for this
22 job." Once they found out, they said, you know, "You
23 contact us when you get this back. You know, we understand
24 what happened. We understand, you know, there's
25 consequences for the actions. You know, you let us know

1 when you can get back in the classroom."
2 Q So your first job outside of education was at
3 Wells Fargo.
4 A Yes, correct.
5 Q And what did you do for Wells Fargo?
6 A I was a bank teller.
7 Q And how long did you work for Wells Fargo?
8 A Two years. And then I went to Axis Capital.
9 Q And what is Axis Capital?
10 A It is an equipment leasing company. So we
11 basically finance any type of equipment that customers may
12 need.
13 Q What type of equipment are we talking about?
14 A It depends. I can do anything from surveillance
15 equipment to Peterbilts, to, you know, pretty much any type
16 of B and C credit that people come in and need. So I do all
17 kinds of things. Right now I just did three deals yesterday
18 for about four different Subway remodels. People buy the
19 Subway and then they're buying the franchise and they're
20 remodeling the business, so, you know -- in all 50 states
21 and all over the nation. That's been very exciting.
22 Q And you're still employed there today?
23 A Oh, absolutely.
24 Q And is your role at Axis, is this, like, an entry
25 level position? Is it management?

1 A It's kind of in the middle. I've moved up since I
2 started there. I'm a credit analyst today.
3 Q And when you first started there, what were you?
4 A I was a collections accountant.
5 Q Have you taken any college credit hours or
6 further --
7 A Not at this time. That is in my near future.
8 Q Have you had any other run-ins with law
9 enforcement since then?
10 A Yes, I have.
11 Q Okay, well, what context have you had with law
12 enforcement?
13 A Since then, actually, right --
14 THE HEARING OFFICER: And just for the record,
15 we're talking about "then," we're talking about the events
16 at the Aurora Country Club that started this whole thing?
17 THE WITNESS: Oh, okay.
18 THE HEARING OFFICER: Is that what we're talking
19 about?
20 MR. HALSTEAD: That's what I was talking about.
21 Q (By Mr. Halstead) I mean, we have the incident, I
22 think it's in August of 2007.
23 A Yes.
24 Q Your certificate got revoked in April of 2008.
25 A Yes.

1 Q Since the Aurora incident, the August incident --
2 A Yes.
3 Q Have you had any contacts with law enforcement?
4 A Yes.
5 Q Okay, and what would those have been?
6 A Those would have been a DUI.
7 Q And when would that DUI have been?
8 A September of 2008.
9 Q And when you say "DUI," I take it that's driving
10 under the influence?
11 A Correct.
12 Q Could you briefly explain to us what that was all
13 about?
14 A Yes. A friend of mine had needed a ride, and I
15 had been drinking at my home and gave the person a ride and
16 got picked up.
17 Q Where was this at?
18 A In Aurora.
19 Q And were you convicted of that offense?
20 A I was.
21 Q And what was your sentence?
22 A Six months probation, 30 days no driving, and
23 $250-$500 fine.
24 Q Were you required as part of this criminal
25 conviction to get an alcohol evaluation?

1 A I was not.
2 Q Did you, on your own, think you may have needed an
3 alcohol evaluation?
4 A Not at that time.
5 Q Do you have any other contacts?
6 A I do.
7 Q What was your next contact?
8 A The next one would have been another DUI.
9 Q And when would that have occurred?
10 A March of 2010.
11 Q And where did that occur?
12 A On Highway 34 in Hamilton County.
13 Q Both of them are in the Aurora area?
14 A Correct.
15 Q And what was the outcome of that DUI, second?
16 A That was also a conviction. That was a sentence
17 of 60 days in jail, one year probation, one year no driving.
18 I checked myself into Saint Francis.
19 Q Saint Francis is?
20 A Alcohol and drug treatment program.
21 Q Is that in Grand Island?
22 A That is in Grand Island.
23 Q So could you describe for us the alcohol
24 evaluation and the steps or recommendations they had for
25 you?

1 A Uh-huh. So it was under my decision that, yes,
2 this is a problem. This is something that I need to take
3 care of. So I went and got an evaluation. They recommended
4 an outpatient treatment to start. So did an outpatient
5 treatment for about nine months, and went to AA classes,
6 read some books, got a sponsor, and continued on my program
7 on my way at that time. I spent 30 days in jail in Hamilton
8 County, and then at that time, it was right before that I
9 went to jail -- or right before I got convicted is when I
10 met my husband, and then you know, after that, started my
11 Axis Capital, my new life.
12 Q Since you -- filed this as Fendt, but you're now
13 Hill.
14 A Correct.
15 Q Your current husband, what does he do?
16 A He works for Robert's Pump and Supply in Grand
17 Island.
18 Q And help us out. What's Robert's Pump and Supply
19 do?
20 A Yes, it's a wholesale equipment company for
21 plumbing and water wells, well drilling.
22 Q And how long have you been married?
23 A Ten days.
24 Q I'll try not to shorten the honeymoon here.
25 (Laughter.)

1 You mentioned -- or your mother, I think,
2 mentioned a divorce.
3 A Correct.
4 Q So your previous marriage ended in divorce?
5 A It did.
6 Q And when did that occur?
7 A April 3rd, 2008.
8 Q And do you have any children?
9 A I do, I have a son.
10 Q And does he live with you and your husband now or
11 with his father?
12 A He lives with his father, so he has full custody
13 with very liberal visitation, so we have a good relationship
14 now.
15 Q And does your current husband have any children?
16 A He does, three daughters. So I have three
17 step-daughters. And we have -- he has joint custody with
18 his ex-wife. So there are children all over.
19 Q Are you involved in any community groups, church
20 groups, anything like that?
21 A Just, you know, a member of St. Leo's Catholic
22 Church in Grand Island. My husband is a member of Trinity
23 Methodist Church there, so we take -- go to all those
24 activities with the kids and our children are very active in
25 our churches.

1 Q You mentioned as part of your second criminal
2 offense that you went to outpatient treatment --
3 A Correct.
4 Q -- AA classes, and a sponsor.
5 A Correct.
6 Q Do you still participate in --
7 A Yes.
8 Q How long has it been since you last drank alcohol?
9 A March 23rd -- March 21st, 2010.
10 Q Do you attend AA regularly?
11 A I do.
12 Q Is there any other further things you're doing
13 with respect to your alcohol addiction?
14 A My sponsor, my, you know, AA, my community group,
15 which is wonderful.
16 Q Any other contacts with law enforcement?
17 A No.
18 Q Okay. Any other incidents related to alcohol
19 consumption or misuse of alcohol?
20 A No.
21 Q Any other positive social contributions you've
22 made to your area or community that you'd like to relate?
23 A Any time there's an opportunity, especially when I
24 worked at Wells Fargo, we worked with Habitat with Humanity,
25 building houses. And Wells Fargo is very big into that. So

1 I've always helped do that. I still have wonderful contacts
2 at Wells Fargo that I helped volunteer for. My boss, Gordon
3 Glade, is very involved in Grand Island, the community of
4 Grand Island, and so he constantly is getting us involved in
5 everything that goes on, the Heartland Event Center, the
6 State Fair. You know, we help set up booths and help do as
7 much as we can now that that's there. So I'm constantly
8 out, as much as I can, volunteering and being a part of the
9 community of Grand Island.
10 Q So what would you -- how would you summarize what
11 you've learned as a result of your misconduct in August of
12 2007?
13 A You guys all want to have lunch at some point,
14 don't you?
15 (Laughter.)
16 Pretty much I have summed up that, you know, I
17 have an addiction to alcohol. And I'm aware of that and I
18 know what I need to do to make sure that that does not
19 affect other aspects of my life. And I am also very aware
20 that that may have closed some doors to some things that are
21 in my life or have been in my life. And I'm aware that that
22 is a consequence that can very well happen because of the
23 choices that I've made in my addiction. And I'm ready to
24 accept whatever the outcome may be.
25 MR. HALSTEAD: I don't believe I have any other

1 questions, thank you.
2 THE HEARING OFFICER: Thank you.
3 Does the panel have any questions? Are there any
4 questions to my right?
5 (No response.)
6 To my left, any quesitons?
7 (No response.)
8 Thank you.
9 Any further evidence from you?
10 MS. FENDT: I do not.
11 THE HEARING OFFICER: Mr. Halstead, any evidence?
12 MR. HALSTEAD: I don't have any further evidence.
13 THE HEARING OFFICER: Ms. Fendt, would you like to
14 make a closing statement?
15 MS. FENDT: Just thank you so much for your time
16 and consideration.
17 THE HEARING OFFICER: Thank you.
18 Mr. Halstead, any closing?
19 MR. HALSTEAD: I think you have before you the
20 evidence. She's fairly well admitted her alcohol problems
21 primarily led to the revocation of her certificate to begin
22 with. Obviously, it took her some time to address her
23 alcohol problems as we now know, but we certainly wish her
24 all the best in her continuing her dealing with the alcohol,
25 and we'd submit the case to you for your recommendation to

1 the State Board.

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

3 Thank you, Ms. Fendt.

4 The hearing is now closed.

5 CHAIRPERSON KUPPER: The hearing committee will

6 now adjourn and will consider the evidence. The hearing

7 committee's decision will be reduced to writing. A copy of

8 the hearing committee's findings, conclusions and decision

9 will be furnished to the parties. If the decision includes

10 a recommendation to allow the petitioner to apply for a new

11 certificate, the findings, conclusions, and recommendations

12 will be presented to the State Board of Education. I now

13 declare this hearing adjourned at 9:29 a.m.

14 (Whereupon, the hearing was adjourned at 9:29 a.m.

15 to be reconvened after executive session and deliberation of

16 the evidence.)

17 (Back on the record at 10:30 a.m.)

18 CHAIRPERSON STAVEM: Is there a motion regarding

19 the Commission's recommendation on Case No. 12-01?

20 COMMISSIONER KELLER: Yes, there is. I move that

21 the Nebraska Professional Practices Commission adopt the

22 findings of fact and conclusions of law and recommend to the

23 State Board of Education that Sarah Fendt be allowed to

24 apply for the issuance of a public school teaching

25 certificate.

1 CHAIRPERSON STAVEM: Is there a second?
2 COMMISSIONER STRACK: I'll second.
3 CHAIRPERSON STAVEM: Any discussion?
4 (No response.)
5 It has been moved and seconded to accept the
6 findings of fact and conclusions of law and recommend that
7 Sarah Fendt be allowed to apply for the issuance of a public
8 school teaching certificate. Is there discussion?
9 (No response.)
10 Will the clerk please call the roll?
11 THE CLERK: Anglemeyer. Brown.
12 COMMISSIONER BROWN: No.
13 THE CLERK: Johnson.
14 COMMISSIONER JOHNSON: Yes.
15 THE CLERK: Keller.
16 COMMISSIONER KELLER: Yes.
17 THE CLERK: Kupper.
18 COMMISSIONER KUPPER: Yes.
19 THE CLERK: Maher.
20 COMMISSIONER MAHER: Yes.
21 THE CLERK: McDonald.
22 COMMISSIONER McDONALD: No.
23 THE CLERK: Schott. Serfass.
24 COMMISSIONER SERFASS: No.
25 THE CLERK: Shelton.

1 CHAIRPERSON SHELTON: Yes.

2 THE CLERK: Stavem.

3 CHAIRPERSON STAVEM: Yes.

4 THE CLERK: Strack.

5 CHAIRPERSON STRACK: Yes.

6 (Whereupon, at 10:31 a.m. on July 18, 2012, the

7 proceedings were concluded.)

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BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Sarah E. Fendt 2517 W. 5th Grand Island, NE 68803 Petitioner, vs. Roger D. Breed, Ed.D. Commissioner of Education 301 Centennial Mall South – 6th Floor P.O. Box 94933 Lincoln, NE 68509-4933, Respondent.	)	NPPC Case No. 12-01 NOTICE OF HEARING

Petitioner and Respondent are hereby notified that a hearing on the Petition filed by Sarah E. Fendt on April 25, 2012, will be held in the Hearing Room, 6th Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska, on Wednesday, the 18th day of July, 2012, commencing at 9:05 a.m. or immediately following the preceding hearing.

Commission members of the Nebraska Professional Practices Commission will hear and consider the case.

Jeff Kirkpatrick, 7800 Stevens Ridge Road, Lincoln, NE 68516, has been appointed legal counsel to advise the chairperson in the performance of the chairperson's duties.

Dated May 10, 2012

Jodi Kupper, Chairperson, Hearing Panel
NEBRASKA PROFESSIONAL PRACTICES COMMISSION

Kathi Vontz

By Kathi Vontz, Clerk of the Commission
NEBRASKA PROFESSIONAL PRACTICES COMMISSION

EXHIBIT
12-01
5.3-33
&
7-9-33
12pp.
7-18-12, EJC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Notice dated May 10, 2012, for Case Number 12-01, was mailed to Sarah E. Fendt, Petitioner, by U.S. Mail postage prepaid, and delivered by hand to Brian Halstead, Attorney for the Respondent, on this 10th day of May, 2012, at the following addresses.

Sarah E. Fendt
Petitioner
2517 W. 5th
Grand Island, NE 68803

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

Kathi Vontz
Clerk of the Commission

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

IN THE MATTER OF THE REINSTATEMENT OF:	)	PPC Case No. 12-01
Sarah E. Fendt 2517 W. 5th Grand Island, NE 68803	)	ANSWER
Applicant.	)	

FILED
MAY - 9 2012
NE PROFESSIONAL PRACTICES COMMISSION

COMES NOW the Respondent, Roger D. Breed, Ed.D., Commissioner of Education, and for his Answer to the Applicant's Petition for Reinstatement alleges as follows:

1. Alleges that on April 3, 2008, the State Board of Education revoked the Applicant's Nebraska administrative and teaching certificates until April 3, 2012. Copies of the Settlement Agreement and the Final Order of the State Board of Education in Case No. 07034 are collectively attached and marked as exhibit "A", and by this reference incorporated herein.

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

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

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Answer was mailed to the parties of record, postage prepaid, this 9th day of May 2012.

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

BEFORE THE NEBRASKA STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Douglas D. Christensen Commissioner of Education 301 Centennial Mall South - 6th Floor P. O. Box 94933 Lincoln, NE 68509-4933 Petitioner, vs. Sarah Fendt 1209 H Street Aurora, NE 68818 Respondent.	)))))))))))))))	Case No. 07034 NDE Case No. 08-02 SETTLEMENT AGREEMENT FOR REVOCATION OF CERTIFICATE

In accordance with Title 92, Nebraska Administrative Code, Chapter 28, Section 003.07 (effective date: December 25, 1989), the aforementioned parties agree to resolve the Complaint in this matter as follows:

1. The Petitioner is Douglas D. Christensen, Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509, and the Respondent is Sarah Fendt, 1209 H Street, Aurora, NE 68818;

2. The Petitioner and Respondent admit that the Respondent holds two public Nebraska certificates, number XXX-XX-0564: 1) Standard teaching endorsed in Mathematics 7-12, with an expiration date of August 31, 2009; 2) Standard administrative endorsed as Principal 7-12 and Mathematics 7-12, with an expiration date of August 31, 2011;

3. The Petitioner and Respondent admit that the Respondent was employed as a teacher by the Aurora Public Schools until her resignation was accepted by the Aurora Board of Education on September 4, 2007;

4. The Petitioner and Respondent admit that on or about August 18, 2007, the Respondent was intoxicated at a non-school related evening charity event at a private club where she allowed herself to be seen in an inappropriate manner by certain adults in attendance. Upon returning home from the charity event, the Respondent failed to prevent her 18-year-old female student babysitter and a 20-year-old male former student from possessing and/or consuming alcoholic beverages;

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NEBRASKA DEPARTMENT
OF EDUCATION

09.07.12 State Board of Education

EXHIBIT
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5. The Petitioner and Respondent admit that the Respondent violated Neb. Rev. Stat. Section 79-866(2) (Reissue 2003) 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 004.03C (effective date: November 12, 2003) which states, "the educator: Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety"; 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"; and Section 005.09D (same effective date) which states: "Educators shall possess effective human and interpersonal relations skills and therefore: Shall provide leadership and direction for others by appropriate example"; and

6. The Respondent agrees to, and the Petitioner has no objection to, an Order by the State Board of Education revoking the Respondent's certificate for a period of four (4) years.

WHEREFORE, the undersigned parties request that the Nebraska State Board of Education hold a hearing on April 3, 2008, and revoke the certificate of the Respondent for a period of four (4) years.

Dated this 6th day of March 2008.

Douglas D. Christensen
Commissioner of Education

Sarah Fendt
Respondent

Brian L. Halstead, #18077
Attorney for the Petitioner

Rick Wade, #17820
Attorney for the Respondent

BEFORE THE NEBRASKA STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Douglas D. Christensen Commissioner of Education P.O. Box 94933 Lincoln, NE 68509-4933 Petitioner, v. Sarah Fendt 1209 H Street Aurora, NE 68818, Respondent.	))))))))))))))	NDE Case No. 08-02 **FINAL ORDER**

This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on April 3, 2008, in accordance with Title 92, Nebraska Administrative Code, Chapter 28, Section 003.07 (effective date: December 25, 1989), which requires the State Board to approve any agreement entered into by the Commissioner of Education which revokes a Nebraska school certificate. In the present case, the Commissioner and the Respondent have entered into a settlement agreement in which the parties have stipulated that the public school certificates of the Respondent, Sarah Fendt, be revoked for a period of four (4) years. The parties were notified of the State Board's consideration of this matter. Appearing before the State Board was Brian L. Halstead, General Counsel, who presented a statement on behalf of the Commissioner of Education, and the Respondent's attorney, Rick Wade.

The record of the proceeding, containing the Settlement Agreement for Revocation of Certificate dated March 6, 2008, was received by the State Board into evidence as "Exhibit 1." The Notice of Disposition and the certified return receipts were

received into evidence as "Exhibit 2." Upon its independent review of the entire record, the State Board finds, concludes, and orders as follows:

1. The State Board has jurisdiction in this case pursuant to Neb. Rev. Stat. Section 79-866 (Reissue 2003);

2. The Petitioner is Douglas D. Christensen, Commissioner of Education, P.O. Box 94933, Lincoln, NE 68509. The Respondent is Sarah Fendt, 1209 H Street, Aurora, NE 68818. The Respondent holds two public Nebraska certificates, number XXX-XX-0564: (1) a standard teaching endorsed in Mathematics 7-12, with an expiration date of August 31, 2009 and (2) a standard administrative endorsed as Principal 7-12 and Mathematics 7-12, with an expiration date of August 31, 2011;

3. The Respondent was employed as a teacher by the Aurora Public Schools until her resignation was accepted by the Aurora Board of Education on September 4, 2007;

4. On or about August 18, 2007, the Respondent was intoxicated at a non-school related evening charity event at a private club where she allowed herself to be seen in an inappropriate manner by certain adults in attendance. Upon returning home from the charity event, the Respondent failed to prevent her 18-year-old female student babysitter and a 20-year-old male former student from possessing and/or consuming alcoholic beverages;

5. The Respondent has violated Neb. Rev. Stat. Section 79-866(2) (Reissue 2003), which states in pertinent part: "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 004.03C (effective date: November 12, 2003) ("the educator. . . shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety"); Section 004.04E (same effective date) ("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"); and Section 005.09D (same effective date) ("Educators shall possess effective human and interpersonal relations skills and therefore. . . shall provide leadership and direction for others by appropriate example");

6. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. Section 79-866(2) (Reissue 2003) to revoke the Respondent's certificate for a period of four (4) years; and

7. The public school certificates of Sarah Fendt, number XXX-XX-0564, a standard teaching endorsed in Mathematics 7-12, with an expiration date of August 31, 2009, and a standard administrative endorsed as Principal 7-12 and Mathematics 7-12, with an expiration date of August 31, 2011, shall be revoked for a period of four (4) years beginning this date.

Dated this 3rd day of April, 2008.

STATE BOARD OF EDUCATION

BY: Fred Meyer
Fred Meyer, President

The vote by the State Board of Education to approve the Final Order in Case No. 08-02, on April 3, 2008, was 7 in favor, _____ against, _____ abstaining, and 1 absent. Individual State Board members voted as follows:

IN FAVOR: F. MEYER, K. IMES, R. EVNEN, K. WINTERER, J. SCHEER, C. WOODS HARRIS, P. TIMM

AGAINST: _____

ABSTAINING: _____

ABSENT: J. HIGGINS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon Sarah Fendt, 1209 H Street, Aurora, NE 68818, via United States mail; Rick Wade, 605 South 14th Street, Suite 100, Lincoln, NE 68508, via United States mail; and Brian L. Halstead, General Counsel, Nebraska Department of Education, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509, via interoffice mail, all on this 3rd day of April, 2008.

Brenda L. Wid

TITLE 95

CHAPTER 2

APPENDIX A: PETITION FOR REINSTATEMENT

FILED
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NE PROFESSIONAL PRACTICES COMMISSION

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION

STATE OF NEBRASKA

IN THE MATTER OF THE REINSTATEMENT OF:	)	CASE NO: 12-01
SARAH E FENDT	)	PETITION FOR REINSTATEMENT
2517 W 5TH, GRAND ISLAND, NE 68803	)	
	)	

The undersigned Petitioner for reinstatement of a revoked Nebraska teaching, administrative and supervisory, or special services counseling public school certificate alleges:

1. Standard teaching certificate endorsed in Mathematics 7-12, with an expiration date of August 31, 2009, and standard administrative certificate endorsed as Principal 7-12 and Mathematics 7-12, with an expiration date of August 31, 2011. Social Security Number 0564

2. April 3, 2008 above said certificates were revoked for four years expiring April 3, 2012

3. Wells Fargo Bank 308-382-2049
   3404 W 13th
   Grand Island, NE 68803 April 2008 – Sept 2010

   Axis Capital, Inc. 308-398-4140
   308 N Locust St
   Grand Island, Ne 68801 Dec 2010 – Present

4. Margaret R Weber, 53971 835 Rd, Meadow Grove, NE 68752 402-634-2638
   Sarah E Fendt, 2517 W 5th, Grand Island, NE 68803 402-631-9370

5. Petitioner has fully complied with the Order of Revocation, that she will not in the future engage in any practice which is listed in the statutes as grounds for revocation or suspension of a certificate, and that she is familiar with the criteria of professional practices adopted pursuant to 79-1282.

Applicant affirms the statements in this Petition are true, correct, and complete to the best of her knowledge and belief.

Dated this 24 day of April, 2012.

Sarah E Fendt

Sarah E Fendt, 2517 W 5th, Grand Island, NE 68801
402-631-9370

State of Nebraska)
County of Hall)

I, Sarah E Fendt, being first duly sworn under oath, disposes and says that I am the Petitioner names in the foregoing Petition, that I have read it, know the contents therein, and that the facts therein contained are accurate and complete to the best of my knowledge and belief.

Sarah E Fendt

Sarah E Fendt

Subscribed and sworn before me this 24 day of April, 2012.

GENERAL NOTARY - State of Nebraska
PATRICIA SCHMIT
My Comm. Exp. May 5, 2013

Patricia Schmit

Notary Public

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Petition, was served upon the Commissioner of Education, by certified mail, return receipt requested, at the following address: 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509-4933.

Dated this _____ day of _____, 20_____.

_____

Signature of Respondent

NEBRASKA DEPARTMENT
OF EDUCATION

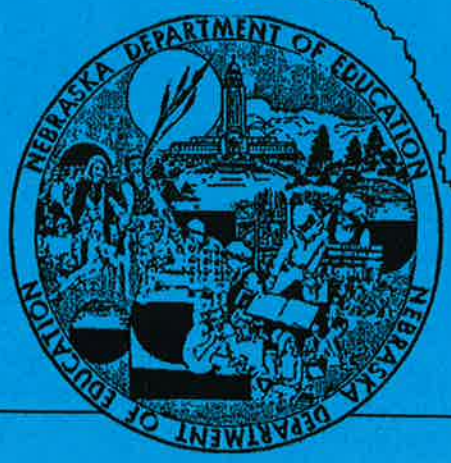
RULE 27

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



09.07.12 State Board of Education
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09.07.12 State Board of Education

EXHIBIT
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16pp.

NEBRASKA PROFESSIONAL PRACTICES COMMISSION

TITLE 95, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 2

REGULATIONS CONCERNING TEACHER AND ADMINISTRATOR CERTIFICATE REINSTATEMENT

Effective Date
October 30, 1993

09.07.12 State Board of Education
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09.07.12 State Board of Education

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7.9-45

EXHIBIT
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