

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Caroline C. Frenchman)
105 Walnut Street Box 688)
Winnebago, NE 68071,)
Petitioner,)

Case No. 12-15

ANSWER

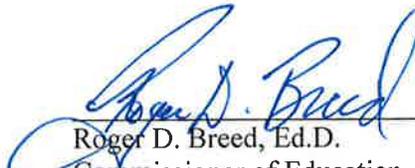
v.)

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

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

1. Admits paragraphs 1, 2, 4, and 6 of the Petition.
2. Denies paragraphs 3 and 5 of the Petition.

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



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

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Answer was mailed to the following person, through
regular United States mail, postage prepaid, this 11 day of December 2012:

Caroline Frenchman
105 Walnut Street Box 688
Winnebago, NE 68071



Brian L. Halstead, #18077
Attorney for Respondent

BW 02

FILED DEC 11 2012
NEBRASKA DEPARTMENT OF EDUCATION

01.11.13 State Board of Education

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Caroline C. Frenchman)
(Name))
105 Walnut St. Box 688)
(Address))
Winnebago, Nebraska 68071)
(City, State, and Zip Code))

Case No. 12-15
(Leave Blank)

Petitioner,

vs.

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

Respondent.

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

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

1. The Petitioner is Caroline C. Frenchman 105 Walnut St. Box 688
(Name) (Address)
Winnebago, Ne 68071 402-878-2220 23 Nov 1963 9111
(City, State, Zip Code) (Telephone Number) (Date of Birth) (Social Security Number)

2. The Petitioner is currently enrolled at Little Priest Tribal College anticipating
(Name & Address of University or College)
enrollment at UNL 2013 spring
(Current status and anticipated date of participation in pre-student teaching activities)

3. The following is a list of all convictions:

a. Criminal Charge: DUI - 3rd offense
Disposition: 5 yrs & R.T.F
Date: Oct. 26, 1995

Name and address of court: Woodbury County, Iowa
DUI - Woodbury County, Iowa
1989

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OF EDUCATION
State Board of Education

b. Criminal charge: DUI - Plea agreement from Class III
 Disposition: 6 mo. probation felony to Class I Misdemeanor
 Date: July 20, 1992
 Name and address of court: Dakota County Dist. Court, Nebraska

4. The Petitioner's request for approval to participate in pre-student teaching field, laboratory, and classroom experiences, or student teach was denied by the Respondent on November 5, 2012.
 (Date on letter from Commissioner).

5. Other relevant data: Request for participation in the teaching field

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

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

Dated this 16 day of November, 2012.

Caroline C. Arenchman
 Signature of Petitioner

VERIFICATION

STATE OF NEBRASKA)
) SS
COUNTY OF Lincoln)

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

Caroline C. Frenchman
Signature of Petitioner

Subscribed and sworn before me this 16 day of November, 2012, by

Caroline C. Frenchman
(Petitioner)



(Seal)

Marilyn K. Lyons
Notary Public



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

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

CERTIFIED MAIL

November 5, 2012

Ms. Caroline Frenchman
Box 688
Winnebago, NE 68071

Re: Request for Approval to Participate

Dear Ms. Frenchman:

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

In reviewing the information, I have decided to deny your request based on the following determinations: 1) On October 26, 1995, you were found guilty by the Iowa District Court of Woodbury County, Iowa, of DUI-3rd Offense, a felony, and sentenced to five years' incarceration and a Residential Treatment Program; 2) You reported a 1989 Driving Under the Influence conviction from Woodbury County, Iowa; 3) On July 20, 1992, in the Dakota County District Court, Nebraska, you were found guilty of, pursuant to a plea agreement, Driving Under the Influence, for which you were sentenced to six months of probation, and Criminal Attempt of Possession of Alparazolam, a Class I Misdemeanor, and sentenced to 18 months' probation; 4) Your conviction for Criminal Attempt of Possession of Alparazolam was originally charged as Possession With Intent to Deliver Marijuana, a Class III Felony; and 5) Although you have submitted several letters of support and not had any further criminal convictions, the seriousness and extent of your previous criminal history warrant a hearing on your eligibility for Pre-Student Teaching Field, Laboratory, and Classroom Experiences or Student Teach.

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

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

Sincerely,

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

Enclosures

xc: UNL

28 August 2012

Dear Honorable Education Commissioner Dr. Roger Breed,

I write this letter to humbly ask for your consideration to allow me the opportunity to receive my teaching certification within the State of Nebraska. I have a felony on my record from a third offense drunk driving charge I received in the State of Iowa. This charge was 17 years ago and I served approximately 18 months in jail and a residential treatment facility, I also put myself into a 3 year outpatient treatment program. I realized it was the lifestyle I was living. I have turned my life around and dealt with the issues that caused me to live that lifestyle. Since that time I have not been in any kind of trouble with the law. I have completely turned my life around with the tools I learned in treatment. I continue to use those tools when things in my life come up; I am very grateful to have gained the knowledge I did while in the program. That time in my life was a very self-destructive time. I am grateful that I never hurt anyone while driving under the influence, because as many people know that is a reality many families have to cope with daily, I am one of the fortunate ones, I was caught before anything like that happened.

On August 15th I had a meeting with the Indigenous ROOTS Teacher Training Program Director, Nancy Engen-Wedin, Dr. Tom Wandzilak, and Dave Van Horn, during our discussion they encouraged me to send this appeal to you. I have asked a couple of colleagues for character reference letters and copies of these are here with my plea. I do not have any reservations about talking about my past, it is something that I am not very proud of but it has helped me to become the person I am today.

I have been teaching and learning my HoChunk Language within the community since approximately August of 1997. In May of 2003 the tribe saw the need to implement our Tribal Language Program and I have been an employed with the program since the it's inception. In 2005 was also bestowed the honor of replacing my grandmother in the medicine lodge which is our traditional HoChunk religion. The week-long ceremony that is held is considered my rebirth into a new life. I have been very proud and honored to hold this seat among my people and learn everything I have so far. It is the teachings that creator gave to my people at the beginning of this world's creation. These teachings are part of what I try to instill in the students that I teach here in the community.

So in conclusion I once again humbly ask for your consideration to be allowed to continue working towards my certification in our great State of Nebraska. Please feel free to contact me or my character references if you have any questions or require more input for your consideration. Dan Fehringer is the Superintendent at our Public School 402-878-2224 and Brenda Murphy is a teacher at St. Augustine's Indian Mission School 402-878-2291. My home phone is 402-878-2220. Thank you for your time concerning this matter.

Respectfully,

A handwritten signature in cursive script that reads "Caroline C. Frenchman". The signature is written in black ink and is positioned above the printed name.

Caroline C. Frenchman

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

IN THE MATTER OF:

Caroline C. Frenchman
(Name)

105 Walnut St. Box 688
(Address)

Winnebago, Nebraska 68071
(City, State, and Zip Code)

Applicant.

Case No. _____
(Leave Blank)

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

The Applicant, in accordance with Title 92, Chapter 21, Section 009.02 of the *Nebraska Administrative Code*, states and alleges as follows:

1. The Applicant Caroline C. Frenchman 105 Walnut St. Box 688
(Name) (Address)

Winnebago, Nebraska 68071 402-878-2220 23 NOV. 1963
(City, State, Zip Code) (Telephone Number) (Date of Birth) (Social Security Number)

9111

2. The Applicant is currently enrolled at _____
(Name & Address of University or College)

(Current status and anticipated date of participation in pre-student teaching activities)

3. The following is a list of all prior convictions:

a. Criminal offense: DUI - 3rd Offense, Felony
Disposition: 5 yrs prison / Residential Treatment Program Date: 18 Oct. 1995
\$1500.00 fine & costs
Name and address of court: Woodbury County Courthouse
Sioux City, Iowa 51103

b. Criminal offense: Driving while suspended/revoked (Misdemeanor)
Disposition: 5 days jail Date: 3-4-1991
Name and address of court: Woodbury County Courthouse
Sioux City, Iowa 51103

c. please see attached copy of background check.

4. Other relevant data: OWI (Misdemeanor) 1st offense
575.00 fine + costs 8.1.1989

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

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

Dated this 27 day of Sept., 2012.

Caroline C. Frenchman
Signature of Applicant

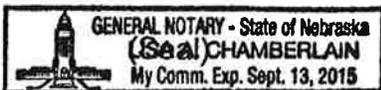
VERIFICATION

STATE OF Nebraska
COUNTY OF Thurston) SS

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

Caroline C. Frenchman
Signature of Applicant

Subscribed and sworn before me this 27th day of September, 2012, by
Caroline Frenchman



Linda Q. Chamberlain
Notary Public

WINNEBAGO PUBLIC SCHOOLS

P.O. Box KK, Highway 77 & 75

Winnebago, Nebraska 68071

Phone (402) 878-2224 Fax (402) 878-2472

Date: 8/17/12

To: Dr. Roger Breed, Commissioner of Education

From: Dan Fehringer, Superintendent

Re: Caroline Frenchman

Dr. Breed:

I am writing this letter as a character reference for Caroline. I have known Caroline for thirteen years as a colleague and friend. During this time Caroline has worked as the Hochunk Language Teacher in the school and other educational entities in Winnebago, educating children in HoChunk Language and Culture. She is diligent and dependable when it comes to ensuring that the young children have the opportunity to grow within their culture. She constantly promotes the language and culture by incorporating activities learned at conferences and trainings related to Native American children.

During the thirteen years I have known Caroline; I have not heard of or seen any inappropriate behaviors that constitute Caroline not becoming a certified educator. As the landlord of housing owned by the school district I was comfortable renting an apartment to Caroline. She keeps it in excellent condition. She is friendly and has a deep seeded love for her people especially regarding language and culture.

I recommend that Caroline be given the opportunity to become a certified educator in the State of Nebraska.

Sincerely,



Dan Fehringer

Date: August 21, 2012

To: Dr. Roger Breed, Commissioner of Education

From: Brenda Murphy, Middle school Science and Social studies teacher

Re: Caroline Frenchman

Dear Dr. Breed:

Caroline is a dedicated and very talented teacher that I have had the honor of working with for 15 years. I believe that attaining full certification would allow her not only to fulfill a dream, but also provide the children of Winnebago, and Nebraska, with a fluent HoChunk speaking classroom teacher – something that currently is unavailable and much needed.

Caroline and I met when I was a Head Start teacher for the Winnebago tribe and she was hired as my aide. She immediately showed interest in learning all I knew so she would be able to rise to any challenge that presented itself. Right from the start she was hard-working, dedicated, and responsible. When a new Title VII bilingual grant program was started we both were brought on board as teachers, working with preschool and early elementary school children as part of a literacy and HoChunk Language outreach project. Again she excelled and was a devoted peer despite the lack of formal teacher training. She took on additional duties, such as handling the grant budget and writing federal reports. When the grant ended we both were hired by HoChunk Renaissance to help preserve the language through a master/apprentice teaching model pairing fluent speakers with apprentices with teaching skills. Caroline quickly rose through the ranks to be able to teach as a fluent speaker. Along the way I completed my certification and Caroline began working on attaining hers. She took classes at Little Priest Tribal College and after graduation applied to the Indigenous Roots Program through UNL to receive her BA and teaching credentials. As you can see, she has always been a teacher and all that was missing was to be recognized as such and receive the full certification she justly deserves.

Winnebago has not had a fluent HoChunk speaking certified classroom teacher in a long time, especially one dedicated to the community as she is and has been. Bringing the language and culture to the children of Winnebago is not a luxury it is essential in preserving an identity and heritage central to the esteem of the people. It is proven that tribal children do better in all academics when the heritage language is promoted along with the dominant language (bilingual education). Caroline will be the only teacher who can fully fill this position when she receives full certification and her classroom will be a role model for others. She will also provide mentoring for other teachers and/or fluent speakers wishing to accomplish this goal for the tribe. Her talents and skills are desperately needed and the opportunity to gain full certification would benefit all the children she has worked with for these 15 years.

Caroline started out as my teacher aide and over the years of working closely with her we became friends and now sisters. We have shared a lot and I am aware of the mistakes she made before I knew her, ones she had risen above in an effort to follow her dream of becoming a teacher. She is a respected

veteran, traditional medicine lodge member, brilliant HoChunk language teacher, and selfless community volunteer. Her students love her and thrive under her tutelage. She has never been anything but a responsible individual in all the years I have known her. Please provide her the opportunity she has worked so very hard to earn.

If you have any questions please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink that reads "Brenda Murphy". The signature is written in a cursive style with a large, looping initial "B" and a long, sweeping underline.

Brenda Murphy

Email: tejawiga@gmail.com

Work: St. Augustines Indian Mission – 402.878.2291

Home: 402.863.2219

Friday, October 19, 2012

COLLEGE OF EDUCATION AND HUMAN SCIENCES
Department of Teaching, Learning and Teacher Education

Dear Dr. Breed,

I am writing this letter to support Caroline Frenchman. Ms. Frenchman has applied to participate in the Indigenous Roots Teacher Education Program (ROOTS) offered through the Department of Teaching, Learning and Teacher Education at the University of Nebraska Lincoln. As you may remember, this federal grant program was recently funded (November, 2011) and we have currently accepted 18-plus undergraduate and graduate students to participate. You and the Nebraska Department of Education have supported the ROOTS Program since its early beginnings in 1999.

I have known Caroline Frenchman from previous work in the Winnebago education community, and her name has always risen to the top as a potential candidate for ROOTS. This is probably because of her extensive experience working with K-12 students enrolled in area schools, where she served as a teacher-apprentice with the Ho-Chunk Language and Culture program for over a decade. Ms. Frenchman also serves her community as a volunteer – as a board member for Little Priest Tribal College, as a role model in youth programs, etc.

Ms. Frenchman's interest and application materials for the ROOTS program were reviewed by a committee involving seven individuals from Winnebago. Reviewers included school district and post-secondary administrators (Winnebago Public Schools and Little Priest Tribal College), former ROOTS graduates/practicing teachers and administrators, classroom teachers and community members. In addition, UNL faculty in the Department of Teaching, Learning and Teacher Education, served as reviewers and approved her potential enrollment as a participant. Because of her previous Felony conviction, Ms. Frenchman is now seeking approval to participate in the ROOTS program and to become a certified teacher. She has been open regarding the felony charges that she received 17 years ago. She publicly notes that this experience, and her recovery, has changed her life, and she has been humbled by the struggles and challenges since.

As a certified teacher Ms. Frenchman will serve as a role model for the students enrolled in the school and living in the community. She will speak first-hand about the choices she has made in her life and how she has turned her life around. I believe that these life experiences can only enhance her ability to serve the students in her community as a certified teacher.

Enclosed in this envelope are the materials that Ms. Frenchman has constructed to request your approval to participate in the ROOTS program, including pre-student teaching field, laboratory, and classroom experiences (or to student teach).

Please do not hesitate to contact me at 402-472-3856 or nengenwedin2@unl.edu if you have any questions regarding Ms. Frenchman's request.

Sincerely,



Nancy Engen-Wedin, Project Director
Indigenous Roots Teacher Education Program