NEBRASKA DEPARTMENT OF EDUCATION

CONTESTED CASE DOCKET SHEET

CASE # 12-17

NAME Commissioner v. Johnson

Filing Number	Date	Description
01	12/19/12	PPC File

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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. Rachel Johnson 503 Irving Street Bellingham, WA 98225 Respondent.	)	N.P.P.C. Case No. 12-04 Case No. 12032 Findings Of Fact, Conclusions Of Law, And Recommendation Of the Commission

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FILED
DEC 19 2012
NEBRASKA DEPARTMENT
OF EDUCATION

I. STATEMENT OF THE CASE

This case commenced with the filing of a Petition on September 6, 2012, by Roger D. Breed, Commissioner of Education, Department of Education, State of Nebraska, hereinafter referred to as "Petitioner." The Petition was filed against Rachel Johnson, hereinafter referred to as "Respondent." The Petition alleges certain acts of conduct by the Respondent in violation of Neb. Rev. Stat. Section 79-821 (Reissue 2008) and Section 79-866(2) (Reissue 2003); Title 92, Nebraska Administrative Code, Chapter 27, Section 004.06C (effective date: November 12, 2003; and Section 007 (same effective date).

On September 11, 2012, the Petition, Notice of Right to Submit an Answer, and a copy of Title 95, Nebraska Administrative Code, Chapter 1 (effective date: October 30, 1993), was served upon Respondent by certified mail, return receipt requested.

The Respondent has failed to file an Answer to the Petition. On October 3, 2012, the Petitioner filed a Motion for Default Judgment. On or about October 5, 2012, Kathi Vontz, Clerk of the Commission, filed a Request for Support Information. On October 12, 2012 said Support Information was filed by Brian Halstead, General Counsel for the Petitioner. On October 24, 2012, Kathi Vontz, Clerk of the Commission, filed a Notice of Hearing which was sent to the Respondent postage prepaid, and delivered by hand to the Petitioner's general counsel. The Notice of Hearing advised that a public hearing on the Petition would be held on December 8, 2012, at 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 Jeff Kirkpatrick serving as legal counsel to advise the Chair in the performance of his duties.

On or about November 5, 2012, Kathi Vontz, Clerk of the Commission received a telephone message from Daniel Johnson indicating that he was the attorney representing Rachel Johnson. Ms. Vontz returned a call to Mr. Johnson who was not available. She then sent a letter of explanation along with copies of all documents in the file to Mr. Daniel Johnson.

On or about November 13, 2012, a letter was received in the office of the Commission from Mr. Daniel Johnson advising that he was representing the Respondent in NPPC Case No. 12-04 and requesting copies of all documents pertaining to the matter.

On or about November 19, 2012, Kathi Vontz, Clerk of the Commission received a telephone call from Daniel Johnson, attorney for the Respondent. Mr. Johnson asked about the sanctions that are usually imposed for contract abrogations. During the course of the conversation Mr. Johnson indicated that neither he nor his client were likely to appear at the hearing.

The Petition and Default Motion came on for hearing at the above time and place before a Hearing Panel of the Commission consisting of Commission Members: Susan J. Anglemyer, Sarah Brown, Brian Maher, Damon McDonald, Joy Schott, Cindy Serfass, Karen Shelton, Jane Stavem and Lynn Strack. Commissioner Maher 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. Neither the Respondent nor anyone representing the Respondent appeared. Exhibits were received in evidence and the Petitioner's General Counsel made his closing argument.

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 initial teaching certificate number 2010004990, endorsed in English as 2nd language K-12 and World Language-Spanish 7-12, with an expiration date of August 31, 2015.

2. The Respondent was employed as a Spanish teacher by the Elkhorn Public Schools for the 2012-2013 school year.

3. On or about August 8, 2012, the Respondent did not adhere to the terms of her teaching contract with the Elkhorn Public Schools for the 2012-2013 school year.

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, without just cause, abrogated her contract with the Elkhorn Public Schools, in violation of Neb. Rev. Stat. Sec. 79-821 (Reissue 2008) which states, "Upon presentation of proof that any teacher, principal, supervisor, assistant superintendent, or superintendent has, without just cause violated or abrogated his or her contract with a school district in the state, the State Board of Education shall suspend the certificate of such teacher, principal supervisor, assistant superintendent, or superintendent for a period of not more than one calendar year after a hearing has been held at a time and place fixed by the board and of which notice has been given to the person whose certificate is sought to be suspended by either registered or certified mail at least ten days prior to the hearing. The Petitioner has further proven by a preponderance of the evidence that the Respondent is in violation of Title 92, Nebraska Administrative Code, Chapter 27, Section 007 (effective date November 12, 2003) which states, "Educators shall adhere to the terms of a contract or appointment."

IV. RECOMMENDATION

Therefore, the Commission respectfully recommends to the State Board of Education that the Respondent's public Nebraska initial teaching certificate number 2010004990, endorsed in English as 2nd language K-12 and World Language-Spanish 7-12, with an expiration date of August 31, 2015, be suspended for a period of one (1) year from and after August 1, 2012.

Dated this 14th day of December, 2012.

Brian Maher

Brian Maher, 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. 12-04, was served upon Respondent, Rachel Johnson, by certified U.S. Mail, postage prepaid, Daniel Johnson, attorney for the Respondent, by U.S. Mail, postage prepaid and hand delivered to Brian Halstead, attorney for the Petitioner, on this 19th day of December 2012, at the following addresses.

Rachel Johnson
Respondent
503 Irving Street
Bellingham, WA 98225

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

Daniel Johnson
Latenser & Johnson, P.C.
14710 West Dodge Road, Suite 205
Omaha, NE 68154

Kathi Vontz
Clerk of the Commission

ORIGINAL

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D. Commissioner of Education 301 Centennial Mall South P.O. Box 94933 Lincoln, NE 68509-4933 Petitioner, vs. Rachel Johnson 503 Irving Street Bellingham, WA 98225 Respondent.	Case No. 12032 PPC Case No. 12-04 TRANSCRIPT VOLUME I of I (Pages 1 through 10) 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 December 8, 2012,

BEFORE:

JEFFREY R. KIRKPATRICK, Hearing Officer.

COMMISSION MEMBERS PRESENT:

JANE STAVEM, Chairperson; BRIAN MAHER, Presiding; SUSAN ANGLEMEYER; SARAH BROWN; DAMON McDONALD; JOY SCHOTT, 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

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I N D E X

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EXHIBITS:	Marked	Offered	Ruled On	Found
1 Pleadings (85 pages)	5	6	6	Appendix
2 Title 92, Nebraska Administrative Code, Chapter 27 (16 pages)	5	6	6	Appendix
3 Title 95, Nebraska Administrative Code, Chapter 1 (20 pages)	5	6	6	Appendix

- - -

Appearances 2

Reporter's Certificate 4

Closing Argument by Mr. Halstead 7

Motion 9

Decision 10

- - -

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 10, and Exhibits 1 through 3; 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 17th day of December, 2012.

Wendy C. Cutting
Reporter

- - -

1 PROCEEDINGS:

2 (Exhibits 1 through 3 were marked for

3 identification.)

4 CHAIRPERSON MAHER: Ladies and gentlemen, I am

5 Brian Maher, 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 Roger D. Breed, Commissioner of

9 Education, Petitioner, against Rachel Johnson, Respondent,

10 Case No. 12-04.

11 The other members of the hearing committee are

12 Susan Anglemeyer, Sarah Brown, Susan Johnson, Damon

13 McDonald, Joy Schott, Cindy Serfass, Karen Shelton, Jane

14 Stavem, and Lynn Strack.

15 The Commission's attorney is Jeffrey R.

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

17 chairperson, and the Commission on the performance of our

18 duties under the Commission's rule and regulations.

19 The court reporter is Wendy Cutting. Her purpose

20 is to record the testimony of the witnesses 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 by 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 The parties should enter their appearance.
4 MR. HALSTEAD: For the record, Brian Halstead, 301
5 Centennial Mall South, Sixth Floor, Lincoln, Nebraska 68509,
6 on behalf of the Commissioner of Education.
7 CHAIRPERSON MAHER: Let the record show that the
8 respondent is not present, nor is there anyone else present
9 on behalf of the respondent.
10 At this time, if there are no objections, I will
11 enter into the record the pleadings which are marked as
12 Exhibit 1; the standards of ethics and competency, which is
13 92 Nebraska Administrative Code, Chapter 27, and is marked
14 as Exhibit 2; and the Regulations Concerning Teacher and
15 Administrator Professional Practices Hearings, which is 95
16 Nebraska Administrative Code, Chapter 1, and is marked as
17 Exhibit 3. Are there any objections?
18 MR. HALSTEAD: I have no objections.
19 CHAIRPERSON MAHER: Exhibits 1, 2, and 3 are
20 received.
21 (Exhibits 1 through 3 were received in evidence.
22 See Index.)
23 At this time the hearing committee's attorney will
24 conduct the hearing.
25 THE HEARING OFFICER: Thank you.

1 Mr. Halstead, would you like to open and close on
2 this matter?
3 MR. HALSTEAD: I think I'd just make a closing
4 statement on the entire case, if that's fine with the
5 Commission members.
6 THE HEARING OFFICER: Yes, I believe so.
7 MR. HALSTEAD: Ladies and gentlemen, as you're
8 well aware from seeing all the facts, the respondent didn't
9 file an answer in this case, which, by your rules, is an
10 admission of the allegations that the Commissioner made
11 against her. As the facts before you in Exhibit 1 show, she
12 was a teacher for the Elkhorn Public Schools and was under
13 contract for this school year. On June 24th of this year,
14 she notified the school district that she was not going to
15 be honoring the terms of her contract. She was going to be
16 staying in the state of Washington and not returning. The
17 Board of Education met in July and refused to accept her
18 resignation early. And as such, she failed to appear in
19 August when all teachers were required to appear at the
20 Elkhorn Public Schools.
21 We certainly believe she has abrogated the
22 contract she had with the Elkhorn Public Schools. The
23 statute provides that she can be suspended for up to one
24 calendar year by the State Board of Education. She
25 obviously did, as early as she could, provide notice to the

1 school district, and you'll notice in this case we didn't
2 allege she failed to make prompt notice. She did notify
3 them promptly of her not coming back. It still, though,
4 impacts the school district. The need to find a replacement
5 and the fact of hiring somebody new and replacing them with
6 a staff member who's already familiar with the school
7 district and the procedures and policies is always an issue
8 that administrators and school districts need to deal with.
9 As such, we certainly would suggest that you
10 recommend to the State Board of Education that her
11 certificate be suspended, and at least suspended through the
12 August 8th of 2013, which would be one year from the date
13 she was required to report this past year.
14 THE HEARING OFFICER: Are there any questions?
15 (No response.)
16 Thank you, Mr. Halstead.
17 CHAIRPERSON MAHER: The hearing committee will now
18 adjourn and will consider the evidence. The hearing
19 committee's decision will be reduced to writing. A copy of
20 the hearing committee's findings, conclusions, and decision
21 will be furnished to the parties. If the decision includes
22 a recommendation to suspend or revoke the respondent's
23 certificate, the findings, conclusions, and recommendation
24 will be presented to the State Board of Education.
25 I now declare this hearing adjourned at 9:10 a.m.

1 (Whereupon, the hearing was adjourned at 9:10 a.m.
2 to be reconvened after executive session and deliberation of
3 the evidence.)
4 (Back on the record 9:23 a.m.)
5 CHAIRPERSON STAVEM: Is there a motion regarding
6 the Commission's recommendation on Case No. 12-04?
7 COMMISSIONER SHELTON: Yes. I move that the
8 Nebraska Professional Practices Commission adopts the
9 findings of fact and conclusions of law and recommend to the
10 State Board of Education that the certificate of Rachel
11 Johnson be suspended for a period of one year.
12 CHAIRPERSON STAVEM: Is there a second?
13 COMMISSIONER STRACK: I second.
14 CHAIRPERSON STAVEM: It has been moved and
15 seconded to accept the findings of fact and conclusions of
16 law and recommend that the certificate be revoked for a
17 period of one year with the date for revocation ending in
18 August of 2013. Any discussion?
19 THE CLERK: You meant suspended, right?
20 CHAIRPERSON STAVEM: Suspended. What did I say?
21 THE CLERK: Revoked.
22 CHAIRPERSON STAVEM: Oh, sorry, suspended, yes.
23 Thank you for the clarification.
24 Will the clerk please call the roll?
25 THE CLERK: Anglemeyer.

1 COMMISSIONER ANGLEMEYER: Yes.
2 THE CLERK: Brown.
3 COMMISSIONER BROWN: Yes.
4 THE CLERK: Johnson, Keller, Kupper, Maher.
5 COMMISSIONER MAHER: Yes.
6 THE CLERK: McDonald.
7 COMMISSIONER McDONALD: Yes.
8 THE CLERK: Schott.
9 COMMISSIONER SCHOTT: Yes.
10 THE CLERK: Serfass.
11 COMMISSIONER SERFASS: Yes.
12 THE CLERK: Shelton.
13 COMMISSIONER SHELTON: Yes.
14 THE CLERK: Stavem.
15 CHAIRPERSON STAVEM: Yes.
16 THE CLERK: Strack.
17 COMMISSIONER STRACK: Yes.
18 (Whereupon, at 9:24 a.m. on December 8, 2012 the
19 proceedings were concluded.)
20 - - -
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23
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LATENSER & JOHNSON, P.C.
A LIMITED LIABILITY ORGANIZATION
ATTORNEYS AT LAW
SUITE 205
SEVILLE SQUARE II
14710 WEST DODGE ROAD
OMAHA, NEBRASKA 68154

DAVID B. LATENSER
DANIEL L. JOHNSON

TELEPHONE
(402) 493-2255
FACSIMILE
(402) 493-5005

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NE PROFESSIONAL PRACTICES COMMISSION

November 2, 2012

Nebraska Professional Practices Commission
PO Box 94941
301 Centennial Mall South
Attn: Kathi Vontz
Lincoln, Ne 68509

Re: Rachel Johnson
NPPC Case No. 12-4
Case 12032

Dear Kathi Vontz:

This office represents respondent in above captioned matter. Please provide me with copies of any and all documents/media pertaining to this matter so as to allow us to review same and effectively respond. If there are any photocopy costs, please advise. Thank you.

Sincerely yours,

Daniel L. Johnson

DLJ:jms

EXHIBIT
12-4
1
12-8-12
PENGAD 800-631-6989

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. Rachel Johnson 503 Irving Street Bellingham, WA 98225 Respondent.	)	NPPC Case No. 12-4 Case No. 12032 NOTICE OF HEARING

Petitioner and Respondent are hereby notified that a hearing on the Petition filed by Roger D. Breed, on September 6, 2012, will be held in the Hearing Room, 6th Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska, on Saturday, the 8th day of December, 2012, commencing at 9:05 a.m.

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

Jeff Kirkpatrick, 7300 Stevens Ridge Road, Lincoln, Nebraska 68516 has been appointed legal counsel to advise the chairperson in the performance of the chairperson's duties.

Dated October 24, 2012

Brian Maher, Chairperson, Hearing Panel
NEBRASKA PROFESSIONAL PRACTICES COMMISSION

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

FYI

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Notice dated October 27, 2012, for Case Number 12-4, was mailed to Rachel Johnson, Respondent by U.S. Mail postage prepaid, and delivered by hand to Brian Halstead, Attorney for the Petitioner, on this 24th day of October, 2012, at the following addresses.

Rachel Johnson
Respondent
503 Irving Street
Bellingham, WA 98225

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

Kathi Vontz
Clerk of the Commission

FYI

Nebraska Professional Practices Commission

Kathi Vontz
Clerk of the Commission
Phone: (402) 471-2943
Fax: (402) 471-3698
Email:
kathi.vontz@nebraska.gov

301 Centennial Mall South
P.O. Box 94941
Lincoln, Nebraska 68509
Web Address:
http://nppc.nebraska.gov

Jane Stavem, Chairperson

ELEMENTARY TEACHER
Susan Johnson
North Platte

Joy Schott
Burwell

Karen Shelton
Lincoln

SECONDARY TEACHERS
Sarah Brown
Wilber - Clatonia

Cindy Serfass
Westside

Raymond Keller
Papillion - LaVista

Lynn Strack
Lincoln

ADMINISTRATORS
Susan J. Anglemyer
Millard

Damon McDonald
Aurora

Jane Stavem
Lincoln

Brian Maher
Kearney

POSTSECONDARY EDUCATION
Jodi Kupper
Peru State College

November 5, 2012

Dan Johnson
14710 W. Dodge Road, Suite 205
Omaha, NE 68154

Dear Mr. Johnson,

Upon learning you were not in your office when I returned your call this morning, I decided to just mail copies of all documents in the file to your office. I am leaving town for a meeting and will not be in the office the rest of this week. I will be checking emails (kathi.vontz@nebraska.gov) and would be happy to try to answer any questions you may have. You could also call Brian Halstead, the attorney for the Petitioner, Dr. Breed. The number there is 402-471-0730.

Sincerely,

Kathi Vontz
Clerk of the Commission

Enc.

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. Rachel Johnson 503 Irving Street Bellingham, WA 98225 Respondent.	)	NPPC Case No. 12-4 Case No. 12032 NOTICE OF HEARING

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

Jeff Kirkpatrick, 7300 Stevens Ridge Road, Lincoln, Nebraska 68516 has been appointed legal counsel to advise the chairperson in the performance of the chairperson's duties.

Dated October 24, 2012

Brian Maher, Chairperson, Hearing Panel
NEBRASKA PROFESSIONAL PRACTICES COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Notice dated October 24, 2012, for Case Number 12-4, was mailed to Rachel Johnson, Respondent by U.S. Mail postage prepaid, and delivered by hand to Brian Halstead, Attorney for the Petitioner, on this 24th day of October, 2012, at the following addresses.

Rachel Johnson
Respondent
503 Irving Street
Bellingham, WA 98225

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

Kathi Vontz
Clerk of the Commission

40

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,	)	Case No. 12032 PPC Case No. 12-04
vs.	)	SUPPORT INFORMATION
Rachel Johnson 503 Irving Street Bellingham, WA 98225, Respondent.	)	

FILED
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NE PROFESSIONAL PRACTICES COMMISSION

COMES NOW the Petitioner, by and through the undersigned attorney of record, and pursuant to the Commission's Request for Support Information, submits the following information requested as provided in Title 95, *Nebraska Administrative Code*, Chapter 1, Section 003.05:

1. Title 92, *Nebraska Administrative Code*, Chapter 28, a copy of which is attached and marked as Exhibit "A", and by this reference is incorporated herein;

2. Title 92, *Nebraska Administrative Code*, Chapter 29, a copy of which is attached and marked as Exhibit "B", and by this reference is incorporated herein;

3. An Affidavit of Kevin Peters, Director for the Teacher Education/Certification Division of the Nebraska Department of Education, a copy of which is attached and marked as Exhibit "C", and by this reference is incorporated herein; and

4. The Report of Investigation in Case No. 12032, a copy of which is attached and marked as Exhibit "D", and by this reference is incorporated herein.

WHEREFORE, the Petitioner prays that the Commission make a recommendation to the State Board of Education that is in accordance with the law.

Brian L. Halstead #18077
Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the above motion and exhibits was mailed to the parties of record, by U. S. mail, sufficient postage prepaid, on this 12th day of October 2012.

Brian L. Halstead #18077
General Counsel
P. O. Box 94933
Lincoln, NE 68509

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

EXHIBIT
7.9-24

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

EXHIBIT
B
7.9-25

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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. Rachel Johnson 503 Irving Street Bellingham, WA 98225 Respondent.	)))))))))))))))	Case No. 12032 PPC Case No. 12-04 AFFIDAVIT

STATE OF NEBRASKA)
) SS
COUNTY OF LANCASTER)

Kevin Peters, Ed.D., being first duly sworn, deposes and says:

1. I am the Director of the Teacher Certification Division of the Nebraska Department of Education.

2. The Petitioner is Roger D. Breed, Commissioner of Education, 301 Centennial Mall South - 6th Floor, P. O. Box 94933, Lincoln, NE 68509-4933, telephone: (402) 471-5020.

3. The duties as Director include being the custodian of records regarding individuals who currently hold valid certificates issued by the Department pursuant to Title 92, *Nebraska Administrative Code*, Chapter 21.

4. The records indicate that the Respondent, Rachel Johnson, holds a public Nebraska initial teaching certificate number 2010004990, endorsed in World Language/Spanish 7-12 and English as Second Language K-12, with an expiration date of August 31, 2015.

5. The acts, events, or conditions appearing on the records under my custody are made at or near the time of such acts, events, or conditions, in the course of regularly conducted activity, and that it is the regular course of activity for the Department to make such record.

FURTHER AFFIANT SAITH NOT.

Dated this 11 day of October 2012.

Kevin Peters, Ed.D.

Subscribed and sworn to before me this 11th day of October 2012.

GENERAL NOTARY - State of Nebraska
BRENDA L. WID
My Comm. Exp. Dec. 30, 2013

Notary Public

CONFIDENTIAL

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Steve Baker Elkhorn Public Schools 20650 Glenn Street Elkhorn, NE 68022 Complainant, vs. Rachel Johnson 503 Irving Street Bellingham, WA 98225 Respondent.	))))))))))))))	Case No. 12032 REPORT OF INVESTIGATION

In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, the attached Report of Investigation into case number 12032 is submitted to the Commissioner of Education on this 6th day of September 2012. The Report was submitted to the Respondent on the 21st day of August 2012, and no exceptions were filed.

P Jeffrey Schneider
Certification Investigator

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RECOMMENDATION 5

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EXHIBIT D

CONFIDENTIAL

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Steve Baker Elkhorn Public Schools 20650 Glenn Street Elkhorn, NE 68022 Complainant,	)	Case No. 12032
vs.	)	REPORT OF INVESTIGATION
Rachel Johnson 503 Irving Street Bellingham, WA 98225 Respondent.	)	

In accordance with Title 92, *Nebraska Administrative Code,* Chapter 28, the attached Report of Investigation into case number 12032 is submitted to the Respondent on the 21st day of August 2012.

P Jeffrey Schmidt
Certification Investigator

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JURISDICTION 2

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JURISDICTION

On July 23, 2012, Steve Baker, Superintendent of Elkhorn Public Schools, filed a Complaint with the Commissioner of Education against Rachel Johnson, the Respondent. A copy of the Complaint was served upon the Respondent on August 2, 2012. 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 initial teaching certificate number 2010004990, endorsed in English as 2nd Language K-12 and World Language-Spanish 7-12, with an expiration date of August 31, 2015.

SUMMARY OF COMPLAINT

The Complainant alleged that the Respondent abrogated her teaching contract with the Elkhorn Public Schools for the 2012-2013 school year.

POSITION OF RESPONDENT

The Respondent submitted a written response to the complaint, a copy of which is attached as exhibit "E-2". The Respondent stated she had mitigating circumstances which led to her failing to fulfill her contract for the 2012-2013 school year.

FINDINGS

The investigator received documentation from the Elkhorn Public Schools (EPS) pertaining to the Respondent's employment with the school district as it relates to the complaint filed against her. The Respondent signed a Probationary Teacher Contract with the school district on February 20, 2011, to be a high school Spanish teacher. On July 13, 2011, the Complainant registered the Respondent's teaching certificate with the district.

The district received a letter from the Respondent on or about July 3, 2012, asking to be released from her 2012-2013 teaching contract. The EPS Board had a meeting July 9 voting unanimously to deny the request. Mr. Mark Kalvoda, the Respondent's principal, contacted the Respondent on July 10 advising her of the board's decision and asked her to confirm her decision in writing as to her intentions for the coming school year. On July 11, 2012, the Respondent sent an email confirming her intention of not returning to teach during the 2012-2013 school year. The documentation included a letter dated July 13, 2012, from the Complainant that contained a timeline of events.

A copy of the EPS July 9 board minutes indicates that on June 28, 2012, Assistant Superintendent Bary Habrock was contacted by the Respondent informing him the Respondent was going to ask to be released from her contract for the following year. According to the minutes, Mr. Habrock informed the Respondent it would be difficult to find a replacement and the administration would not recommend her release. Mr. Habrock also informed her of the possible consequences for violating her contract. The Respondent acknowledged the school board decision in an email sent to Mr. Kalvoda and Mr. Habrock on July 10, 2012, at 10:41 p.m. The Respondent stated:

> I have read and acknowledge the minutes from the Elkhorn Public School Board meeting. On Tuesday, July 10, 2012, (*should be July 09, 2012)* the board voted and did not approve my request for contract release. As stated in a previous letter, I am unable to report this fall.

On July 11 the Complainant emailed the Respondent advising Mr. Kalvoda had forwarded the Respondent's email to him acknowledging the board's July 9, 2012, action not approving her release. Copies of the above-referenced documents are collectively attached and marked as exhibit "E-3".

Assistant Superintendent Bary Habrock was contacted on August 20, 2012. Mr. Habrock stated that because of the fairly early notification of the Respondent advising she would not be fulfilling her contract the school board had time to act. After they denied her request to be released, the Respondent confirmed the notification and Elkhorn was able to hire a Spanish teacher to fill the position. The school board did not meet until August 14 to approve the hiring and the students reported on August 15. The replacement reported with the other teachers on August 8. Mr. Habrock stated he has not communicated further with the Respondent other than the documentation provided to the Nebraska Department of Education.

The Respondent sent a response and attachments to the complaint dated August 9, 2012, and received by the Department on August 17, 2012. The Respondent indicated she has been living in the state of Washington since June 1, 2012, "due to a family situation". The Respondent stated she spoke with her Supervising Principal, Mark Kalvoda, and her Assistant Superintendent, Bary Habrock, on June 24, to inform them she would be submitting a formal request to be released from her contract. The Respondent's letter acknowledged that on July 9 the Elkhorn School Board denied her contract release "so as to allow me to pursue a career out of state". The Respondent wrote that on July 10 Mr. Kalvoda notified her of the board's decision and asked her to acknowledge the decision in writing. The Respondent stated she adhered to the request, sent an email on July 10, and "consequently broke my contract with Elkhorn Public Schools so that I would do what was needed for the situation of my family unit."

According to the Respondent, she made contact with school officials by email on May 23 advising them she was living in Bellingham, Washington, since June 1. (It is believed the Respondent erred in her timeline or verbiage regarding the dates.) The Respondent stated her intentions were to return for the 2012-2013 school year, however, "though difficult, a subsequent change in family arrangements required me to stay in Washington State, consequently and regretfully, having to leave Elkhorn Public Schools". The Respondent included a copy of an email to Pam Roth of EPS regarding insurance indicating she would be living in Washington from June 1 through August 1.

The Respondent stated in her response that she believes she gave EPS "more than adequate time to find a suitable replacement for her position". The Respondent stated that pursuant to 92 NAC 27 Section 004.06C, she felt:

> By my contacting the district via telephone in June prior to sending a letter requesting immediate release, I believe that I adhered to this principle of commitment to professional practice. It is my understanding that a past employee of the school district (whom had worked within the specific department of which I was employed) has filled my position. This clearly demonstrates, I believe, that the school district was given adequate "prompt notice" to search and locate a replacement.

The Respondent concluded by stating, "This was a very difficult decision for me, and it was not made lightly or without regard to the professional standards involved."

The investigator contacted the Respondent by telephone on August 20, 2012. The Respondent stated she had been visiting her longtime boyfriend in June 2012 and he is employed in Washington. According to the Respondent, while she was in Washington her boyfriend surprised her by proposing and she accepted. The Respondent stated they have not set a date for the marriage. The Respondent advised it was easier for her to find a job in Washington than for him to find one in Nebraska. She stated that although she misses her family, a teaching in Elkhorn, she was unable to fulfill her contract. The Respondent stated she has accepted a position as a Spanish teacher in the Bellingham, Washington area.

STANDARDS OF PROFESSIONAL CONDUCT AND ETHICS

The following statutes and standard would appear applicable: Neb. Rev. Stat. Section 79-821 (Reissue 2008) which states, "Upon presentation of proof that any teacher, principal, supervisor, assistant superintendent, or superintendent has, without just cause, violated or abrogated his or her contract with a school district in the state, the State Board of Education shall suspend the certificate of such teacher, principal, supervisor, assistant superintendent, or superintendent for a period of not more than one calendar year after a hearing has been held at a time and place fixed by the board and of which notice has been given to the person whose certificate is sought to be suspended by either registered

or certified mail at least ten days prior to the hearing"; and Section 79-866(2) (Reissue 2008) 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"; and Title 92, *Nebraska Administrative Code*, Chapter 27, Section 007 (effective date: November 12, 2003) which states, "Educators shall adhere fully to the terms of a contract or appointment".

DETERMINATION OF LEGAL SUFFICIENCY

The Respondent failed to adhere to the terms of her teaching contract with the Elkhorn Public Schools for the 2012-2013 school year. Therefore, there is legally sufficient evidence to indicate a violation of the statutes and standard with regard to this allegation.

RECOMMENDATION

The Certification Investigator would recommend that the Commissioner of Education file a Petition with the Professional Practices Commission in this matter.

EXHIBITS

E-1. Copies of the Complaint and return receipt.

E-2. A copy of the Respondent's written response to the Complaint.

E-3. Copies of documentation of the Elkhorn Public Schools.

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Steve Baker Name 20650 Glenn Street Address Elkhorn NE 68022 Complainant, vs. Rachel Johnson Name 1883 North 115th Plaza #3830 Address Omaha NE 68154 Respondent.	))))))))))	Case No. 12032 (Leave Blank) COMPLAINT

In accordance with Title 92, Chapter 28, of the N*ebraska Administrative Code*, the Complainant states as follows:

1. The Complainant is Steve Baker, Superintendent - Elkhorn Public Schools 20650 Glenn Street - Elkhorn NE 68022 Phone # 402-289-2579;

2. The Respondent is Rachel Johnson, Teacher - NE Certificate #2010004990. 1883 North 115th Plz #3830, Omaha NE 68154 Phone # 402-326-8527;

3. Please see attached letter.

and

4. Witness(es) Bary Habrock, 20650 Glenn Street - Elkhorn NE 68022, 402-289-2579; Mark Kalvoda - 20303 Blue Sage Pkwy - Omaha NE 68130, 402-289-0616.

ELKHORN
PUBLIC SCHOOLS

20650 Glenn Street • P.O. Box 439 • Elkhorn, NE 68022 • 402.289.2579 • Fax 402.289.2585 • www.elkhornweb.org

July 13, 2012

Dr. Roger Breed, Commissioner of Education
Nebraska Department of Education
301 Centennial Mall South
PO Box 94987
Lincoln, Nebraska 68509-4987

Dear Dr. Breed,

On or about July 3, 2012 the Elkhorn Public Schools District received a letter from Elkhorn South High School Spanish Teacher, Rachel Johnson, requesting a release from her 2012-13 teaching contract. At the July 9, 2012 meeting of the Elkhorn Board of Education Ms. Johnson's request to be released from her contract with the District was reviewed and by unanimous vote denied by the Board.

On July 10, 2012 Ms. Johnson was contacted by her supervising principal, Mr. Mark Kalvoda, and informed of the Board's decision. At this time she was asked to confirm her intentions in writing as to whether or not she would return for the 2012-13 school year. On July 11, 2012 Ms. Johnson sent an email confirming that she would not be returning for the 2012-13 school year.

Because Ms. Johnson is in violation of fulfilling her contractual responsibilities I'm filing a formal complaint with the Nebraska Department of Education on behalf of the Elkhorn Public Schools District. Throughout the entire process Ms. Johnson was made aware that the District would file such a report if she failed to fulfill her contractual responsibilities. Please notify me if there is any additional information that you would like the District to provide regarding this matter. Thank you.

Sincerely,

Stephen R. Baker
Superintendent

Cc Bary Habrock, Assistant Superintendent
Mark Kalvoda, ESHS Principal

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 this 19 day of July, 2012.

Signature of Complainant

VERIFICATION

STATE OF Nebraska)
COUNTY OF Douglas)) ss.

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

Signature of Complainant

Subscribed and sworn before me this 19 day of July, 2012, by Stephen R. Baker.
(Name of Complainant)

(SEAL)

Notary Public

GENERAL NOTARY - State of Nebraska
DEBORAH J. KAFKA
My Comm. Exp. Nov. 19, 2012

UNITED ST/ POSTAL SERVICE

First-Class Mail
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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. 12032

1. Article Addressed to:
Rachel Johnson
1883 N 115 Ph 2 3030
Omaha Ne 68154

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (*Printed Name*)
C. Date of Delivery 8-2

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

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*) 7011 1150 0001 8406 3842

REC'D AUG 17 2012

August 9, 2012

Dr. Roger Breed, Commissioner of Education
Nebraska Department of Education
301 Centennial Mall South
PO Box 94987
Lincoln, NE 68509-4987

Re: Notice of Complaint Case No. 12032

Dear Dr. Breed,

On August 2, 2012 I received a notification that advised me that a complaint has been made with the Certification Investigation's Office stating that I violated the standards of professional conduct and ethics. In response to explain my position, I have enclosed detailed information that pertains to this complaint.

I have been living in Washington State since June 1, 2012, due to a family situation. On June 24, 2012, I spoke with supervising principal, Mr. Mark Kalvoda and my Assistant Superintendent Bary Habrock, to inform them both that, after diligent consideration, I would be mailing a formal request to be released from my contract. The previously mentioned letter is enclosed. On July 9, 2012, the Elkhorn Board of Education denied my request to be released from my contract so as to allow me to pursue a career out of state. On July 10, 2012 Mr. Mark Kalvoda contacted me to inform me of the board's previously mentioned vote and asked for a written acknowledgement of the board's vote. Due to my situation, I was forced to acknowledge the veto of a request to be released from contract and, consequently, broke my contract with Elkhorn Public Schools so that I would do what was needed for the situation of my family unit. On July 10, 2012 I submitted an email confirming my acknowledgement of the vote and that I would not be returning for the 2012-2013 school year.

Though it has been stated by Mr. Stephen R. Baker, the Superintendent of Elkhorn Public Schools, that I was in violation of fulfilling my contractual responsibilities I do feel that a justified response to explain and mitigate the allegations is necessary. Through communications with human resources via email on May 23, 2012, I made it known to Elkhorn Public Schools that I have been living in Bellingham, Washington since June 1, 2012. My intentions in May were to return for the 2012-2013 school year. Though difficult, a subsequent change in family arrangements required me to stay in Washington State, consequently and regretfully, having to leave Elkhorn Public Schools.

PENGAD-Bayonne, N. J.
EXHIBIT
E-2

Even though this decision was made after my contractual arrangements for the 2012-2013 school year had been assumed, I believe that I provided Elkhorn Public Schools with more than adequate time to find a suitable replacement for my position. As Title 92, Chapter 27, article 004.06C of The Nebraska Department of Education Rules and Standards for Professional Practices Criteria states, the educator "shall give prompt notice to the employer of any changes of availability of service." As stated above, by my contacting the district via telephone in June prior to sending a letter requesting immediate release, I believe that I adhered to this principle of commitment to professional practice. It is my understanding that a past employee of the school district (whom had worked within the specific department of which I was employed) has filled my position. This clearly demonstrates, I believe, that the school district was given adequate "prompt notice" to search and locate a replacement.

I strongly feel that these factors (my personal familial duties, suitable and adequate time provided to locate and hire a replacement, all in compliance with Title 92, Chapter 27 Article 004.06C) are in my defense and negate any damage caused by the revocation of my contract with Elkhorn Public Schools.

This was a very difficult decision for me, and it was not made lightly or without regard to the professional standards involved. Please notify me if there is any additional information that you would like me to provide regarding this matter. Thank you.

Sincerely,

Rachel Johnson

ENCL:

Letter requesting release from contract to Mark Kalvoda and Bary Habrock
Letter confirming of my acknowledgement of denied request of release to Mark Kalvoda
Letter communicating living status for the summer of 2012 to Elkhorn Human Resource

Dear Mr. Kalvoda and Mrs. Cox,

I have truly enjoyed this last year as a teacher Elkhorn South High School. Working with you, the foreign language department and fellow teachers has been a very positive experience. I am grateful I was given the opportunity to work in such a productive educational environment.

After carefully considering this decision, I have decided to peruse another teaching position out of state. I feel this is the best choice for myself. I will truly miss my job here, but feel this was a necessary move.

My last day of work will be July 31. I will be sure to leave my classroom in good condition and will follow the necessary protocol of resignation.

Thank you for allowing me the opportunity to teach at Elkhorn South High School and working for Elkhorn Public Schools.

Respectfully,

Rachel Johnson

Dear Mr. Habrock,

I have truly enjoyed this last year as a teacher Elkhorn South High School. Working for Elkhorn Public Schools, with the foreign language department and my fellow teachers has been a very positive experience. I am grateful I was given the opportunity to work in such a productive educational environment.

After carefully considering this decision, I would like to request a release from contract. I have decided to peruse another teaching position out of state. I feel this is the best choice for myself. I will truly miss my job here, but feel this was a necessary move.

My last day of work will be July 31. I will be sure to leave my classroom in good condition and will follow the necessary protocol of release.

Thank you for allowing me the opportunity to teach at Elkhorn South High School and working for Elkhorn Public Schools.

Respectfully,

Rachel Johnson

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FIRSTCLASS Business Edition

Acknowledgement of Board Minutes

Desktop > Mailbox > Acknowledgement of Board Minutes

From: Rachel Johnson Tuesday, July 10, 2012 10:41 PM -0500

Subject: Acknowledgement of Board Minutes

To: Mark Kalvoda

Cc: Bary Habrock

Elkhorn Public School Board,

I have read and acknowledge the minutes from the Elkhorn Public School Board meeting. On Tuesday, July 10, 2012, the board voted and did not approve my request for contract release. As stated in a previous letter, I am unable to report this fall.

Rachel Johnson

Spanish II & III
Elkhorn South High School
Elkhorn Public Schools

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Insurance Form

From: Rachel Johnson Wednesday, May 23, 2012 1:59 PM -0500

Subject: Insurance Form

To: Pam Roth

Hi Pam -

First, I am going to be qualifying for a summer insurance change. Is there any way you could mail an application form out to me and I will have this back to you by next week? If not, I would be more than happy to swing by and pick it up from you.

Second, this summer I will be living out of state (from June 1 until August 1). My address for June and July will be 503 Irving Street Bellingham, WA 98225.

Thank you.

Rachel Johnson

Spanish II & III
Elkhorn South High School
Elkhorn Public Schools

ELKHORN PUBLIC SCHOOLS

PROBATIONARY TEACHER CONTRACT

THIS CONTRACT made by and between the Class III School District of Elkhorn, School District #10, Douglas County, State of Nebraska, hereinafter referred to as the District and **Rachel Johnson** a legally qualified teacher, hereinafter referred to as Teacher.

W I T N E S S E T H:

WHEREAS, the Teacher has applied for employment with the District

WHEREAS, the District has agreed to employ the Teacher,

NOW, THEREFORE, in consideration of the covenants and conditions hereinafter set forth, the parties agree as follows:

FIRST: The District hereby agrees to employ the Teacher in the schools of said District for a contract year which shall begin on or about the 11th day of August and end on or about the 31st day of May, and shall consist of no less than the number of days of service as outlined in the negotiated agreement. (Each year's school calendar, including the official first and last day for teachers to report, is established by the Board of Education.)

SECOND: The Teacher agrees to accept such employment at the salary placement **per the 2011-2012 Negotiated Agreement of BA, Step A** provided, however, if on the date of the execution of this Agreement, the salaries for the applicable year for the teaching staff of the District have not been established, then the Teacher agrees to accept the employment at such salary and salary schedule placement as shall be subsequently established.

THIRD: The salary of the Teacher shall be paid in **twelve** equal installments. The first installment shall be paid on or about the 15th day of September 2011 and the remaining installments shall be paid on or about the 15th day of each month thereafter.

FOURTH: The Teacher agrees to be subject to the District's policies as determined by the Board of Education of the District and the duties to be performed by the Teacher under this Contract shall be those of **1.00 FTE High School Spanish Teacher** and other such duties as shall be determined and established by the Board of Education of the District with the approval of the Superintendent of the District.

FIFTH: It is understood and agreed that the period of this Contract, as set forth herein in Paragraph FIRST, shall be in accordance with Section 79-817-834 (inclusive) Nebraska Statues as it applies to teachers under the continuing contract law.

SIXTH: There shall be no penalty for release or resignation by said Teacher from the Contract: provided no resignation shall become effective until the close of the Contract period unless accepted by the Board of Education of said District and said Board shall fix the time at which the resignation is to take effect.

SEVENTH: The District shall deduct from the salary to be paid to the Teacher such deductions as authorized by law and such other deductions as may be authorized by the Teacher, and approved by the Board of Education.

EIGHTH: The Teacher hereby affirms that he/she is not under contract with another School Board or Board of Education covering a part of all of the same time of performance as is contemplated by this agreement. The Teacher further affirms that at the beginning of the term of this contract he/she holds

EXHIBIT 58

or will hold a valid NEBRASKA TEACHING CERTIFICATE, which is or will be in full force and effect for the period covered by this Contract. It is understood and agreed that this Contract is not valid until the said Teacher's Certificate, as herein listed, is registered in the District office of the Superintendent of Schools and that the said Teacher shall not be compensated for any services performed prior to the date of registration of his Certificate.

NINTH: It is understood and agreed that the Teacher shall, upon request of the District, at any time advise the District in writing of his/her intent to continue in the employment of the District subject to the terms and conditions of this Contract.

DATED this 20 day of February, _____.

Teacher

SCHOOL DISTRICT OF ELKHORN
SCHOOL DISTRICT #10
DOUGLAS COUNTY, NEBRASKA

Superintendent of Schools

President, Board of Education

Secretary, Board of Education

Nebr ska Educator's Certifi te/Permit

The person listed below has met all the Nebraska requirements for a certificate/permit as specified hereon.

RACHEL MARIE JOHNSON
1424 NORTH 160TH AVENUE
OMAHA, NE 68118

Certificate/Permit Types and Related Endorsements	Effective Date	Expiration Date	Limitations
ERTIFICATE: 2010004990			
NITIAL TEACHING CERTIFICATE	05/21/2010	04/15/2015	
ENGLISH AS 2ND LANG K-12	05/21/2010		
WORLD LANGUAGE-SPANISH 7-12	05/21/2010		

Commissioner

Director of Teacher Certification

01.11.13 State Board of Education **Nebraska Department Of Education** 7.9-46

Any change, erasure, or mutilation of this certificate will render it void.

7-21-11 KB

GENERAL INFORMATION

Nebraska certificates to teach, provide special services, and administer in elementary and secondary schools are issued under the authority vested in the State Board of Education in Nebraska Revised Statutes, Section 79-808, which provides:

> The board shall establish, adopt, and promulgate appropriate rules, regulations, and procedures governing the issuance, renewal, conversion, suspension, and revocation of certificates and permits to teach, provide special services, and administer based upon (a) earned college credit in humanities, social and natural sciences, mathematics, or career and technical education, (b) earned college credit, or its equivalent in professional education, for particular teaching, special services, or administrative assignments, (c) criminal history record information if the applicant has not been a continuous Nebraska resident for five years immediately preceding application for the first issuance of a certificate, (d) human relations training, (e) successful teaching, administration, or provision of special services, and (f) moral, mental, and physical fitness for teaching, all in accordance with sound educational practices.

Rules and procedures for issuance and renewal of certificates and endorsements are contained in the Nebraska Department of Education Rules 21, 23, and 24. Current versions of these rules can be found at the NDE website: www.nde.state.ne.us.

ELIMINATION OR REPLACEMENT OF ENDORSEMENTS

An endorsement you previously held might not appear on your certificate due to the elimination of the endorsement in Rule 24 or it may have been replaced with new terminology.

REGISTRATION OF YOUR CERTIFICATE

Nebraska Revised Statutes, Section 79-804 provides:

> Each teacher or administer shall register his or her certificate with the public, private, denominational or parochial school in which the teacher or administrator is employed. The superintendent or administrator of the school shall endorse upon the certificate that it has been registered and the date of registration. Such registration shall be without fee. No employment of a teacher or administrator shall be valid until the certificate is so registered.

REGISTRATION RECORD

Date	School or System of Employment	Administrator
7/13/11	Elkhorn Public Schools	[signature] PLR

TO TEST FOR AUTHENTICITY: The face of this document has a black and blue background.
- Holding the SafeImage™ security paper up to transit light to verify the words "SAFE and VERIFY FIRST" in the true fourdrinier watermark.
- Identifying visible blue and red fibers embedded into the paper.
- Applying fresh liquid bleach to activated color stain chemical protection reaction.
- Inspect background with a magnifier to verify the encrypted NaNOcopy™ algorithm.
- Photocopying this document produces the word "COPY" across the face.

ADDITIONAL TEST: When photocopied in color or black and white, the word COPY appears prominently across the face of the entire document. ALTERATION OR FORGERY OF THIS DOCUMENT MAY BE A CRIMINAL OFFENSE! A black and white document is not an original and should not be accepted as an official document.

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201

TO: RACHEL M JOHNSON

FROM: Stephen R. Baker, Superintendent

DATE: September 15, 2011

SUBJECT: 2011-2012 Contracted Salary/Extra Duty

Your 2011-2012 placement on the salary schedule and extra duty assignments are listed below. All salary and benefits are governed by the Negotiated Agreement. A copy of the Negotiated Agreement is in your Personnel Handbook.

Teaching contracts are, by law, continuing contracts. For that reason, we do not send out new contracts each year. Extra duty assignments, on the other hand, are assigned annually.

If your records indicate that any of the information is incorrect it is your responsibility to contact Pam Roth immediately at (402) 289-2579, ext. 104 or email Pam at proth@epsne.org.

Errors not brought to the District's attention prior to September 1, 2012 will be corrected going forward but not retroactively for prior years.

Please review the data, sign, date and return one copy to Central Office by SEPTEMBER 22, 2011.

Your salary is based upon your placement at Range: BA Step: A FTE: 1.00

Your salary for the 2011-2012 school year is: $32,670.00

Health and dental insurance either fully or partially provided by the district:

You have cash option

I have reviewed the information and I am in agreement with the above stated facts and figures or I have noted items to be reviewed for correction below.

9/22/11

date

signature

Please sign, date and return to the Central Office by September 22, 2011.

Dear Mr. Habrock,

I have truly enjoyed this last year as a teacher Elkhorn South High School. Working for Elkhorn Public Schools, with the foreign language department and my fellow teachers has been a very positive experience. I am grateful I was given the opportunity to work in such a productive educational environment.

After carefully considering this decision, I would like to request a release from contract. I have decided to peruse another teaching position out of state. I feel this is the best choice for myself. I will truly miss my job here, but feel this was a necessary move.

My last day of work will be July 31. I will be sure to leave my classroom in good condition and will follow the necessary protocol of release.

Thank you for allowing me the opportunity to teach at Elkhorn South High School and working for Elkhorn Public Schools.

Respectfully,

Rachel Johnson

ELKHORN PUBLIC SCHOOLS
BOARD OF EDUCATION
REGULAR MEETING - 6:30 PM
Monday, July 9, 2012
Administration Building
AGENDA

I. Call to Order

II. Roll Call

J. Marasco, C. Bull, A. Long, A. Clark, R. Riggle, C. Burney

III. Notices:

Open Meetings Act - The Board of Education makes available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. The Act is posted on the east wall of the Board meeting room.

Instructions for those who wish to speak during citizen comment time: The Board of Education recognizes the importance of citizen participation in school district matters. In order to assure citizens are heard and board meetings are conducted efficiently and in an organized manner, the Board shall set time aside for citizen participation at all regular monthly board meetings. To address the Board, citizens must provide their name and address on the sign-in sheet immediately upon entering the meeting, and when called, come forward to the table situated immediately in front of the board. Citizens may speak only one time and must limit comments to five (5) minutes or less if there are several members of the public present to speak. If you are planning to speak about a personnel or student matter involving an individual, please understand that board policies require that such concerns initially be directed to the administration for consideration. Board members will generally not respond to any questions you ask or comments you may make about individual staff members or students. You are cautioned that slanderous comments are not protected just because they are made at a board meeting. Please remember this is a public meeting for the conduct of the business of the Board of Education. Offensive language, personal attacks and hostile conduct will not be tolerated. The Board President may order persons who are disorderly to be removed from the meeting. Recording of the meeting is allowed, except for executive (closed) sessions, provided that the Board President is notified and that the recording device does not interfere with the meeting. (Policy 204.12)

IV. Citizen Comments: (Not to exceed 5 minutes per individual or 15 minutes per topic)

A. Citizen Comments (Please sign-in prior to addressing the Board)

V. Monthly Reports:

A. Good News Report
B. Other

VI. Consent Agenda

(Note: Items on the consent agenda are considered routine and will be enacted under one motion. There will be no separate discussion of these items at the meeting unless a Board member requests an item to be removed from the agenda for separate action.)

A. Approval of Agenda
B. Approval of Minutes of the Monday, June 4, 2011 6:30 PM Bond Fund Budget, Building Fund Budget and School Lunch Fund Budget Hearings and Regular Meeting
C. Presentation of July bills for approval and payment
D. Approval of temporary non-resident admission requests for M. Houng (K-FR), S. Stern (1st-WDS), S. Stern (K-WDS), T. Prauner (4th-FR) and K. Prauner (2nd-FR).

(NOTE: Additional Temporary Non-resident requests may be presented at the meeting)

VII. Items Removed From the Consent Agenda for Separate Action

A._____
B._____

VIII. Business Items (Action Requested)

A. Personnel Report and Recommendation(s) – Supt. S. Baker and Asst. Supt. B. Habrock
   1. Consider Contract Release(s)
   2. Consider Appointment Recommendations
   3. Personnel Update

IX. Reports/Discussion Items:

A. Preliminary 2012-13 Budget Report – Supt. S. Baker and Exec. Dir. of Business and Finance P. Roth
B. Rule 10 Multicultural Education Report – Assoc. Supt. C. Gray
C. Learning Community Report – A. Long, Supt. S. Baker
D. Discuss School Calendars for the 2013-14, 2014-15 and 2015-16 school years – Supt. S. Baker
E. Discuss Possible Future Boundary Changes – Supt. S. Baker
F. Partners in Education Update – Communications Coordinator J. Brock
G. Upcoming Board Member Events – All
H. Other

NEXT MEETING - The next regular meeting of the Board is scheduled for Monday, August 13, 2012, at 6:30 PM, in the Board Room of the Administration Building, 20650 Glenn Street, Elkhorn, NE 68022

NOTE: The **Board Agenda Explanation** contains pertinent notes and administration recommendations for the Regular Meeting, Monday, July 9, 2012.

IV. **Citizen Comments** - As of Friday, July 6, 2012, no member of the public has requested to address the Board.

V. **Monthly Reports** - The Board will receive a "Good News Report".

VI. **Consent Agenda** - The following items are recommended for approval on the consent agenda by the administration: Agenda, Minutes of the Monday, June 4, 2012 6:30 PM Bond Fund Budget, Building Fund Budget and Lunch Fund Budget Hearings and Regular Meeting, July bills as presented and temporary non- resident requests.

VIII. **Business Items**

A. **Personnel Report and Recommendations** - Supt. S. Baker and Asst. Supt. B. Habrock will request the Board takes action to consider a teacher's request for release from contract and new staff appointments.

IX. **Reports/Discussion Items**

A. **Preliminary 2012-13 Budget Report** - Supt. S. Baker and Exec. Dir. of Business and Finance P. Roth will provide a report on the preliminary budget for the 2012-13 fiscal year. A public budget hearing will be scheduled for September 10, 2012 at 6:00 PM.

B. **Rule 10 Multicultural Education Report** - The Board will receive and discuss the annual multicultural education report from the Assoc. Supt. C. Gray.

C. **Learning Community Report** - A. Long and Supt. S. Baker will provide an update on recent Learning Community events.

D. **Calendar Discussion** - Supt. S. Baker and the board will discuss school calendars for the 2013-14, 2014-15 and 2015-16 school years. No Board action will be taken at this time regarding future school calendars.

E. **Boundary Discussion** - Supt. S. Baker will present potential boundary changes associated with the opening of three new schools during the 2013-14 and 2014-15 school years.

F. **Partners in Education Update** - Communications Coordinator J. Brock will present an update on the Partners in Education Program that provides mentors for students K-12.

G. **Upcoming Board Member Events** - The Board will confirm upcoming events and set dates for necessary committee meetings.

H. **Other -**

BOARD AGENDA ITEM VIII.A1
PERSONNEL REPORT AND RECOMMENDATIONS
CONSIDER CONTRACT RELEASE
July 9, 2012

Issues and Recommendations:

Certificated staff may resign at any time prior to April 15. After April 15 contracts renew and certificated staff must request contract releases from the Board. On June 28th B. Habrock was contact by ESHS Foreign Language Teacher, Rachel Johnson. Ms. Johnson informed Mr. Habrock that she planned to offer a letter requesting release from her contract. It was explained to Rachel that it would be extremely difficult finding a suitable replacement for her at this time and that the administration "would not" recommend her release. It was also explained the consequences should she still decide to break her contract with the District. The administration does not recommend that the Board approve this request and the Superintendent will notify the Nebraska Department of Education of the contract violation should Ms. Johnson continue with her plans. The penalty for breaking a contract in Nebraska is the teacher's teaching certificate will be revoked for one year, and the teacher will be required to indicate such when completing future job applications in Nebraska. Ms. Johnson is fully aware of these consequences.

Policies: 408.01 Certificated Employee Resignation

Possible Motion:

It was moved by_____, seconded by_____, to not accept the contract release from Rachel Johnson.

Dear Mr. Habrock,

I have truly enjoyed this last year as a teacher Elkhorn South High School. Working for Elkhorn Public Schools, with the foreign language department and my fellow teachers has been a very positive experience. I am grateful I was given the opportunity to work in such a productive educational environment.

After carefully considering this decision, I would like to request a release from contract. I have decided to peruse another teaching position out of state. I feel this is the best choice for myself. I will truly miss my job here, but feel this was a necessary move.

My last day of work will be July 31. I will be sure to leave my classroom in good condition and will follow the necessary protocol of release.

Thank you for allowing me the opportunity to teach at Elkhorn South High School and working for Elkhorn Public Schools.

Respectfully,

Rachel Johnson

ELKHORN PUBLIC SCHOOLS
MINUTES OF BOARD OF EDUCATION
REGULAR MEETING
JULY 9, 2012

The regular meeting of the Elkhorn Public Schools Board of Education was called to order at 6:30 pm. Members present: A. Long, C. Burney, J. Marasco, A. Clark and R. Riggle. C. Bull was absent and excused. President J. Marasco noted that the meeting was governed by the Open Meetings Act, a copy of which is posted on the east wall of the Board Room.

During the Good News Report the Board recognized ESHS for being one of only nine Nebraska high schools to be honored with the prestigious Farmers School Sportsmanship Award for 2011-12, and Supt. S. Baker was elected for membership as one of 100 superintendents nationwide into the Suburban School Superintendents organization.

It was moved by A. Long seconded by C. Burney to approve the following Consent Agenda items:

- Approval of the Agenda
- Approval of Minutes for the Monday, June 4 Hearings for the Bond, Building and School Lunch Fund Budgets along with the Regular Meeting minutes.
- Presentation of July bills for approval and payment
- Approval of Temporary Non-Resident Students M. Houng (K-FR), S. Stern (1st-WDS), S. Stern (K-WDS), T. Prauner (4th-FR), K. Prauner (2nd-FR) and B. Hernandez (K-HR).

Vote: C. Burney – yes, J. Marasco – yes, A. Long – yes, R. Riggle – yes, A. Clark – yes, C. Bull - absent. Motion Carried.

It was moved by A. Long seconded by A. Clark to not accept the request for contract release from Rachel Johnson.

Vote: J. Marasco – yes, C. Burney – Yes, A. Long – yes, R. Riggle – yes, A. Clark – yes, C. Bull - absent. Motion Carried.

It was moved by C. Burney seconded by R. Riggle to appoint the following certificated staff for the 2012-13 school year: Bobbi Arnett and Gail McGinty as recommended by the administration.

Vote: A. Long – yes, J. Marasco – yes, C. Burney – Yes, C. Clark – yes, R. Riggle – yes, C. Bull – absent. Motion Carried.

The Board received reports on and briefly discussed:
•Preliminary 2012-13 Budget Report
•Rule 10 Multicultural Education Report
•Learning Community Report
•Calendars for 2013-14, 2014-15 and 2015-16 school year

- Possible Future Boundary Changes
- Partners in Education Update
- Upcoming Board Member Events

President J. Marasco adjourned the meeting at 8:07 pm. The next regular meeting of the Board will be at 6:30 pm on Monday, August 13, 2012. The meeting will be held in the Board Room of the Administration Building, 20650 Glenn Street, Elkhorn, NE 68022. Such meeting shall be open to the public and an agenda will be available prior to the meeting at the Superintendent's Office.

Message Jul 10, 2012 10:41 PM

From: Rachel Johnson

To: Mark Kalvoda

Cc: **Bary Habrock**

Subject: Acknowledgement of Board Minutes

Elkhorn Public School Board,

I have read and acknowledge the minutes from the Elkhorn Public School Board meeting. On Tuesday, July 10, 2012, the board voted and did not approve my request for contract release. As stated in a previous letter, I am unable to report this fall.

Rachel Johnson

Spanish II & III
Elkhorn South High School
Elkhorn Public Schools

From: Steve Baker July 11, 2012 10:16:40 AM

Subject: Re: Fwd: Acknowledgement of Board Minutes

To: Rachel Johnson

Cc: Mark Kalvoda Bary Habrock

Bcc: Cindy Gray

Dear Rachel,

Mr. Kalvoda has forwarded your email acknowledging the action taken by the Board of Education on July 9, 2012. This formal vote by the Board was 5-0 to not approve your request for a contract release. One member was absent and not voting. It is my understanding that Mr. Kalvoda will arrange for your checkout at Elkhorn South High School.

It is necessary for me to report this violation of your contract with the Elkhorn Public School District to the Nebraska Department of Education. I will ask that Assistant Superintendent of Schools Bary Habrock follows up in writing once he returns from vacation next week.

If you have any questions please do not hesitate to contact me either by email or phone. While I'm very disappointed in this turn of events, I do want to wish you the very best with your future plans.

Sincerely,
Steve Baker
Superintendent
Elkhorn Public Schools

Cc Mark Kalvoda
Bary Habrock

Mark Kalvoda writes:
Elkhorn Public School Board,

I have read and acknowledge the minutes from the Elkhorn Public School Board meeting. On Tuesday, July 10, 2012, the board voted and did not approve my request for contract release. As stated in a previous letter, I am unable to report this fall.

Rachel Johnson

Spanish II & III
Elkhorn South High School
Elkhorn Public Schools

ELKHORN
PUBLIC SCHOOLS

20650 Glenn Street • P.O. Box 439 • Elkhorn, NE 68022 • 402.289.2579 • Fax 402.289.2585 • www.elkhornweb.org

July 13, 2012

Ms. Rachel Johnson
1883 North 115th Plaza #3830
Omaha, Nebraska 68154

Dear Rachel,

On July 11, 2012 I sent you an email acknowledging the action taken by the Elkhorn Board of Education to deny your request for a release from your 2012-13 contract with the Elkhorn Public Schools District. In this email I also informed you that by not returning you would be in violation of your contractual obligation with the District and I would report such violation to the Nebraska Department of Education.

On July 13, 2012 I have sent a formal complaint to NDE Commissioner Dr. Roger Breed detailing your communication with District officials to not return and fulfill your contractual responsibilities for the 2012-13 school year.

As I stated, I'm disappointed in your decision but still want to wish you the very best with your future plans. In the following weeks you will receive a letter from the business department detailing the wrap up of your payroll and other items.

Sincerely,

Stephen R. Baker
Superintendent

Cc Bary Habrock
Mark Kalvoda
Pam Roth

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D. Commissioner of Education 301 Centennial Mall South - 6th Floor Lincoln, NE 68509-4933 Petitioner, vs. Rachel Johnson 503 Irving Street Bellingham, WA 98225, Respondent.	)	N.P.P.C. Case No. 12-04 Case No. 12032 Request for Support Information

PURSUANT to 93 NAC 003.05 of the Rules and Regulations of the Commission, the Commission requests the Petitioner to file support information regarding the allegations in the Petition.

Dated October 5, 2012

Brian Maher, Chairperson, Hearing Panel
NEBRASKA PROFESSIONAL PRACTICES COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Notice dated October 5, 2012, for Case No. 12-04 was mailed to Rachel Johnson, Respondent by U.S. Mail, postage prepaid, and hand delivered to Brian Halstead on this 5th day of October, 2012, at the following addresses.

Rachel Johnson
Respondent
503 Irving Street
Bellingham, WA 98225

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

Kathi Vontz

Kathi Vontz, Clerk of the Commission

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger Breed, Ed.D. Commissioner of Education 301 Centennial Mall South - 6th Floor P. O. Box 94933 Lincoln, NE 68509-4933 Petitioner, vs. Rachel Johnson 503 Irving Street Bellingham, WA 98225 Respondent.	)))))))))))))))	Case No. 12032 PPC Case No. 12-04 MOTION FOR DEFAULT JUDGMENT

FILED
OCT 3 2012
NE PROFESSIONAL PRACTICES COMMISSION

COMES NOW the Petitioner, by and through the undersigned attorney of record, and moves the Commission for an order of judgment in default as provided in Title 95, *Nebraska Administrative Code*, Chapter 1, Section 003.05. That in support of said motion, the Petitioner would offer the following:

1. That the Petition and Notice of Right to Submit an Answer were filed with the Commission on September 6, 2012;

2. That said Petition, Notice, and a copy of Title 95, *Nebraska Administrative Code*, Chapter 1 (effective date: October 30, 1993), were served upon the Respondent on September 11, 2012, by certified mail, return receipt requested, a copy of which is attached and marked as Exhibit A, and by this reference is incorporated herein;

3. That Title 95, *Nebraska Administrative Code*, Chapter 1, Section 003.05 provides that the Respondent shall be considered in default if the Respondent fails to file an answer within 21 days after service of the Petition and Notice of Right to Submit an Answer.

WHEREFORE, the Petitioner prays that the Commission enter an order finding the Respondent in default, and make such decision and/or recommendation to the State Board of Education that is in accordance with the law.

The undersigned certifies that a copy of the above motion and exhibit was mailed to the parties of record, by U.S. mail, sufficient postage prepaid, on the 3rd day of October 2012.

Brian L. Halstead #18077
Attorney for Petitioner
Nebraska Department of Education

UNITED STATES POSTAL SERVICE

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

Received
14
General Counsel

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. 12-4
- Attach this card to the back of the mailpiece, or on the front if space permits. PLT 12032

1. Article Addressed to:

Rachel Johnson
503 Irving Street
Bellingham WA 98225

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☒ Addressee

B. Received by (*Printed Name*) Rachel Johnson
C. Date of Delivery 9/11/12

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

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 3456 0650

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

EXHIBIT
7.9-04
11

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. Rachel Johnson 503 Irving Street Bellingham, WA 98225 Respondent.	)))))))))))))))	Case No. 12032 PPC Case No. 12-04 PETITION

FILED
SEP 6 2012
NE PROFESSIONAL PRACTICES COMMISSION

Petitioner, in accordance with Section 79-859 through 79-871 of the Revised Statutes of Nebraska, Title 95, Chapter 01, of the Nebraska Administrative Code, and Title 92, Chapters 27 and 28 of the Nebraska Administrative Code, states and alleges as follows:

1. The Petitioner is Roger D. Breed, Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509;

2. The Respondent is Rachel Johnson, 503 Irving Street, Bellingham, WA 98225;

3. The Respondent holds a public Nebraska initial teaching certificate number 2010004990, endorsed in English as 2nd Language K-12 and World Language-Spanish 7-12, with an expiration date of August 31, 2015;

4. The Respondent was employed as a Spanish teacher by the Elkhorn Public Schools for the 2012-2013 school year;

5. On or about August 8, 2012, the Respondent did not adhere to the terms of her teaching contract with the Elkhorn Public Schools for the 2012-2013 school year; and

6. The following statutes and standards would appear applicable: Neb. Rev. Stat. Section 79-821 (Reissue 2008) which states, "Upon presentation of proof that any teacher, principal, supervisor, assistant superintendent, or superintendent has, without just cause, violated or abrogated his or her contract with a school district in the state, the State Board of Education shall suspend the certificate of such teacher, principal, supervisor, assistant superintendent, or superintendent for a period of not more than one calendar year after a hearing has been held at a time and place fixed by the board and of which notice has been given to the person whose certificate is sought to be suspended by either registered or certified mail at least ten

days prior to the hearing"; Section 79-866(2) (Reissue 2008) 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"; and Title 92, *Nebraska Administrative Code*, Chapter 27, Section 007 (effective date: November 12, 2003) which states, "Educators shall adhere fully to the terms of a contract or appointment".

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 6th day of September 2012.

Roger D. Breed

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.

Roger D. Breed

Petitioner

Subscribed and sworn to before me this 6th day of September 2012 by Roger D. Breed, Commissioner of Education, as Petitioner.

Nikole Sander

Notary Public

GENERAL NOTARY - State of Nebraska
NIKOLE SANDER
My Comm. Exp. June 25, 2015

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 person, postage prepaid, by certified mail, return receipt requested, this 6th day of September 2012:

Rachel Johnson
503 Irving Street
Bellingham, WA 98225
Article Number 7010 0780 0000 3456 0650

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. Rachel Johnson 503 Irving Street Bellingham, WA 98225 Respondent.	)))))))))))))))	Case No. 12032 PPC Case No. 12-04 NOTICE OF RIGHT TO SUBMIT ANSWER

FILED
SEP 6 2012
NE PROFESSIONAL PRACTICES COMMISSION

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 person, postage prepaid, by certified mail, return receipt requested, this 6th day of September 2012:

Rachel Johnson
503 Irving Street
Bellingham, WA 98225
Article Number 70100780000034560650

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

PENGAD 800-631-6989
EXHIBIT
7.9-69
2
12-8-12

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

PENGAD 800-631-6989
EXHIBIT
7.9-10-4
2
12-8-12

NEBRASKA PROFESSIONAL PRACTICES COMMISSION

TITLE 95, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 1

REGULATIONS CONCERNING TEACHER AND ADMINISTRATOR PROFESSIONAL PRACTICES HEARINGS

PROFESSIONAL PRACTICES COMMISSION

PENGAD 800-631-6989
EXHIBIT
12-4
3
12-8-12 WC

Effective Date
October 30, 1993