

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Brian L. Maher, Ed.D.)
Commissioner of Education)
500 S. 84th Street, 2nd Floor)
P.O. Box 94933)
Lincoln, NE 68509-4933,)
)
Petitioner,)
)
v.)
)
Shaina Borer)
8121 S. Cherrywood Drive)
Lincoln, NE 68510,)
)
Respondent.)

NDE Case No. 24-02

FINAL ORDER

This matter came before the State Board of Education (State Board), Lincoln, Nebraska, on March 28, 2024, upon the recommendation of the Nebraska Professional Practices Commission (NPPC) that the Nebraska Initial teaching certificate of Respondent, Shaina Borer, be suspended for a period of one year effective May 1, 2023. The parties were notified of the State Board’s consideration in this matter. Appearing before the State Board were Tamra L. Walz, General Counsel, on behalf of the Commissioner of Education, and NPPC Clerk Kelly Muthersbaugh, who provided a summary of the NPPC’s recommendation in this matter. The Respondent appeared with legal counsel, Jonathan Hunzeker.

The record of the NPPC proceeding, containing the “Findings of Fact, Conclusions of Law, and Recommendation of the Commission,” and all of the pleadings, exhibits, and a written transcript of the NPPC hearing, was received by the State Board into evidence as “Exhibit 1.” The Notice of Disposition and the certified mail return receipt were received

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

1. The State Board has jurisdiction in this case pursuant to Neb. Rev. Stat. § 79-866(2) (2014).

2. The Petitioner is Brian L. Maher, Ed.D., Commissioner of Education, 500 S. 84th Street, 2nd Floor, P.O. Box 94933, Lincoln, NE 68509-4933.

3. The Respondent is Shaina Borer, 8121 S. Cherrywood Drive, Lincoln, NE 68510.

4. The Respondent holds a public Nebraska Initial teaching certificate number 20200006351, endorsed in Elementary Education K-6 and Special Education Generalist K-12, with an expiration date of August 31, 2025.

5. The Respondent was employed by the Lincoln Public Schools (LPS) as a Special Education teacher at Northeast High School beginning with the 2021-2022 school year.

6. Beginning on or about January 4, 2023, the Respondent did not adhere to the terms of her contract with the LPS for the 2022-2023 school year.

7. The Respondent has violated Neb. Rev. Stat. § 79-821 (2014), which states, in pertinent part: "Upon presentation of proof that any teacher . . . 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 . . . 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.”; Neb. Rev. Stat. § 79-866(2) (2014), which states, in pertinent part: “The board may, for just cause, revoke or suspend any teacher’s or administrator’s certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher’s or administrator’s certificate by the board”; and Title 92, *Nebraska Administrative Code*, Chapter 27 (effective date: November 12, 2003), Section 004.06C (“the educator . . . shall give prompt notice to the employer of any change in availability of service”); Section 005.02B2 (“Each teacher . . . shall: Adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher or special services provider”); and Section 007 (“Educators shall adhere fully to the terms of a contract or appointment.”).

8. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. § 79-866(2) to suspend the Respondent’s certificate for a period of one year.

9. The Nebraska Initial teaching certificate of Shaina Borer, number 20200006351, endorsed in Elementary Education K-6 and Special Education Generalist K-12, with an expiration date of August 31, 2025, shall be suspended for a period of one (1) year effective May 1, 2023.

Dated this 3rd day of April, 2024.

STATE BOARD OF EDUCATION

BY: 
Elizabeth J. Tegtmeier, President

The vote by the State Board of Education to approve the Final Order in Case No. 24-02, on March 28, 2024, was 7 in favor, _____ against, _____ abstaining, and 1 absent. Individual State Board members voted as follows:

IN FAVOR: P. Koch Johns, D. Neary, L. Fricke, E. Tegtmeier, P. Gubbels, S. Jones,
K. Penner

AGAINST: _____

ABSTAINING: _____

ABSENT: J. Morrison

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon counsel for Respondent, Jonathan Hunzeker, 605 South 14th Street, Suite 220, Lincoln, NE 68510, by regular U.S. Mail; Kelly Muthersbaugh, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, by interoffice mail; and Tamra L. Walz, General Counsel, Nebraska Department of Education, 500 S. 84th Street, 2nd Floor, Lincoln, NE 68510-2611, via interoffice mail, all on this 3rd day of April, 2024.



Paul B. Sykes