

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Matthew L. Blomstedt, Ph.D.)	NDE Case No. 23-20
Commissioner of Education)	
P.O. Box 94933)	
Lincoln, NE 68509-4933,)	
)	
Petitioner,)	FINAL ORDER
)	
v.)	
)	
Susan Fonyonga)	
1023 Bryn Mawr Drive)	
Papillion, NE 68046,)	
)	
Respondent.)	

This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on June 27, 2023, upon the recommendation of the Nebraska Professional Practices Commission ("NPPC") that the public Nebraska teaching certificate and permit of the Respondent, Susan Fonyonga, be revoked for a period of five years. The parties were notified of the State Board's consideration in this matter. Appearing before the State Board was Tamra L. Walz, General Counsel, on behalf of the Commissioner of Education. NPPC Clerk Kelly Muthersbaugh appeared and provided a summary of the NPPC's recommendation in this matter. The Respondent did not appear.

The record of the NPPC proceeding, containing the "Findings of Fact, Conclusions of Law, and Recommendation of the Commission" ("Recommendation"), 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 Matthew L. Blomstedt, Ph.D., Commissioner of Education, P.O. Box 94933, Lincoln, NE 68509-4933;

3. The Respondent is Susan Fonyonga, 1023 Bryn Mawr Drive, Papillion, NE 68046;

4. The Respondent holds a (1) State Substitute teaching permit number 2019002022, endorsed in Elementary Education K-6 and Early Childhood Education PK-3, with an expiration date of August 31, 2024, and (2) an Initial teaching certificate number 20210006092, endorsed in Elementary Education K-6 and Early Childhood Education PK-3, with an expiration date of August 31, 2026;

5. The Respondent was employed as a Lead Teacher by Educare of Omaha, Inc. ("Educare"), through the Omaha Public Schools ("OPS"), beginning with the 2022-2023 school year;

6. On September 19, 2022, it was reported that the Respondent had given "gummy bears" to four children, ages 3-4, on more than one occasion. A search of the classroom revealed a container with a ripped label. The bottle was later determined to contain Adult Gummy Melatonin 5 mg (for ages eighteen and above). When questioned, the Respondent was untruthful as to the contents of the bottle;

7. On September 19, 2022, the Respondent was informed she was being placed on paid administrative leave. On September 20, 2022, the Respondent was issued a termination letter, effective immediately, due to a violation of standards of

conduct and neglect of job duties. In addition, Respondent's actions violated Educare's Medication Administration Policy and Procedure;

8. The Respondent has violated 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."; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.03C (effective date: November 12, 2003) ("the educator: Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety"); Section 004.03D (same effective date) ("the educator: Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student"); Section 005.02B2 (same effective date) ("Each teacher and special services provider shall: Adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher or special services provider"); Section 005.04A1 (same effective date) ("Each educator shall: Create an atmosphere which fosters interest and enthusiasm for learning and teaching"); and Section 005.06D (same effective date) ("The educator shall: Develop and maintain positive standards of conduct");

9. As set out in the NPPC's Recommendation, the undisputed facts show that Respondent gave adult-strength melatonin, in the form of gummy bears, to three- and four-year old children in her classroom. Respondent was deceptive in her actions by hiding and scraping off the label of the container. She was dishonest when confronted

by school personnel, and never acknowledged giving the students the melatonin despite clear evidence supporting this conclusion. Further, Respondent's action were done without parental consent, in violation of Educare's policies, and in violation of multiple standards of ethical and professional conduct. Consequently, upon careful consideration, the State Board finds the recommended sanction of a five-year revocation is not adequate given the egregious nature of Respondent's actions;

10. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. § 79-866(2) (2014) to permanently revoke the Respondent's permit and certificate; and

11. The public Nebraska permit and certificate of Susan Fonyonga, i.e., (1) State Substitute teaching permit number 2019002022, endorsed in Elementary Education K-6 and Early Childhood Education PK-3, with an expiration date of August 31, 2024, and (2) Initial teaching certificate number 20210006092, endorsed in Elementary Education K-6 and Early Childhood Education PK-3, with an expiration date of August 31, 2026, shall be permanently revoked from and after the date of this order.

Dated this 27th day of June, 2023.

STATE BOARD OF EDUCATION

BY: 

Patti Gubbels, President

The vote by the State Board of Education to approve the Final Order in Case No. 23-20, on June 27, 2023, was 8 in favor, _____ against, _____ abstaining, and _____ absent. Individual State Board members voted as follows:

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

AGAINST: _____

ABSTAINING: _____

ABSENT: _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon Respondent, Susan Fonyonga, 1023 Bryn Mawr Drive, Papillion, NE 68046, by regular U.S. Mail; Kelly Muthersbaugh, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via 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 29th day of June, 2023.

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