

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA



Jim Knott
Douglas County West Community Schools
401 South Pine Street
Valley, NE 68064

Complainant,

vs.

Randy Garton
19605 Hopper Street
Elkhorn, NE 68022

Respondent.

Case No. 19049

VOLUNTARY SURRENDER

In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, Section 003.08 (effective date: December 25, 1989), the Respondent, Randy Garton, being duly sworn, states:

1. The Respondent, Randy Garton, holds a public Nebraska Standard teaching certificate number 2019006388, endorsed in Music PK-12, with an expiration date of August 31, 2023.
2. The Respondent, upon execution of this document, expressly waives any and all rights Respondent possesses under Neb. Rev. Stat. Sections 79-859 through 79-871, Title 92, *Nebraska Administrative Code*, Chapters 27, 28, and 29 regarding the revocation and reinstatement of the certificate outlined in paragraph (1) above.
3. The Respondent acknowledges that this voluntary surrender will be treated as an indefinite revocation for purposes of publicity and reinstatement of the certificate presently held by the Respondent as outlined in paragraph (1) above.
4. The Respondent admits that on September 26, 2019, a complaint was filed with the Department of Education alleging that during the 2018-2019 and 2019-2020 school year, the Respondent subjected students in his class to inappropriate and sexually explicit conversations regarding his personal life and threatened self-harm if the students reported his comments to anyone. The Respondent, by executing this document, does not admit the allegations, but does not wish to contest the allegations. The Respondent does not wish to dispute whether the State Department of Education would have sufficient evident to show at a hearing that this conduct violates Neb. Rev. Stat. Section 79-866 (2) (Reissue 2014) which states: "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02E (effective date: November 12, 2003) which states, "the educator: Shall not exploit professional relationships with students,

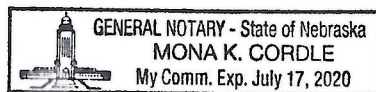
colleagues, parents, school patrons, or school board members for personal gain or private advantage”; Section 004.02F (same effective date) which states, “the educator: Shall not sexually harass students, parents or school patrons, employees, or board members”; Section 004.03C (same effective date) which states, “the educator: Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety”; Section 004.03D (same effective date) which states, “the educator: Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student”; Section 004.04E (same effective date) which states, “the educator: Shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21”; Section 005.02B2 (same effective date) which states, “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”; Section 005.04A1 (same effective date) which states: Each educator shall: Create an atmosphere which fosters interest and enthusiasm for learning and teaching”; and Section 005.06D (same effective date) which states, “The educator shall: Develop and maintain positive standards of conduct.”

5. The Respondent executes this document knowingly, voluntarily, and intelligently with understanding of his rights in this matter. The Respondent further acknowledges that the Commissioner of Education, the State Board of Education, or anyone connected with the State Department of Education has not made any offers, promises, threats, or inducements to the Respondent to persuade the Respondent to execute this voluntary surrender.


Randall Garton

State of Nebraska)
) ss.
County of Douglas)

The foregoing document was acknowledged before me this 16th day of October 2019 by Randall Garton.




Notary Public