

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Brian L. Maher, Ed.D.)	
Commissioner of Education)	
500 S 84 th Street, 2 nd Floor)	
P.O. Box 94933)	N.P.P.C. Case No. 23-15
Lincoln, NE 68509-4933)	Case No. 23040
)	
Petitioner,)	
)	
vs.)	
)	Findings of Fact, Conclusions
)	of Law, and Decision of
)	the Commission
Cydney Granger)	
2229 Estes Lane)	
Fremont, NE 68025)	
)	
Respondent.)	
)	
)	

I. STATEMENT OF THE CASE

This case commenced with the filing of a Petition on November 20, 2023, by Brian L. Maher, Ed.D., Commissioner of Education, Department of Education, State of Nebraska, hereinafter referred to as "Petitioner." The Petition was filed against Cydney Granger, hereinafter referred to as "Respondent." The Petitioner alleges certain acts of conduct by the Respondent in violation of the Neb. Rev. Stat. §79-866(2) (Reissue 2014) and Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02E (effective date: November 12, 2003), Section 004.03C (same effective date), Section 005.02B2 (same effective date), and Section 005.06D (same effective date).

On November 29, 2023, 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) were served upon the Respondent, and on November 21, 2023, 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) were served upon the Attorney for the Respondent.

On December 12, 2023, the Respondent filed an Answer to the Petition:

1. Respondent admits paragraph 1 of the Petition.

2. Respondent admits paragraph 2 of the Petition.
3. Respondent admits paragraph 3 of the Petition.
4. Respondent admits paragraph 4 of the Petition.
5. Respondent admits that during the 2022-2023 school year the Respondent engaged in noneducational communication with students via texts and/or social media platforms. Respondent admits that on one occasion the Respondent went to a student's home while the parents were away. Respondent denies the remaining allegations of paragraph 5 of the Petition.
6. Respondent admits paragraph 6 of the Petition.
7. Respondent denies paragraph 7 of the Petition.
8. Respondent denies each and every allegation of the Petition not specifically admitted in this Answer.

Wherefore, Respondent requests that the Professional Practices Commission dismiss the Petition in this matter.

This case came on for a pre-hearing telephone conference at 1:00 p.m. on February 15, 2024. Participating in the conference were Jonathan Hunzeker, Attorney for the Respondent; Tamra Walz, Attorney for the Petitioner; Kelly Muthersbaugh, Clerk of the Commission; and Linda S. Porter, Hearing Officer for the Commission.

The purpose of the call was to discuss time frames for exchange of discovery, witness lists, subpoena requests, stipulations and to determine time for arguments. The parties mutually agreed to an order requiring them to exchange discovery, including witness and exhibit lists by 5:00 p.m., Wednesday, March 6, 2024. Attorneys for both parties were also requested to have Praecipe for Subpoenas to the Clerk of the Commission no later than 5:00 p.m., Friday, March 8, 2024. There being no other issues to address, the call ended at 1:20 p.m.

On February 28, 2024, Kelly Muthersbaugh filed a Notice of Hearing which was sent to the Respondent and the Attorney for the Respondent, postage prepaid, and delivered electronically by email to the Petitioner's general counsel. The Notice of Hearing advised that a public hearing on the Petition would be held on Wednesday, March 20, 2024, commencing at approximately 9:00 a.m., in the Lancaster Hearing Room, Lower Level, 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 Linda Porter serving as legal counsel to advise the Chair in the performance of her duties.

On March 8, 2024, Praecipis for Subpoenas was filed by Jonathan Hunzeker, attorney for the Respondent, requesting the Clerk to execute subpoenas ordering the following individuals to appear on Wednesday, March 20, 2024, at 9:00 a.m.: Karissa Kibby and Shannon Hansen. On March 11, 2024, Kelly Muthersbaugh, Clerk of the Commission did prepare and return the executed subpoenas by electronic mail.

On March 8, 2024, a Praeceptum for Subpoenas was filed by Tamra Walz, attorney for the Petitioner, requesting the Clerk to issue subpoenas ordering the following individuals to appear on Wednesday, March 20, 2024, at or approximately 9:10 a.m.: Cydney Granger, Craig Taylor, Sergeant B.R. Mastin, John Molzahn, Jennifer Kreikemeier, Jess Kment, Jaime Weaklend, Student M.W. (via parent Jaime Weaklend), Emily Kahlandt, Stacey Smith and Karissa Kibby. On March 11, 2024, Kelly Muthersbaugh, Clerk of the Commission did prepare and send these subpoenas by electronic mail and U.S. Mail, postage prepaid.

On March 11, 2024, an Amended Praeceptum for Subpoenas was filed by Tamra Walz, attorney for the Petitioner, to add an additional witness (Joe Foust) and correct an email address. The Clerk issued subpoenas ordering the following individuals to appear on Wednesday, March 20, 2024, at or approximately 9:10 a.m.: Cydney Granger, Craig Taylor, Sergeant B.R. Mastin, John Molzahn, Jennifer Kreikemeier, Jess Kment, Joe Foust, Jaime Weaklend, Student M.W. (via parent Jaime Weaklend), Emily Kahlandt, Stacey Smith and Karissa Kibby by electronic mail and U.S. Mail, postage prepaid on March 11, 2024.

The Petition came on for hearing at the above time and place before a Hearing Panel of the Commission consisting of Commission Members: Terri Anderson, Linda Brock, Chad Denker, Brian Hof, Eric Malina, Brian Maschmann, Judi Roach, and Thomas Seib. Commissioner Roach served as Chairperson. The proceedings were reported by Linda Rohman of General Reporting Services, Lincoln, Nebraska. The Petitioner appeared by Tamra Walz, Legal Counsel. The Respondent appeared and was represented by her Counsel, Jonathan Hunzeker. Exhibits and testimony were received in evidence and legal counsel made closing arguments.

Thereupon the Commission deliberated based on the record before it and makes the following Findings of Fact, Conclusions of Law, and Order:

II. FINDINGS OF FACT

1. The Petitioner, Brian L. Maher, is the Commissioner of Education for the State of Nebraska, 500 South 84th Street, 2nd Floor, Box 94933, Lincoln, NE 68509-4933.
2. The Respondent is Cydney Granger, 2229 Estes Lane, Fremont, NE 68025.
3. The Respondent holds a Nebraska public Standard teaching certificate number 20210007320, endorsed as Special Education Generalist K-12 and Coaching 7-12, with expiration date of August 31, 2026.
4. The Respondent was employed as a special education teacher and coach by the Logan View Public Schools (Logan View) beginning with the 2020-2021 school year.

5. During the 2022-2023 school year, Respondent engaged in non-educational communication with students via text and/or social media platforms. On one occasion, the Respondent went to a student's home while the parents were away.
6. During the period Respondent was being investigated by Logan View administration, Respondent requested a student delete text messages sent to her by Respondent.
7. On November 3, 2023, the Respondent was notified of possible cancellation of her contract due to the above-referenced conduct which violated school policies. On December 1, 2022, the Respondent resigned her employment effective January 31, 2023, and entered into a Resignation Agreement on December 2, 2023, which was accepted by the Logan View School Board on January 9, 2023.

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. Respondent has violated Title 92, *Nebraska Administrative Code*, Chapter 27, Section 005.02B2 (effective date: November 12, 2003), 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";
3. Respondent has violated Title 92, *Nebraska Administrative Code*, Chapter 27, Section 005.06D (effective date: November 12, 2003), which states, "The educator shall: Develop and maintain positive standards of conduct."

IV. ORDER OF REPRIMAND

The Respondent in both her Answer and her sworn testimony admitted engaging in non-educational communication with students via texts and/or social media platforms. No admissible evidence was presented to the Commission as to the number of messages sent, nor as to the specific content of the messages. A parent of one of the students did testify that she had reviewed the messages sent by Respondent to her daughter and had no concern regarding the nature of the communications.

Respondent also admitted going to a student's home when the parents were not present and spending approximately a half hour in the garage, while taking the student some pumpkin carving tools.

Finally, Respondent in her testimony acknowledged the grave error she made in asking a student to delete text messages she had sent to her, but denied they involved improper content or intent. No evidence was presented to the Commission to contradict this testimony.

Because Respondent violated school policies as set forth in Exhibits 4 and 5, and also did not demonstrate positive standards of conduct for an educator by asking a student to delete text messages sent to the student, the Commission finds that the Respondent should be issued a public reprimand for such conduct as a matter of public record.

Dated Mar 27, 2024.

Judi Roach
Judi Roach (Mar 27, 2024 18:35 CDT)

Judi Roach, Chairperson
Hearing Committee
Nebraska Professional Practices Commission

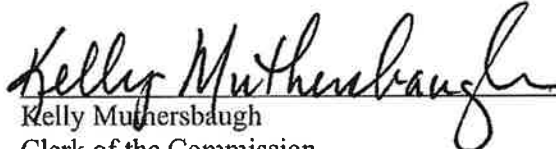
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, and Decision for Case No. 23-15 was served upon Respondent, Cydney Granger, and Jonathan Hunzeker, Attorney for Respondent, by certified mail, and delivered by electronic mail to Tamra Walz, Attorney for Petitioner on this 28th day of March, 2024 at the following addresses:

Cydney Granger
Respondent
2229 Estes Lane
Fremont, NE 68025

Tamra Walz
TAMRA.WALZ@NEBRSKA.GOV

Jonathan Hunzeker, Attorney at Law
605 South 14th Street, Suite 220
Lincoln, NE 68508



Kelly Muttersbaugh
Clerk of the Commission

NEBRASKA PROFESSIONAL PRACTICES COMMISSION

REPRIMAND

Cydney Granger
2229 Estes Lane
Fremont, NE 68025

Certificate No. 20210007320
N.P.P.C. Case No. 23-15
NDE Case No. 23040

Cydney Granger, a Nebraska school certificate holder, you are hereby reprimanded for violating the standards of professional conduct and ethics. The Nebraska Department of Education has conducted an investigation and has determined that during the 2022-2023 school year, you engaged in non-educational communication with students via text and/or social media platforms, went to a student's home on one occasion while the parents were away, and requested a student delete text messages you sent to the student during the investigation. Your conduct is a violation of Title 92, *Nebraska Administrative Code*, Chapter 27, Section 005.02B2 (effective date: November 12, 2003), 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"; and Section 005.06D (same effective date), which states, "The educator shall: Develop and maintain positive standards of conduct." The Nebraska Professional Practices Commission conducted a hearing on the matter and determined a public reprimand be issued for the above-mentioned violations.

Any further unprofessional or unethical conduct may result in the suspension or revocation of your Nebraska school certificate.

Dated: Mar 28, 2024

Eric Malina
Eric Malina (Mar 28, 2024 13:51 CDT)

Eric Malina, Chairperson
Nebraska Professional Practices Commission

This reprimand is public and is subject to publication. A copy of this reprimand will be maintained by the Department of Education. Additionally, a notation will appear on your official certificate record that you received a reprimand on this date.