

STATE OF NEBRASKA)  
                                ) ss.  
LANCASTER COUNTY)

NOTICE OF RULE-MAKING HEARING  
NEBRASKA DEPARTMENT OF EDUCATION

NOTICE is hereby given that the Department of Education will conduct consecutive rule-making hearings Tuesday, June 22, 2021 at 10:00 a.m. (CT) via ZOOM (<https://educationne.zoom.us/j/97735033113>).

These hearings will be held on the **repeal** of Title 92, Nebraska Administrative Code, Chapter 29 (Rule 29), *Regulations and Standards for Professional Practices Case Determinations by the State Board* AND the proposed **revisions** to Title 92, Nebraska Administrative Code, Chapter 28 (Rule 28), *Professional Practices Investigations, Nonpublic Certificate Hearings and Determinations by the State Board*.

The PURPOSE of the **proposed repeal of Rule 29** is remove outdated an unnecessary regulation and incorporate necessary provisions into Rule 28.

The PURPOSE of the **proposed revisions to Chapter 28** is to update current language so it is consistent with current law and best practices and includes provisions related to confidentiality, permanent revocation, and disposition of cases without a formal hearing.

The FISCAL IMPACT statements may be obtained and inspected at the Office of the Nebraska Department of Education.

These consecutive hearings are being conducted under the provisions of Section 84-907 R.R.S., 1943, which provides that DRAFT COPIES OF THE PROPOSED RULES ARE AVAILABLE for public examination at the Nebraska Department of Education and at the Office of the Secretary of State, State Capitol Building, Lincoln, Nebraska. A copy of the hearing drafts for these Rules are also available on the Nebraska Department of Education's webpage at:  
<https://www.education.ne.gov/legal/current-hearing-drafts/>

All INTERESTED PERSONS are invited to ATTEND and TESTIFY via ZOOM (<https://educationne.zoom.us/j/97735033113>). Interested persons may also submit written comments to the Nebraska Department of Education prior to the hearing at [NDE.RuleHearing@nebraska.gov](mailto:NDE.RuleHearing@nebraska.gov). Written comments will be made a part of the hearing record at the time of the hearing.

Dated at Lincoln, Nebraska this 5th day of May, 2021.

Nebraska Department of Education  
Matthew L. Blomstedt, Ph.D.  
Commissioner of Education

FISCAL IMPACT  
STATEMENT

Agency: Nebraska Department of Education  
 Prepared by: Sara Hulac  
 Date Prepared: 3/18/21  
 Phone: 402-471-0312  
 Title: 92  
 Chapter: 28  
 Name: Professional Practices Investigations, Nonpublic Certificate  
 Hearings and Determinations by the State Board  
 Statement Status: Hearing Draft

Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact			
Increase Costs	\$750		
Decrease Costs			
Increased Revenue			
Decreased Revenue			
Indeterminable			

Description of Impact:

**State Agency:** Nebraska Department of Education, \$650 for publication and \$100 for printing costs for the new rule.

**Political Subdivision:** None

**Regulated Public:** None



**Omaha World-Herald**

## Order Confirmation

Order# 0000228917

### Client

NEBRASKA DEPT. OF EDUCATION-

Phone: 4024712598

Account: 1029918

Address: 301 CENTENNIAL MALL SOUTH, 6TH FLOOR  
LINCOLN NE 68509

### Payor

NEBRASKA DEPT. OF EDUCATION-

Phone: 4024712598

Account: 1029918

Address: 301 CENTENNIAL MALL SOUTH, 6  
LINCOLN NE 68509

### Ad Content Proof

Note: Ad size does not reflect actual ad

### Sales Rep

tchandler

### Acct Rep

owh\_open

### Ordered By

Brenda Wid

### Fax:

E-Mail:

Total Amount

\$494.04

Payment Amount

\$0.00

Amount Due

\$494.04

Tax Amount:

0.00

Payment Meth:

Invoice Statement

### Tear Sheets

0

PO Number:

### Proofs

0

132512

### Materials

### Affidavits

0

### Blind Box

### Ad Number

0000228917-01

### Ad Type

OWH CLS Legal Lir

### Ad Size

1 X 92 li

### Color

\$0.00

### Production Method

AdBooker (Liner)

### Product and Zone

OWH World Herald

### Placement

C-Legal Ads

### Position

Legal Notices

### # Inserts

1

Run Schedule Invoice Text:

STATE OF NEBRASKA)

ss.

Run Dates

5/ 5/2021

TagLine: STATEOFNEBRASKASSLANCASTERCOUNTYNOTICEOFRULEMAKINGHEARINGNEBRASKADEPARTME  
NTOFEDUCATIONNOTICE

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NOTICE OF RULE-  
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the State Board AND the  
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Nebraska Administrative Code,  
Chapter 28 (Rule 28), Profes-  
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State, State Capitol Building,  
Lincoln, Nebraska. A copy of the  
hearing drafts for these Rules are  
also available on the Nebraska  
Department of Education's  
website at: https://www.  
educationne.org/5502/initial/notice-  
hearing-drafts/

ALL INTERESTED PERSONS are  
invited to ATTEND and TESTIFY  
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zoom.us/j/9773503113).  
Interested persons may also  
submit written comments to the  
Nebraska Department of  
Education prior to the hearing at  
NDE.Rules@nebraska.gov.  
Written comments will be made a  
part of the hearing record at the  
time of the hearing.

Dated at Lincoln, Nebraska this  
5th day of May, 2021.

Nebraska Department  
of Education  
Kristen L. Baumstedt, Ph.D.  
Commissioner of Education  
ZHEZ

**NEBRASKA DEPARTMENT  
OF EDUCATION**

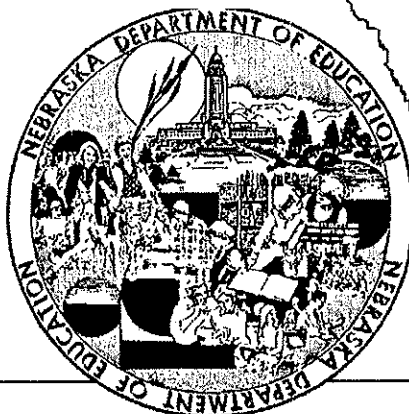
# **RULE 28**

**PROFESSIONAL PRACTICES INVESTIGATIONS, NONPUBLIC  
CERTIFICATE HEARINGS AND DETERMINATIONS BY THE STATE  
BOARD**

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 28**

**HEARING DRAFT  
APRIL 26, 2021**

**State of Nebraska  
Department of Education  
301 Centennial Mall South  
Lincoln, Nebraska 68509**



TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION  
 CHAPTER 28 - PROFESSIONAL PRACTICES INVESTIGATIONS, ~~AND~~ NONPUBLIC  
 CERTIFICATE HEARINGS AND DETERMINATIONS BY THE STATE BOARD

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<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
General Information	<u><del>79-1282, 79-1284, 79-328(5)(j)</del></u> <u><del>79-318, 79-305, 79-866, 79-867,</del></u> <u><del>79-868, 79-869</del></u>	001
Definitions	<u><del>79-1282, 79-1284, 79-328(5)(j)</del></u> <u><del>79-318, 79-305, 79-860</del></u>	002
Complaints and Investigations	<u><del>79-1282, 79-1283, 79-1284, 79-328(5)(j)</del></u> <u><del>79-866, 79-867, 79-868, 79-869</del></u>	003
<u>Alternative Disposition</u>	<u>79-318, 79-868, 79-869</u>	<u>004</u>
<u>Hearings</u>	<u><del>79-1282, 79-1283, 79-1284, 79-328(5)(j)</del></u>	<u>005</u>
Petitions <u>&amp; Hearings</u>	<u><del>79-1282, 79-1283, 79-1284, 79-328(5)(j)</del></u> <u><del>79-866, 79-868</del></u>	<u>0045</u>
<u>Evidence</u>	<u><del>79-1282, 79-1284, 79-328(5)(j)</del></u>	<u>006</u>
<u>Recommendations to the Board</u>	<u>79-318, 79-868, 79-869</u>	<u>006</u>
<u>Review of Recommendations</u>	<u>79-318, 79-868, 79-869</u>	<u>007</u>
Disposition of Cases	<u><del>79-1282, 79-1283, 79-1284, 79-328(5)(j)</del></u> <u><del>79-318, 79-868, 79-869</del></u>	<u>008</u>
<u>Reinstatement</u>	<u>79-318, 79-868, 79-869</u>	<u>009</u>
<u>Confidentiality</u>	<u>79-318, 79-868, 79-869</u>	<u>010</u>

Appendix A - Complaint Form

Appendix B - Petition Form

Appendix C - Answer Form



TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION  
CHAPTER 28 - PROFESSIONAL PRACTICES INVESTIGATIONS, ~~AND~~ NONPUBLIC  
CERTIFICATE HEARINGS AND DETERMINATIONS BY THE STATE BOARD

ALPHABETICAL TABLE OF CONTENTS

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Definitions	<u>79-1282, 79-1284, 79-328(5)(j)</u> <u>79-318, 79-3015, 79-860</u>	002
Disposition of Cases	<u>79-1282, 79-1283, 79-1284, 79-328(5)(j)</u> <u>79-318, 79-868, 79-869</u>	008
<u>Evidence</u>	<u>79-1282, 79-1284, 79-328(5)(j)</u>	<u>006</u>
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Appendix A - Complaint Form

Appendix B - Petition Form

Appendix C - Answer Form

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION  
CHAPTER 28 - PROFESSIONAL PRACTICES INVESTIGATIONS, ~~AND~~ NONPUBLIC  
CERTIFICATE HEARINGS AND DETERMINATIONS BY THE STATE BOARD

001    General Information

001.01   Statutory Authority. Sections ~~79-1282 and 79-328(5)(j)~~ 79-866 through 79-868 of the Revised Statutes of Nebraska (R.R.S.) provide the basis for the State Board of Education (Board) to revoke or suspend any teacher, administrator, or special services ~~counseling~~ certificate for just cause. Section ~~79-1283~~ 79-868 R.R.S. authorizes the ~~State Board of Education (Board)~~ to request the Professional Practices Commission (Commission) to conduct hearings and make recommendations concerning alleged violations of standards of professional ethics and practices by holders of public school certificates. Section ~~79-1283~~ 79-868 R.R.S. also authorizes the Board to employ hearing officers to conduct hearings and make recommendations regarding violations of a similar nature by holders of nonpublic school certificates.

001.02   Scope and Application of this Chapter. This chapter governs investigations and hearings involving complaints against holders of teaching, administrative, or special services ~~counseling~~ certificates issued pursuant to Title 92, Nebraska Administrative Code (NAC), Chapter 21, for alleged violations of standards of professional ethics and practices applicable to such certificated individuals as contained in 92 NAC 27. This chapter also governs procedures before the Board when a recommendation has been made to the Board by the Professional Practices Commission pursuant to 95 NAC 1, or 95 NAC 2, in public school certificate cases. This chapter is not applicable to noncertificated individuals monitoring instruction in exempt schools under 92 NAC 13.

001.03   Related Regulations. Standards of professional practices and ethics for holders of both public and nonpublic certificates are contained in 92 NAC 27. ~~Procedures for review of hearing recommendations under this chapter (for nonpublic school certificate holders) and under 95 NAC 1 (for public school certificate holders), are contained in 92 NAC 29.~~ Regulations for the issuance of public school and nonpublic school certificates are contained in 92 NAC 21. Procedures for the reinstatement of a public school certificate are contained in 95 NAC 2. ~~Procedures for the reinstatement of a nonpublic school certificate are contained in 92 NAC 29.~~

002    Definitions. As used in this chapter:

002.01   Administrator ~~shall~~ means any holder of a public or nonpublic certificate for administration or supervision issued pursuant to 92 NAC 21.

002.02   Admonishment ~~shall~~ means a private sanction to a certificate holder that further unprofessional or unethical conduct may result in more serious action, including the suspension or revocation of a certificate. This sanction may be imposed by the Commissioner, Commission, or Board.

002.03   Board ~~shall~~ means the State Board of Education.

002.04   Certificated person holder ~~shall~~ means any holder of a certificate or permit issued pursuant to 92 NAC 21.



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CHAPTER 28

002.05 Commission ~~shall~~ means the Nebraska Professional Practices Commission.

002.06 Commissioner ~~shall~~ means the Nebraska State Commissioner of Education.

002.07 Complainant ~~shall~~ means any individual(s) or organization(s) filing a complaint with the Commissioner.

002.08 Department ~~shall~~ means the Nebraska State Department of Education, which is comprised of the Board and the Commissioner.

002.09 Permanent Revocation means a public sanction canceling a certificate holder's certificate for the life of the certificate holder.

002.0910 Petitioner ~~shall~~ means the Commissioner.

002.11 Reinstatement means the approval by the Board to apply for a certificate issued pursuant to 92 NAC 21 after a specified period of revocation.

002.102 Reprimand ~~shall~~ means a public sanction criticizing or rebuking a certificate holder for unprofessional or unethical conduct. This sanction may be imposed by the Commissioner, Commission, or Board.

002.143 Respondent ~~shall~~ means any individual(s) who ~~shall is be~~ charged in a complaint or petition with allegedly violating standards of professional ethics or practices as contained in 92 NAC 27.

002.124 Revocation ~~shall~~ means a public sanction ~~withdrawing or~~ canceling a certificate holder's certificate for a ~~certain specified~~ period of time. At the expiration of the revocation period, the former certificate holder may apply for reinstatement in accordance with ~~92 NAC 29 95 NAC 2 for former public school certificate holders and section 009.02 of this chapter for former nonpublic certificate holders~~. This sanction may be imposed by the Board.

002.135 Special services ~~counselor certificate holder shall~~ means any person holding a public or nonpublic special services ~~counseling~~ certificate issued pursuant to 92 NAC 21.

002.146 Suspension ~~shall~~ means a public sanction ~~withdrawing or~~ canceling a certificate holder's certificate for a certain period of time. The certificate is automatically reinstated at the expiration of the suspension period if it has not expired during the period of suspension. This sanction may be imposed by the ~~Commissioner or the~~ Board.

002.157 Teacher ~~shall~~ means any holder of a public or nonpublic certificate ~~for-teaching~~ issued pursuant to 92 NAC 21.



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003 Complaints and Investigations for ~~Holders of~~ Public or Nonpublic ~~School-Certificates~~ ~~Holders~~

003.01 Complaint Procedures. Anyone having an interest in, or information about, an alleged violation of professional practices standards relating to public or nonpublic certificate holders, as contained in 92 NAC 27, may file a signed, written complaint with the Commissioner. The complainant ~~shall~~ must use the form prescribed by the Board, a sample of which is included as Appendix A.

003.02 The Commissioner reserves the right to dismiss any complaint filed in order to permit the complainant the opportunity to attempt to resolve any allegations with the local school administration which includes the Principal, Superintendent, the local School Board or non-public school system.

003.03 The Commissioner reserves the right to dismiss any complaint compromised by public disclosure by a complainant in violation of section 010 of this chapter.

003.024 Contents of Complaint. The complaint ~~shall~~ will contain the following information:

003.024A The full name, address, and telephone number of the complainant;

003.024B The full name, address, and telephone number, if known, of the respondent;

003.024C A concise statement of the facts which the complainant believes constitute a violation of professional ethics and practices; and

003.024D The full names, addresses, and telephone numbers of any witnesses able to testify as to the facts alleged.

003.035 Distribution of Complaint. Within fifteen (15) days of the filing of a complaint, the Commissioner ~~shall~~ will serve a copy of the complaint on the ~~certificated-person certificate holder~~ by certified mail, return receipt requested, to the last known address of the person. If service cannot be completed in this manner, it may be accomplished in accordance with state law regarding service of summons.

003.046 Response to Complaint. The ~~certificated-person certificate holder~~ may, within fifteen (15) days of receipt of the complaint, request in writing the opportunity to informally present a position or defense ~~respecting with respect to~~ the allegations in the complaint. This position or defense may be submitted in writing, ~~or but~~ a personal conference with an investigator assigned by the Commissioner may be ~~held had-as-a-matter-of-right~~ if the written request is made within fifteen (15) days of the receipt of the complaint.

003.057 Evaluation and Investigation. Upon receipt of a complaint, the Commissioner or his or her designee ~~shall~~ will evaluate the complaint to determine if the facts alleged are sufficient to constitute a violation of 92 NAC 27. At his or her discretion, the Commissioner may assign an investigator to evaluate the complaint and may cause an investigation to be made into the circumstances surrounding the complaint.

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003.057A It ~~shall be~~ is the obligation and responsibility of the investigator to prepare a report for the consideration of the Commissioner, which report ~~shall will~~ contain ~~a the~~ position or defense of the respondent, if any; ~~discuss~~ identify the basis for jurisdiction; and set forth any legal arguments and authorities that appear applicable to the case. The report ~~shall will~~ include a recommendation as to whether there exists legally sufficient grounds for further proceedings and a recommendation of one of the following: dismissal, further inquiry, admonishment, ~~or~~ reprimand, or the filing of a petition.

~~003.05B If the complaint alleges violations of the standards of competent professional performance, then professional reviewers appointed by the Commissioner may review the professional performance of the respondent and form opinions of the quality of professional service rendered. If a petition is later filed with the Commission or the Board, such reviewers may relate such opinions by sworn testimony in any hearing where professional competency is in issue, provided that such reviewers shall qualify as expert witnesses before the hearing officer or Commission. Such testimony shall be based on the standards of competent professional performance as set forth in 92 NAC 27.~~

003.057CB Exceptions to Report. The respondent ~~will shall~~ be mailed, ~~or sent by electronic mail~~, a copy of the investigator's report and ~~shall be will have given twelve (12) fifteen (15)~~ days from the date of the mailing of the report to file exceptions with the investigator. ~~At After~~ the expiration of ~~said this~~ time limit, the investigator ~~shall will~~ file with the Commissioner a report in accordance with the provisions of section 003.057A of this chapter along with the respondent's exceptions, if any. Additional time to file exceptions may be provided to the respondent at the Commissioner's discretion. The respondent may waive the opportunity to file exception by providing such waiver to the Commissioner in writing.

003.068 Action by the Commissioner. Following the evaluation and investigation, if any, of the complaint, the Commissioner ~~shall will~~ take one of the following actions:

003.068A Dismiss the Complaint. ~~Such dismissal may be accompanied by an admonishment or reprimand to the certificate holder, or other action~~ †The Commissioner may dismiss any complaint deems appropriate, without a hearing or any further action, if the Commissioner determines that: there is insufficient evidence to substantiate the allegations.

~~003.06A1 The alleged violation is not serious enough to warrant suspension or revocation;~~

~~003.06A2 No public interest would be served by a formal hearing; and~~

~~003.06A3 The certificate holder gives written acceptance of or agreement to the admonishment, reprimand, or other action.~~

~~003.06B File a petition pursuant to section 004.~~



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~~003.07 Informal Disposition. The Commissioner may enter into a stipulation, settlement agreement, or other agreement to resolve any complaint or petition pursuant to section 004. All agreements to revoke or suspend a Nebraska school certificate shall be approved by the Board. Any modification of the sanction to be imposed by any approval authority shall void the agreement.~~

~~003.07A In public school certificate holder cases, all agreements imposing any revocation or suspension sanction shall be reviewed by the Commission and a recommendation made to the Board, if a petition has been filed with the Commission.~~

~~003.07B In nonpublic school certificate cases, the Commissioner may enter any agreement imposing sanctions, other than revocation and suspension, without further approval at any time.~~

~~003.08 Voluntary Surrender of Certificate(s). A Nebraska school certificate holder may voluntarily surrender his or her certificate(s). Any such voluntary surrender shall be treated as an indefinite revocation for purposes of publicity and reinstatement. The voluntary surrender of a person's certificate at any time after a report or complaint has been made shall not prohibit the filing of such complaint or a petition unless:~~

~~003.08A The certificate holder knowingly admits in writing the truth of such complaint or petition and waives all proceedings against him or her in connection therewith, and~~

~~003.08B Agrees to stipulated reprimand or other action deemed appropriate.~~

~~003.08B Admonishment. The Commissioner may issue an admonishment to any certificate holder when the Commissioner determines that the alleged violation does not warrant a suspension, revocation, or reprimand.~~

~~003.08C Reprimand. The Commissioner may issue a reprimand to any certificate holder when the Commissioner determines that the alleged violation does not warrant a suspension or revocation.~~

~~003.08D Alternative Disposition. The Commissioner may enter into a written settlement agreement with the respondent or accept the certificate holder's voluntary surrender to resolve any complaint in accordance with section 004.~~

~~003.08E Petition. File a petition pursuant to section 005.~~

~~003.09 Dismissal. Any dismissal of a complaint in accordance with section 003.068A shall be deemed to be a final resolution of the matter and is not subject to appeal to either the Professional Practices Commission or the Board.~~

~~003.10 Notification. The Commissioner shall will notify the certificate holder respondent of the Commissioner's decision.~~



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004 Alternative Disposition. The Commissioner may resolve any complaint, including a complaint that has resulted in a petition being filed before the Commission, by entering into a formal settlement agreement or by accepting a respondent's voluntary surrender of his or her certificate. Upon the completion of all the conditions contained in a settlement agreement pursuant to section 004.01, or the acceptance of a voluntary surrender, the Commissioner will move to dismiss any petition pending before the Commission.

004.01 Settlement Agreement. The Commissioner may enter into a formal agreement with any respondent to resolve a complaint. Settlement agreements must include the following:

004.01A The agreed upon sanction, in exchange for the certificate holder's agreement to specific conditions as determined by the Commissioner, which are intended to prevent further violations of the standards of professional conduct by the respondent. The agreement will include any and all conditions the Commissioner and the respondent have agreed to and an expiration date by which the respondent must complete any identified conditions;

004.01B All stipulated facts, circumstances, and any mitigating factors that form the basis of the agreement and which support the agreed upon sanction;

004.01C Standards of professional conduct violated pursuant to 92 NAC 27;

004.01D If the identified conditions are not met, the agreement will contain alternative sanctions to be imposed for failure of the Respondent to adhere to the settlement agreement and will be imposed without further hearing or need for any petition filed before the Commission.

004.01E Such agreements for a suspension or revocation of a certificate must be approved by the Board. Agreements for the suspension of a certificate do not require a dispositional hearing under section 007 of this chapter nor a hearing under 95 NAC 1 section 005.07; and

004.01F Settlement agreements will be signed by the Commissioner and the respondent and the respondent's attorney if represented by an attorney.

004.02 Voluntary Surrender.

004.02A A respondent may voluntarily surrender his or her certificate(s). The voluntary surrender of a certificate will state in writing that the respondent knowingly admits or knowingly does not wish to contest the truth of the allegations in the complaint and waives all proceedings against him or her in connection with the complaint.

004.02B The allegations identified in the voluntary surrender will be treated as true for the purposes of reporting disciplinary action to the National Association of State Directors of Teacher Education and Certification Clearinghouse or other multistate reporting database for disciplinary action against respondents and will be a public record.

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0045 Petitions & Hearings

0045.01 Petitions by Commissioner ~~Against Public Certificate Holders~~. A petition may be filed by the Commissioner if he or she determines, as a result of a complaint, investigation, or as a result of information that he or she receives independent of a complaint or investigation, that:

0045.01A The Board and the Commission has jurisdiction over the parties and subject matter; and

0045.01B The alleged violation is serious enough to warrant suspension or revocation of respondent's certificate; or

~~004.01C The public interest would be served by a formal hearing; or~~

0045.01DC Respondent does not accept an admonishment or reprimand.

0045.02 Filing of the Petition. Each petition filed ~~shall~~ will be based upon the standards of conduct applicable to the type of certificate (public or nonpublic) held at the time of the alleged unethical or unprofessional conduct regardless of the type of certificate held at the time of the filing of the petition. The petition ~~shall~~ will be filed either with the State Board or Professional Practices Commission, as detailed in sections 0045.03 and 0045.04, depending upon the type of certificate held at the time of the filing of the petition. The change of a certificate from public to nonpublic or vice versa, at any time after the filing of a petition, ~~shall~~ will not affect the jurisdiction of that proceeding.

0045.03 Petitions Against ~~Holders of Public School~~ Certificates ~~Holders~~. The Commissioner may file a petition against a ~~holder of a~~ Nebraska public school certificate holder with the Commission in accordance with the 95 NAC 1.

~~0045.03A The form of the petition shall be in accordance with 95 NAC 1.~~

~~0045.03B Upon the filing of a petition with the Commission, the procedures, rules, and regulations of 95 NAC 1 shall be followed in all contested cases.~~

0045.04 Petitions ~~and Hearings~~ Against Holders of Nonpublic School Certificates. The Commissioner may file a petition against a holder of a Nebraska nonpublic school certificate with the Board. A sample petition is included in Appendix B to this chapter. The Petition will be filed in accordance with 92 NAC 61. The form of such petition ~~shall~~ will be in writing and ~~shall~~ will contain the ~~following~~ information contained in Appendix B.

~~0045.04A The venue shown as: "BEFORE THE STATE BOARD OF EDUCATION";~~

~~0045.04B A heading captioned "(Name), COMMISSIONER OF EDUCATION, Petitioner";~~



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CHAPTER 28

~~0045.04C The full name, address, and telephone number, and social security number, if known, of the respondent;~~

~~0045.04D The type, rank, level, endorsements, and expiration dates of certificate(s) held by respondent;~~

~~0045.04E The name of the school or school district, if any, currently employing the respondent;~~

~~0045.04F A concise statement of facts which the Commissioner believes constitute a violation of professional ethics and practices;~~

~~0045.04G The provision(s) of statute or rule which are alleged to have been violated.~~

~~0045.05~~ Notice to File Answer. Upon the filing of a petition, the Commissioner ~~shall~~ will send the respondent by certified mail, return receipt requested, a copy of the petition and a notice that the respondent has the right to submit an answer within twenty-one (21) days after the receipt of the notice. Mailing by certified mail of any notice required under this chapter ~~shall~~ will be to respondent's last known address. In the event the respondent fails to ~~respond to the petition by delivering or posting by certified mail~~ file an answer within twenty-one (21) days, respondent's failure ~~shall~~ will be considered as a waiver of his or her right to a hearing and ~~shall~~ will be cause for holding respondent in default, ~~and a~~ A default order may therefore be rendered and a recommendation made to the ~~State Board of Education~~ for determination upon the record without any further notice to respondent.

~~0045.06~~ Answer. The respondent may file an answer to the petition. A sample answer is included in Appendix C to this chapter. It ~~shall~~ will show the venue as "Before the State Board of Education, State of Nebraska" and ~~shall~~ will be captioned "Answer." The answer shall contain the following information:

~~0045.06A~~ The name and address of the respondent.

~~0045.06B~~ Specific statements regarding any and all allegations in the petition, which ~~shall~~ will be in the form of admissions, denials, explanatory remarks, or statements of mitigating circumstances; and any additional facts or information the respondent deems relevant and which may be of assistance in the ultimate determination of the case.

~~005.07 Hearings. Hearing for public certificate holders will be held pursuant to 95 NAC 1. Hearings for non-public certificate holders will be held pursuant to 92 NAC 61.~~

~~005.08 The Board and the Commission retain jurisdiction over the parties and subject matter even if the process of doing so extends into a period when the respondent's certificate has expired.~~



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~~004.07 Format for Filings.~~ All answers, motions, or other pleadings filed in cases arising under this chapter shall be typewritten on 8 1/2 x 11 inch white three-hole punched paper and shall be accompanied by an original plus two copies. All documents shall contain the title of the proceeding, the case number, the name, address, telephone number, and signature of the person filing the document, and the name of the party on whose behalf the document is filed.

~~004.08 Filing Location and Service.~~ All filings with the Board or the Commissioner shall be made with the Office of the Commissioner of Education; Nebraska State Department of Education; 301 Centennial Mall South, 6th Floor; P. O. Box 94933; Lincoln, Nebraska 68509. Whenever any party files a document, they shall simultaneously serve copies on the other party(ies). Any documents filed shall contain a certificate attesting to its service by mail, personal delivery, or otherwise. Service by mail shall be deemed completed upon mailing, except as otherwise provided in this chapter.

~~004.09 Filing Deadlines.~~ When the filing of a pleading or any act required to be done on or before a given date falls on a Saturday, Sunday, or legal holiday on which the Office of the Commissioner is closed, the pleading or act need not be filed or done until the next succeeding working day that the Office of the Commissioner is open for the transaction of business. All time limits referred to in this chapter shall mean calendar days.

~~005 — Hearings~~

~~Outlined in 95 NAC 1-004 are the procedures for hearings before the Commission in cases involving holders of public school certificates. Procedures for hearings on petitions involving nonpublic school certificate holders are as follows:~~

~~005.01 Appointment of Hearing Officer.~~ If the petition meets the procedural requirements of this chapter, the Board shall appoint an independent hearing officer, who shall not be a regular employee of the Department, to conduct the hearing and to submit findings of fact, conclusions of law, and a recommended decision to the Board.

~~005.02 Setting of Hearings.~~ The hearing officer shall set the time and place for any hearing, which shall be at least seven days after the deadline for the filing of answers, unless agreement to set an earlier time is stipulated by petitioner and respondent.

~~005.03 Consolidation.~~ The hearing officer may order two or more petitions that are legally or factually related to be heard together on a consolidated record, unless any party makes a showing, sufficient to satisfy the hearing officer, that it would be prejudiced thereby.

~~005.04 Prehearing Conference.~~ If the respondent in his or her answer requests a prehearing conference, the hearing officer shall hold a prehearing conference with the parties. The prehearing conference may be held in person or by telephone. A telephonic prehearing conference may be used at the discretion of the hearing officer. The conference shall be for the purpose of, but not limited to, the following: simplifying the issues, amending the petition or answer, stipulating to the facts, stipulating to a proposed settlement, submission of witness and exhibit lists, identification of



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~~exhibits, and application for subpoenas, and requests for discovery orders. The hearing officer may hold a prehearing conference upon request of the petitioner or upon his or her own motion if in his or her discretion he or she determines that a prehearing conference is needed.~~

~~005.05 Location. The hearing shall be held in Lincoln, Lancaster County, Nebraska, unless, upon joint application and showing by the parties that another location would be more convenient to the parties and witnesses, or upon such independent determination by the hearing officer, the hearing officer may set the hearing outside Lincoln.~~

~~005.06 Closed Hearing. Upon specific request of the respondent or petitioner to hold a closed hearing, the hearing officer may hold a closed hearing to prevent the needless injury to any individual.~~

~~005.07 Conduct of Hearings. At the time of hearing:~~

~~005.07A The hearing officer designated by the Board to preside at a hearing shall open and close the proceedings, and take appearances. The hearing officer shall rule on motions, objections, and matters of evidence.~~

~~005.07B Reasonable opportunity shall be afforded all parties to present evidence and argument. The hearing officer may set reasonable time limits on presentations and arguments.~~

~~005.07C Failure of the petitioner or his or her representative, to appear at the time and place set for hearing, unless otherwise allowed by the hearing officer for good cause shown, shall be deemed sufficient grounds for the hearing officer to recommend dismissal of the petition.~~

~~005.07D Informal procedures governing the conduct of hearings shall be subject to the discretion and the direction of the hearing officer at the time of such hearings, unless otherwise specified in this chapter.~~

~~005.08 Appearances. Any individual may appear on his or her own behalf before the hearing officer; however, an individual may appear on behalf of another in any proceeding before the hearing officer only if:~~

~~005.08A He or she is admitted to practice law before the Nebraska Supreme Court, or~~

~~005.08B He or she is admitted to practice law before the Supreme Court of any state and is accompanied by a person admitted to practice law before the Nebraska Supreme Court.~~

~~005.09 Briefs. Submission of briefs may be required by the hearing officer. If required, the time in which briefs shall be filed will be fixed by the hearing officer at the close of the hearing.~~



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~~005.10 Record of Proceedings.~~ The hearing officer will ensure that an electronic recording of the hearing shall be made or may have the hearing transcribed by a court reporting service. The cost of obtaining verbatim transcripts from a court reporting service shall be paid directly to such service by the parties requesting the transcripts.

~~006~~ — Evidence

~~006.01 General Provisions.~~ As provided in Section 84-914 R.R.S., the hearing officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men and women in the conduct of their affairs. He or she shall give effect to the rules of privilege recognized by law. He or she may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. The hearing shall be conducted pursuant to the rules of evidence applicable to the district courts, unless mutually waived by the parties.

~~006.02 Subpoenas, Discovery, and Witnesses.~~ As provided in Section 84-914 R.R.S., the hearing officer may administer oaths, issue subpoenas, compel the attendance of witnesses, and the production of any papers, books, accounts, documents, and testimony, and cause the depositions of witnesses residing either within or without the state to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

~~006.02A Subpoenas.~~ The use of subpoenas in proceedings before the hearing officer is governed by statutory procedures for issuance of subpoenas by district courts in Nebraska except as hereinafter provided.

~~006.02A1~~ A subpoena requiring the attendance of a witness may be issued by the hearing officer, upon written application of any party.

~~006.02A2~~ Subpoenas for the production of accounts, books, documents, or papers, will be issued by the hearing officer only upon written application by a party stating specifically which accounts, books, documents, or papers are required and the facts expected to be proved thereby. All parties directed to produce accounts, books, documents, or papers shall furnish and deliver the same at the time and place specified in the subpoena.

~~006.02A3~~ A subpoena issued pursuant to this rule may be served in any manner permitted by law, which shall include service by registered or certified mail, return receipt requested, sent not less than six days prior to hearing.

~~006.02A4~~ In the case of disobedience to a subpoena, the hearing officer may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of accounts, books, documents, or papers.

~~006.02A5~~ Charges for serving a subpoena by mail are to be paid prior to the issuance of the subpoena by the party at whose instance the subpoena is issued. Arrangements for personal service, if desired by a party, are to be made by the party requesting such service and they shall be responsible for paying any costs for such service prior to the hearing date.



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~~006.02B Witness Fee.~~ Any witness who is summoned and who responds thereto is entitled to the same fee as is paid for like service in the district courts of Nebraska. Applications made pursuant to this chapter for the attendance of a witness shall be accompanied by a certified check, payable to the order of the witness, and equal in amount to the witness's statutory traveling fee and a fee for one day's attendance at the hearing. Said certified check shall be tendered to the witness when the subpoena is served upon him or her. Additional fees due the witness, if any, shall be paid at the close of the hearing by the party at whose instance the witness is summoned. In addition, Section 25-1228 R.R.S. shall govern subpoenas issued at the request of any agency of state government.

~~006.02C Discovery.~~ The use of discovery in cases arising under this chapter is governed by the rules promulgated by the Nebraska Supreme Court for discovery in the district courts of Nebraska.

~~006.03 Offer of Evidence.~~ All evidence shall be offered and made a part of the record in the case. No other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

~~006.04 Cross Examination.~~ Every party shall have the right of cross examination of witnesses who testify and shall have the right to submit rebuttal evidence. The hearing officer may limit cross examination by multiple parties having similar interests.

~~006.05 Official Notice.~~ The hearing officer may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within his or her specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the materials so noticed. They shall be afforded an opportunity to contest the facts so noticed. The hearing officer may utilize his or her experience, technical competence, and specialized knowledge in the evaluation of the evidence presented.

~~006.06 Copies of Evidence.~~ All documentary evidence to be offered at a hearing shall be accompanied by sufficient copies for all parties, unless waived by the hearing officer.

~~006.07 Stipulations.~~ Parties to any proceeding may agree upon any facts, either by written stipulation entered into the record as an exhibit, or by oral agreement stated on the record; provided, that the hearing officer shall not be irrevocably bound by such stipulation.

~~006.08 Filing and Serving Exhibits Prior to Hearing.~~ In any proceeding where detailed or complicated exhibits are to be used, the hearing officer may require any party to file and serve copies of such exhibits or other necessary information within a specified time in advance of the hearing in order to enable the other party and the hearing officer to study same and prepare cross examination with references thereto.

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007 — Disposition of Cases

007.01 Recommendation to the Board. ~~In the absence of an informal disposition, the hearing officer shall prepare an official record for submission to the Board, which shall include the pleadings, testimony transcript, and exhibits from the hearing. The hearing officer shall also submit his or her recommendation as to the disposition of the case and a recommended set of findings of fact and conclusions of law and provide a copy of the recommendations to the parties.~~

007.02 Final Action by the Board. ~~Procedures for the final review of the case by the Board are contained in 92 NAC 29.~~

006 Recommendations to the Board

006.01 Filing Recommendations to the Board. Recommendations of the Commission made pursuant to 95 NAC 1, or of a hearing officer appointed under 92 NAC 61, which are filed with the Board, must include recommended findings of fact, recommended conclusions of law, and a recommended decision. Such recommendations will also include a verbatim transcript of the hearing and a copy of all pleadings and exhibits.

006.02 Format. All filings will be typed or printed on 8 ½ x 11 inch white paper. Exhibits will be reduced, if possible, to 8 ½ x 11 inch white paper.

006.03 Copies to Parties. At the time of filing of recommendations, the Commission or the hearing officer will send a copy of the findings, conclusions, and recommended decision to the respondent by certified mail, return receipt requested, and to the petitioner by mail, electronic mail, or hand delivery.

007 Review of Recommendations

007.01 Scheduling Review Hearing. The Board will schedule a hearing for the purpose of reviewing the recommendations received from the Commission or hearing officer which includes any recommendation for a revocation, and will notify the parties and Commission or hearing officer of the time and location by mailing, sent by electronic mail, or delivering a notice at least twenty-one (21) days prior to such scheduled hearing.

007.01A No Board review hearing will be required for a recommendation received from the Commission or hearing officer which includes a recommendation for a suspension. Recommendations for suspensions may be reviewed and ordered without a hearing.



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007.02 Conduct of Review Hearing. The review hearing will be conducted as follows:

007.02A The Board President or any other member designated by the Board to preside will open and close the proceedings, enter the recommendations of the Commission or hearing officer into the record, and will rule on all matters, although such rulings may be altered or reversed at the time of such rulings by majority vote of the Board members present for the review hearing.

007.02B A representative of the Commission or the hearing officer whose recommendations are being considered will be given an opportunity to summarize the recommendations and address questions from the Board.

007.02C The petitioner and respondent will each be given an opportunity to present oral arguments regarding the recommendations. The Board may set time limits for such arguments.

007.02D The Board may not receive additional evidence and will limit case summaries and oral arguments to matters reflected in the record before it.

008 Disposition of Cases.

008.01 Order of Board. Following the review hearing, the Board will enter an order setting forth findings of fact, conclusions of law, and decision. A copy of such an order will be provided to each party.

008.02 Suspension or Revocation Order. An order of suspension or revocation terminates the employment of such person as a teacher, administrator or special services provider in Nebraska. The Board will immediately notify the school or school district where such person is employed or was last employed of such revocation or suspension.

008.03 Admonishments or Reprimands. The Board may issue admonishments or reprimands. Release of information about such orders will be governed by section 010.

008.04 Filing of Order. A copy of the order directing suspension or revocation will be filed with the Teacher Certification division of the Department as soon as practicable.

009 Reinstatement

009.01 Former Public School Certificate Holders. The petition, filing, and hearing procedures for reinstatement of public school certificates are governed by 95 NAC 2.

009.02 Former Nonpublic School Certificate Holders. Upon the expiration of the time period fixed in the revocation order of the Board, a person whose nonpublic school certificate has been revoked may petition the Board for reinstatement of his or her certificate. Such petitions and hearings are governed by 92 NAC 61 and sections 009.03 through 009.06 of this chapter.

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009.03 Reinstatement Petition. Petitions to the Board will be in writing and will contain the following information:

009.03A The venue shown as "BEFORE THE STATE BOARD OF EDUCATION";

009.03B A heading captioned "IN THE MATTER OF THE REINSTATEMENT OF:";

009.03C The name and address of the applicant;

009.03D Captioned "PETITION FOR REINSTATEMENT".

009.03E A statement that "The undersigned applicant for reinstatement of a revoked Nebraska nonpublic teaching, nonpublic administrative, or nonpublic special services certificate alleges:";

009.03E1 Applicant will set forth the type, rank, level, endorsements, and expiration dates of the certificate(s) revoked.

008.03E2 Applicant will set forth the Final Decision of the Board revoking the certificate(s).

009.03E3 Applicant will set forth the name(s), address(es), and telephone number(s) of all witnesses, including applicant, who will testify on behalf of applicant at the hearing.

009.03E4 Applicant will set forth the name(s), address(es), telephone number(s), and date(s) of employment for all employers of applicant during the period of certificate revocation. If unemployed for over three months during any time period, the applicant will set forth his or her activities during that time period.

009.03F A statement indicating the applicant has fully complied with the Order of Revocation; that he or she will not, in the future, engage in any practice which is listed in the statutes as grounds for revocation or suspension of a certificate; and that he or she is familiar with the criteria of professional practices adopted as 92 NAC 27.

009.03G The applicant's signed, dated, and notarized affirmation that the statements in the petition are true, correct, and complete to the best of his or her knowledge and belief.

009.04 Filing of Petition. The petition will be filed with the Board and a copy of the petition will be served upon the Commissioner.

009.04A Upon receipt of the petition for Reinstatement, the Commissioner or his or her designee may investigate the applicant in order to determine the propriety of contesting the petition.



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009.04B If the Commissioner contests the petition For Reinstatement, he or she will file an answer to the petition with the Board within thirty (30) days from the date the petition was filed, setting forth the grounds for objection.

009.04C Upon the filing of an answer by the Commissioner, the Board will appoint a hearing officer under the terms and conditions provided in 92 NAC 61.

009.04D If the Commissioner does not contest the Petition For Reinstatement, he or she will forward either a written recommendation in support of petition or a written document with no recommendation to the Board.

009.05 Reinstatement Hearing. The hearing will be conducted in accordance with the procedures established in 92 NAC 61 as modified below.

009.05A The burden will be upon the applicant to prove by a preponderance of the evidence that applicant meets all certification requirements in force at the time the Petition For Reinstatement is filed with the Board.

009.06 Recommendations to the Board. Recommendations of the Commission made pursuant to 95 NAC 2, or of a hearing officer appointed under 92 NAC 61, which are filed with the Board, must include recommended findings of fact, recommended conclusions of law, and a recommended decision either supporting or opposing reinstatement. Such recommendations will also include a verbatim transcript of the hearing and a copy of all pleadings and exhibits.

009.07 Format. All filings will be typed or printed on 8½ x 11 inch white paper. Exhibits will be reduced, if possible, to 8½ x 11 inch white paper.

009.08 Copies to Parties. At the time of filing of recommendations, the Commission or the hearing officer will send a copy of the findings, conclusions, and recommended decision to the applicant by certified mail, return receipt requested, and to the Commissioner by mail, electronic mail, or hand delivery.

009.09 Review of Recommendations. The Board will schedule a hearing for the purpose of reviewing the recommendations received from the Commission or hearing officer, and will notify the parties and Commission or hearing officer of the time and location by mailing, sent by electronic mail, or delivering a notice at least twenty-one (21) days prior to such scheduled hearing.

009.10 Conduct of Review Hearing. The review hearing will be conducted as follows:

009.10A The Board President or any other member designated by the Board to preside will open and close the proceedings, enter the recommendations of the Commission or hearing officer into the record, and will rule on all matters, although such rulings may be altered or reversed at the time of such rulings by majority vote of the Board members present for the review hearing.

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009.10B A representative of the Commission or the hearing officer whose recommendations are being considered will be given an opportunity to summarize the recommendations and address questions from the Board.

009.10C The applicant and the Commissioner will each be given an opportunity to present oral arguments regarding the recommendations. The Board may set time limits for such arguments.

009.10D The Board may not receive additional evidence and will limit case summaries and oral arguments to matters reflected in the record before it.

009.11 Disposition of Cases

009.11A Order of Board. Following the review hearing, the Board will enter an order setting forth findings of fact, conclusions of law, and decision. A copy of such an order will be provided to each party.

009.11B Filing of Order. A copy of the order will be filed with the Teacher Certification division of the Department as soon as practicable.

010 Confidentiality.

010.01 Confidential Matters. Complaints and other investigatory material relating to alleged unprofessional or unethical conduct on the part of a certificate holder are deemed confidential and will not be released outside the Department pursuant to Neb. Rev. Stat. § 84-712.05(5), except for any record or document that has been publicly disclosed in open court, open administrative proceeding, or open meeting or disclosed by the Department pursuant to its duties, or otherwise required by law.

010.02 Limited Disclosure. A limited disclosure of otherwise confidential information is permitted in the following situations:

010.02A Unless otherwise required by law to be disclosed, an admonishment, settlement agreement or other disposition of a complaint or petition may be communicated to the complainant; and

010.02B An investigator may release only such information necessary to identify the matter under investigation to potential witnesses in the course of an investigation.

010.03 Redaction. Any information in a record or document that may lead to the personal identification of a student, or any minor, will be redacted from the record or document prior to disclosure.



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APPENDIX A: Sample Form for Complaint

BEFORE THE COMMISSIONER OF EDUCATION  
STATE OF NEBRASKA

_____	)	
(Name)	)	CASE NO. <u>(LEAVE BLANK)</u>
_____	)	
(Address)	)	
_____	)	
Complainant,	)	
vs.	)	COMPLAINT
_____	)	
(Name)	)	
_____	)	
(Address)	)	
_____	)	
Respondent.	)	

In accordance with Title 92, Chapter 28, of the Nebraska Administrative Code, the complainant states as follows:

1. The full name, address, and telephone number of the complainant;
2. The full name, address, and telephone number, if known, of the respondent;
3. A concise statement of the facts which the complainant believes constitute a violation of professional ethics and practices; and
4. The full names, addresses, and telephone numbers of any witnesses able to testify as to the facts alleged.

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 \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Signature)  
(If attorney for complainant, list address)

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APPENDIX A: Sample Form for Complaint, Page 2

VERIFICATION

State of Nebraska        )  
                                      ) ss  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, 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.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, by (Name of Complainant).

(Seal)

\_\_\_\_\_  
Notary Public



TITLE 92  
CHAPTER 28

APPENDIX B: Sample Form for Petition

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

_____	)	
(Name of Commissioner)	)	CASE NO. <u>(LEAVE BLANK)</u>
COMMISSIONER OF EDUCATION,	)	
_____	)	
(Address)	)	
_____	)	
Petitioner,	)	
vs.	)	PETITION
_____	)	
(Name)	)	
_____	)	
(Address)	)	
_____	)	
Respondent.	)	

Petitioner, in accordance with Title 92, Chapter 28, of the Nebraska Administrative Code, states and alleges as follows:

1. The full name, address, and telephone number of the petitioner;
2. The full name, address, and telephone number, and the social security number, if known, of the respondent;
3. The type, rank, level, endorsements, and expiration dates of certificate(s) held by respondent;
4. The name of the school or school district, if any, currently employing the respondent;
5. A concise statement of the facts which the petitioner believes constitute a violation of professional ethics and practices;
6. The full names, addresses, and telephone numbers of any witnesses able to testify as to the facts alleged; and
7. Citation of statute or regulation which was allegedly violated.

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CHAPTER 28

APPENDIX B: Sample Form for Petition, Page 2

WHEREFORE, petitioner requests that the State Board of Education investigate this petition and take such action as is warranted, regarding the certification of respondent.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Signature)  
(If attorney for petitioner, list address)

VERIFICATION

State of Nebraska        )  
                                      ) ss  
County of \_\_\_\_\_  )

I, \_\_\_\_\_, 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 and there is reasonable cause for filing said document.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, by (Name of Commissioner).

(Seal)

\_\_\_\_\_  
Notary Public



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CHAPTER 28

APPENDIX C: Sample Answer Form to Petition

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

_____	)	
(Name of Commissioner)	)	
_____	)	
COMMISSIONER OF EDUCATION,	)	
_____	)	
(Address)	)	CASE NO. _____
_____	)	
	)	
Petitioner,	)	
	)	
vs.	)	ANSWER
	)	
_____	)	
(Name)	)	
_____	)	
(Address)	)	
_____	)	
	)	
Respondent.	)	

COMES NOW respondent, \_\_\_\_\_ (name) \_\_\_\_\_, and, for his/her answer to the petition,  
admits, denies, and alleges as follows:

(Respondent shall will include specific statements regarding any and all allegations in the complaint, which shall will be in the form of admissions, denials, explanatory remarks, or statements of mitigating circumstances; and any additional facts or information the respondent deems relevant and which may be of assistance in the ultimate determination of the case.)

WHEREFORE, respondent prays that the State Board of Education dismiss the petition in this matter (and/or state any additional action sought).

\_\_\_\_\_  
(Signature of respondent or signature  
and address of his or her attorney)

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CHAPTER 28

APPENDIX C: Sample Answer Form to Petition, Page 2

VERIFICATION

State of Nebraska        )  
                                  ) ss  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, being first duly sworn under oath, state that I have read the contents of the answer and that to the best of my knowledge, information, and belief such contents are true.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, by (Name of Respondent).

(Seal)

\_\_\_\_\_  
Notary Public

The foregoing instrument was subscribed and sworn to before me this day of \_\_\_\_\_, 19\_\_\_\_\_, by \_\_\_\_\_ (Name of Respondent).

(Seal)

\_\_\_\_\_  
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above answer, including a copy of any exhibits cited therein, were mailed to the following persons by regular first-class mail, postage prepaid, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Respondent)

(List names and addresses)

_____	_____
_____	_____
_____	_____
_____	_____