

NEBRASKA ADMINISTRATIVE CODE

TITLE 95
CHAPTER 2

NEBRASKA PROFESSIONAL PRACTICES COMMISSION

REGULATIONS FOR TEACHER AND ADMINISTRATOR PROFESSIONAL PRACTICES HEARINGS

EFFECTIVE DATE OCTOBER 30, 1993

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TITLE 95 - NEBRASKA PROFESSIONAL PRACTICES COMMISSION

CHAPTER 2 - TEACHER AND ADMINISTRATOR CERTIFICATE REINSTATEMENT
PROCEDURES

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TITLE 95 - NEBRASKA PROFESSIONAL PRACTICES COMMISSION
 CHAPTER 2 - TEACHER AND ADMINISTRATOR CERTIFICATE REINSTATEMENT
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APPENDIX A - Petition for Reinstatement Form

Title 95 - NEBRASKA PROFESSIONAL PRACTICES COMMISSION

Chapter 2 - TEACHER AND ADMINISTRATOR CERTIFICATE REINSTATEMENT PROCEDURE

001 General Information

001.01 Statutory Authority Section 79-869 of the Revised Statutes of Nebraska (R.R.S.) requires that the Professional Practices Commission adopt rules and regulations for the performance of its functions as set forth in Section 79-859 through 79-871 R.R.S.

001.02 Scope and Application of this Chapter This Chapter contains the procedures used by the Commission to hold hearings and make recommendations to the State Board of Education concerning reinstatement of revoked public school certificate(s) of certified employees holding public school certificates pursuant to Section 79-868 of the Revised Statutes of Nebraska and Chapter 27 of title 92 of the Nebraska Administrative Code.

001.03 Related Regulations Standards of professional practices and ethics for holders of both public and nonpublic school certificates are contained in 92 NAC 27. Procedures for hearings in public school certificate cases are contained in 95 NAC 1. Procedures for investigation in all cases and hearings in nonpublic school certificate cases are contained in 92 NAC 28. Regulations for the issuance of public school and nonpublic school certificates are contained in 92 NAC 21. Regulations for the reinstatement of former nonpublic school certificate holders are contained in 92 NAC 29.

001.04 Definitions The following definitions shall apply herein:

001.04A Petitioner - Any individual filing a petition seeking a reinstatement of a revoked public school certificate.

001.04B Board - The Nebraska State Board of Education

001.04C Commission - The Nebraska Professional Practices Commission

001.04D Commissioner - The Nebraska State Commissioner of Education

004.04E Revocation - A public sanction withdrawing or canceling a certificate

holder's certificate for a certain period of time. At the expiration of the period of Ineligibility fixed by the Board, the former certificate holder may apply for reinstatement in accordance with this Chapter.

004.04F Respondent - The Nebraska State Commissioner of Education.

002 The Petition

002.01 Filing - Upon expiration of the time period fixed for revocation by the Board, an educator whose public school certificate has been revoked may file a Petition with the Commission for reinstatement of his or her certificate.

002.02 Form of Petition - The Petition shall comply with Rule 002.02A through 002.02G and be prepared in substantially the form set forth in Appendix A. Upon filing of the Petition with the Commission, the case shall be assigned a case number.

002.02A The venue shown as **BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION**,

002.02B A heading captioned **IN THE MATTER OF THE REINSTATEMENT OF:**

002.02C The name and address of the Petitioner;

002.02D The caption **PETITION FOR REINSTATEMENT** under the case number;

002.02E A statement that **The undersigned Petitioner for reinstatement of a revoked Nebraska teaching, administrative and supervisory, or special services counseling public school certificate alleges:**

002.02E1 Petitioner shall set forth the type, rank, level, endorsement, and expiration dates of the certificate(s) revoked, and his or her social security number.

002.02E2 Petitioner shall set forth the Final Decision of the Board revoking the certificate(s).

002.02E3 Petitioner shall set forth the name(s), address(es), phone number(s), and date(s) of employment for all employers of Petitioner During the period of certificate revocation. If unemployed for three months during any time period, set forth your activities during that time period.

002.02E4 Petitioner shall set forth the name(s), address(es), and phone number(s) of all witnesses, including Petitioner, that will testify on behalf

Of Petitioner at the hearing.

002.02F A statement indicating that the Petitioner 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 pursuant to 79-868.

002.02G The Petitioner'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.

002.03 Service The Petition shall be filed with the Commission and a copy of the Petition shall be served upon the Commissioner by certified mail, return receipt requested.

003 Investigation

003.01 Commencement of Investigation Upon receipt of the Petition for Reinstatement, the Commissioner or his or her designee may investigate the Petitioner in order to determine if the Commissioner wishes to contest the Petition for Reinstatement.

003.02 Objection to Reinstatement If the Commissioner contests the Petition he or she shall file an answer to the Petition with the Commission within thirty (30) days from the date the Petition was filed and served on the Commissioner, setting forth the grounds for objection.

003.03 Uncontested Reinstatement If the Commissioner does not contest the Reinstatement Petition, he or she shall forward either a written recommendation in support of the Petition or a written document with no recommendation to the Commission.

004 Hearing

004.01 Notice of Hearing The procedures for notice and appointment of a hearing panel shall be conducted in accordance with the procedures established in 95 NAC 1, not in conflict with this Chapter.

004.02 Conduct of Hearing The hearing shall be conducted in accordance with the procedures established in 95 NAC 1, not in conflict with this Chapter.

004.03 Burden of Proof The burden shall be upon the Petitioner to prove to the

Commission that he or she meets all certification requirements in force at the time of application.

004.04 Evidence The receipt of evidence shall be in accordance with the procedures established in 95 NAC 1, not in conflict with this Chapter.

004.05 Disposition of Cases Disposition of the case shall be in accordance with the procedures established in 95 NAC 1, not in conflict with this Chapter.

TITLE 95
CHAPTER 02

APPENDIX A: Sample Form for Petition for Reinstatement

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

IN THE MATTER OF THE
REINSTATEMENT OF:

)
)
)
)

Case No. _____ (leave blank) _____

PETITION FOR REINSTATEMENT

(Name of Petitioner))
)
)
 (Address))
)
)

The undersigned Petitioner for reinstatement of a revoked Nebraska teaching, administrative and supervisory, or special services counseling public school certificate alleges:

- 1. (Set forth the type, rank, level, endorsements, and expiration dates of the certificate(s) revoked by the State Board of Education and your social security number.)
- 2. (Set forth the Final Decision of the Nebraska State Board of Education revoking The certificate(s).)
- 3. (Set forth the name(s), address(es), phone number(s), and date(s) of employment for all employers of Petitioner during the period of certificate revocation. If unemployed for over three months during any time period, set forth your activities during that time period.)
- 4. (Set forth the name(s), address(es), and phone number(s) of all witnesses, including yourself, that will testify on your behalf at the hearing.)
- 5. Petitioner 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 pursuant to 79-868.

Applicant affirms the statements in this Petition are true, correct, and complete to the best of his or her knowledge and belief.

Dated this _____ Day of _____, 19____.

(Signature of Petitioner)
(typed name, address, & telephone number)

VERIFICATION

State of Nebraska)
)
County of _____)

I, _____, being first duly sworn under oath, disposes and says that I am the Petitioner named in the foregoing Petition, that I have read it, know the contents therein, and that the facts therein contained are accurate and complete to the best of my knowledge and belief.

(Signature of Petitioner)

Subscribed and sworn before me this _____ day of _____, 19____.

Notary Public

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Petition was served upon the Commissioner of Education, by certified mail, return receipt requested at the following address;
301 Centennial Mall South, P.O. Box 94987, Lincoln, NE 68509-4987

Dated this _____ day of _____, 19____.

(Signature of Respondent)

TITLE 95
CHAPTER 01

APPENDIX B: Sample Form for Answer

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

(Name of Commissioner)

Case No. _____ (leave blank)

ANSWER

COMMISSIONER OF EDUCATION,)
 _____)
 (Address))
 _____)
 Petitioner,)
 vs.)
 _____)
 (Name))
 _____)
 (Address))
 _____)
 Respondent.

COMES NOW Respondent, _____ (name) _____, and, for his/her answer to the Petition admits, denies, and alleges as follows:

(Respondent shall include specific statements regarding any and all allegations in the Petition, which shall 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 Professional Practices Commission 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)

VERIFICATION

State of Nebraska)
)
 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.

Signature of Respondent

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

Notary Public

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Answer, was served, U.S. Mail, upon the
Commissioner of Education at the following address: _____
this _____ day of _____, 19____.

Signature of Respondent