

Nebraska Professional Practices Commission **CASE STUDIES**



FACILITATOR GUIDE for **DVD**

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and the related DVD,

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Brief case histories available at:
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INTRODUCTION



Section 79-859 of the Statutes of the State of Nebraska declares:

“ . . . teaching in public schools in this state and the related services, including administrative and supervisory services to be a *profession*, with all the rights, responsibilities, and privileges accorded other recognized professions.”

Legislation has been adopted by the Nebraska Unicameral, and the State Board of Education has formally affirmed rules and regulations that establish standards of professional conduct, competent execution, and contractual obligations for teachers and administrators. As a brief explanation of the process, it should be noted that the staff of the Certification Investigations of the Nebraska Department of Education investigates signed, written complaints, and it is the duty of the Nebraska Professional Practices Commission to hold hearings and make recommendations to the State Board of Education regarding an educator's certificate after an investigation has shown evidence of a violation of ethics or standards.

Since the inception of the Professional Practices Commission, the many volunteer educators who have made up the twelve-member Commission have been earnest in their quest to serve the education profession by helping to hold Nebraska educators to these high ethical and professional standards. The case studies portrayed in this DVD are a few of the ways in which some educators have run afoul of these standards. The Commission's intent with this project is to provide information and education to prospective educators as well as to those who are currently a part of the profession. Increased knowledge of the consequences of actions regarding an educator's certificate may help prevent future lapses in these standards.

General Information

The Professional Practices Commission is cash funded, rather than from tax dollars, with revenues collected from teacher and administrator certificate fees.

Commissioners are appointed by the governor. They serve three-year terms and may be reappointed only once. The terms are staggered, which helps provide experience and continuity.

The Clerk of the Commission performs administrative, organizational, and educational functions and is hired by the Commissioners.

The Commissioners are not paid, but do receive reimbursement for expenses.

Cases come before the Commission in the form of petitions which are filed by the Commissioner of Education after a written complaint has been received and has been investigated by the Certification Investigations office of the Nebraska Department of Education, and evidence of a violation of ethics or standards has been found in that investigation.

Once a petition has been filed with the Commission, a hearing is scheduled. The Chairperson of the Commission appoints a Hearing Panel (a minimum of seven members of the twelve-member Commission is required for a Hearing Panel.) At the conclusion of testimony from the Petitioner and Respondent, the Hearing Panel offers a recommendation, which is delivered to the State Board of Education. The State Board has the final authority and can accept the Commission's recommendation or make its own.

During the course of these events, continuances may be requested, pre-hearing conferences may be held, subpoenas may be issued, etc.

The Commission also hires a Hearing Officer whose duty is to conduct the hearing in accordance with United States District Court Rules of Evidence and a Court Reporter to record the proceedings.

Other services provided by the Commission include publishing pamphlets on the Code of Ethics for the Teaching Profession, Standards of Competency, and Teacher Aides. The Clerk of the Commission is available to discuss the business of the Commission with any group that might request it and to visit classrooms at the college level to offer information about the Commission and its business to prospective teachers.

How to Use This Manual

It is our hope that this manual will assist the facilitator in encouraging discussion regarding the various models of behavior depicted in these six case studies as well as a broad range of ethical situations that an educator may face. There will be a brief description of each situation, discussion questions, and a transcript of the entire video for reference.

When you use the questions provided, you might remind the participants that these six case studies are certainly not the only situations that engender complaints at the state level. There are four main areas of complaints:

- contract abrogation,
- types of thefts,
- some sort of sexual misconduct, and
- inappropriate use of computers and other technology.

Each and every case will have a variety of contrasts and a persona of its own. The Commission Members attempt to provide even-handed recommendations and always examine what they or past Commission Members have done in similar cases, while taking into consideration that there may be extenuating circumstances of a different nature with each individual case.

Finally, it may be helpful to let the participants read through the discussion questions prior to watching the videos and prior to the beginning of the discussion in order to give them time to consider their reactions and to jot down comments or further questions they may have.

Before Using the DVD and General Guidelines

Of course it is suggested that the facilitator view the DVD in its entirety, read through the transcripts of each video, and take note of the discussion questions in order that he or she may have time to consider his or her reactions and to jot down comments or further questions that may come up prior to watching with the group. This will give the facilitator time to make plans to address them or bring them up should the group not consider them.

Consider your objectives for the discussion, and explain them to the group.

Provide this caveat: it is important to explain that these case studies and other situations that may be discussed are the *exception* regarding the behavior of Nebraska educators. The vast majority of the men and women making up the profession never engage in any of the behaviors modeled or discussed as well as never come in contact with colleagues that do. However, one of the objectives of this discussion should be prevention of such behavior and actions if contact with another who would indulge in such behavior should occur.

References

Nebraska Professional Practices Commission
402-471-2943

Nebraska Department of Education's Certification Investigations Staff
402-471-0730

CASE STUDY 1



A Nebraska Professional Practices Commission hearing has been called for the case of Joe Walsh, a teacher and high school coach, who reported to work under the influence and is believed to be abusing pain medication regularly. As you learn more about the case and the events that led to Joe's unethical behavior and subsequent hearing, think about the moral dilemma with which the assistant administrator, George, may be faced.

Discussion Questions

1. What would you have done in this situation? Have you been in a situation similar to this in which you had to confront a friend who is also your colleague?
2. How might have George handled the situation with Joe differently after detecting the problem early on and then confronting him?
3. Do you agree with the decision that was made by the Commission? Why or why not?

Transcript

(Video Length = 5 minutes 52 seconds)

Scene 1: Nebraska Professional Practices Hearing Room

1st COMMISSIONER: I move that the Nebraska Professional Practices Commission adopt the findings of fact and conclusions of law, and recommend to the State Board of Education, in case zero three dash one three, that the certificate of Joseph Walsh be revoked for a period of five years.

2nd COMMISSIONER: I second the motion.

3rd COMMISSIONER: There's been a motion . . .

JOE (voiceover): I can't believe this. How did I ever let things get so out of hand?

* * * * *

Scene 2: Joe's Home

JOE: I took a personal day, George! Everybody takes a personal day now and then—even you. What are you busting my chops for?

GEORGE: You didn't call in.

JOE: Okay. Sorry. I'll call in next time. Even if I'm too sick to pick up a phone.

GEORGE: What were you sick with?

JOE: I didn't say I was sick.

GEORGE: I'm worried about you, Joe. I'm not trying to give you a hard time. I have to follow up on these things. I mean, I'm the assistant principal.

JOE: Then assist me, why don't you.

GEORGE: I'm also your friend.

JOE: Well, start acting like one. *(Pours himself a drink.)* Tell Haskell to chill out. I'll call in next time.

GEORGE: You've been gone a lot this term, Joe. Too much.

JOE: So you want me to come in sick.

GEORGE: You keep telling me you're not sick. Why are you still taking the pain pills?

JOE: 'Cause I have a pain! Several, in fact.

GEORGE: It's been over a year since you hurt your back.

JOE: You know, I'd get better a lot faster if people would let me concentrate on my teaching and my coaching and literally get off my back!

GEORGE: Joe, you have got to—

JOE: I think we're done here. Thanks for stopping by.

GEORGE: Joe—

JOE: Thanks, George. See you at school.

* * * * *

Scene 3: Nebraska Professional Practices Hearing Room, continued from Scene 1

GEORGE: We thought it was something to do with his back injury at first, but the pattern of unexplained absences continued. We tried to put together a plan for him to at least provide some kind of doctor verification that he was in too much pain to work.

PETITIONER: Did he comply with the plan?

GEORGE: No, no, he didn't. The absences continued.

PETITIONER: Were there any indications from individuals in the community or the school district that he might be abusing pain medication?

GEORGE: Well, there were always rumors. We didn't want to be acting on gossip. He's been a good teacher and a good coach.

PETITIONER: The petition states that on March third of this year, he arrived at work under the influence of oxycodone. Do you recall that day?

GEORGE: Oh yes.

PETITIONER: Please tell the Commission members what happened.

GEORGE: We had just started the weekly administrative staff meeting when Jane Canfield, a teacher next door to Mr. Walsh, interrupted. She said a student had come into her class claiming that something was wrong with Mr. Walsh. The student had said he arrived late, bouncing a basketball. The kids thought he was “kidding around or something,” but he just kept dribbling and wouldn’t stop. Mrs. Canfield said that she looked in and saw that Mr. Walsh was “acting really weird.”

* * * * *

Scene 4: Joe’s School

GEORGE (voiceover): I volunteered to go check it out. By the time I got there, he was at his desk with his head down. I tried to get him to sit up and talk to me.

GEORGE: What’s going on?

JOE: Everything’s all right. Just relax.

GEORGE: Listen, why don’t you come with me? Come to my office.

JOE: What?

GEORGE (voiceover): He was really out of it. I had to walk him out of the classroom. In the hallway, he tried to pull away from me, lost his footing and fell against the wall. He cut his head.

GEORGE: Call 9-1-1.

GEORGE (voiceover): We called 9-1-1. They took him off in the ambulance. Of course, lots of students saw what happened. We found out later that at the hospital he tested positive for oxycodone.

* * * * *

Scene 5: Nebraska Professional Practices Hearing Room, continued from Scene 3

PETITIONER: And that was the last day he came to Washington High School?

GEORGE: Yes. He was suspended right away. And the school board accepted his resignation about a month later.

JOE (voiceover): So... that was that. My kids’ last view of me is high as a kite doing the perp walk out of the classroom and into a wall.

* * * * *

Scene 6: Joe’s Counselor’s Office

JOE: Sweet. But it’s all supposed to get better now, right? I’m in counseling and unemployed. Five year certificate revocation. That’s a real resume plus in any field. Oh, and did I mention this? I had to move back in with my mother. Yeah. Livin’ the dream. And the day I’m moving my stuff over, the radio’s on, and it’s the local sports guys talking about the high school teams. They get to mine and how they lost a big game—*again*—and oh, isn’t too bad for those kids? Losing their coach like that—what a *bad* experience for them, what a *bad* example I was... Am... Huh. I thought I had pain before. Wow.

CASE STUDY 2



The following scene takes place after the Nebraska Professional Practices Commission has made its decision on the case of Annette Morely, a teacher who stole money from the school. As you learn more about this case and the events that led up to the unethical act, try to put yourself in the position of Annette and the moral dilemma she faced.

Discussion Questions

1. Do you think the Commission should take individual characteristics, such as “being a nice person” or “good teacher,” into consideration when making its decision?
2. Did you find yourself sympathizing with Annette?
3. Was the punishment for Annette’s behavior fair?

Transcript

(Video Length = 5 minutes 16 seconds)

Scene 1: Annette’s Kitchen

ANNETTE: So next came the whole thing about my teaching certificate.

LIZ: You said it was a one-year revocation. Is that such a big deal?

ANNETTE: Are you kidding? It was humiliating! I mean, this is after going through criminal court, and then I’m sitting there with the entire Professional Practices Commission! And I’m thinking, how could I do this? How could I be so stupid? How could I put everybody through this and tank my career, all for a lousy three hundred and twenty-seven dollars? The first time... I was sitting there counting out the money from that week’s gift wrap sale . . .

* * * * *

Scene 2: Annette’s School Office

ANNETTE (voiceover): So many people paid in cash. And my mind was wandering over everything. I mean, I put music on, and I was trying to get my head in a better place, and still all I could think about was, why did Ted walk out on me, what am I going to do now? It was right around when they diagnosed Mom. I’m thinking, am I going to get Alzheimer’s too? Everything started seeming so... unfair. And on top of all that, I had to stay after and handle the stupid gift wrap project, which they stuck me with for the third year in a row. All this is in my head, and I’m looking at all this cash. . . . I’m thinking who’s going to miss it? There’s plenty for the fund. It’s just this once. What difference will it make? Who’s ever going to know?

* * * * *

Scene 3: Annette's School Office a Month Later

ANNETTE (voiceover): That's really what I told myself. And I kept telling myself that—every time I slipped cash out of that pouch. It was just pocket money, you know? Just here and there. It just got easier and easier. And I guess it also got more and more obvious. They set up a security camera in the room.

GUARD: Mrs. Morley, can I ask what you're doing there?

ANNETTE: I—I was just counting the gift wrap money. It's okay. They put me in charge again this year. Just getting a current total. The kids were asking.

ANNETTE (voiceover): It was terrible. The school security guard walked in right while I was doing it, and I'm bald-faced lying to him, saying I was just counting the money. I denied everything.

LIZ (voiceover): I can't believe they taped you!

* * * * *

Scene 4: Annette's Kitchen, continued from Scene 1

LIZ: That's awful.

ANNETTE: That was just the tip of the iceberg of awful. There was the whole court thing—

LIZ: You pled guilty. That should be enough for them.

ANNETTE: Liz, I stole from the school. Of course it had to go in front of the Commission. How could it not?

LIZ: They really ganged up on you.

ANNETTE: They let me testify, they let me bring in character witnesses, they listened to everybody—including my therapist.

LIZ: You're a good teacher, Annette. You're a good person.

ANNETTE: That doesn't change what I did. And the point is: Teaching was my *life*. I should have handled things better.

LIZ: You were in a bad place. You're making amends now.

ANNETTE: I think they took that into account. As much as they could.

* * * * *

Scene 5: Hearing Room

PETITIONER: You've heard from a number of witnesses . . .

ANNETTE (voiceover): You should have heard the prosecutor-type guy. He summed it all up really well. The commission members couldn't just take everybody's word that I'm a nice lady.

PETITIONER: The commission must bear in mind the nature of the offense—as well as its duty to hold members of this profession to high ethical standards, to enforce discipline, to deter others from similar mistakes, to maintain the reputation of all teachers, and above all to protect the public. Thank you.

LIZ (voiceover): You're not a danger to the public.

* * * * *

Scene 6: Annette's Kitchen, continued from Scene 4

LIZ: We need good teachers like you.

ANNETTE: I know that. And I knew that when I did what I did. And the commission members did what *they* had to do. They had to take action. *I* was out of line, not them. I should have done better, you know? I was at the store the other day, and I ran into Emmy Fraser and her mom. She says, "Oh, Mrs. Morley, hi!" all excited and happy, and her mom's just studying the pork and beans. And Emmy grabs my hand and she says, "Mrs. Morley, how come you can't be our teacher any more?" ...And her mom finally looks at me, and she's looking at me like, *Well, what are you going to tell her?* And I... I didn't know what to say. So the mom makes some excuse about the time and drags Emmy off to piano or whatever, and I'm standing there, and I'm standing there, and I'm just... I'm just... sick.

CASE STUDY 3



In this case study, you will see what happens to Daphne Hartford, a teacher who violated her teaching contract. As you learn more about this case and the events that led to her unethical behavior, think about what Daphne might have done differently.

Discussion Questions

1. What would you have done in Daphne's situation? What could she have done differently in her situation?
2. Do you feel the punishment was too harsh for her?
3. Why is this behavior unethical? Who was affected?

Transcript

(Video Length = 5 minutes 57 seconds)

Scene 1: Hallway outside Hearing Room

DAPHNE (voiceover): What are they going to do to me? What *can* they do to me? It's not like this is a court of law. And it's not against the law to take a new job. All I did was leave on short notice. What can they do about that? . . . Okay, yes, it *was* a mistake. *My* mistake. But they wouldn't take my certificate. Not for that. Would they?

* * * * *

Scene 2: First Day of School in Daphne's Physics Classroom

DAPHEN (voiceover): I can't believe all this is happening to me, after everything started out so well.

DAPHNE: Okay. Welcome. I'm Miss Hartford and I'm really excited to be your teacher. Really. Now, I know that physics may not be your favorite science, but the good news is, it's definitely my favorite, so I'm going to do everything I can to help you understand it and hopefully even learn to like it a little. That's what I'm here for. I want you to know that. That I'm here for you.

DAPHNE (voiceover): I honestly thought I *would* be there. I couldn't see into the future.

* * * * *

Scene 3: Daphne's Bedroom, Early October

DAPHNE (on the phone): Yeah, well, I didn't expect it either. I thought Bill'd *never* come back. But he said he was in town visiting his folks, and he got to thinking about me. He invites me to their

Christmas Eve thing, and the moment I saw him, it was like he never left. And I kept telling myself, just, hold on, slow down, but he was the same way. It was... intense. So the whole time he's here, we're getting together every day. And then he goes back, and we're phoning all the time, and then finally this week he calls and says, "You should come out here." I'm thinking he means for a visit, but it turns out all of a sudden there's a job open at their high school. . . . Yeah, their physics teacher fell and has to have all this physical therapy. So, he's out for the term, and they think probably permanently. It's terrible but I mean it's also perfect. Think about it—It'd be physics, Santa Barbara, and Bill. . . . Well, no, it'd have to be right away. They need a commitment *now*. So of course I'm going! It's too good! I've got to do this for myself! . . . Well, they're just going to have to deal with it, because I'm going!

* * * * *

Scene 4: Daphne's Physics Classroom, a Few Days after Scene 3

JESSE: Is it true? Everyone says you're leaving.

DAPHNE: Well, yes.

JESSE: Why?

DAPHNE: It's... personal.

JESSE: You got cancer or something?

DAPHNE: I'm fine. I just—I have to go.

JESSE: But you can't! You were supposed to be tutoring me for the SATs!

DAPHNE: Well, I mean, we can e-mail.

JESSE: Are you serious? That's not going to work! You were the first teacher that's actually helped me halfway understand this stuff!

DAPHNE: You know, you're going to do fine on the SAT. I mean, it's mostly just math and English anyway.

JESSE: This sucks! I finally start to understand this, and then you just bail out for no good reason!

* * * * *

Scene 5: Daphne's Bedroom, a Few Days after Scene 4

DAPHNE (on the phone): Hi, hon. Uh, listen, I got a letter from Santa Barbara today. . . . No, just the opposite. They are withdrawing their job offer... Well, they heard that I broke my contract here, and I guess they didn't like that. . . . No, I called them right after I opened this. It's pretty final. They don't want me. . . . That's sweet, but it's mid-semester. And, frankly I—I don't see how another school is going to see it any differently. I mean, I left on short notice. That really doesn't sit well. . . . Hon, it's not your fault. . . . Well, yeah, I'll *have* to think about another field. Do more than think about it, in fact.

* * * * *

Scene 6: Daphne's California Home, after the Hearing

DAPHNE (voiceover): I can't get my brain around it. They actually recommended suspending my certificate for a year... A year. Bill keeps trying to put a nice face on it. The truth is, it's going to kill me.

* * * * *

Scene 7: Daphne's Physics Classroom, in Late September

JESSE: So, I decided to get you a little something. It's really cheesy and dumb, but, here.

DAPHNE (voiceover): I love teaching. It's all I ever wanted to do. And I really am good at it. At the hearing, even the principal said I would have been an asset to the profession.

JESSE: . . . , so thank you.

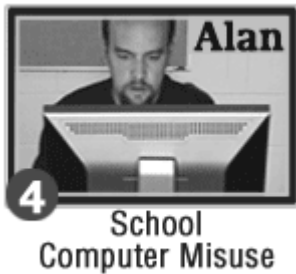
DAPHNE: I want you to know I am so proud of you . . .

* * * * *

Scene 8: Daphne's California Home, after the Hearing, continued from Scene 6

DAPHNE (voiceover): Of course I want to be with Bill. But from the way the Santa Barbara people acted, from the way everybody's acting, I don't know that I ever will teach again—*anywhere*. . . I handled this all wrong. I broke my contract. And it's going to be on my record. Permanently. I really messed up.

CASE STUDY 4



The case of Alan Hill, a teacher found viewing explicit materials on a website, was brought before the Nebraska Professional Practices Commission. As you learn more about this case and Alan's behavior, think about the internal dilemma he experienced and the way in which he convinced himself that what he was doing was "OK."

Discussion Questions

1. Do you believe that Alan's behavior was unethical? In what ways?
2. Do you think the punishment fit the "crime"?

Transcript

(Video Length = 5 minutes 28 seconds)

Scene 1: Hallway outside Hearing Room

PETITIONER: I'll just make a brief opening statement. The Commission members have evidence before you that shows that Alan Hill was employed by Bison Public Schools until it was discovered that Mr. Hill was using the school district computers to access sexually explicit materials. And as you'll see, the evidence shows that Mr. Hill did this on more than one occasion and visited more than one site. Over a three month period, . . .

ALAN (voiceover): I see Melanie didn't make it. No surprise there. She's probably meeting with the divorce lawyer right now. Jack was so sure this was going to blow over. Said it's not against the law. Said I didn't do anything wrong. I hope he's right; I didn't think I was hurting anybody. I thought I was protecting my family.

* * * * *

Scene 2: Alan's School Computer Lab at Night

ALAN (voiceover): Who am I kidding? I *wasn't* thinking. I was there, alone at school, no kids around. I knew better. But I told myself there'd be no harm in taking a look... just once. Melanie would never allow it at home. "Not in *this* house!" Well, who could blame her? Josh is three. He could have walked in. But at school... at night... alone... what was the harm? Just once.

* * * * *

Scene 3: Alan's School Computer Lab at Night, Weeks Later

ALAN (voiceover): But it wasn't just once.

* * * * *

Scene 4: Alan's School Computer Lab at Night, Later Still

ALAN (voiceover): What possessed me to think I wouldn't get caught?

PRINCIPAL (voiceover): After I saw what was on his screen, I waited until he left the room and checked back to see what he had been viewing.

* * * * *

Scene 5: Hearing Room

PRINCIPAL: When we confronted him about it, he claimed he had just looked at something a friend had recommended and hadn't known what it was. He said it was the first time he had done that and promised never to do it again. But when we started investigating, it became apparent that he had been looking at explicit material—pornographic web sites and that sort of thing—for quite some time. Clearly it wasn't one site or one time. We found page after page he had visited.

PETITIONER: After you discovered Mr. Hill's activities on the computer, did you find any evidence that students were ever present when he was visiting these sites?

PRINCIPAL: Well, as I understand it, there *are* codes so you can figure out that sort of thing. You can see which computer someone used and *when* someone's been to a particular site. I'm not an expert. In our investigation, we didn't get that technical. But there was the potential for a student to enter any room where he was accessing this material. The evidence we did gather definitely showed he was doing this on computers belonging to the school district. That was a policy violation in itself.

PETITIONER: Was Mr. Hill terminated?

PRINCIPAL: He chose to resign, and his resignation was accepted.

* * * * *

Scene 6: Hearing Room, Later that Same Day

PETITIONER: You've seen the evidence before the Commission, collected . . .

ALAN (voiceover): Thank God I didn't listen to Jack, and drag this thing out. He kept telling me it's not against the law to look at porn. He didn't understand. It wasn't just a legal thing or even a policy thing. It was just... wrong.

PETITIONER: Mr. Hill was using the school district's computers to access web sites that, in our opinion, are pornographic web sites. That's not what the taxpayers intended when they bought the school district those computers. Our position is that using the school district's computers to access pornographic web sites on the Internet is immoral conduct. It wasn't just a one-time mistake or a brief lapse of judgment or an ignorant error. We need to send a clear message to Mr. Hill and to all members of the profession that this is wrong . . . and to send a clear message to the public that we want to protect students and ensure that this very valuable technology is used appropriately, always.

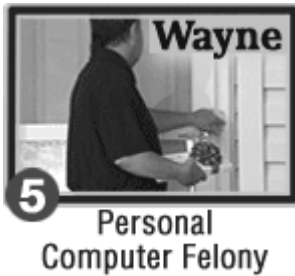
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Scene 7: Hallway outside the Hearing Room, after the Hearing

ALAN (on the phone): Jack—Yeah, you wanted me to call when it was over. Well, it's definitely

over. My certificate revoked for two years. . . . No, no it wasn't. I'll explain it to you later. They weren't out of line... Well, I'm supposed to get counseling... No, I'm not going to call her. She wouldn't answer anyway. I'm just going to, I don't know, at some point go back for the rest of my stuff. Stay at the motel a couple more nights 'til I figure out where I'm going to live... I have no idea. Where do you *suggest* I look for a job? I mean, seriously, who's going to hire me? ...No, this is not something I can lie about or hide. They'll do an Internet search on me, and whomp, there it is. How's that for ironic?! . . . Sorry. It's just—everything. You know what's also ironic? I could visit all the sites I want to now. And that's pretty much the last thing I want to do.

CASE STUDY 5



In this case study, two office workers outside the Hearing Room are having a conversation about Wayne Stevens, a principal who used his home computer to chat with and set up a rendezvous with a minor. As you learn more about this situation and the principal's behavior, think about what you believe should happen as a result of the inappropriate behavior.

Discussion Questions

1. In what ways is the principal's behavior unethical?
2. Do you think it is the school's place to punish the principal's behavior even though it was off school property?
3. Do you think the punishment was appropriate for his behavior?

Transcript

(Video Length = 3 minutes 45 seconds)

Scene 1: Hallway outside Hearing Room

CO-WORKER: Why were all the cameras around earlier?

RECEPTIONIST: They were here for that guy over there.

CO-WORKER: Why?

RECEPTIONIST: He's that principal who went online to try to hook up with a fifteen-year-old girl.

CO-WORKER: He did? That's disgusting!

RECEPTIONIST: It is so disgusting. The whole thing is pathetic, really—middle-aged guy, divorced. Not that that excuses anything. They said he was a good principal, at least.

CO-WORKER: What age?

RECEPTIONIST: Elementary.

CO-WORKER: He wasn't into *those* kids??

RECEPTIONIST: No, he wasn't that type of creep. In fact, they liked him at school. Faculty members said he seemed to love his job. Really loved working with the teachers. Good with the children. He even got an award at some point.

CO-WORKER: He can kiss all that good bye.

RECEPTIONIST: Oh yeah. Should've thought of that before he started visiting internet chat rooms.

* * * * *

Scene 2: Wayne at Home on his Computer

CO-WORKER (voiceover): Really. On his home computer?

RECEPTIONIST (voiceover): Yeah.

CO-WORKER (voiceover): Probably thought no one would ever know.

RECEPTIONIST (voiceover): Well, he can wake up from that dream.

CO-WORKER (voiceover): Really. But obviously he did more than just chat.

RECEPTIONIST (voiceover): Oh yeah. He starts out casual. Then he's going farther, getting into some sketchy areas.

CO-WORKER (voiceover): Giving in to the dark side . . .

RECEPTIONIST (voiceover): No, seriously. He's really off the track. And eventually he winds up in this chat where he thinks he's talking to a fifteen-year-old girl.

* * * * *

Scene 3: Hallway outside Hearing Room, continued from Scene 1

CO-WORKER: Ew!

RECEPTIONIST: Ew is right.

* * * * *

Scene 4: Wayne at Home on his Computer, continued from Scene 2

RECEPTIONIST (voiceover): And he's not just, you know, exchanging pleasantries about the weather. He lets her know he wants to have sex with her.

CO-WORKER (voiceover): Ew! Ew!

RECEPTIONIST (voiceover): He's all excited and he sets up this rendezvous.

CO-WORKER (voiceover): Ew! Ew! Ew!

* * * * *

Scene 5: Exterior of House

RECEPTIONIST (voiceover): Yeah, so he goes over there to hook up with Lolita. . . .

(Wayne rings doorbell, but a uniformed officer answers the door.)

* * * * *

Scene 6: Hallway outside Hearing Room, continued from Scene 3

CO-WORKER: Oh man! What an idiot! It was one of those stings!

RECEPTIONIST: Yeah, he's like instantly busted! You know, he set it up online, so they have a record of the whole conversation. They have him showing up at what he thought was her house. I mean, no way can he defend what's he done.

* * * * *

Scene 7: Hearing Room

PETITIONER: When Mr. Stevens arrived at the scene, he was put under arrest for his conduct. He was charged with a felony. He made a plea agreement and was found guilty of attempted child abuse. He's now serving out his sentence of eighteen months probation.

* * * * *

Scene 8: Hallway outside Hearing Room, continued from Scene 6

CO-WORKER: He's lucky he didn't wind up in jail.

RECEPTIONIST: Who's lucky is all the actual fifteen-year-olds he *didn't* connect with! Suppose he had hooked up with one for real?

CO-WORKER: Uch. What happens now?

RECEPTIONIST: I bet he sells his computer!

CO-WORKER: Seriously. They're not going to let him into a school again, are they?

* * * * *

Scene 9: Hearing Room, Later the Same Day as Scene 7

PETITIONER: This was a misdemeanor offense, but the conversation Mr. Stevens had and the objective he had in mind are clearly not anything we want to tolerate or condone in an educational professional at any level. We feel that in light of the severity, a permanent revocation is in order.

* * * * *

Scene 10: Hallway outside Hearing Room, continued from Scene 8

CO-WORKER: So what do you think? Any way they'll let him keep his certificate?

RECEPTIONIST: Oh no. They're probably going to revoke it permanently.

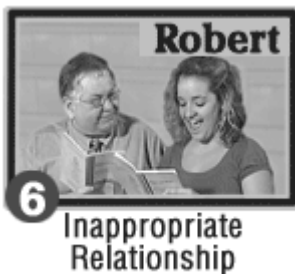
CO-WORKER: Good.

RECEPTIONIST: I agree.

CO-WORKER: I mean, how could anybody ever trust him again? I wouldn't want a guy like that around my kids at any age. Ever.

RECEPTIONIST: Absolutely not.

CASE STUDY 6



A reporter delivers a breaking news story that the Nebraska Professional Practices Commission has recommended revoking the certificate of teacher Robert Eakins, due to his pursuing an inappropriate relationship with one of his students, Kim. As you learn more about the situation and the events that lead to the revocation of Robert's certificate, think about how the teacher failed this student, other students, and colleagues.

Discussion Questions

1. Do you feel that Mr. Eakins is solely responsible for the development of this inappropriate relationship?
2. Do you agree with the action Kim's mother took to protect her child?
3. What action would you take if you suspected a colleague of this type of behavior?

Transcript

(Video Length = 4 minutes 51 seconds)

Scene 1: Exterior of State Office Building

CHRIS: This is the State Office Building, where the Professional Practices Commission has just voted to recommend the permanent revocation of the certificate of ex-teacher Robert Eakins. I'm Chris Hanover. As you know, Eakins was terminated from Riverview High School this year when it was learned he was stalking an eighteen-year-old student. We spoke with that former student earlier today.

* * * * *

Scene 2: Kim's Home

CHRIS: Kim, can you tell us what was going on with you and Robert Eakins?

KIM: I had Mr. Eakins for drama, that's it. He was just one of my teachers. I don't know how all this got started. I don't know what was going through his head. Honestly, I can't imagine what he was thinking.

* * * * *

Scene 3: Kim's School Gym

KIM (voiceover): I guess maybe it started when he cast me in *Guys and Dolls*.

ROBERT: You ready to work on that dialect?

KIM: I sure am!

KIM (voiceover): I had never played a lead part before, and Mr. Eakins had me start coming to rehearse extra with him after school. He didn't have any of the other leads come in like that, but I was okay with it. I mean, I liked Mr. Eakins. And I wanted to do the best I could in the show.

KIM: (as Adelaide) “. . . career together as husband and wife. Atchoo!”

ROBERT: (as Nathan) “Gesundheit.” Hey, that's really getting better!

KIM (voiceover): He was always giving me all this praise, telling me I was so talented. Sometimes it was a little much. But I was in his class and I wanted a good grade, so I wasn't going to say anything about it.

KIM: (as Adelaide) “. . . speaking of chronic conditions, Happy Anniversary!”

* * * * *

Scene 4: Kim's Home, continued from Scene 2

CHRIS: When did you know he was interested in you as more than a student?

KIM: Well, I guess it was after dress rehearsal.

* * * * *

Scene 5: Kim's School Exterior and Parking Lot

KIM (voiceover): I got out to my car and there was this flower on the windshield. No card. My friends gave me a hard time and said it was probably from Mr. Eakins. I didn't believe them. Then, it happened each night of the show.

CHRIS (voiceover): Did he ever say he was the one leaving the flowers?

KIM (voiceover): No.

CHRIS (voiceover): But that wasn't the only thing that he did.

* * * * *

Scene 6: Kim's Home, continued from Scene 4

KIM: No. After the show was over, he... started putting notes in my locker.

* * * * *

Scene 7: Kim's School Hallway Lockers

CHRIS (voiceover): What kind of notes?

KIM (voiceover): It was—I don't know. He'd put in Shakespeare quotes, like stuff Romeo says to Juliette about her beauty, about kissing. And he'd sign them “Robert.”

* * * * *

Scene 8: Kim's Home, continued from Scene 6

CHRIS: You were sure they were from Eakins?

KIM: I don't know anybody else who quotes Shakespeare! And I knew it was his handwriting. He just kept getting more obvious. He'd call me at my job, asking how I was doing, say something about what I wore that day. Then there were emails. More and more personal. All signed Robert. Then he started calling me on my cell, and if I didn't answer, he'd leave a voice mail.

CHRIS: How did you feel about all that?

KIM: Really creeped out. Then one time he asked me to meet him at the park. That made me really, *really* uncomfortable.

KIM'S MOM: That's when we got the order.

CHRIS: Say again?

KIM'S MOM: Kim told us what was going on, and we contacted the school administration, and also got a protection order.

CHRIS: That's pretty serious! Were you scared?

KIM'S MOM: Kim said she wasn't scared, but that wasn't the point. We were! I mean, Kim's a sweet kid, and he was taking advantage, playing out some kind of fantasy in his head. It made us furious! This guy is an adult! A teacher! We couldn't believe he was acting like that! Kim's *boyfriends* are more mature than that.

CHRIS: Do you think that Kim did anything to accidentally encourage him?

KIM'S MOM: Absolutely not! And suppose she did have some kind of schoolgirl crush? So what? He's the teacher! He has a responsibility to his students. They put their trust in him, and he has no right to betray that, no matter what kind of signal he *thinks* he's getting from her. If he thought she was making some kind of play for him, his job is to ignore it or to go to the counselor or to do something besides try to make a date with her in the park! He's the adult! He should have acted like it! To me, Robert Eakins betrayed the trust of my daughter. He betrayed the trust of all his students. He betrayed the trust of all us parents! I hope he never teaches again! You talk to any of the parents; they'll tell you the exact same thing. Nobody ever wants to see this guy back in front of a classroom!

* * * * *

Scene 9: Exterior of State Office Building as Robert Eakins leaves Hearing

CHRIS: Mr. Eakins! Robert Eakins! Any regrets? Are you sorry for what you did? Are you sorry?

FURTHER DISCUSSION, QUESTIONS, AND ADDITIONAL RESOURCES

While these case studies represent some of the issues the Professional Practices Commission has dealt with over the years, it is important to realize that there are a variety of others. Most years, the Commission is faced with an entirely new problem or new angle to an old violation. The Commission is, on occasion, faced with extremely complicated situations, sometimes requiring lengthy hearings with massive amounts of testimony and exhibits.

Some other cases have involved felony convictions for:

- sexual contact with a child
- mailing a threatening communication
- third degree arson
- false imprisonment
- sexual assault of a child
- second degree forgery
- knowingly causing false claims to be made against a federal agency
- theft
- submitting false documentation for payments from a federal agency
- bank fraud
- furnishing false information on an automobile title
- attempted second-degree sexual assault
- using means of interstate commerce to attempt to induce a minor to engage in sexual activity
- possession of child pornography
- manufacturing child pornography
- possession of a controlled substance
- indecency with a child-contact and aggravated sexual assault of a child
- burglary
- conspire to distribute and possession with intent to distribute methamphetamine
- bank robbery

Other cases involving misdemeanors have included:

- contributing to the delinquency of minors
- indecent exposure
- thefts of many sorts
- providing alcohol to minors
- providing false statements regarding unemployment benefits
- communication with a minor for immoral purposes
- lewd conduct
- public indecency
- assault and attempted strangulation
- sale of obscene material to a minor

A new category involves the escalating numbers of cases:

- viewing Internet sites involving pornography
- downloading sexually explicit pictures and movies
- allowing school laptop to be used to access sexually explicit material
- using school district equipment to access personal material

- using school district equipment to send and receive personal emails during school time
- sending inappropriate emails

Further cases that have come before the Commission include:

- destroying and/or discarding grade records of students
- sexual harassment
- sexual relationships with students
- engaging in personal relationships with students
- discrimination
- falsifying application form
- falsifying reports
- inappropriate physical contact with students
- disregarding school board directives and policy of the Nebraska Department of Education regulations
- inappropriate language and profanity in a professional setting
- permitting students to smoke marijuana in a school van
- theft of school district property; forging names of parents and staff members on special education records of students
- kissing a student
- giving two handguns to students
- hitting students on the head and buttocks with a board and throwing students against bleachers
- writing notes to female student that made the student and her family uncomfortable
- mishandling school funds and failing to keep records contrary to written board policies
- submitting false time sheets
- knowingly employing an individual who did not hold a valid Nebraska teaching certificate as a teacher
- shoplifting

For more information on the above cases, we invite you to visit the Commission's website at:
<http://nppc.nol.org/>.

Additional Discussion Questions

1. What types of things are administrators held responsible to report?
2. What authority does the NPPC have?
3. How are complaints investigated?
4. What are some types of behaviors considered inappropriate for educators?
5. What kinds of actions may the NPPC take?
6. What advice would you have for educators to avoid having complaints made against them?

NOTE:

Finally, it must be noted that we have not touched nearly enough on the amount of work that precedes the hearing and recommendation part of this process. The Commissioner of Education and the Certification Investigations Staff of the Nebraska Department of Education have done a tremendous amount of work before a case ever comes to hearing. It should also be noted that the Commissioner of Education must make a determination whether to file a Petition with the Nebraska Professional Practices Commission after he receives a Report of Investigation from this office. The investigation process, including this report and the amount of preparation required to try a case, is no little task. It is of the utmost importance that the work of these dedicated public servants is acknowledged as well.