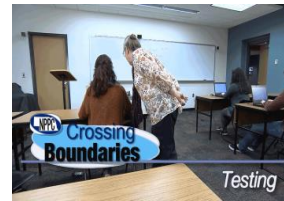




Nebraska Professional Practices Commission



VIDEO FACILITATOR GUIDE

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Brief case histories available at:
<https://nppc.nebraska.gov/index>

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Nebraska Professional Practices Commission

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Crossing Boundaries: Time on Duty

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		Bob Rook	Lindsey Parodi

Crossing Boundaries: Testing

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Crossing Boundaries: Social Media Relationships

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Crossing Boundaries: Inappropriate Relationships

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<i>Barb</i>	<i>Sam</i>	Grant Koch
Melissa Epp	Travis Banks	Lindsey Parodi

Crossing Boundaries: Alcohol

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	<i>Delaney</i>	<i>Dana</i>
	Katie Hoppe	Michelle Ingle

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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. These videos 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 videos 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 video depictions are certainly not the only situations that engender complaints at the state level. There are four main areas of complaints:

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

Each 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 Videos and General Guidelines

Of course it is suggested that the facilitator view the video 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 dramatizations 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
402-471-073

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Crossing Boundaries: Contracts



In this video watch what happens when a teacher wants to leave their current position to move to another school district. The consequences of violating a teaching contract are examined.

Discussion Questions

1. Why are contracts so important to the teaching profession?
2. Do you think the consequences for breaking a contract are appropriate? Why or why not?
3. What steps can you take to research job opportunities to ensure this situation doesn't happen to you?
4. Can you think of any other situations that might cause you to consider breaking a contract? If so, how would you handle it?

Transcript

(Video Length = 6 minutes 15 seconds)

* * *

Scene 1: University Break Room

(Nick enters break room, where Brad is studying.)

NICK: Brad!

BRAD: Hey, Nick! What are you doing here?

NICK: I wondered if I'd run into anyone I knew.

BRAD: Yeah. Sit down. Sit down.

NICK: I guess I've got a minute. I was looking for Dr. Brinkman. I have an appointment, but I'm a little early.

BRAD: So, how's teaching? You loving it?

NICK: Sure. It's great.

BRAD: I graduate in May, and I'm trying to find a job for the fall. I had four interviews last week.

NICK: Good going!

BRAD: I'm just trying to walk in your footsteps. Your first interview, and they offer you a job on the spot. That's perfect. You're my hero, you know. Oh, I bet it's been terrific!

NICK: There's more to it than . . .

BRAD: After student teaching, I want my own classroom so much I can taste it. But you know all about that.

(Brad's phone pings.)

BRAD: Hey, maybe this it! . . . Wow! I can't believe it. I have a job! Excuse me a second while I start my life!

NICK: Hey, Brad, before you answer, give me a second.

BRAD: Hey, man, I want to say yes right now. I want to shout yes! I want him to know how excited I am.

NICK: He can wait five minutes. I want you to hear what happened to me. OK?

Brad nods.

NICK: I know the legend is the principal offered me the job during the interview, and I said, "Yes" and signed the contract. The problem is I hadn't really had a chance to try the job on for size. Turns out I'm not really teaching what I wanted to teach. I'm so passionate about turning kids on to Literature, but I'm only teaching one English class, and the rest of the load is in my minor.

(Flashback to Nick writing a Civics question on the board in his class.)

NICK (Voice from Break Room): Which turns out to be two sections of History and one of Civics. I don't want to dump on the town or the rest of faculty, but most of the teachers are married, and they don't really socialize together outside of school.

(Flashback to Nick in his apartment kitchen, getting a glass of water and playing a game on his cell.)

NICK (Voice from Break Room): The main recreation for people my age is going to the bars, and that's never been my thing. I'm eight hours from my family, so it doesn't make sense to go home unless I'm off for more than just the weekend.

(Back to Break Room.)

BRAD: That's tough.

NICK: So . . . I went home at Thanksgiving, and I heard one of my old teachers was retiring at mid-year. His wife had a stroke, and he needed to take care of her. Long story short – I interviewed and was offered a contract . . . *if* I could start in January.

BRAD: Wow, you are golden.

NICK: That's what I'm trying to say. I'm not golden. I almost messed up my whole career. I called my principal back at the school and set up a meeting our first day back.

* * *

Scene 2: Principal Bellflower's Office

MRS. BELLFLOWER: I hear what you're saying, Nick. Your dream job has come up, and you want to grab it, but I need a teacher here, and you signed a contract.

NICK: I'll work until Christmas break. Surely you can find someone to replace me in six weeks.

MRS. BELLFLOWER: Why do you think I offered you a contract on the spot when I met you? There aren't many teachers who can teach the variety of classes that you can. I'm sorry, Nick, but I'm not letting you out of your contract.

NICK: Well, what happens if I . . . break the contract?

MRS. BELLFLOWER: I think that would be unwise. You'd force me to file a complaint with the NPPC, and you'd probably have your certificate suspended for at least a year.

NICK: What are you talking about, Mrs. Bellflower? What's the NPPC? Why should I care about that?

MRS. BELLFLOWER: I would think a teacher at the very beginning of his career *would* care very much.

(She turns to her computer to bring up the NPPC site.)

MRS. BELLFLOWER: The Nebraska Professional Practices Commission is the group that makes sure the standards of the teaching profession are maintained. They make recommendations to the Nebraska State Board of Education in matters of misconduct.

NICK: Since when is taking a job I want near my family misconduct?

MRS. BELLFLOWER: I know it seems unfair to you at this moment, Nick, but the teaching profession takes contracts very seriously. A one-year suspension is the standard penalty for breaking a contract, and that will follow you for the rest of your career. Plus, if your new school hears what you've done, they may withdraw their offer. Call an attorney, if you don't want to take my word for it. Or call the Clerk of the Commission. I'll give you the phone number.

NICK: I'm speechless.

MRS. BELLFLOWER: I'm sorry, Nick. I know it's been a hard transition for you. I would hate to lose you now, or at the end of the year. But if you decide to break your contract, then I would have to file a complaint, and your certificate could then be in jeopardy.

* * *

Scene 3: University Break Room (continued)

BRAD: Unbelievable.

NICK: It's pretty sobering, but I understand it better now. The rule is there to preserve the quality of teaching that the school system has the right to expect when they contract a professional. The bottom line is that I would have let my students down.

BRAD: So you missed your dream job.

NICK: I did.

BRAD: Will you leave the school at the end of this year?

NICK: I don't think so. I decided that I want a really good recommendation from my principal, and I'm not sure I'd get one at this point. Since the semester break, I've reached out to the teachers I admire, and I'm getting to know others in the area. We're working on some exchanges together that could be pretty cool. I've dug deeper, just as I tell my students to do.

BRAD: So, what should I do now?

NICK: Contact this principal, thank him for the offer, and ask him if you can have a couple days or a week to consider your options since you've had several other interviews. Then contact the other principals. Let them know you have an offer and are wondering where you are on their list. Take the time to really wrap your mind around what your duties and your life would be like in each job.

BRAD: Do you mind?

(Brad points at his phone.)

NICK: Go for it.

BRAD: Hello, Principal Hammack? . . .
(Dr. Brinkman enters.)

DR. BRINKMAN: Hi, Nick. What's up?

NICK: Dr. Brinkman! Well, I had a rude awakening this winter, and I hope you can share my experience with your students.

DR. BRINKMAN: Should we go up to my office to talk?

NICK: Sure. . . . Just a second.

(He walks over to Brad.)

NICK: How'd it go?

BRAD: Great. He even thanked me for my professionalism. Thanks for your awesome advice. . . . Hey, you're still my hero.

(They shake hands as Dr. Brinkman smiles in the background.)

Crossing Boundaries: Time On Duty



In this video, a teacher misuses her time on duty for inappropriate communication.

Discussion Questions

1. In what ways was this teacher abusing time on duty requirements?
2. What do you think the appropriate disciplinary action should be?
3. This educator abused district policies. Where can you go to find information on your district's policies? Do you think policies are different from district to district? How would you know?

Transcript

(Video Length = 7 minutes 04 seconds)

* * *

Scene 1: Nebraska Professional Practices Commission Hearing Room

MR. LAWRENCE, ATTORNEY FOR THE PETITIONER: Mr. Murano, you are the assistant principal at the high school?

GEORGE MURANO: That's right.

MR. LAWRENCE: At what point did the school become aware of Mrs. Novotny's improprieties?

GEORGE: It was determined the abuses started last fall, not long after Mrs. Novotny returned from a regional science fair with a team of students.

* * *

Scene 2: Mel's Science Classroom

(Student Kim is showing her teacher, Mel Novotny, photos on her phone.)

KIM: See, this is when you were setting up the display. Oh, and this next one is great, Mrs. Novotny, where you were lighting it, and there was that huge spark. Whoa! And look at this one. See, it's when that janitor guy came over and started yelling at us. I thought we were gonna get kicked out! But you were great.

(Email alert. Mel glances at her computer.)

KIM: I mean, look at this. And this. And this one. *We had the best display. (Email alert.)* I don't care what the judges said.

MEL NOVOTNY: Yeah, great judges.

KIM: Um, well, not really. I mean, they should have picked *us* for nationals, don't you think?

MEL: What?

KIM: I think it was rigged.

MEL: Why would you say that?

KIM: Well, I — I was sure we were gonna win, *(Email alert.)* 'cause that one judge, Mr. Hendrix, kept hanging around. See? He practically photo bombed half of my shots!

MEL: Mr. Hendrix is on the committee for next year's regional science fair, and so am I. So that's what we were talking about.

(Email alert.)

MEL: Hey, time to go. Show me the rest tomorrow.

KIM: I got video from the ribbon ceremony too.

MEL: Sounds great.

(Kim leaves, disappointed. Mel starts typing an email.)

MEL (Thinks): Can't believe you just emailed, Phil. Guess what? One of my kids noticed us. Even took photos! Seeing your face reminds me how much I miss you . . .

KIM: I'm ba-ack.

(Mel slams the computer shut.)

MEL: Kim!

KIM: Forgot my hoodie.

MEL: You startled me.

KIM: Sorry! Goodbye.

* * *

Scene 3: Empty Stadium Classroom, Two Weeks Later

(Mel finishes typing an email and starts to plug an external drive into her computer.)

MEL (Thinks): Here's photo one of 22. Warning: these are hot, hot, hot! Use oven mitts.

GEORGE: Mel, what are you doing in here?

(Mel slams the computer shut.)

MEL: George! Wow – you startled me. T-Too many interruptions when I try to work in my classroom. I needed to get caught up on the regional science fair planning.

GEORGE: Oh, yes. That's you and Phil Hendrix, right?

MEL: He's — he's one of the people working on it, yes. It's a huge, huge project — three states. Lots of emailing, because it's, you know, huge.

GEORGE: Hey, you can opt out of the planning committee if it's too much.

MEL: Oh no, I definitely want this.

GEORGE: Don't be a martyr. Your teaching comes first, Mel.

MEL: Absolutely. Of course. I'll work on this some other time.

* * *

Scene 4: Mel's Science Classroom, One Month Later

(Mel is typing at her computer.)

MEL (Thinks): Can't wait to see you at fall break. David is obsessed with his fishing trip, so he has no idea. Soon as he's out the door, I'll call for the rental car and drive all night to see you. You can warm me up when I get there . . .

KIM: Um, we can't get the tubing into the stopper.

(Mel hits some keys hurriedly and closes the lid.)

MEL: Set-up is part of your assignment. Try again.

(Kim is embarrassed and returns to her seat in class. Mel turns back to her computer.)

MEL: Print?! Not print! Oh no! No!

(Mel jumps up and runs out of the classroom. The other puzzled students turn to look at Kim.)

* * *

Scene 5: Printer Area outside the Principal's Office

(Mel runs up to find George at the printer.)

MEL: Hey, George, did you take a document from the printer just now?

GEORGE: I just picked up a whole pile for the principal. Why?

MEL: Oh no!

(Mel turns to find Principal Dalton gesturing for her to join him in his office.)

* * *

Scene 6: Nebraska Professional Practices Commission Hearing Room (continued)

GEORGE: Working from the email that was accidentally printed out, we discovered that Mrs. Novotny had been using school equipment and her school email account to pursue a nonprofessional relationship with Mr. Hendrix. This was going on during school hours, sometimes during actual class time. It was quite a shock. Mrs. Novotny has always been one of the top teachers in our school.

MR. LAWRENCE: Thank you, Mr. Murano.

(George exits.)

MR. LAWRENCE: You can view the series of emails between Mrs. Novotny and Mr. Hendrix in Attachment A. And just a word of warning, some of the text and photos are explicit. You'll also find several other exhibits — letters regarding Mrs. Novotny's excellence as a teacher. These testimonials paint the picture of an outstanding professional who was liked by her students, appreciated by her peers, and trusted by her administration.

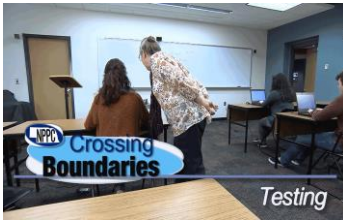
However, ladies and gentlemen, I can cite several license revocations that have been imposed for similar improprieties. These must be factored into your decision. You must not ignore or undervalue the impact of Mrs. Novotny's misuse of school time and school resources.

Even the best people can make foolish choices. That is true. But it is also true that what Mrs. Novotny was doing was just plain wrong.

- She was abusing the time on task requirements of her job.
- She was abusing the policies of her district regarding the use of school communications equipment for personal use.
- She was abusing the trust of her whole community when she risked exposing her students to the very inappropriate content of these personal messages.

Students could certainly have been made to feel uncomfortable by her actions. As you consider the consequences Mrs. Novotny will face, think about the ethical messages her behavior conveyed. Does this teacher's prior excellence outweigh her very clear violations of Nebraska's professional standards? You'll have to decide.

Crossing Boundaries: Testing



The case of Margo shows how an educator can face professional misconduct by not following standardized testing protocols.

Discussion Questions

1. Do you believe Margo's decisions were unethical? In what ways?
2. Do you think the recommended consequences fit the situation?
3. In what ways can you be sure you are following testing protocols in your classroom?

Transcript

(Video Length = 6 minutes 33 seconds)

* * *

Scene 1: Margo's Classroom

(Margo is eating lunch at her desk when Brianna comes to join her.)

MARGO LATHROP: Oh, why Vice Principal Vargas, another new outfit?

BRIANNA VARGAS: I'm trying to look just a bit more administrative, Margo.

MARGO: Well, it's working. I just hope we don't run out of things to talk about. Well, we used to spend all our time complaining about the administration. How can we do that now that you're one of "them"?

BRIANNA: It won't be necessary to complain anymore, because I plan to fix everything!

MARGO: Have you told our fearless leader?

(They chuckle.)

MARGO: Speaking of "Principal Oliver", he dropped by my class yesterday after last bell and applied some pressure.

BRIANNA: He's getting plenty of that from upper administration.

MARGO: Oh, I know. Just between you and me, Brianna, I think my class did drag down the scores last year. I missed so much school with all we went through with Mom. This year, my class is going to do their best if I have to write those tests myself!

BRIANNA: Well, don't do that.

MARGO: I'm not that crazy!

(They laugh.)

* * *

Scene 2: Teachers' Kitchenette

STAN: So, I heard that this middle school teacher dreamed up an idea to take screen shots of the test with his smart phone, and then give the shots to his wife whose school takes the test later. She'd have all the prompts and could coach her kids.

MARGO: Did he do it?

STAN: His wife shot him down. *(Chuckles.)* Done with the testing?

MARGO: Almost. I had three students who were absent, so I'm going to give it to them this afternoon. I'm glad we could work it out. I was so disappointed when they missed yesterday.

* * *

Scene 3: Margo's Classroom

(Three students are taking the make-up Standardized Test.)

MARGO: You doing OK, Crystal?

CRYSTAL BREKKEN: I don't remember how to spell this word.

MARGO: Sorry, you know I can't help. Maybe if you took a little break. You've been working quite a while. . . . OK, good work, everyone. Let's take a break. Go out. Get a drink. Relax.

CRYSTAL: Troy, wait up!

(Crystal whispers to Troy Moretti, who pulls her out of the room. Margo seems concerned, but goes to Crystal's computer instead. She uses her photo to take a shot of the screen.)

* * *

Scene 4: Margo's Classroom, A Few Minutes Later

(Crystal comes back into the classroom.)

MARGO: Oh, Crystal, I glanced over your test. You're doing really well. Just remember, each new topic requires a new paragraph. And don't forget to indent . . .

(Troy and Rona enter and see Margo showing Crystal her phone. They look puzzled.)

MARGO: Perfect timing. Everyone feel better? . . . Good! Back to your places. Begin.

(Crystal smiles at Troy.)

MARGO: Concentrate now.

* * *

Scene 5: Nebraska Professional Practices Commission Hearing Room

BRIANNA: When I was getting ready to go home that day, Mr. Jarvis stuck his head in my office to say that he'd just heard a student bragging about how he helped another student cheat on a standardized test. When I followed up on it, Troy Moretti admitted he'd given Crystal Brekken the correct spelling of a word during a break in the middle of the test. After questioning him further, I realized it wasn't the only issue.

* * *

Scene 6: Brianna's Office

BRIANNA: Thanks for stopping by, Margo. We've got some things to talk about.

MARGO: But first, you have to see these pictures from the surprise party.

BRIANNA (Voice from the Hearing): I swiped through the shots of her Mom's surprise birthday party, and there, plain as day, was a screen shot of a student's test.

MARGO: Aren't they terrific?

BRIANNA: What is this, Margo? Is this a screen shot of the test?

MARGO: Oh, that – that's just Crystal's essay. I was afraid she hadn't saved it. I wanted to be sure she didn't have to start over after the break.

BRIANNA: Where were the students when you did this? You certainly didn't take a screen shot in front of them.

MARGO: They were on break. I let them go get a drink. It was pretty warm in that room.

BRIANNA: So you permitted the students to talk during their break? You know that's against the rules.

MARGO: Oh, don't get all vice principal with me. I'm sure they didn't talk about the test.

BRIANNA: Troy admitted to me he gave Crystal the correct spelling of a word she didn't know. Mr. Jarvis overheard him tell another student how he helped her cheat. And when I questioned Troy further, he also said when he and Rona came back, they saw you talking to Crystal and pointing at something on your phone.

MARGO: Oh, for heaven's sake! I reminded her to write in paragraphs. I told her to indent. Please give me my phone.

BRIANNA: I'm so sorry, Margo.

MARGO: But you're my friend. You can't turn me in on this. Taking a stupid screen shot. Reminding a student to indent. You've got to be kidding me.

* * *

Scene 6: Nebraska Professional Practices Commission Hearing Room (continued)

BRIANNA: Margo Lathrop is one of our best teachers. I don't know what she was thinking. You know there is a lot of pressure on the outcome of these tests. But, she aided a student, directly giving her suggestions on how to improve her work, and she permitted the students to discuss the test while they were on break. That is why we filed the complaint.

* * *

Scene 7: Nebraska Professional Practices Commission Hearing Room, Several Minutes Later

MR. LAWRENCE: These tests are given in order to measure student learning. They are statewide assessments, so we have equitable results across the state of Nebraska. For each school, the results on these tests represent the teaching and learning that took place. When a teacher intervenes, then we don't have a true representation of student learning in that school.

This teacher specifically interfered with a true picture of what her students can do by giving suggestions to one student and allowing others to talk about the exam as it was in progress.

These are serious violations. I would urge this Commission to recommend to the State Board of Education to suspend Margo Lathrop's teaching certificate for the period of one year. This is the usual consequence of non-compliance with testing protocols.

Crossing Boundaries: Social Media Relationships



In this case study, you will watch as a teacher uses social media to engage in an unethical and inappropriate relationship with a student.

Discussion Questions

1. What was the first sign that this situation crossed an ethical boundary?
2. What should be the consequences for Bill's actions?
3. What would you do if you were made aware of a similar situation with a colleague of yours?

Transcript

(Video Length = 7 minutes 06 seconds)

Scene 1: Nebraska Professional Practices Commission Hearing Room Waiting Area

KEVIN: Bill!

BILL BENTON: Kevin, what are you doing here?

KEVIN: Being a good friend. You don't have the car any more, remember? I'm your ride home. I thought it'd be over by now.

BILL: It's a long way from over. Actually, it was over before it started.

KEVIN: "Improper communication with a student." What does that even mean? Nothing happened on school grounds or during school hours. What can they do to you?

BILL: Revoke my teaching certificate. Maybe end my career.

KEVIN: Who are these guys, the Spanish Inquisition?

BILL: I have to go back in.

KEVIN: Call me after.

* * *

Scene 2: Nebraska Professional Practices Commission Hearing Room

MR. LAWRENCE, ATTORNEY FOR THE PETITIONER: Ladies and gentlemen of the Commission, it's up to you to decide the professional consequences for Mr. Benton's inappropriate communications with his student, Neela Ramey. You'll need to consider his actions as well as their impact.

* * *

Scene 3: Bill and Tami Benton's Bedroom

(Text message alert. Bill lunges for his phone. Tami is surprised.)

NEELA RAMEY'S VOICE: Are you up?

TAMI: Who's texting you at this time of night?

BILL: Nobody.

(Text message alert.)

TAMI: If that's Kevin, tell him to go to bed.

NEELA'S VOICE: Can't sleep tonight.

BILL: Yeah, it's just Kevin, trying to be funny.

TAMI: Please just shut that thing off, Bill. Some of us have to get up in the morning.

BILL: Aren't you going to finish the senator's speech?

TAMI: It's done. So am I. Good night.

(She off the light by the bed. Text message alert.)

TAMI: Really? Really?

BILL: It's off now. Good night, Tami.

* * *

Scene 4: Bill and Tami's Living Room and Neela's Bedroom in a Split Screen

(Text message alert.)

NEELA: Why won't you answer me?

BILL'S VOICE: I can answer homework questions. That's all.

NEELA: But I need you! You get me like no one else does! . . . Don't you like me? . . . Why do you hate me?

BILL'S VOICE: You...are...my...student.

NEELA: That's why you hate me? . . . You are so mean!

TAMI: Bill. . . . Bill?

BILL'S VOICE: I . . . do . . . like . . . you.

TAMI'S VOICE (from the Dining Room): What's going on?

(Bill hides the phone in a pocket and goes to her.)

BILL: Nothing.

TAMI: I've been yelling at you from the kitchen for the last five minutes.

BILL: I must have been dozing.

TAMI: Are you OK?

BILL: Sorry. What did you need?

* * *

Scene 5: Text Messages between Bill and Neela

BILL'S VOICE: I liked what you wore today.

NEELA'S VOICE: Thanks.

BILL'S VOICE: Sorry about your game—you must be bummed.

NEELA'S VOICE: Got a secret to tell you if you really want to talk.

BILL'S VOICE: OK. I'll bite. What's the secret?

NEELA'S VOICE: I like you -- even more than I said. . . . You there?

BILL'S VOICE: Don't say things like that. You're my student, not my girlfriend.

NEELA'S VOICE: But, I could be.

* * *

Scene 6: Bill and Tami's Dining Room

(Bill is on a computer.)

BILL: OK, I got a Facebook page. Friend me. Do it. (*Facebook confirmation.*) Hello yourself, “friend”. (*Facebook alert.*) No, I won’t send a photo. You send one first. (*Facebook alert.*) You’re the sexy one, not me!

* * *

Scene 7: Bill and Tami’s Bedroom and Neela’s Bedroom

(Bill is on the phone with Tami.)

BILL: Look, I’m not the one who had to go out of town with the senator for a month!

TAMI’S VOICE: Ten days.

BILL: You’re *always* gone.

TAMI’S VOICE: We talk every night! You could have just said you joined Facebook, instead of me finding you by accident.

BILL: I just got the account!

TAMI’S VOICE: What’s going on with you? You’re so secretive these days.

BILL: You’re so snoopy these days.

TAMI’S VOICE: Oh, let’s not do this. I can come home if you want me to.

BILL: No.

(Skype call alert.)

TAMI’S VOICE: What was that?

BILL: It’s a Skype call. From Aunt Helen. She’s calling from the UK. Gotta take this now. Bye.

(He shuts off the phone and engages the Skype call.)

NEELA: Hi. Are you alone?

BILL: Yep. All alone in my great big bed.

NEELA: Are we really going to do this?

BILL: I guess we have to, or you’ll bug me for another three weeks.

NEELA: Hey, you started it. You sexted me last night.

BILL: You sexted me back.

NEELA: So now we take it to the next level?

BILL: Are you going to chicken out on me?

NEELA: We'll both go at the same time.

BILL: OK!

NEELA: Alright!

(Bill begins undressing.)

* * *

Scene 7: Nebraska Professional Practices Commission Hearing Room (continued)

MR. LAWRENCE, ATTORNEY FOR THE PETITIONER: Six standards used by the Bar have often guided this commission. Of those six, four focus on the ethics of the profession, but only the last two consider the conduct of the individual.

BILL (Thinks): My conduct . . .

MR. LAWRENCE: As you decide Mr. Benton's future in the teaching profession, you must consider the serious nature of his offenses. You have to bear in mind the importance of deterring others from similar violations of trust and ethics.

BILL (Thinks): I should have told the school and the parents the first time she ever texted me. I should have had her transferred out of my class . . .

MR. LAWRENCE: You'll want to demonstrate to the public your commitment to protect our students and the reputation of the profession. The respondent has admitted that what he has done violates ethical standards.

BILL (Thinks): I told myself it was harmless. But I knew better. It was wrong in every way.

MR. LAWRENCE: The Commissioner of Education believes that violation of the student/teacher relationship is the most serious of violations an educator can make.

BILL (Thinks): I will regret this for the rest of my life.

MR. LAWRENCE: Mr. Benton has demonstrated remorse, but should he ever stand before a classroom again? Based upon the facts of this case and precedents set in other similar cases, we recommend that Mr. Benton's certificate be revoked. It is up to you, the Commission, to determine for how long.

BILL (Thinks): I deserve whatever happens.

Scene changes to Bill exiting the Hearing Room after everyone has gone.

MR. LAWRENCE'S VOICE: These actions are not just to punish him, but in fact to show the importance of the matter. You must consider Mr. Benton's fitness to be a teacher now and in the future.

Crossing Boundaries: Inappropriate Relationships



This video depicts an ethical violation between a favorite teacher/coach and a student. As you watch the events unfold, think about how the circumstances in this case can cause a variety of difficulties for the students, parents and staff involved and how it could have been prevented.

Discussion Questions

1. What difficulties do you think the students and staff involved will face in this case?
2. Could Vi have handled the situation differently? In what ways?
3. Do you believe the recommended consequences are sufficient? Why or why not?

Transcript

(Video Length = 6 minutes 43 seconds)

Scene 1: Girls' Basketball Team's Locker Room

(Cheers.)

COACH JEFF FARLEY: The way to success is to believe so deeply in what you want that nothing can stand in your way.

(Cheers.)

Boldly take what you want, and you will never know the taste of regret! Get out there!

(Cheers.)

* * *

Scene 2: School Library

(Two laughing high school girls exit the library as teacher Vi enters.)

BARB: Hey, Vi, how's it going?

VI BASS: Practice has barely started, and the whole school's in a frenzy over Coach Farley and the team.

BARB: You mean they are still in a frenzy from last spring. It's hard to believe we actually took State.

VI: With four starters coming back, there's a good chance he'll do it again! He's such a great coach, and his girls just adore him.

BARB: He loves every minute of it. Coach Farley sits with them in the cafeteria, he sits with them at the games, and he's always giving and getting back rubs and hugs.

VI: I know what you mean, Barb, but do you think it's inappropriate?

BARB: Really flirty, really risky.

VI: I know from talking to him that he wants to be that "*special teacher*". He just hasn't found a balance yet.

BARB: It's one thing for a teacher to be engaged and responsive, and it's another to be one of the kids.

VI: Somebody should warn him.

BARB: Oh yes.

* * *

Scene 3: School Hallway by Lockers

JESS: Carrie doesn't want to talk to you.

SAM: Is it Coach Farley?

JESS: Maybe. She's crushing on him a bit.

SAM: Did you see that epic back rub that she gave him at the basketball game on Friday?

JESS: Everybody gives him back rubs.

SAM: Yeah, but Hanna said that he hugs Carrie more often and hangs on longer.

JESS: Coach messes around with everybody.

SAM: Yeah, but Hanna said that he picked her up and swung her around.

JESS: Yeah, it was kind of awesome...

SAM: Yeah, but she's my girlfriend.

JESS: That's not what she says.

SAM: Yeah, that's why I need to talk to her! I waited after practice, but then they walked out together, and then he watched her walk the whole length of the hallway. What a perv!

JESS: He's just a guy. How's he supposed to resist such a cute girl?

SAM: He's too old for her.

JESS: Of course he is, so stop worrying.

* * *

Scene 4: School Hallway at Night

(Carrie and the coach are playing keep-away with a basketball.)

COACH'S VOICE: The way to success is to believe so deeply in what you want that nothing can stand in your way. Boldly take what you want, and you will never know the taste of regret!

(It ends in a hug. Vi walks into the hallway.)

VI: Jeff? Mr. Farley, what's going on?

CARRIE: We're just practicing.

COACH: Hey, Carrie, you should probably run along. I need to talk to Mrs. Bass.

(Carrie leaves.)

VI: What was that?

COACH: What she said. Practicing. I want her to do her best.

VI: What're you thinking? Alone with a student . . . hugging her?

COACH: I haven't done anything wrong.

VI: Really? It seems wrong to me.

* * *

Scene 5: Nebraska Professional Practices Hearing Room

VI: I suppose it could have been an innocent hug, but . . . it seemed so suspicious. I believe what I saw crossed a line, so the next morning I talked to our Principal, Mr. Morrow.

* * *

Scene 6: Principal Morrow's Office

SAM: Carrie forgot her phone in Chemistry.

(Flashback scene of Sam finding the phone.)

SAM'S VOICE: I knew we had the next class together, so I wasn't snooping. At least when I picked it up, I wasn't planning to snoop.

Back to the Principal's office.

SAM: I didn't answer it. But then I looked at their texts – she doesn't use a password. I thought I better show Carrie's Mom.

PAM (Carrie's mom): I was so shocked at what was there! Texts, emails, and phone messages. All compliments and sweet talk. First thing in the morning, last thing at night. It makes me sick. Here's the message he left.

(Pam plays the phone message.)

JEFF'S VOICE: Hey, beautiful! I hope you're having an awesome day. I'm counting the hours until practice! Two hours, eight minutes and 6 seconds, 5, 4, 3 . . .

PAM: Some people think he should just get a warning. But what he did was wrong no matter how popular he is! So his team wins games. That shouldn't give him "unrestricted access" to our daughters. Thank goodness they hadn't had sex, but I believe that boundary would have been crossed too. It was just a matter of time. What I can't believe is people blaming my daughter. It doesn't work like that. She's only 17, and he's supposed to be a grownup and her teacher!

(Flashback scene of Carrie and the coach playing keep-away and then hugging.)

PAM: We give teachers our trust. We know they have real importance and power in our children's lives, power to inspire as well as to teach and guide. Sexy messages, hugs, back rubs, evening coaching sessions. It's wrong.

* * *

Scene 7: Nebraska Professional Practices Hearing Room (continued)

PAM'S VOICE: I'm sure he's full of regret . . . but he's at fault and needs to take responsibility. This should never have happened.

MR. LAWRENCE, ATTORNEY FOR THE PETITIONER: Educators should be guided by the same six principles used for determining the proper discipline of an attorney. One, the nature of the offence; two, the need for deterring others; three, the maintenance of the reputation of the profession as a whole; and four, the protection of the public. These ethical standards should apply just as well to the entire teaching profession.

Then there's the fifth factor, the attitude of the respondent. I see that Mr. Farley appears to be sorrowful. Who wouldn't be in these circumstances?

But we have the sixth and last factor, the respondent's present and future fitness to continue in the profession. I believe we do not have the surety and proof that this exact scenario would never happen again with another student. It is for that reason I ask you to recommend to the State Board of Education that Jeffery Farley's teaching certificate be revoked for a period of five years.

Crossing Boundaries: Alcohol



This is a case of a first year teacher, Allyson Reynolds. Allyson admitted to purchasing alcohol for some of her students after having them at her home to watch a popular TV show. Her friend and fellow teacher Natalie has been called to testify at the Professional Practices Commission hearing to determine if action should be taken on Allyson's teaching certificate.

Discussion Questions

1. What could Allyson have done differently with her students?
2. How can you avoid getting into a situation like this?
3. What would you have done if you were in Natalie's situation? Was there anything she should have done differently? If so, what?
4. Do you agree with the decision that was made by the Commission? Why or why not?

Transcript

(Video Length = 6 minutes 35 seconds)

Scene 1: Nebraska Professional Practices Hearing Room

NATALIE (voiceover): I'm so sorry to have to testify against Allyson. She's such a good teacher. But, she really crossed the line.

* * * * *

Scene 2: School Stairwell, Months Earlier

ALLYSON: Natalie, I'm dying to know what's so secret we have to meet here to talk about it.

NATALIE: This is awkward.

ALLYSON: We teach English. Use your words.

NATALIE: OK. The thing is—I heard some gossip. I need to check it out. There's a story going around you've been "partying" with students.

ALLYSON: Are you kidding me? I—I had a couple of kids over to watch *Corpse Alley*. OK, yes, it's about zombies, but seriously, it's extremely well written, and we've been studying story structure, and it keeps coming up in our discussions.

NATALIE: Can't they watch it somewhere else?

ALLYSON: Look, I don't know what the rumors are, but eating chips and watching TV at a teacher's house on a Sunday night is not "partying."

NATALIE: Allyson, I'm not trying to give you a hard time. You're great with the kids. But it's your first year, and you're new in town, and you're not that much older than them. You're treating them more like friends than students.

ALLYSON: We just have a good relationship.

NATALIE: It's a slippery slope. I've seen this before. It's about boundaries. These kids aren't evil -- they're kids. They manipulate.

ALLYSON: I appreciate your concern. But trust me, it's just *Corpse Alley*, and they all go home. Really. I'm glad you checked this out with me, Natalie. But no worries.

* * * * *

Scene 3: Allyson's Apartment

ALLYSON: And so ends another week in--.

ALL: *Corpse Alley!*

ALLYSON: Hey, hey, hey! What is *that*?

DELANEY: Um, you ought to know. It came out of your refrigerator.

ALLYSON: Seriously, I need you to give me that. I can't have you drinking here.

DELANEY: It's OK. My parents let me drink at home.

TAYLOR: All our folks let us.

DANA: Yeah. Just, you know, beer.

TAYLOR: And we're only having one, right?

ALLYSON: What do you mean "we"?

DANA: We. As in us. Plus you.

ALLYSON: Guys, I really don't want you to . . .

DELANEY: You can trust us.

DANA: One beer and we're outta here.

TAYLOR: Just one. C'mon, you know how it is.

ALLYSON: Well . . . One. Just this once.

ALLYSON: But you can't talk about this. Ever. What happens in *Corpse Alley* stays in *Corpse Alley*.

* * * * *

Scene 4: Secluded Location on School Grounds (from Scene 2)

ALLYSON: I got your text. What's up? Is this about *Corpse Alley* again?

NATALIE: Allyson, there's a rumor going around that you're serving beer to students.

ALLYSON: That's not true!

NATALIE: Well, that's the story that's out there. We had a similar situation a couple of years ago. Tom Reardon. Excellent teacher. But new. And a little lonely.

ALLYSON: This isn't like that!

NATALIE: Tom got talked into buying a twelve-pack for some of his students on prom night. He was sure it would be fine because he knew the kids, and he trusted them. They crashed their car, the police found the beer, and the kids ratted Tom out. He lost his job and his certificate, and it cost him his career.

ALLYSON: Natalie, I promise you, nothing like that is going to happen to me.

* * * * *

Scene 5: Nebraska Professional Practices Hearing Room, continued from Scene 1

NATALIE: All over school I was hearing "What happens in *Corpse Alley* stays in *Corpse Alley*" -- and that got my attention, because I knew the kids were watching that show at Ms. Reynolds' apartment. Kids were saying it had grown into a weekly party situation, with Ms. Reynolds *and* the students drinking. I couldn't confirm the story — or refute it. Things came to a head Homecoming night.

NATALIE (voiceover): The team lost and apparently three of Ms. Reynolds' students came to the school parking lot afterwards and drank beer.

NATALIE: They boasted about it the next day, and that *Corpse Alley* reference was all over the school again. So I wasn't surprised when the students were called into the principal's office, and they revealed it was Ms. Reynolds who bought them the beer.

PETITIONER: What happened next?

NATALIE: The principal spoke to Ms. Reynolds, and she admitted she had purchased two six-packs which she then gave to the students. She didn't try to lie or hide anything. She's a good person. And a great teacher. But she had a very serious lapse in judgement.

PETITIONER: Thank you, Ms. Olston.

HEARING OFFICER (JUDGE): Do you wish to make a closing?

PETITIONER: I would like to call attention to some particulars, your honor. Ladies and gentlemen of the Commission, you've heard quite a bit today about Ms. Reynolds being a great classroom teacher. But Ms. Reynolds plead guilty in civil court to procuring alcohol for minors. The Commission has to bear in mind the precedents for dealing with teachers who purchase or consume alcohol with students.

PETITIONER (voiceover): You have to weigh Ms. Reynold's excellent teaching record against the ethical standards we're here to uphold.

PETITIONER (voiceover) continued: Consider the nature of this offense, the need to deter others, the need to maintain the reputation of the profession, and the obligation to protect the public.

Of course, you must take into account Ms. Reynolds' cooperative attitude. But you must also think about her fitness to continue in the profession.

It is our position that you recommend to the State Board of Education that Ms. Reynolds' certificate be revoked for a period of ten years.

FURTHER DISCUSSION, QUESTIONS, AND ADDITIONAL RESOURCES

While these videos 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:

www.nol.org/home/NPPC.

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.