

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Matthew L. Blomstedt, Ph.D.)	
Commissioner of Education)	NDE Case No. 15-19
301 Centennial Mall South)	
P.O. Box 94933)	
Lincoln, NE 68509-4933,)	
)	FINAL ORDER
Petitioner,)	
)	
v.)	
)	
Gabriel Early)	
11124 V Street)	
Omaha, NE 68137,)	
)	
Respondent.)	

This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on February 5, 2016, upon the recommendation of the Nebraska Professional Practices Commission ("NPPC") that the public school certificate of the Respondent, Gabriel Early, be revoked for a period of two years. The parties were notified of the State Board's consideration in this matter. Appearing before the State Board was NDE Legal Counsel Scott Summers on behalf of the Commissioner of Education, and Kathi Vontz, Clerk of the NPPC. Respondent did not appear.

The record of the NPPC proceeding, containing the "Findings of Fact, Conclusions of Law, and Recommendation of the Commission," all of the pleadings, exhibits, and a written transcript of the NPPC hearing, was received by the State Board into evidence as "Exhibit 1." The Notice of Disposition was received into evidence as "Exhibit 2." Upon its independent review of the entire record, the State Board finds, concludes, and orders as follows:

1. The State Board has jurisdiction in this case pursuant to Neb. Rev. Stat. § 79-866(2) (2014);

2. The Petitioner is Matthew L. Blomstedt, Ph.D., Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509-4933;

3. The Respondent is Gabriel Early, 11124 V Street, Omaha, NE 68137;

4. The Respondent holds a public Nebraska Initial teaching certificate number 2013007724, endorsed in Music K-12, with an expiration date of August 31, 2018;

5. The Respondent was employed as a Choir Director by the Bellevue Public Schools beginning with the 2013-2014 school year until the Bellevue School Board accepted his resignation on June 8, 2015;

6. On or between May 19, 2015, through May 22, 2015, the Respondent used a school district computer to access sexually explicit material;

7. Based upon the factual allegation contained in paragraph 6, the Respondent has violated the following statutes and standards: Neb. Rev. Stat. § 79-866(2) (2014) which states, in pertinent part: "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.04B (effective date: November 12, 2003) ("the educator. . . shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities"); Section 004.04E (same effective date) ("the educator. . . shall not commit any act of moral turpitude, or any felony

under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21”); Section 004.04F (same effective date) (“the educator. . . shall, with reasonable diligence, attend to the duties of his or her professional position”); Section 004.06G (same effective date) (the educator. . . shall use time on duty and leave time for the purpose for which intended”); Section 005.02B2 (same effective date) (“each teacher. . . shall adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher or special services provider”); Section 005.06D (same effective date) (“the educator. . . shall develop and maintain positive standards of conduct”); and Section 005.09D (same effective date) (educators. . . shall provide leadership and direction for others by appropriate example”);

8. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. § 79-866(2) (2014) to revoke the Respondent’s certificate for a period of two years; and

9. The public Nebraska Initial teaching certificate of Gabriel Early, certificate number 2013007724, endorsed in Music K-12, with an expiration date of August 31, 2018, shall be revoked for a period of two years from and after the date of this order.

Dated this 5th day of February, 2016.

STATE BOARD OF EDUCATION

BY: Rachel Wise
Rachel Wise, President

The vote by the State Board of Education to approve the Final Order in Case No. 15-19, on February 5, 2016, was 7 in favor, _____ against, _____ abstaining, and 1 absent. Individual State Board members voted as follows:

IN FAVOR: L. LARSEN, G. FLINT, R. WISE, J. WITZEL, M. NICKELS, M. O'HOLLERAN,

P. MCPHERSON

AGAINST: _____

ABSTAINING: _____

ABSENT: P. TIMM

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon Respondent Gabriel Early, 11124 V Street, Omaha, NE 68137, via United States mail; Kathi Vontz, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via interoffice mail; and Brian L. Halstead, Deputy Commissioner, Nebraska Department of Education, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509, via interoffice mail, all on this 5th day of February, 2016.



49-1509-29