

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Matthew L. Blomstedt, Ph.D.)	
Commissioner of Education)	NDE Case No. 15-18
301 Centennial Mall South)	
P.O. Box 94933)	
Lincoln, NE 68509-4933,)	
)	
Petitioner,)	FINAL ORDER
)	
v.)	
)	
Heather Gates)	
P.O. Box 453)	
Madison, NE 68701,)	
)	
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, Heather Gates, be revoked for a period of three 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 Heather Gates, P.O. Box 453, Madison, NE 68701;

4. The Respondent holds a public Nebraska Standard teaching certificate number 2013004340, endorsed in Art K-12, with an expiration date of August 31, 2018;

5. The Respondent was employed by the Norfolk Public Schools as an art teacher until her resignation was accepted by the Norfolk School Board on January 12, 2015;

6. The Respondent admitted to both school and law enforcement officials to stealing Hydrocodone, a controlled substance, from another staff member and at times teaching under the influence of that controlled substance from August 2014 through December 2014;

7. On February 23, 2015, pursuant to a plea agreement, the Respondent was found guilty by the Madison County District Court of Possession of a Controlled Substance-Hydrocodone, a Class IV Felony, and the Court deferred sentencing to allow the Respondent the opportunity to enter into and complete the Northeast Nebraska Adult Felony Drug Court Program;

8. Based upon the factual allegations contained in paragraphs 6 and 7, 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 004.02E (effective date: November 12, 2003) ("the educator. . . shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage"); Section 004.03C (same effective date) (the educator. . . shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety"); Section 004.03D (same effective date) ("the educator. . . shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student"); 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 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"); and Section 005.06D (same effective date) ("the educator. . . shall develop and maintain positive standards of conduct");

9. 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 three years; and

10. The public Nebraska Standard teaching certificate of Heather Gates, certificate number 2013004340, endorsed in Art K-12, with an expiration date of August 31, 2018, shall be revoked for a period of three years from and after the date of this order. Respondent's reinstatement shall be contingent upon Respondent's full compliance with all requirements imposed by the court.

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. 15-18, 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

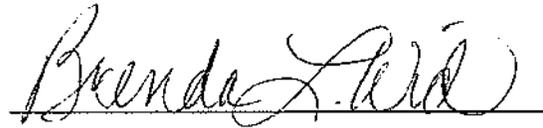
AGAINST: _____

ABSTAINING: _____

ABSENT: P. TIMM

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon Respondent Heather Gates, P.O. Box 453, Madison, NE 68701, 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.

A handwritten signature in cursive script, reading "Brenda L. Ald", is written over a horizontal line.

49-1510-29