

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Matthew L. Blomstedt, Ph.D.	)	NDE Case No. 23-24
Commissioner of Education	)	
500 S. 84 <sup>th</sup> Street, 2 <sup>nd</sup> Floor	)	
P.O. Box 94933	)	
Lincoln, NE 68509-4933,	)	
	)	
Petitioner,	)	<b>FINAL ORDER</b>
	)	
v.	)	
	)	
John Becker	)	
3136 N. 55th Street	)	
Omaha, NE 68104,	)	
	)	
Respondent.	)	

This matter came before the State Board of Education (“State Board”), Lincoln, Nebraska, on September 27, 2023, upon the recommendation of the Nebraska Professional Practices Commission (“NPPC”) that the public Nebraska Standard teaching certificate of Respondent, John Becker, be revoked for a period of three years beginning May 23, 2022. The parties were notified of the State Board’s consideration in this matter. Appearing before the State Board was Tamra L. Walz, General Counsel, on behalf of the Commissioner of Education. NPPC Clerk Kelly Muthersbaugh appeared and provided a summary of the NPPC’s recommendation in this matter. Attorney Justin D. Eichmann appeared on behalf of Respondent.

The record of the NPPC proceeding, containing the “Findings of Fact, Conclusions of Law, and Recommendation of the Commission,” and all of the pleadings, exhibits (including the “Settlement Agreement for Revocation of Certificate,” dated April 11, 2023 (“Settlement Agreement”)), and written transcript of the NPPC hearing, was received by the State Board into evidence as “Exhibit 1.” The Notice of Disposition and the certified

mail return receipt were 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, P.O. Box 94933, Lincoln, NE 68509-4933;

3. The Respondent is John Becker, 3136 N. 55th Street, Omaha, NE 68104;

4. The Respondent holds a public Nebraska Standard teaching certificate number 2019004259, endorsed in Elementary Education K- 6, with an expiration date of August 31, 2024;

5. The Respondent was employed with the Millard Public Schools ("Millard") beginning with the 2003-2004 school year, and was most recently employed as an elementary teacher beginning with the 2021-2022 school year until his resignation was accepted by the Millard School Board on November 7, 2022;

6. On May 23, 2022, three staff members at Cottonwood Elementary reported to Principal Gina Rudloff that they believed the Respondent was under the influence of alcohol as they smelled alcohol on his person and/or they observed his behavior to appear as though he was under the influence of alcohol, which conduct violated school policy. The Respondent agreed to a breathalyzer test which resulted in a positive Blood Alcohol Content reading above the legal limit to operate a motor vehicle. The Respondent was placed on administrative leave and voluntarily underwent inpatient and intensive outpatient treatment for alcohol dependency;

7. On May 23, 2022, the Respondent was placed on administrative leave. On August 31, 2022, the Respondent submitted his resignation which was accepted by the Millard School Board on November 7, 2022;

8. The Respondent has violated 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 004.03C (effective date: November 12, 2003) ("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 004.04F (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"); 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");

9. Based on the stipulated facts in the Settlement Agreement, 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 John Becker, number 2019004259, endorsed in Elementary Education K-6, with an expiration date of August 31, 2024, shall be revoked for a period of three years effective May 23, 2022 (the date Respondent was placed on administrative leave). In accordance with the terms of the Settlement Agreement, Respondent shall submit evidence of continued sobriety, treatment, participation in groups to support his sobriety, etc., for the entire three-year revocation period, prior to any reinstatement of his teaching certificate.

Dated this 29th day of September, 2023.

STATE BOARD OF EDUCATION

BY:

  
\_\_\_\_\_  
Patti Gubbels, President

The vote by the State Board of Education to approve the Final Order in Case No. 23-24, on September 27, 2023, was 6 in favor, \_\_\_\_\_ against, \_\_\_\_\_ abstaining, and 2 absent. Individual State Board members voted as follows:

IN FAVOR: D. Neary, L. Fricke, S. Jones, P. Gubbels, K. Penner, P. Koch Johns

\_\_\_\_\_

AGAINST: \_\_\_\_\_

\_\_\_\_\_

ABSTAINING: \_\_\_\_\_

ABSENT: E. Tegtmeier, J. Morrison

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon counsel for the Respondent, Justin D. Eichmann, Houghton Bradford Whitted PC, LLO, 6457 Frances Street, Suite 100, Omaha, NE 68106, by regular U.S. Mail; Kelly Muthersbaugh, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via interoffice mail; and Tamra L. Walz, General Counsel, Nebraska Department of Education, 500 S. 84th Street, 2nd Floor, Lincoln, NE 68510-2611, via interoffice mail, all on this 24<sup>th</sup> day of September, 2023.



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