

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Matthew L. Blomstedt, Ph.D.	)	NDE Case No. 19-03
Commissioner of Education	)	
301 Centennial Mall South	)	
P.O. Box 94933	)	
Lincoln, NE 68509-4933,	)	
	)	
Petitioner,	)	<b>FINAL ORDER</b>
	)	
v.	)	
	)	
Maddison Brown	)	
2105 S. Silverthorne Ave #C-304	)	
Sioux Falls, SD 57110,	)	
	)	
Respondent.	)	

This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on June 7, 2019, upon the recommendation of the Nebraska Professional Practices Commission ("NPPC") that the Nebraska Initial teaching certificate of the Respondent, Maddison Brown, 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 Sara Hulac, Legal 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. The Respondent appeared on her own behalf.

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 and the certified 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, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509-4933;

3. The Respondent is Maddison Brown, 2105 S. Silverthorne Ave #C-304, Sioux Falls, SD 57110;

4. The Respondent holds a public Nebraska Initial teaching certificate number 2016005915, endorsed in Elementary Education K-8 and Coaching 7-12, with an expiration date of August 31, 2021;

5. The Respondent was employed by the Pender Public Schools beginning with the 2016-2017 school year until her resignation was accepted by the Pender School Board on May 14, 2018. At the time of her resignation, the Respondent was employed as a first grade teacher and a high school dance team coach;

6. During the 2017-2018 school year, the Respondent violated school policy regarding "Professional Boundaries Between Employees and Students" by engaging in frequent contact with students through the use of social media, having students in her home, having students spend the night in her home, and consuming alcohol with students present at social events;

7. During the 2017-2018 school year, the Respondent offered minors alcohol at a graduation party in May 2018;

8. During the 2017-2018 school year, the Respondent admits to attending a graduation party for "A.L." in Pender, Nebraska, where she consumed alcohol where students were also consuming alcohol. The Respondent then admits to driving students

to "A.P.'s" graduation party in Emerson, Nebraska, where she continued to consume alcohol where students were also consuming alcohol. The Respondent further admits that a student took a "Snapchat" video of the Respondent drinking and dancing with students. The Respondent then admits she drove students back to Pender, where they attended a bonfire and all continued to drink alcohol;

9. On the evening of graduation of the 2017-2018 school year, Respondent admits that she consumed alcohol at a third graduation party with students;

10. During the 2017-2018 school year, the Respondent went out to dinner with multiple students, went to exercise with multiple students at the local gym, and got take-out with several students to take back to the Respondent's apartment;

11. The Respondent admits that during the 2017-2018 school year, she took trips with the captains of her dance team to Sioux City. On at least one occasion they stayed overnight in a hotel. The purported purpose of these trips was to look at uniforms and shoes;

12. The Respondent admits that on a few occasions during the 2017-2018 school year, she would have dance team members to her apartment to "hang out" where they would spend the night and watch movies;

13. The Respondent admits that on one occasion during the 2017-2018 school year, the Respondent had dance team members over to her apartment who brought male high school students with them. The male students were intoxicated and continued to consume alcohol they brought to the Respondent's apartment for approximately one hour. One student became intoxicated to the point of vomiting and passing out in the

Respondent's bathroom. The Respondent had another student drive the high school students home;

14. The Respondent acknowledges that her relationship with high school students was inappropriate and crossed appropriate student/teacher boundaries, but believes that the administration did not do enough to educate and counsel her about her actions;

15. 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"; Section 004.02E (effective date: November 12, 2003) ("the educator . . . [s]hall 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 . . . [s]hall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety"); Section 005.02B2 (same effective date) ("each teacher . . . [s]hall: 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");

16. The NPPC has recommended to the State Board that Respondent's teaching certificate should be revoked for a period of one year. However, the State Board

believes that this sanction is insufficient based on the record before it. In that regard, the State Board notes specifically the inconsistent testimony, the seriousness of the conduct presented, and Respondent's failure to take full responsibility for her actions.

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

18. The public Nebraska Initial teaching certificate of Maddison Brown, number 2016005915, endorsed in Elementary Education K-8 and Coaching 7-12, with an expiration date of August 31, 2021, shall be revoked for a period of three years from and after the date of this order.

Dated this 7 day of June, 2019.

STATE BOARD OF EDUCATION

BY:   
John Witzel, President

The vote by the State Board of Education to approve the Final Order in Case No. 19-03, on June 7, 2019, was 7 in favor, 1 against, 0 abstaining, and 0 absent. Individual State Board members voted as follows:

IN FAVOR: P. KOCH JOHNS, L. FRICKE, J. WITZEL, P. TIMM, M. NICKELS, R. STEVENS,  
D. NEARY

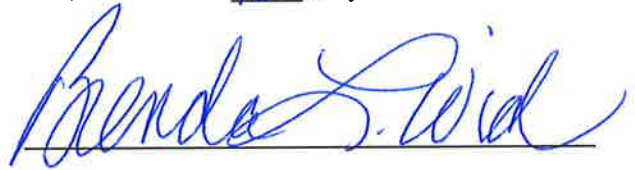
AGAINST: R. WISE

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

ABSENT: \_\_\_\_\_

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon the Respondent Maddison Brown, 2105 S. Silverthorne Ave #C-304, Sioux Falls, SD 57110, via United States mail; Kelly Muthersbaugh, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via interoffice mail; and Sara Hulac, Legal Counsel, Nebraska Department of Education, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509, via interoffice mail, all on this 10<sup>th</sup> day of June, 2019.

A handwritten signature in blue ink, reading "Brenda S. Wid", is written over a horizontal line.

49-2201-29