

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Brian L. Maher, Ed.D.)	NDE Case No. 24-07
Commissioner of Education)	
500 S. 84 th Street, 2nd Floor)	
P.O. Box 94933)	
Lincoln, NE 68509-4933,)	
)	
Petitioner,)	
)	FINAL ORDER
v.)	
)	
John Gloe)	
2900 Shadowbrook Drive)	
Lincoln, NE 68516,)	
)	
Respondent.)	

This matter came before the State Board of Education (State Board), Lincoln, Nebraska, on March 28, 2024, upon the recommendation of the Nebraska Professional Practices Commission (NPPC) that the Nebraska public Standard administrative certificate of Respondent, John Gloe, 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 were Tamra L. Walz, General Counsel, on behalf of the Commissioner of Education, and NPPC Clerk Kelly Muthersbaugh, who provided a summary of the NPPC’s recommendation in this matter. The Respondent did not appear.

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, 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 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 Brian L. Maher, Ed.D., Commissioner of Education, 500 S. 84th Street, 2nd Floor, P.O. Box 94933, Lincoln, NE 68509-4933.

3. The Respondent is John Gloe, 2900 Shadowbrook Drive, Lincoln, NE 68516.

4. The Respondent holds a Nebraska public Standard administrative certificate number 20210005885, endorsed as Principal 7-12 and Social Science 7-12, with an expiration date of August 31, 2026.

5. The Respondent was employed by the Lincoln Public Schools beginning with the 2001-2002 school year and most recently served as an assistant principal for the district.

6. On March 28, 2023, while on duty, an administrator detected alcohol on the Respondent's breath, and witnessed the Respondent with bloodshot eyes and exhibiting other visible signs of impairment. The Respondent denied drinking alcohol that day and claimed he had not consumed alcohol since the prior evening. The Respondent had a .289 blood alcohol content ("BAC") reading and a .248 BAC reading approximately 15 minutes later. A water bottle in Respondent's office contained a red liquid that had the odor of red wine. The Respondent's conduct was in violation of school policy. On April 11, 2023, the Lincoln School Board accepted the Respondent's resignation.

7. 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."; and Title 92, *Nebraska Administrative Code*, Chapter 27 (effective date: November 12, 2003), Section 004.03C ("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 ("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 ("the educator: Shall, with reasonable diligence, attend to the duties of his or her professional position"); Section 005.02C2 ("Each administrator shall: Adhere to and enforce school law, state board regulation, and written and dated school board policy which has been communicated to the administrator"); Section 005.06D ("The educator shall: Develop and maintain positive standards of conduct"); and Section 005.09D ("Educators shall possess effective human and interpersonal relations skills and therefore: Shall provide leadership and direction for others by appropriate example").

8. While the NPPC recommended a two-year revocation, the State Board finds this sanction is insufficient based on the facts before it. Here, Respondent came to work impaired, testing positive for alcohol over three times the legal limit, and brought alcohol onto the premises. As a result, the State Board finds that a more severe sanction is warranted.

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

10. The Nebraska public Standard administrative certificate of John Gloe, number 20210005885, endorsed as Principal 7-12 and Social Science 7-12, with an expiration date of August 31, 2026, shall be revoked for a period of three (3) years from and after the date of this order. The State Board further orders that Respondent shall submit evidence of continued sobriety, successful treatment, and continued participation in groups to support his sobriety for the entire period of revocation prior to any reinstatement of his certificate.

Dated this 3rd day of April, 2024.

STATE BOARD OF EDUCATION

BY: 
Elizabeth J. Tegtmeier, President

The vote by the State Board of Education to approve the Final Order in Case No. 24-07, on March 28, 2024, was 6 in favor, against, abstaining, and 2 absent. Individual State Board members voted as follows:

IN FAVOR: E. Tegtmeier, P. Koch Johns, K. Penner, P. Gubbels, S. Jones, L. Fricke

AGAINST: _____

ABSTAINING: _____

ABSENT: D. Neary, J. Morrison

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon Respondent, John Gloe, 2900 Shadowbrook Drive, Lincoln, NE 68516, by regular U.S. Mail; Kelly Muthersbaugh, Clerk, Nebraska Professional Practices Commission, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via interoffice mail; and upon 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 3rd day of April, 2024.



A handwritten signature in blue ink, appearing to read "Kelly Muthersbaugh", is written over a horizontal line.

49-3505-30