

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Brian L. Maher, Ed.D.)	NDE Case No. 24-09
Commissioner of Education)	
500 S, 84th Street, 2nd Floor)	
P.O. Box 94933)	
Lincoln, NE 68509-4933,)	
)	
Petitioner,)	FINAL ORDER
)	
v.)	
)	
Randall Loch)	
19617 U Street)	
Omaha, NE 68135,)	
)	
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 Initial teaching certificate of the Respondent, Randall Loch, 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 appeared on his 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 mail tracking information 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 Randall Loch, 19617 U Street, Omaha, NE 68135.
4. The Respondent holds a Nebraska public Initial teaching certificate number 20200006729, endorsed in Physical Education PK-12, with an expiration date of August 31, 2025.
5. The Respondent was employed as a teacher by the Omaha Public Schools (OPS) beginning with the 2022-2023 school year.
6. On May 11, 2023, the Respondent was discovered laying on his classroom floor appearing to be under the influence of alcohol. Respondent had bloodshot eyes, slurred speech, and was acting abnormally. A blood alcohol content test resulted in readings of .274 and .261, and the Respondent admitted to consuming alcohol while on duty. During a search of the Respondent's classroom, empty alcohol containers were found in the Respondent's backpack. The Respondent's conduct violated school policies.
7. During the investigation into the Respondent's conduct listed in ¶ 6 above, school administration discovered that Respondent had failed to report a Driving Under the Influence – 2nd Offense arrest he received on January 23, 2023, which also violated school policy.

8. On May 25, 2023, the Respondent submitted his resignation which was accepted by the OPS Board of Education on June 22, 2023.

9. 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 005.02B2 ("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 ("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").

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

11. Therefore, the Nebraska public Initial teaching certificate of Randall Loch, number 20200006729, endorsed in Physical Education PK-12, with an expiration date of August 31, 2025, shall be revoked for a period of two (2) 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. 24-09, on March 28, 2024, was 5 in favor, 1 against, _____ abstaining, and 2 absent. Individual State Board members voted as follows:

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

AGAINST: E. Tegtmeier

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, Randall Loch, 19617 U Street, Omaha, NE 68135, via 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.



49-3507-30