

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Brian L. Maher, Ed.D.)
Commissioner of Education)
500 S. 84th Street, 2nd Floor)
P.O. Box 94933)
Lincoln, NE 68509-4933,)
)
Petitioner,)
)
v.)
)
Jason Rohde)
15625 Rosewood Street, Apt.6)
Omaha, NE 68136,)
)
Respondent.)

NDE Case No. 24-06

FINAL ORDER

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 Professional teaching certificate of Respondent, Jason Rohde, be revoked for a period of five 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 Jason Rohde, 15625 Rosewood Street, Apt. 6, Omaha, NE 68136.

4. The Respondent holds a Nebraska public Professional teaching certificate number 20220007957, endorsed in Elementary Education K-6 and Early Childhood Education B-3, with an expiration date of August 31, 2032.

5. The Respondent was employed as a teacher by the Millard Public Schools beginning with the 2006-2007 school year.

6. On March 20, 2023, an administrator detected the odor of an alcohol on the Respondent's breath while he was on duty. A blood alcohol content test resulted in a reading of .158. The Respondent admitted to drinking alcohol the night before as well as during lunch, which violated school policy. On April 17, 2023, the Millard School Board accepted the Respondent's resignation.

7. 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 (same effective date) (“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”).

8. 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 five years.

9. Therefore, the Nebraska public Professional teaching certificate of Jason Rohde, number 2022007957, endorsed in Elementary Education K-6 and early Childhood Education B-3, with an expiration date of August 31, 2032, shall be revoked for a period of five (5) 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 teaching 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. 24-06, 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, P. Koch Johns, S. Jones, L. Fricke, E. Tegtmeier

AGAINST: K. Penner

ABSTAINING: _____

ABSENT: D. Neary, J. Morrison

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon the Respondent, Jason Rohde, 15625 Rosewood Street, Apt. 6, Omaha, NE 68136, 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.



49-3504-30