

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Matthew L. Blomstedt, Ph.D.)
Commissioner of Education)
P.O. Box 94933)
Lincoln, NE 68509-4933,)
)
Petitioner,)
)
v.)
)
Andrew Schulze)
2521 S. 32nd Street, Apt. 100)
Omaha, NE 68105,)
)
Respondent.)

NDE Case No. 23-02

FINAL ORDER

This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on May 8, 2023, upon the recommendation of the Nebraska Professional Practices Commission ("NPPC") that the Nebraska teaching certificate of the Respondent, Andrew Schulze, 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 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. The Respondent did not appear.

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 Matthew L. Blomstedt, Ph.D., Commissioner of Education, P.O. Box 94933, Lincoln, NE 68509-4933;

3. The Respondent is Andrew Schulze, 2521 S. 32nd Street, Apt. 100, Omaha, NE 68105;

4. The Respondent held a public Nebraska Standard teaching certificate number 2016005209, endorsed in Elementary Education K-8, with an expiration date of August 31, 2021;

5. The Respondent was employed by Millard Public Schools (“Millard”) as a Media Specialist beginning with the 2017-2018 school year. Prior to that, Respondent was employed by Millard as a teacher beginning with the 2011-2012 school year. The Respondent’s resignation was accepted by the Millard School Board on February 1, 2021;

6. On or between September 1, 2017, and December 22, 2020, \$1,080 in cash from the Norris Elementary Birthday Book Club and book fines fund, which the Respondent was responsible for monitoring, was missing. The Respondent claimed to have purchased legitimate items for the school from the funds but could not produce receipts for any purchases purportedly made;

7. On or about April 19, 2021, the Respondent was charged in the Douglas County Court, Nebraska, with Theft by Deception \$501-\$1499, a Class I Misdemeanor. On July 15, 2021, Respondent plead no contest to an Amended Complaint charging him with Theft by Unlawful Taking, a Class I Misdemeanor. The court found Respondent

guilty, and sentenced him to a fine of \$250 and ordered him to make restitution to Millard in the amount of \$868;


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 004.02E (effective date: November 12, 2003) ("the educator: Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage"); Section 004.02H (same effective date) ("the educator: Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties"); Section 004.04B (same effective date) ("the educator: Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities"); 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"); and Section 005.06D (same effective date) ("The educator shall: Develop and maintain positive standards of conduct");

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

10. The public Nebraska Standard teaching certificate of Andrew Schulze, number 2016005209, endorsed in Elementary Education K-8, with an expiration date of August 31, 2021, shall be revoked for a period of two years from and after the date of this order.

Dated this 8th day of May, 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. 23-02, on May 8, 2023, was 6 in favor, _____ against, _____ abstaining, and 2 absent. Individual State Board members voted as follows:

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

AGAINST: _____

ABSTAINING: _____

ABSENT: J. Morrison, D. Neary

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon the Respondent, Andrew Schulze, 2521 S. 32nd Street, Apt. 100, Omaha, NE 68105, 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 10th day of May, 2023.



A handwritten signature in blue ink, reading "Tara B. Skypal", is written over a horizontal line.

49-3214-30