

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Brian L. Maher, Ed.D.	)	NDE Case No. 24-04
Commissioner of Education	)	
500 S. 84th Street, 2nd Floor	)	
P.O. Box 94933	)	
Lincoln, NE 68509-4933,	)	
	)	
Petitioner,	)	<b>FINAL ORDER</b>
	)	
v.	)	
	)	
Kylee Starmer-Wilson	)	
15107 Hartman Circle	)	
Omaha, NE 68116,	)	
	)	
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 Professional administrative certificate of the Respondent, Kylee Starmer Wilson, 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 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 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 Kylee Starmer-Wilson, 15107 Hartman Circle, Omaha, NE 68116.

4. The Respondent holds a Nebraska public Professional administrative certificate number 2014005543, endorsed as Principal PK-8, Special Education Supervisor B-12, Special Education Generalist K-6, and Elementary Education K-6, with an expiration date of August 31, 2024.

5. The Respondent was employed by the Omaha Public Schools beginning with the 2002-2003 school year and most recently was employed as a Teaching and Learning Consultant in Special Education.

6. On May 20, 2022, it was reported that the Respondent appeared to be under the influence of alcohol while working with a student at the Teacher Administration Center building. A Breath Alcohol Test (BAT) revealed .095 Blood-Alcohol Content (BAC) with a negative drug screen.

7. On June 15, 2022, the Respondent was reprimanded for violating school policies due to her conduct on May 20, 2022.

8. On November 16, 2022, during a meeting with her supervisor, the Respondent smelled of alcohol, had bloodshot, watery eyes, and appeared confused. Subsequent testing resulted in readings of .087 and .091 BAC.

9. On November 16, 2022, OPS placed the Respondent on administrative leave. On February 1, 2023, the Respondent submitted her resignation, which was accepted by the OPS School Board on February 22, 2023.

10. 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 004.04F ("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").

11. 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 two years.

12. Therefore, the Nebraska public Professional administrative certificate of Kylee Starmer-Wilson, number 2014005543 endorsed as Principal PK-8, Special Education Supervisor B-12, Special Education Generalist K-6, and Elementary Education K-6, with an expiration date of August 31, 2024, 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 her sobriety for the entire period of revocation prior to any reinstatement of her certificate.

Dated this 3<sup>rd</sup> 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. 24-04, on March 28, 2024, 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 Respondent, Kylee Starmer-Wilson, 15107 Harman Circle, Omaha, NE 68116, 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. 84<sup>th</sup> Street, 2nd Floor, Lincoln, NE 68510-2611, via interoffice mail, all on this 3<sup>rd</sup> day of April, 2024.

