

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Matthew L. Blomstedt, Ph.D.
Commissioner of Education
301 Centennial Mall South
P.O. Box 94933
Lincoln, NE 68509-4933,

Petitioner,

v.

Jesse Stull
4506 Monroe Street
Omaha, NE 68117,

Respondent.

NDE Case No. 18-13

FINAL ORDER

This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on August 3, 2018, upon the recommendation of the Nebraska Professional Practices Commission ("NPPC") that the public school teaching certificate of the Respondent, Jesse Stull, 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 was Sara Hulac, Legal 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 in person; however, Respondent's counsel provided a written statement for the State Board's consideration on August 1, 2018.

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 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 Matthew L. Blomstedt, Ph.D., Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509-4933;

3. The Respondent is Jesse Stull, 4506 Monroe Street, Omaha, NE 68117;

4. The Respondent holds a public Nebraska Standard teaching certificate number 2013006161, endorsed in Physical Education K-6 and Physical Education 7-12, with an expiration date of August 31, 2018;

5. The Respondent was employed as a teacher by the Omaha Public Schools until his contract was cancelled by the Omaha School Board on April 3, 2017;

6. On or about January 9, 2018, in the Sarpy County District Court, pursuant to a plea agreement, the Respondent pled guilty to Attempted Delivery of a Controlled Substance, To-Wit: Methamphetamine, a Class 2A Felony. On March 12, 2018, the Respondent was sentenced to five (5) years of probation;

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"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.04E (effective date: November 12, 2003) ("the educator . . . [s]hall not

commit any act of moral turpitude or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21"); and Section 005.06D (same effective date) ("the educator shall: Develop and maintain positive standards of conduct");

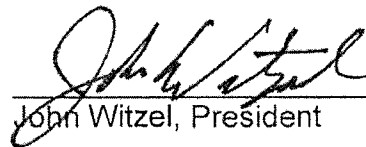
8. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. § 79-866(2) (2014) to revoke the Respondent's certificate for a period of five years; and

9. The public Nebraska Standard teaching certificate of Jesse Stull, number 2013006161, endorsed in Physical Education K-6 and Physical Education 7-12, with an expiration date of August 31, 2018, shall be revoked for a period of five years from and after the date of this order.

Dated this 3rd day of August, 2018.

STATE BOARD OF EDUCATION

BY:


John Witzel, President

The vote by the State Board of Education to approve the Final Order in Case No. 18-13, on August 3, 2018, was 8 in favor, 0 against, 0 abstaining, and 0 absent. Individual State Board members voted as follows:

IN FAVOR: P. JOHNS, L. FRICKE, R. WISE, J. WITZEL, P. TIMM, M. NICKELS, _____

M. O'HOLLERAN, P. McPHERSON _____

AGAINST: _____

ABSTAINING: _____

ABSENT: _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon counsel for the Respondent, Kyle C. Allen, P.O. Box 6618, Omaha, NE 68106, via United States mail; Kelly Muthersbaugh, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via interoffice mail; and Sara Hulac, Legal Counsel, Nebraska Department of Education, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509, via interoffice mail, all on this 3rd day of August, 2018.

