

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.)
)
Daniel Hutsell, #12386-510)
FCI Sandstone)
P.O. Box 1000)
Sandstone, MN 55072,)
)
Respondent.)

NDE Case No. 24-08

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 public Nebraska Standard administrative certificate of Respondent, Daniel Hutsell, be permanently revoked. 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 Daniel Hutsell, #12386-510, FCI Sandstone, P.O. Box 1000, Sandstone, MN 55072.

4. The Respondent held a public Nebraska Standard administrative certificate number 2018001673, endorsed as Principal 7-12 and Music PK-12, which expired on August 31, 2023.

5. The Respondent was employed as an assistant principal and athletic director by the Blair Public Schools (Blair) beginning with the 2020-2021 school year until his resignation was accepted by the Blair School Board on December 13, 2021. Prior to that, the Respondent was a teacher at Blair beginning with the 2005-2006 school year.

6. On April 3, 2023, pursuant to a plea agreement, the Respondent pled guilty in the U.S. District Court, District of Nebraska, to Distribution of Child Pornography, and sentenced to 60 months’ incarceration in a federal prison and five years of supervised release to follow.

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.”; and Title 92, *Nebraska Administrative Code*, Chapter 27 (effective date: November 12, 2003), Section 004.04E (“the educator: Shall 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 (“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) to permanently revoke the Respondent's certificate.

9. Therefore, the public Nebraska Standard administrative certificate of Daniel Hutsell, number 2018001673, endorsed as Principal 7-12 and Music PK-12, which expired on August 31, 2023, shall be permanently revoked from and after the date of this order.

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. 24-08, on March 28, 2024, was 6 in favor, _____ against, _____ abstaining, and 2 absent. Individual State Board members voted as follows:

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

AGAINST:

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, Daniel Hutsell, #12386-510, FCI Sandstone, P.O. Box 1000, Sandstone, MN 55072, 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.