

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Brian L. Maher, Ed.D.	)	NDE Case No. 24-01
Commissioner of Education	)	
500 S. 84th Street, 2nd Floor	)	
P.O. Box 94933	)	
Lincoln, NE 68509-4933,	)	
	)	
Petitioner,	)	<b>FINAL ORDER</b>
	)	
v.	)	
	)	
Dana Overfield	)	
1620 S. 16th Street	)	
Auburn, NE 68305,	)	
	)	
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 public Nebraska Standard teaching certificate of the Respondent, Dana Overfield, 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 appeared with legal counsel, Nicholas Welding.

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 Dana Overfield, 1620 S. 16th Street, Auburn, NE 68305.

4. The Respondent held a public Nebraska Standard teaching certificate number 2017004690, endorsed in Music PK-12, which expired on August 31, 2022.

5. The Respondent was employed as an elementary teacher by the Millard Public Schools beginning with the 2016-2017 school year until her resignation was accepted by the Millard School Board on March 6, 2023.

6. On September 3, 2021, the Respondent was charged with two counts of Terroristic Threats, a Class IIIA felony.

7. On October 12, 2022, pursuant to a plea agreement, the Respondent was found guilty by the Nemaha County District Court of Attempted Terroristic Threats, a Class IV felony, and Assault in the Third Degree, a Class I misdemeanor.

8. On January 25, 2023, the court sentenced Respondent to probation for a period of twenty-four months on each count running concurrently, and two jail terms of ten days each beginning April 25, 2023, and April 25, 2024, which were subject to waiver upon the recommendation of the probation officer.

9. Per the Joint Stipulation of facts offered and received into evidence at the NPPC hearing conducted on December 14, 2023, “Respondent has complied with all

terms of said probation and is nearing successful completion.” The parties further stipulated that a five-year revocation is an appropriate sanction to impose in this matter.

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 004.04E (“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”); and Section 005.10C (“Each educator . . . shall: Appropriately control his or her emotions”).

11. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. § 79-866(2) to revoke the Respondent’s teaching certificate for a period of five years.

12. Therefore, the public Nebraska Standard teaching certificate of Dana Overfield, number 2017004690, endorsed in Music PK-12, which expired on August 31, 2022, shall be revoked for a period of five (5) years from and after the date of this order.

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. 24-01, on March 28, 2024, was 5 in favor, 2 against, \_\_\_\_\_ abstaining, and 1 absent. Individual State Board members voted as follows:

IN FAVOR: D. Neary, P. Gubbels, P. Koch Johns, L. Fricke, S. Jones

\_\_\_\_\_

AGAINST: K. Penner, E. Tegtmeier

\_\_\_\_\_

ABSTAINING: \_\_\_\_\_

ABSENT: J. Morrison

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon counsel for the Respondent, Nicholas Welding, 605 South 14th Street, Suite 220, Lincoln, NE 68508, by regular U.S. Mail; Kelly Muthersbaugh, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, by interoffice mail; and Tamra L. Walz, General Counsel, Nebraska Department of Education, 500 S. 84th Street, 2nd Floor, Lincoln, NE 68510-2611, by interoffice mail, all on this 3<sup>rd</sup> day of April, 2024.

