

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Professional License of
Karen Marshall

16-PPC-33

FINAL ORDER

NOW, on this 14th day of February 2017, the Kansas State Board of Education (Board) considers the above-captioned matter. Appearing for the Board are Chairman, Jim Porter, and members, John Bacon, Kathy Busch, Sally Cauble, Deena Horst, Jim McNiece, Ann Mah, Steve Roberts, and Janet Waugh.

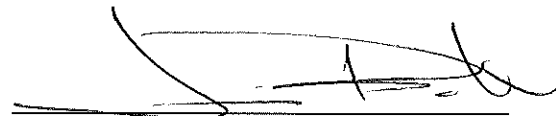
Whereupon, the Professional Practices Commission (Commission) reviewed this matter on November 18, 2016. Marshall did not appear. After having received the complaint, she did not file a response or a request for hearing. The Kansas State Department of Education appeared by and through its attorney, Kelli M. Broers. After hearing the evidence, the Commission voted 6 – 0 to recommend the Board revoke Marshall’s license.

Whereupon, the Board reviewed the Commission’s Initial Order. Additionally, it considered that Marshall filed a request for hearing after the November 18 Commission meeting. After considering the presentation by Linda Sieck, Commission Chairman, who was available to answer the Board’s questions and being otherwise duly advised in the premises, the Board adopted the Commission’s findings of fact and conclusions of law by a vote of 9 – 0.

All findings set forth in the Commission’s Initial Order attached hereto are incorporated by reference and made a part of this Final Order as though fully set forth at length herein.

IT IS THEREFORE ORDERED by the Kansas State Board of Education that on this 14th day of February 2017, Karen Marshall’s teaching license is revoked.

Kansas State Board of Education



BY: Jim Porter, Chairman
Signed February 15th, 2017

NOTICE

This is a Final Order and is effective upon service.

To request reconsideration of this order, you must file a Petition for Reconsideration with the Secretary to the State Board of Education, at the address below, within 15 days after service of this Final Order. The Petition must state the specific grounds upon which relief is requested.

To request a stay of effectiveness of this order, you must file a Petition for Stay with the Secretary to the State Board of Education at the address below. A petition can be filed until the time which a petition for judicial review would no longer be timely.

To seek judicial review of a Final Order, you must file a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* within 30 days following the service of the Final Order. Filing a Petition for Reconsideration is not a prerequisite for seeking judicial review. A copy of any Petition for Judicial Review must be served upon the Secretary to the State Board of Education at the address below.

Peggy Hill
Secretary, Kansas State Board of Education
Landon State Office Building
900 SW Jackson Ave. Suite 600N
Topeka, Kansas 66612

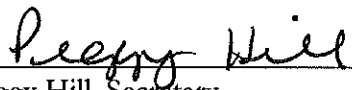
CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of February, 2017, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one (1) copy was mailed by certified mail, return receipt requested, to:

Karen Marshall
6019 Greenwood
Shawnee, Kansas 66216

And via interoffice mail to:

Kelli Broers
Assistant General Counsel
900 SW Jackson Street, Ste. 102
Topeka, Kansas 66612



Peggy Hill, Secretary
Kansas State Board of Education

**BEFORE THE KANSAS STATE BOARD OF EDUCATION
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of
the Professional License of
Karen Marshall

16-PPC-33

INITIAL ORDER

The above-captioned case comes on for hearing before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the complaint seeking revocation of Karen Marshall's teaching license.

The hearing on this matter convened on November 18, 2016. Appearing for the Commission were chairperson, Linda Sieck, and members, Dorsey Burgess, Vici Jennings, John McKinney, Sylvia Ramirez, and Jessica Snider.

Kelli Broers appeared as counsel for KSDE.

Karen Marshall did not appear.

FINDINGS OF FACT

1. Karen Marshall, 6019 Greenwood Shawnee, Kansas, 66216 holds a professional teaching license. She has been licensed as a Kansas teacher since 1987.
2. For the 2014 – 2015 and 2015 – 2016 school years, Ms. Marshall was employed as a kindergarten teacher at USD 204, Bonner Springs/Edwardsville.
3. On June 24, 2016, Ms. Marshall was charged in Case Number 16 CR 1695, In the District Court of Johnson County, Kansas, with felony possession of cocaine and misdemeanor possession of drug paraphernalia for criminal activity that occurred in March 2015, while she was licensed and employed as an elementary teacher.

4. Ms. Marshall entered a plea agreement. The felony possession of cocaine charge was dismissed and she was convicted of and received probation for misdemeanor possession of drug paraphernalia.

5. KSDE filed a complaint pursuant to K.A.R. 91-22-5a on October 4, 2016. That complaint was placed in the mail, by certified mail, return receipt requested, to Ms. Marshall's last known address. She signed for the complaint on October 7, 2016.

6. Ms. Marshall did not request a hearing or file an answer to KSDE's complaint within the time provided.

CONCLUSIONS

1. Under Kansas law, teaching and school administration are considered to be professions with all the similar rights, responsibilities, and privileges accorded other legally recognized professions. An educator is in a position of public trust.

2. It is within the authority of the Kansas State Board of Education (State Board) to adopt rules and regulations providing for the denial of a license to teach.

3. By order of the State Board, the Commission shall investigate and conduct hearings pertaining to allegations of misconduct.

4. Mailing notice to a party's last known address is a permissible form of service. A written certificate of service is sufficient to presume service. Furthermore, service by mail is complete upon mailing. See K.S.A. 77-531.

5. Under Kansas law, the complaint in this matter was served upon Ms. Marshall. She did not answer or request a hearing within the time provided. Consequently, the facts alleged in the complaint are deemed admitted.

6. The State Board may revoke a license for misconduct or other just cause including conviction of any drug-related crime. K.A.R. 91-22-1a. Ms. Marshall's actions are grounds for the revocation of her license.

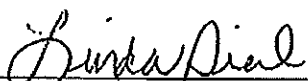
7. Ms. Marshall's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Furthermore, her conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions.

8. Ms. Marshall's misconduct and her conviction are grounds for revocation of her license pursuant to K.A.R. 91-22-1a.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 6 - 0, that Ms. Marshall's teaching license be revoked.

This Initial Order is made and entered this November 18, 2016.

PROFESSIONAL PRACTICES COMMISSION


Linda Sieck, Chairperson
Order signed on December 13, 2016.

NOTICE TO LICENSEE/APPLICANT

This Order is not a Final Order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act. The State Board will review all issues. Notice of review with the specific date and time will be provided to the parties within 15 days of the review.

You may submit to the State Board for its consideration as part of its review of the Initial Order, a written brief citing legal authority as to why the above recommendation should not be accepted. The brief must be filed with the State Board Secretary at the address indicated below within ten calendar days after service of the Initial Order for transmittal to the State Board.

Any request for oral argument must also be made at that time.

Peggy Hill
Secretary, Kansas State Board of Education
900 SW Jackson Street, Suite 600
Topeka, Kansas 66612

Response briefs are due within ten calendar days after service of the legal brief upon the opposing party. Any reply brief is due five calendar days after service of any response brief upon the opposing party. Any response or reply briefs must also be filed with the State Board Secretary at the address indicated above.

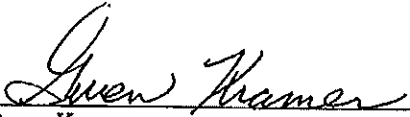
CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of December, 2016, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one (1) copy was mailed by certified mail, return receipt requested, to:

Karen Marshall
6019 Greenwood
Shawnee, Kansas 66216

And via interoffice mail to:

Kelli Broers
Kansas State Department of Education
900 SW Jackson Street, Suite 102
Topeka, Kansas 66612


Gwen Kramer
Secretary, Professional Practices Commission