

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License
of Christian McKim

16-PPC-09

FINAL ORDER

NOW, on this 12th day of July, 2016, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairman, Jim McNiece, and members, John Bacon, Kathy Busch, Sally Cauble, Deena Horst, Jim Porter, Steve Roberts, Janet Waugh, and Ken Willard, and Carolyn Wims-Campbell.

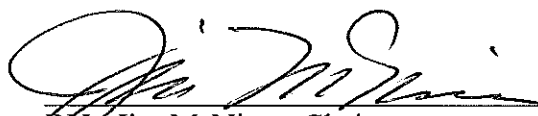
WHEREUPON, a complaint was filed by the Kansas State Department of Education and Mr. Christian McKim had the opportunity to respond to the complaint. He did not respond nor did he request a hearing. The complaint and supporting evidence were considered by the Professional Practices Commission (Commission), after which it voted 7 – 0 to recommend to the Board that Mr. McKim’s license be suspended until June 30, 2017, and Mr. McKim must reappear before the Commission upon the submission of any future application.

WHEREUPON the Board reviewed the Commission’s Initial Order and 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 and recommendation to suspend Mr. McKim’s license until June 30, 2017, by a 10 – 0 vote. 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 CONCLUDED by the Kansas State Board of Education that Christian McKim’s license is suspended until June 30, 2017, and he is required to reappear before the Commission upon the submission of any future application.

This Final Order is made and entered this 12th day of July, 2016.

Kansas State Board of Education


BY: Jim McNiece, Chairman
Signed July 13, 2016

NOTICE TO LICENSEE

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

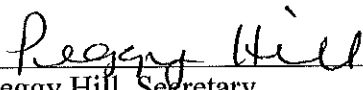
CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of July, 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:

Christian McKim
201 Lakeview Po 254
Milford, Kansas 66514

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 License
of Christian McKim

16-PPC-09

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 suspension of Christian McKim's emergency substitute license.

The hearing on this matter convened on June 1, 2016. Appearing for the Commission were chairman, Linda Sieck, and members, Dorsey Burgess, Justin Henry, John McKinney, Bradley Nicks, Ginger Riddle, and Jessica Snider.

Kelli Broers appeared as counsel for KSDE.

Christian McKim appeared not.

FINDINGS OF FACT

1. Currently, Christian McKim holds an emergency substitute teaching license. He has held an emergency substitute license since January 22, 2015.
2. On August 12, 2015, Mr. McKim was ticketed for Possession of Marijuana and Possession of Drug Paraphernalia in the City of Junction City, Kansas.
3. On December 23, 2015, Mr. McKim entered into a diversion agreement wherein he stipulated to the facts as contained in the police reports, written witness statements, and test results. He further stipulated he was the individual arrested and charged.
4. Mr. McKim will be on diversion for 12 months.
5. KSDE filed a Complaint pursuant to K.A.R. 91-22-5a on April 13, 2016. That Complaint was placed in the mail, by certified mail, return receipt requested, to the last known

address of Mr. McKim. United States Postal Service records indicate the complaint was delivered.

6. Mr. McKim did not request a hearing, nor did he file an answer to KSDE's complaint.

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 State Board to adopt rules and regulations providing for the suspension of a license to teach.

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

4. The State Board may suspend a license for misconduct or other just cause including entry into a diversion agreement after having been charged with drug-related conduct. K.A.R. 91-22-1a. Mr. McKim's actions, which resulted in his arrest and entry into a criminal diversion agreement for drug possession and possession of paraphernalia are grounds for the suspension of his license.

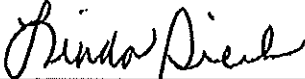
5. Mr. McKim's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Mr. McKim's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause for suspending his license.

6. Mr. McKim's misconduct and his entry into a diversion agreement are grounds for suspension of his license pursuant to K.A.R. 91-22-1a.

IT IS THEREFORE RECOMMENDED by the Professional Practices Commission to the Kansas State Board of Education, by a vote of 7 - 0, that Mr. McKim's license be suspended until June 30, 2017, and he must reappear upon submission of any future applicaiton.

This Initial Order is made and entered this June 1, 2016.

PROFESSIONAL PRACTICES COMMISSION



Linda Sieck, Chairman
Order signed on June 27, 2016.

NOTICE TO LICENSEE

This Order of the Professional Practices Commission is not a Final Order and is required to be reviewed by the State Board in accordance with the provisions of the Kansas Administrative Procedure Act.

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 legal brief must be filed with the Secretary of the Professional Practices Commission at the address indicated above within ten days after service of the Initial Order for transmittal to the State Board.


CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of June, 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:

Christian McKim
201 Lakeview Po 254
Milford, Kansas 66514

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