

**BEFORE THE KANSAS STATE BOARD OF EDUCATION**

In the Matter of  
the License of  
Timothy McKay

KSDE No. 23-PPC-38

**FINAL ORDER**

NOW, on this 9th day of January 2024, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairwoman, Melanie Haas, and members, Betty Arnold, Dennis Hershberger, Michelle Dombrosky, Cathy Hopkins, Deena Horst, Jim McNiece, Ann Mah, Jim Porter and Danny Zeck.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on November 3, 2023. Timothy McKay appeared not. The Kansas State Department of Education appeared through its attorney, R. Scott Gordon. After reviewing the evidence, the Commission voted **6 – 0**, to recommend the Board revoke Timothy McKay's professional teaching license.

WHEREUPON the Board reviewed the Commission's Initial Order. The Board adopted the Commission's findings of fact and conclusions of law by a vote of **10 – 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 CONCLUDED by the Kansas State Board of Education that Timothy McKay's professional teaching license is revoked.

This Final Order is made and entered this 9th day of January 2024.

Kansas State Board of Education



BY: Melanie Haas, Chairwoman  
Signed January 10, 2024

**NOTICE TO LICENSEE/APPLICANT**

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.

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

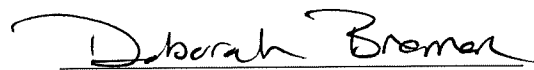
**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of January, 2024, a true and correct copy of the above and foregoing was mailed by U.S. Mail to:

Timothy McKay  
1527 N. Stout Ct.  
Wichita, Kansas 67235

And via interoffice mail to:

R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Ste. 102  
Topeka, Kansas 66612



Deborah Bremer, Secretary  
Kansas State Board of Education

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

In the Matter of  
the License of  
Timothy McKay

PPC No. 23-PPC-38

**INITIAL ORDER**

The above-captioned case comes on for hearing before the Professional Practices Commissioner (“Commission”) of the Kansas State Board of Education (State Board) upon the Complaint filed by the Kansas State Department of Education (“KSDE”) seeking revocation of Timothy McKay’s [Licensee] professional license.

The hearing on this matter was held on November 3, 2023. Appearing for the Commission were chairperson, Jennifer Holt, and members, Aaron Edwards, Leigh Ann Rogers, Ricardo Sanchez, Carey Spaulding, Christy Ziegler. The KSDE appeared by and through General Counsel, R. Scott Gordon. Licensee did not appear.

**FINDINGS OF FACT**

1. Licensee is currently licensed by the Kansas State Board of Education as a professional teacher and has been licensed since 2004.
2. On September 27, 2022, while licensed by the Kansas State Board of Education, Licensee pled guilty to and was convicted of Aggravated Assault as defined in K.S.A. 21-5412(b)(3), a crime punishable as a felony. Licensee was also convicted of Criminal Damage to Property as defined in K.S.A. 21-5813(a)(1)(c)(2), a crime punishable as a felony. Sedgwick County District Court case 22CR958.
3. On October 9, 2023, the Kansas State Department of Education filed a formal Complaint requesting the revocation of Licensee’s professional teaching license. The Complaint was mailed by standard and by certified mail. The certified receipt shows it was received and signed for by the Licensee.
4. Licensee did not respond to the Complaint. He filed no answer and did not request a hearing.

**CONCLUSIONS OF LAW**

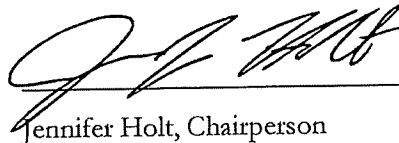
1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.
2. One of the obvious goals of education is to “instill respect for the law.” Hainline v. Bond, 250 Kan. 217 (1992). An educator is a role model. Hainline at 224.

3. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
4. Licensee did not deny any allegations of the Complaint, nor did he provide any evidence of remorse, rehabilitation, or recognition of the wrongfulness of his actions.
5. The Kansas State Board of Education may revoke the license of any teacher for misconduct or other just cause including being convicted of any crime punishable as a felony; K.A.R. 91-22-1a.
6. A party may be served by mailing a notice to the person's last known address. K.A.R. 77-531.
7. If a party fails to participate in the adjudicative process, the party may be found to have conceded to the outcome requested by the filed complaint.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 6-0, that Licensee's license be revoked immediately, based on felony convictions of aggravated assault and criminal damage to property and for failure to participate in the administrative proceedings.

This Initial Order is made and entered this November, 2023.

PROFESSIONAL PRACTICES COMMISSION



Jennifer Holt, Chairperson

Order signed on November 29, 2023.

### NOTICE TO 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. You must file the brief 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. You must also make any request for oral argument at that time.

Deborah Bremer  
Secretary, Kansas State Board of Education  
900 SW Jackson Street, Suite 600  
Topeka, KS 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.

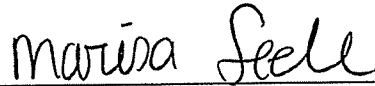
CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of December, 2023, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education, one (1) copy was mailed by certified mail, return receipt requested; and one (1) copy was mailed by first-class prepaid postage mail, to:

Timothy McKay  
1527 N. Stout Ct.  
Wichita, Kansas 67235

And via interoffice mail to:

R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Suite 102  
Topeka, Kansas 66612



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Marisa Seele  
Secretary, Professional Practices Commission