

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Christopher Kennedy

19-PPC-39

FINAL ORDER

NOW, on this 11th day of February 2020, the above-captioned matter comes for consideration by the Kansas State Board of Education (State Board). Appearing for the Board are Chairman, Kathy Busch, and members, Jean Clifford, Michelle Dombrosky, Deena Horst, Ben Jones, Jim McNiece, Ann Mah, Jim Porter, and Janet Waugh.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on December 9, 2019. Christopher Kennedy did not appear. The Kansas State Department of Education appeared through its attorney, Scott Gordon. After reviewing the evidence, the Commission voted **7 – 0**, to recommend the Board deny Christopher Kennedy’s application for an emergency substitute license because of his previous criminal history and his failure to participate in the proceedings.

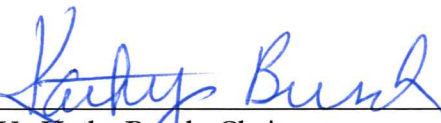
WHEREUPON the Board reviewed the Commission’s Initial Order and after considering the presentation by Jennifer Holt, who was available to answer the Board’s questions and being otherwise duly advised in the premises, the Board adopted the Commission’s findings of fact and conclusions of law by a vote 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 CONCLUDED by the Kansas State Board of Education that Christopher Kennedy’s application for an emergency substitute license be denied.

This Final Order is made and entered this 11th day of February 2020.

Kansas State Board of Education


BY: Kathy Busch, Chairwoman
Signed March 16, 2020

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.

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 9th day of March 2020, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Christopher Kennedy
1700 Central Ave.
Dodge City, Kansas 67801

And via interoffice mail to:

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

Peggy Hill
Peggy Hill, Secretary
Kansas State Board of Education

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

In the Matter of
the Application of
Christopher Kennedy

19-PPC-39

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 Christopher Kennedy's application for an Emergency Substitute License.

The hearing on this matter was held on August 9, 2019. Appearing for the Commission were chairperson, Linda Sieck, and members, William Anderson, Aaron Edwards, Jennifer Holt, Sylvia Ramirez, Stan Ruff, and Caroline Spaulding. The KSDE appeared by and through General Counsel, R. Scott Gordon. Christopher Kennedy did not appear.

FINDINGS OF FACT

1. Christopher Kennedy applied for two Emergency Substitute Licenses on July 6, 2019 and July 11, 2019.
2. On August 28, 2006, Mr. Kennedy plead guilty and was convicted of two felony counts of False Declaration of Ownership in Pawn. Mr. Kennedy falsely declared ownership of a Paintball Gun and Black Cat Air Compressor.
3. Mr. Kennedy did not disclose the conviction on the July 6, 2019 application as he stated he was waiting for the court documents. He did disclose the convictions on his July 11, 2019 application.
4. Mr. Kennedy was not a licensed educator or employed in a position of public trust at the time of his offenses.
5. The Kansas State Department of Education mailed Mr. Kennedy a Notice to Appear on November 20, 2019. The Notice indicated that a failure to appear for the hearing may result in a default judgment and denial of his application.
6. The Kansas State Department of Education's Office of General Counsel staff spoke with Mr. Kennedy on the phone and informed him of the need to appear for his hearing. He was aware of the date, time, and place of the hearing but did not appear.

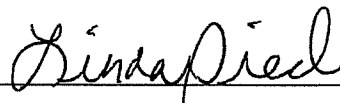
CONCLUSIONS OF LAW

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. The Kansas State Board of Education may deny a license to anyone previously convicted of any crime punishable as a felony. K.A.R. 91-22-1a.
5. Mr. Kennedy provided no evidence of remorse, rehabilitation, or recognition of the wrongfulness of his actions.

THEREFORE the Professional Practices Commission recommends to the State Board, by a vote of 7-0, that Christopher Kennedy's applications for an Emergency Substitute License be denied because of his previous criminal history and his failure to participate in the proceedings.

This Initial Order is made and entered this August 9, 2019.

PROFESSIONAL PRACTICES COMMISSION



Linda Sieck, Acting Chairman

Order signed on January 3, 2020.

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.

Peggy Hill
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 3rd day of January, 2020, 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:

Christopher Kennedy
1700 Central Ave.
Dodge City, Kansas 67801

And via interoffice mail to:

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

Candi Brown

Candi Brown
Secretary, Professional Practices Commission