

**BEFORE THE KANSAS STATE BOARD OF EDUCATION**

In the Matter of  
the Application of  
Christine Allen

Case No. 20-PPC-16  
OAH No. 21ED0004 ED

**FINAL ORDER**

NOW, on this 13th day of July 2021, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairman, Jim Porter and members, Betty Arnold, Jean Clifford, Michelle Dombrosky, Melanie Haas, Deena Horst, Ben Jones, Jim McNiece, Ann Mah and Janet Waugh.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on March 5, 2021. Christine Allen appeared in person. The Kansas State Department of Education appeared through its attorney, R. Scott Gordon. After reviewing the evidence, the Commission voted **7 – 0**, to recommend the Board deny Christine Allen’s application for an emergency substitute teaching license.

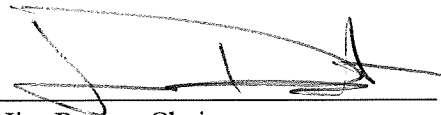
WHEREUPON the Board reviewed the Commission’s Initial Order and after considering the presentation by Jennifer Holt, Commission Chair, who was available to answer the Board’s questions and being otherwise duly advised in the premises, the Board adopted the Commission’s findings of fact and conclusions of law by a vote of **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 Christine Allen’s application for an emergency substitute teaching license is denied.

This Final Order is made and entered this 13th day of July 2021.

Kansas State Board of Education



BY: Jim Porter, Chairman  
Signed September 30, 2021

## 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

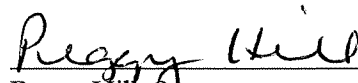
## CERTIFICATE OF SERVICE

I hereby certify that on this 30<sup>th</sup> day of September 2021, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Christine Allen  
3034 N. 38<sup>th</sup> Street  
Kansas City, Kansas 66104

And via interoffice mail to:

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

  
\_\_\_\_\_  
Peggy Hill, Secretary  
Kansas State Board of Education

BEFORE THE KANSAS STATE DEPARTMENT OF EDUCATION  
PROFESIONAL PRACTICES COMMISSION

In the Matter of the Application of  
**Christine Allen**

Case No. 20-PPC-16  
OAH No. 21ED0004 ED

**ORDER**

**Decision**

Having heard the testimony of the witnesses, considered the evidence presented, reviewed the applicable statutes, regulations and policies, and otherwise being duly and fully informed in the premises of this matter, the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) on a vote of 7 to 0 recommends to the Kansas State Board of Education that the Complaint filed by KSDE seeking to deny the emergency application for a substitute teaching license of Christine Allen (Allen) be granted, and Allen's application for an emergency substitute teaching license be denied.

**Statement of Case**

This matter comes on for hearing before the Commission upon the Complaint filed by the KSDE seeking to deny Allen's application for an emergency substitute teaching license.

The hearing was held on March 5, 2021. Appearing for the Commission were Acting Chairperson, Jennifer Holt, and members William Anderson, Eric Filippi, Nathan Reed, Stan Ruff, Aaron Edwards, Caroline Spaulding, and Kimberly Gilman.

Allen appeared in person and *pro se*.

KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon.

**Evidentiary Rulings**

Counsel for KSDE requested that KSDE Exhibits 1 through 11 be admitted as evidence. Allen had no objection. KSDE Exhibits 1 through 11 were admitted.

Allen offered Exhibit 1, pages 1-123. KSDE had no objection to the offered exhibit. Exhibit 1, pages 1-123, as offered by Allen, was admitted.

### Findings of Fact

1. Allen was formally licensed by the Kansas State Board of Education from 1996 to 2016.

2. Allen applied for an emergency substitute teaching license on June 13, 2016. That was the first time she had been required to submit to a fingerprint-based background check from the Kansas State Board of Education.

3. Thereafter, KSDE learned for the first time that Allen was convicted of five counts of misdemeanor mistreatment of dependent adults in 2003. Her convictions arose out of her operation of a group home for mentally disabled and elderly adults.

4. Five residents were under Allen's care in the home: P. Bett (DOB 1953); J. Brown (DOB 1954); B. Gibson (DOB 1924); B. Stevenson (DOB 1943); and J. Frasure (DOB 1928).

5. Mr. Frasure was reported wandering on November 29, 2000. More specifically, Trooper Alexander Petigna responded to reports of an elderly gentleman (Mr. Frasure) wandering alongside I-635 highway in Kansas City, Kansas. I-635 is a busy north/south interstate that connects I-35 to I-70 and I-29. Upon arriving at Mr. Frasure's location, it was clear to Trooper Petigna that he was confused and likely suffered dementia. Trooper Petigna attempted to take Mr. Frasure to his home. Mr. Frasure, however, directed him to a boarded-up church whose sign indicated he had once been its minister. After further investigation, Trooper Petigna determined that Mr. Frasure resided at a home in Kansas City, Kansas. Allen operated this home.

6. Immediately upon arrival at the home, Trooper Petigna determined there were public safety concerns. The steps and handrails to the home were not safe. The woman who answered the door was a resident. Allen was not present. Concerned, Trooper Petigna asked to enter.

7. Upon entering the home, Trooper Petigna noted the smell of urine. There were structural issues with the kitchen floor and extremely unsanitary conditions: dirt, cockroaches, dog food in the oven, a deep freezer filled with mildew and rotten and refrozen food. The oven, turned to 500 degrees and the door open, was being used to heat the house and there were scorch marks on the ceiling. There was no heat in the house other than the oven.

8. The kitchen was not the only unsanitary room. A broken sewer line had flooded rooms in the basement, including Frasure's room. The bathroom contained a bathtub filled with backed-up sewage, a sink with urine on it, an unconnected drainpipe that drained onto the floor, and a weak and worn floor in danger of collapsing. Trooper Petigna noted the smell knocked him back and nauseated him.

9. Other safety concerns included an exposed fuse box, a blocked fire exit, and extension cords at the bottom of the basement stairs.

10. Local code enforcement arrived and declared the home unfit for habitation. Some of the residents were transported to KU Med for evaluation. Another was released to a family member. ~~Mr. Frasure was moved to a nursing home.~~

11. Upon learning these facts, on November 30, 2016, the KSDE filed a Complaint seeking denial of Ms. Allen's application for licensure. A hearing was conducted by the Professional Practices Commission whereby it was recommended unanimously that Ms. Allen's application for a license be denied.

12. The Kansas State Board of Education adopted the findings of the Professional Practices Commission and on September 12, 2017 voted unanimously to deny Ms. Allen's application for licensure.

13. On August 13, 2018, Ms. Allen's convictions in 01-CR-145 were expunged in Wyandotte County District Court.

14. On December 19, 2019, Ms. Allen again applied for an emergency substitute teaching license.

#### Conclusions of Law

1. The Kansas State Board of Education ("State Board") is responsible for the general supervision of education, including the certification and licensure of teachers, in Kansas. Kan. Const., Art. VI and K.S.A. 2017 Supp. 72-255.

2. K.A.R. 91-22-1a(b) states, "[a] license may be denied by the state board to any person who fails to meet the licensure requirements of the state board or for any act for which a license may be suspended or revoked pursuant to subsection (a)."

3. K.A.R. 91-22-1a(a), states, in part, "any license issued by the state board may be suspended or revoked, or the license holder may be publicly censured by the state board for misconduct or other just cause..."

4. K.A.R. 91-22-1a(g) sets forth what must be satisfied for a teacher that has had their license denied or revoked based on a violation of the provisions in subsection (a) of the same regulation to apply for a new license

5. K.A.R. 91-22-1a(g)(1) provides factors relevant to a determination as to rehabilitation. (*See also* K.S.A. 72-1397(c)). The factors are as follows:

- (A) The nature and seriousness of the conduct that resulted in the denial or revocation of a license;
- (B) the extent to which a license may offer an opportunity to engage in conduct of a similar type that resulted in the denial or revocation;

(C) the present fitness of the person to be a member of the profession;

~~(D) the actions of the person after the denial or revocation;~~

(D) the time elapsed since the denial or revocation;

(E) the age and maturity of the person at the time of the conduct resulting in the denial or revocation;

(F) the number of incidents of improper conduct; and

(H) discharge from probation, pardon, or expungement.

6. The Commission, in determining whether to recommend to the Board that an individual's application should be granted, is required to determine the extent of the applicant's efforts at rehabilitation as well as the fitness of the applicant to be a member of the teaching profession. *Wright v. State Bd. of Educ.*, 268 P.3d 1231 (Kan.App. 2012). The Commission has utilized these same principles in determining if a teacher's license should be revoked.

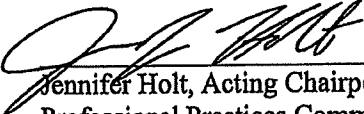
7. In considering the factors in relation to the facts in this matter, the Commission felt even though Allen's criminal record specific to criminal case 01-CR-145 has been expunged so the conviction will not be considered, Allen has failed a number of factors listed under K.A.R. 91-22-1a(g)(1). Among other factors, the Commission considered the present fitness of the person to be a member of the profession, similar to the first case, Allen's testimony expressed no remorse for the acts that occurred on and before November 29, 2000 related to the people she cared for in her home. Allen provided more defenses to her actions rather than accepting responsibility for what she did. She additionally demonstrated a very real concern that her ability to know right from wrong is questionable. Knowing right from wrong comes in question because Allen was a mandated reporter at the time when the incident occurred, and she did not report how the five individuals were living in her home. This is highly problematic because being a mandated reporter is not an optional duty, Allen simply neglected it in 2000. Because Allen continues to not take responsibility now, there is no confidence that she would uphold her duties as a mandated reporter now.

8. Another factor considered are the actions of Allen after the previous denial. Allen did not provide any evidence or testimony that she has taken any steps toward rehabilitation that would make her more suitable to be back in a classroom. While Allen has obtained an expungement of her criminal record specific to criminal case 01-CR-145, Allen did not demonstrate why expungement was granted, therefore there is no reason to believe it was related to rehabilitative measures.

9. The Commission felt Allen remains unsuitable to be placed in a position of trust and would be an unsuitable role model for students.

10. On a vote of 7 in favor, 0 opposed, the Commission recommends to the Kansas State Board of Education that the Complaint filed by KSDE seeking to deny Christine Allen's application for an emergency substitute teaching license be granted.

**IT IS SO ORDERED.**

  
Jennifer Holt, Acting Chairperson  
Professional Practices Commission  
Signed on June 14, 2021.

**NOTICE**

This Initial Order of the Professional Practices Commission 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.

You may submit to the Kansas State Board of Education for its consideration as a 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,  
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 on 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

On June 25, 2021, I certify that I caused a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Christine Allen  
3034 N 38<sup>th</sup> Street  
Kansas City, KS 66104

and further certify that a copy of the foregoing to be hand-delivered to:

R. Scott Gordon, Attorney  
Kansas State Department of Education  
900 SW Jackson, Ste. 102  
Topeka, KS 66612  
Telephone: 785-296-3204

Marisa Seele

Marisa Seele, Secretary  
Professional Practices Commission  
Kansas State Department of Education  
900 SW Jackson Street  
Topeka, KS 66612-1182