

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Christine Allen

16-PPC-35
17ED0007

FINAL ORDER

NOW, on this 12th day of September 2017, 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, Kathy Busch, Sally Cauble, Deena Horst, Jim McNiece, Ann Mah, Steve Roberts, Janet Waugh, and Ken Willard.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on July 31, 2017. Christine Allen appeared in person and with counsel, Patricia Aylward-Kalb. The Kansas State Department of Education appeared through its attorney, Kelli M. Broers. After hearing testimony and reviewing the evidence, the Commission voted 6 – 0, to recommend the Board deny Ms. Allen’s application for an emergency substitute license.

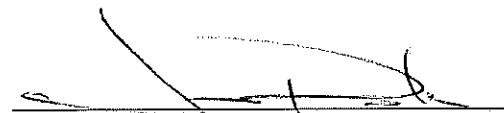
WHEREUPON the Board reviewed the Commission’s Initial Order and after considering the presentation by Jessica Snider, Commission member, who was available to answer the Board’s questions and being otherwise duly advised in the premises, the Board adopted the Commission’s findings of fact and conclusions 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 Christine Allen’s application for an emergency substitute license is denied.

This Final Order is made and entered this 12th day of September 2017.

Kansas State Board of Education



BY: Jim Porter, Chairman
Signed October 6th, 2017

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 10th day of October 2017, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

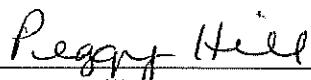
Christine Allen
P.O. Box 1013
Kansas City, Kansas 66104

And via regular mail to:

Patricia Aylward-Kalb
753 State Avenue, 101
Kansas City, Kansas 66101

And via interoffice mail to:

Kelli Broers
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

In the Matter of
the Application
of Christine Allen

Case No. 16-PPC-35

OAH No. 17ED0007

INITIAL ORDER

Statement of Case

This matter comes on for hearing before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the application of Christine Allen for an emergency substitute license.

The hearing was held on July 31, 2017. Appearing for the Commission were Jessica Snyder, John McKinney, Sylvia Ramirez, Ginger Riddle, Vici Jennings, and Laura Batson. With the approval of the Chairperson, Linda Sieck, who was not in attendance, Ms. Snider was elected to preside as vice chairperson over this hearing.

Ms. Allen appeared in person and with her attorney, Patricia Aylward-Kalb. The KSDE appeared by and through its attorney, Kelli Broers.

Findings of Fact

1. Ms. Allen has held a Kansas emergency substitute license every year since 1996. She most recently applied for a license on June 13, 2016.
2. An emergency substitute license allows for employment as a substitute teacher. The license requires completion of 60 hours of college credit from a regionally accredited college.

3. Ms. Allen's most recent application is the first time she has been required to submit fingerprints.
4. Thereafter, the KSDE learned, for the first time, that Ms. 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.
5. Five residents were under Ms. 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).
6. On November 29, 2000, Alexander Petigna, then a Kansas Highway Patrolman, 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.
7. 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 with a sign that indicated he had once been its minister.
8. After further investigation, Trooper Petigna determined that Mr. Frasure resided at a group home in Kansas City, Kansas, operated by Ms. Allen.
9. Immediately upon arrival at the group 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. Ms.

Allen was not present. Being concerned, Trooper Petigna asked to enter the home.

10. Upon entering the home, Trooper Petigna noted the strong 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.
11. The kitchen was not the only unsanitary room. A broken sewer line had flooded rooms in the basement, including Mr. Frasure's room. The bathroom contained a bathtub filled with backed-up sewage, a sink with urine in it; an unconnected drainpipe that drained onto the floor, and a weak and worn floor, in danger of collapsing.
12. Trooper Petigna noted the smell knocked him back and nauseated him.
13. Other safety concerns included an exposed fuse box, a blocked fire exit, and extension cords at the bottom of the basement stairs.
14. Local code enforcement arrived and declared the home unfit for habitation. Some of the residents were transported to University of Kansas Medical Center for evaluation. Another was released to a family member. Mr. Frasure was moved to a nursing home.

15. The KSDE, unaware of the above circumstances and Ms. Allen's convictions, continued to issue Ms. Allen an emergency substitute license.
16. Upon learning of this matter, on November 30, 2016, the KSDE filed its Complaint seeking denial of Ms. Allen's application for an emergency substitute license.

Conclusions of Law
and
Discussion

1. K.A.R. 91-22-1a(b) provides that a "license may be denied by the state board to any person . . . for any act for which a license may be suspended or revoked pursuant to subsection (a)."
2. K.A.R. 91-22-1a(a) provides, in pertinent part, that "[a]ny 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."
3. 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).
4. 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;
 - (E) the time elapsed since the denial or revocation;
 - (F) the age and maturity of the person at the time of the conduct resulting in the denial or revocation;
 - (G) the number of incidents of improper conduct; and
 - (H) discharge from probation, pardon, or expungement.
5. The conviction of Ms. Allen for five counts of misdemeanor mistreatment of dependent adults was in 2003. However, the circumstances giving rise to the conviction, Ms. Allen's testimony during the hearing, and her lack of evidence, warrant denial of her application.
 6. As to the circumstances giving rise to conviction, the Commission found the testimony provided by former Trooper Petigna, at the hearing, compelling.
 7. Specifically, his testimony confirmed his reports and other exhibits offered by the KSDE that described the deplorable condition of the group home run by Ms. Allen.
 8. Former Trooper Petigna testified that Ms. Allen continued to allow these individuals to reside at the home "for the money."

9. During her testimony, Ms. Allen attempted to minimize the conditions and focused her testimony on the fact that she was not provided funding from outside sources, thus, was unable to maintain the condition of the home.
10. Most notably, Ms. Allen never took responsibility or exhibited any remorse for allowing elderly and disabled individuals to reside in the unacceptable and inexcusable conditions.
11. Ms. Allen testified that she is a good substitute teacher, however, did not have any witnesses testify on her behalf or offer character reference letters supporting her testimony that she is a good substitute or providing insight as to any rehabilitation since her conviction.
12. Due to the lack of character evidence from Ms. Allen, the Commission found that Ms. Allen failed to show a present fitness to be placed in a position of public trust, that being a substitute teacher.
13. In addition, the Commission is not convinced that Ms. Allen is a suitable role model for students.

On a unanimous vote of 6-0, it is recommended by the Professional Practices Commission to the Kansas State Board of Education that Ms. Allen's application for emergency substitute license be denied.

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.

The Kansas Department of Education 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. The legal brief must be filed with the Secretary of the Professional Practices Commission, Kansas State Department of Education, 900 SW Jackson Street, Topeka, Kansas 66612, within ten days after service of the Initial Order for transmittal to the Kansas State Board of Education.

This Initial Order is made and entered this 21 day of August 2017.


Jessica Snider, Acting Vice Chairperson
Professional Practices Commission

CERTIFICATE OF SERVICE

On August 2nd, 2017, I mailed a copy of this document to:

Christine Allen
P.O. Box 1013
Kansas City, KS 66104

Patricia Aylward-Kalb, Attorney
753 State Ave., 101
Kansas City, KS 66101

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

and served electronically via the OAH's e-filing system to:

Kelli M. Broers, Attorney
Kansas State Department of Education
900 SW Jackson, Ste. 102
Topeka, KS 66612
Telephone: 785-296-3204



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