

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Professional License
of Steven L. Brinkman

14-PPC-44

FINAL ORDER

NOW, on this 17th day of April, 2015, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board) upon the professional license of Steven L. Brinkman.

WHEREUPON, a complaint was filed by the Kansas State Department of Education and Mr. Brinkman had the opportunity to respond to the complaint. Mr. Brinkman did not respond to the complaint. The complaint and supporting evidence were reviewed by the Professional Practices Commission (Commission).

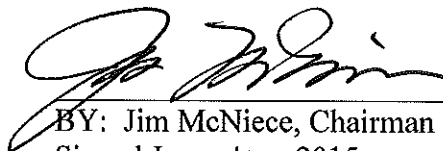
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Calin Kendall, Chairman of the Commission, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and 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 Steven Brinkman's teaching license and any endorsements shall be revoked immediately.

This Final Order is made and entered this 17th day of April, 2015.

Kansas State Board of Education



BY: Jim McNiece, Chairman
Signed June 10, 2015

NOTICE TO APPLICANT

You may request a reconsideration of the above Order. To do so, you must file a Petition for Reconsideration with the Secretary to the State Board of Education, at the address stated below, within 15 days after service of this Final Order. The Petition must state the specific grounds upon which relief is requested.

The filing of a Petition for Reconsideration is not a prerequisite for seeking judicial review.

Peggy Hill
Secretary, KSBE
Landon State Office Building
900 SW Jackson Ave. Suite 600N
Topeka, Kansas 66612

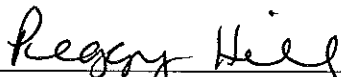
CERTIFICATE OF SERVICE

I hereby certify that on this 1th day of June, 2015, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Steven L. Brinkman
432 S. Pennsylvania Avenue
Liberal, Kansas 67901

And via interoffice mail to:

Kelli M. Broers
Attorney, Kansas State Department of Education
Landon State Office Building
900 SW Jackson Ave., Suite 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 Professional License
of Steven L. Brinkman

14-PPC-44

INITIAL ORDER

COMES NOW the Professional Practices Commission on this 26 day of February, 2015, and makes the following recommendations to the Kansas State Board of Education.

FINDINGS OF FACT

1. The Kansas State Department of Education filed a Complaint pursuant to K.A.R. 91-22-5a on December 5, 2014 [**Attached as Appendix I**]. That Complaint was placed in the mail, certified mail, return receipt requested, to the last known addresses of Steven Brinkman on December 5, 2014 (postmarked December 8, 2014). The first was the address used in the Virginia proceedings. The second is the address the Department has on file. Both packages were returned as undeliverable. **Exhibit A**.
2. Mr. Brinkman is currently licensed by the Kansas State Board of Education.
3. Until July 24, 2014, Mr. Brinkman was also licensed as a teacher in the Commonwealth of Virginia. On that date, the Virginia Board of Education voted to revoke Mr. Brinkman's teaching license. **Exhibit 1 of the Complaint**.
4. Mr. Brinkman's Virginia license was revoked because a Roanoke City Department of Social Services investigation revealed he had sexually abused minors. That conclusion was based on the following misconduct, which occurred while Mr. Brinkman was licensed and employed as a teacher and occurred on multiple occasions and with multiple victims:
 - a. Mr. Brinkman solicited nude photos of minors via text message, phone calls, and in the classroom.
 - b. Mr. Brinkman offered minors \$1,000 to "send him photographs and discussions of more and meeting with him after school."

The full investigation and the Virginia Board of Education's decision are attached.
Exhibit 1 of the Complaint.

5. Because Mr. Brinkman did not maintain a current address with the Kansas State Department of Education and, therefore, did not receive the Complaint, he did not file a Request for a Hearing nor did he submit an Answer. However, the Commission has reviewed materials from the Virginia proceedings, including the Petition for Revocation, the Order revoking his license and the Child Protective Services Investigation.

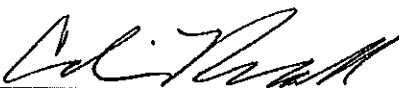
CONCLUSIONS

1. 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; including the commission of any crime punishable as a felony. K.A.R. 91-22-1a.
2. Pursuant to K.S.A. 72-8501, the Legislature has declared teaching and school administration to be professions in Kansas with all the similar rights, responsibilities and privileges accorded other legally recognized professions. An educator is in a position of public trust.
3. Any applicant for licensure whose license has been suspended, canceled, revoked, or surrendered in another state shall not be eligible for licensure in Kansas until the applicant is eligible for licensure in the state in which the suspension, cancellation, revocation, or surrender occurred. K.A.R. 91-22-1a(f).
4. If no answer to a Complaint is filed within 20 days, Applicant is deemed to have admitted the allegations contained in the Complaint and acquiesced in the proposed action. K.A.R. 91-22-9.
5. The Licensee'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.
6. The Licensee's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching profession and is sufficient and just cause for revoking Applicant's license pursuant to K.A.R. 91-22-1a.
7. Additionally, the revocation of Licensee's Virginia license is sufficient grounds to revoke his Kansas license pursuant to K.A.R. 91-22-1a(f).

IT IS THEREFORE CONCLUDED by the Professional Practices Commission, by a vote of 8-0, subject to review by the State Board of Education, that Steven Brinkman's professional teaching license should be revoked.

This Initial Order is made and entered this February 26, 2015.

PROFESSIONAL PRACTICES COMMISSION



Calin Kendall, Chairman
Order signed on 2/26, 2015.

NOTICE TO APPLICANT


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

You may submit to the State Board of Education 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 2nd day of March, 2015, 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:

Steven L. Brinkman
432 S. Pennsylvania Avenue
Liberal, Kansas 67901



Theresa Coté
Secretary, Professional Practices Commission

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

In the Matter of
the Professional License
of Steven L. Brinkman

14-PPC-44

APPENDIX I

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

In the Matter of
the Professional License
of Steven L. Brinkman

14-PPC-44

COMPLAINT

COMES NOW on this 5th day of December, 2014, Scott Myers, Director of Teacher Licensure and Accreditation, Kansas State Department of Education, 900 SW Jackson St., Topeka, Kansas 66612, and alleges the following:

1. Under Kansas law, teaching and school administration to be professions in Kansas 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 Kansas State Board of Education to adopt rules and regulations providing for the issuance, renewal, reinstatement and revocation of a license to teach.
3. Any license issued by the Kansas State Board of Education may be suspended or revoked, or the license holder may be publicly censured by the State Board for misconduct or other just cause, K.A.R. 91-22-1a.
4. Any applicant for licensure whose license has been suspended, canceled, revoked, or surrendered in another state shall not be eligible for licensure in Kansas until the applicant is eligible for licensure in the state in which the suspension, cancellation, revocation, or surrender occurred, K.A.R. 91-22-1a(f)
5. By order of the Kansas State Board of Education, the Professional Practices Commission shall investigate and conduct hearings pertaining to allegations of misconduct.
6. Steven L. Brinkman is currently licensed by the Kansas State Board of Education.
7. Until July 24, 2014, Mr. Brinkman was also licensed as a teacher in the Commonwealth of Virginia. On that date, the Virginia Board of Education voted to revoke Mr. Brinkman's teaching license. (Exhibit 1).
8. Mr. Brinkman's Virginia license was revoked because a Roanoke City Department of Social Services investigation revealed he had sexually abused minors. That conclusion was based on the following misconduct, which occurred while Mr. Brinkman was licensed and employed as a teacher and occurred on multiple occasions and with multiple victims:
 - a. Mr. Brinkman solicited nude photos of minors via text message, phone calls, and in the classroom.
 - b. Mr. Brinkman offered minors \$1,000 to "send him photographs and discussions of more and meeting with him after school."

The full investigation and the Virginia Board of Education's decision are attached. (Exhibit 1).

9. Mr. Brinkman'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. Furthermore, Mr. Brinkman's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions.
10. Mr. Brinkman's misconduct and the revocation of his Virginia teaching license are grounds for revocation of his Kansas license pursuant to K.A.R. 91-22-1a.

NOTICE

Pursuant to K.A.R. 91-22-1a(h) and K.S.A. 77-512, notice is hereby given of this Complaint and Request for Revocation of Licensee's professional teaching license.

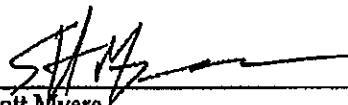
RIGHT TO A HEARING

Applicant has a right to request a hearing on the above issues and request for denial in accordance with the provisions of the Kansas Administrative Procedures Act. To obtain a hearing, a written request for a hearing must be filed with the Secretary of the Professional Practices Commission within fifteen [15] days of the date of service of this notice at the following address:

Theresa Coté
Secretary, Professional Practices Commission
Kansas State Department of Education
900 SW Jackson St.
Topeka, Kansas 66612-1182

Applicant has a right to file a written answer to this complaint. Applicant has twenty [20] days from the date of service of this notice. If no answer is filed within 20 days, Applicant will be deemed to have admitted the allegations contained in the complaint and acquiesced in the proposed action. An Initial Order will be entered recommending the revocation of your teaching license for the reasons stated in the Complaint and that notice of the revocation will be provided to all education agencies in the State of Kansas and to the agency responsible for issuing educator licenses/certificates in each of the other states.

Any answer shall type written or legibly printed, and any documents you intend to use in your defense must be attached. The answer must be signed and contain a statement under oath or affirmation that the statements made in the Answer are true. The Answer must be notarized and filed with the Secretary of the Professional Practices Commission by certified mail, return receipt requested, or by personal delivery to the address listed above.




Scott Myers
Director, Teacher Education and Licensure

VERIFICATION

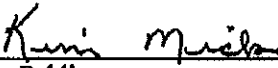
STATE OF KANSAS)
) SS:
COUNTY OF SHAWEE)

Scott Myers, of lawful age, being first duly sworn, on oath deposes and states: He is the Complainant in the above-captioned action; he has read the above and foregoing Complaint knows and understands the contents thereof, and the statements and allegations contained therein are true and correct, according to his knowledge, information, and belief.



Scott Myers
Director, Teacher Education and Licensure

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 5th day of December, 2014.



Notary Public

My appointment expires:




KIM MICK
Notary Public - State of Kansas
My Appt. Expires 12-29-14

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December, 2014, a true and correct copy of the above and foregoing Complaint/Notice of hearing was filed with the Secretary for the Professional Practices Commission and one (1) copy was mailed by certified mail, return receipt requested, to:

Steven L. Brinkman
657 Morrill Avenue SE
Roanoke, Virginia 24013

✓ Steven L. Brinkman
432 S. Pennsylvania Avenue
Liberal, Kansas 67901



Cheryl Martin
Teacher Education and Licensure



COMMONWEALTH of VIRGINIA

Steven R. Staples, Ed.D.
Superintendent of Public Instruction

DEPARTMENT OF EDUCATION
P.O. BOX 2120
Richmond, Virginia 23218-2120

Office: (804) 225-2023
Fax: (804) 371-2099

July 24, 2014

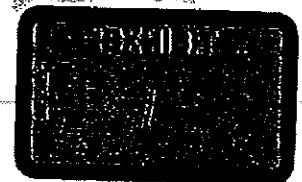
Mr. Steven Leigh Brinkman
657 Morrill Avenue SE
Roanoke, Virginia 24013

Dear Mr. Brinkman:

During the July 24, 2014, meeting, members of the Virginia Board of Education ("Board") voted to revoke your Virginia teaching license (CP-0653138). Enclosed is the "order" of the Board. This action is a final "case decision" within the meaning of the Virginia Administrative Process Act ("APA") §§2.2-4000 *et seq.* of the *Code of Virginia*. As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually receive this case decision or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this case decision by filing a Notice of Appeal with:

Dr. Steven R. Staples
Superintendent of Public Instruction
Virginia Department of Education
James Monroe Building, 25th Floor
101 North 14th Street
Richmond, Virginia 23219-3684

If this case decision was delivered to you by mail, three days are added to the 30-day period in which to file a Notice of Appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal. Both the Rules and the APA contain additional requirements governing appeals from decisions of administrative agencies.



Mr. Steven Leigh Brinkman
July 24, 2014
Page 2

If you have questions regarding the action of the Board of Education, please do not hesitate to contact Ms. Nancy Walsh, professional practices specialist, at (804) 371-2522.

Sincerely,

A handwritten signature in black ink, appearing to read 'S.R. Staples', with a long horizontal line extending to the right.

Steven R. Staples, Ed.D.
Superintendent of Public Instruction

SRS:nlw

Enclosure

cc: Dr. Rita D. Bishop
Division Superintendent
Roanoke City Public Schools

BEFORE THE VIRGINIA BOARD OF EDUCATION

Virginia Board of Education, Petitioner

CASE NO. 2

v.

Steven Leigh Brinkman, Respondent.

ORDER

This matter came before the Virginia Board of Education ("the Board") on July 24, 2014, pursuant to Virginia Code §22.1-298.1, as a petition by the Roanoke City School Board to revoke the Respondent's Collegiate Professional License. The Board reviewed the Findings of Fact, which are attached hereto and shall be made part of this Order. The Board deliberated and voted to revoke this Collegiate Professional License.

Accordingly, it is hereby ORDERED that the Collegiate Professional License of Steven Leigh Brinkman be REVOKED for reasons set forth in 8 Va. Admin. Code 20-22-690.

Mr. Brinkman is hereby notified of the right to appeal this Order within 30 days.

Entered: July 24, 2014



Christian N. Braunlich, President
Virginia Board of Education

Virginia Board of Education
Licensure Review
July 24, 2014

CASE 2

NAME: Steven Leigh Brinkman
VIRGINIA LICENSE HELD: CP-0653138 (through 6/30/2018)
REASON FOR REVIEW: Petition for Revocation, City of Roanoke School Board

SUPERINTENDENT'S INVESTIGATIVE PANEL
June 19, 2014

Superintendent's Investigative Panel

Mr. Doug Armstrong, Teacher, Mountain View High School, Stafford County Schools
(teacher representative)

Ms. Carolyn F. Bernard, Former Principal, Grassfield High School, Chesapeake City
Schools

Dr. Lyle Evans, Assistant Superintendent, Chesterfield County Schools
(central office human resources representative)

Ms. Debora Lassiter, Assistant Principal, John Tyler Elementary School in Portsmouth City
Schools [ABSENT]

Dr. Phillip Worrell, Superintendent, Greensville County Schools (superintendent representative)

Non-voting Department of Education Staff and Representative from the Office of the Attorney General

Dr. Mark Allan, Director of Licensure, Department of Education

Ms. Carrie Nee, Assistant Attorney General, Office of the Attorney General

Mrs. Patty S. Pitts, Assistant Superintendent for Teacher Education and Licensure,
Department of Education

Ms. Nancy Walsh, Professional Practices Specialist, Department of Education

SUMMARY

- The Virginia Department of Education has received a petition from the City of Roanoke School Board recommending that the Virginia Board of Education revoke the Collegiate Professional License of Mr. Steven Leigh Brinkman.
- Roanoke City Public Schools Division Superintendent, Dr. Rita D. Bishop, petitioned for the revocation of Mr. Brinkman's license based on two level one founded cases of sexual abuse/other sexual abuse against Mr. Brinkman by the Roanoke City Department of Social Services (DSS). (A copy of the petition and supporting documentation are attached.)
- By letters dated November 25, 2013, the Roanoke City DSS notified Roanoke City Public Schools of the findings of its two investigations of Mr. Steven Leigh Brinkman, who was employed by Roanoke City Public Schools as a teacher at the time of the allegations. According to the letters (attached), based on "the fact that a preponderance

of the evidence does support the allegations made, this referral is being classified as **FOUNDED** for Sexual Abuse / other sexual abuse at a Level One (1)." As stated in the letters, a Level One (1) finding means the name of the abuser will be retained in the Virginia State Central Registry system for 25 years past the date of the initial referral allegations. The child victims referenced in the letters were minor students of Mr. Brinkman at the time of the allegations.

- According to the school division, and confirmed by Roanoke City DSS staff, Mr. Brinkman did not appeal either of the founded cases.
- The DSS letters each state that Mr. Brinkman's actions fulfill the definition of sexual abuse as defined by the DSS and that his actions "...appear to have been to solicit explicit photographs of minors in the nude which is a criminal offense. It also appears that Mr. Brinkman attempted to solicit sexual relations with the minors. Further that this was done on multiple occasions with multiple victims, both face to face and by phone."
- As set forth in correspondence from Dr. Bishop to Dr. Steven R. Staples, superintendent of public instruction, dated May 14, 2014, during a hearing on Tuesday, May 13, 2014, the School Board of the City of Roanoke heard evidence and "unanimously affirmed the recommendation of the Superintendent" to revoke the teaching license of Mr. Brinkman.
- Mr. Brinkman did not attend the Superintendent's Investigative Panel hearing on June 19, 2014.

APPLICABLE LAW AND DISCUSSION

Under *Virginia Code* § 22.1-298.1, the Virginia Board of Education has the authority to issue regulations that prescribe the requirements for licensure of teachers. Under *Virginia Code* § 22.1-298.1(B), the Board of Education "shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any appeal provided by § 63.2-1526 have been exhausted."

Pursuant to the *Licensure Regulations for School Personnel (8VAC 20-22-10 et seq.)* a license may be revoked for the reasons set forth in 8VAC 20-22-690; a license may be suspended for reasons outlined in 8VAC 20-22-710; and a license may be denied for reasons listed in 8VAC 20-22-720. [The regulations may be accessed at http://www.doe.virginia.gov/teaching/licensure/licensure_regs.pdf].

SUPERINTENDENT'S INVESTIGATIVE PANEL'S RECOMMENDATION

The Superintendent's Investigative Panel unanimously supported the Roanoke City School Board's petition to revoke the license of Steven Leigh Brinkman based on two founded dispositions of child sexual abuse.



**ROANOKE CITY
PUBLIC SCHOOLS**
Strong Schools • Strong Schools • Strong City

May 14, 2014

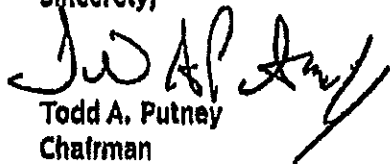
Dr. Steven R. Staples
Superintendent of Public Instruction
Virginia Department of Education
P.O. Box 2120
Richmond, VA 23218

Dear Dr. Staples:

Procedures governing the revocation of a license issued by the Virginia Board of Education are set forth in Part VII of the Licensure Regulations for School Personnel, 8 VAC 20-22-690. Under this provision, a license issued by the Board of Education may be revoked for reasons that include a founded complaint of child abuse.

During a hearing on Tuesday, May 13, 2014, the School Board of the City of Roanoke heard the evidence and unanimously affirmed the recommendation of the Superintendent, and hereby recommends to the Virginia Department of Education, the revocation of the Collegiate Professional Teaching license (CP-0653138) held by Steven L. Brinkman as a result of two level one findings for sexual abuse/other sexual abuse by the Roanoke City Department of Social Services.

Sincerely,


Todd A. Putney
Chairman

pc: Dr. Rita D. Bishop, Superintendent
Sandra B. Burks, Executive Director for Human Resources

School Board

Todd A. Putney
Chairman

Suzanne P. Moore
Vice Chairman

William B. Hopkins, Jr.
Mae G. Huff
Annette Lewis
Lori E. Vaught
Dick Willis

Dr. Rita D. Bishop
Superintendent

Cindy H. Poulton
Clerk of the Board



**ROANOKE CITY
PUBLIC SCHOOLS**
Strong Students. Strong Schools. Strong City.

CITY OF ROANOKE SCHOOL BOARD
Hearing for Former Employee #022468
5:30 P.M. - MAY 13, 2014
William Fleming High School
Administrative Conference Room

1. **Introductory Remarks** **Chairman**
Purpose of Hearing
Introductions by Parties Present
2. **Presentation for School Division** **Superintendent/
Executive Director for Human Resources**
3. **Questions by School Board Members**
4. **Teacher Response** **Teacher/Teacher's
Representative**
5. **Questions by School Board Members**
6. **Recess for Board Deliberation**
7. **Adjournment of Hearing** **Chairman**

(Board will continue in closed session for discussion of potential litigation that requires legal advice from counsel)

Reconvene in Cafeteria for Open Session (Certification Motion)

Meeting Declared in Recess until Regular Meeting is called to order at 6:30 p.m.

Exhibit A



DEPARTMENT OF SOCIAL SERVICES
1510 Williamson Road NE
Roanoke, Virginia 24012
540.853.2591 FAX: 540.853.2027

RECEIVED

DEC 04 2013

Initial: _____

11/25/2013

CITY OF ROANOKE PUBLIC SCHOOLS
ATTN SANDRA BURKS HR DIRECTOR
40 DOUGLAS AVENUE NE
ROANOKE VIRGINIA 24016

RE: [REDACTED]

Dear Ms. Sandra Burks,

I am writing to inform you of our findings regarding the Child Protective Services investigation, involving the above named child, in which Steven Brinkman; a former employee of the City of Roanoke Public Schools / William Fleming High School who was an out of family caretaker and named as the alleged abuser. Due to the fact that a preponderance of the evidence does support the allegations made, this referral is being classified as **FOUNDED** for Sexual Abuse / other sexual abuse at a Level One (1). A Level One (1) finding means it is felt that the abuse/neglect to the child caused or could have caused serious harm and that named abuser and the name of the above named victim children will be retained in the Virginia State Central Registry system for Twenty five (25) years past the date of the initial referral allegations. Furthermore, if there have been previous complaints entered into the Virginia State Central Registry in connection with child abuse/neglect then the length of time that this information will be retained may be increased.

The disposition in this investigation is based on the following definitions and summary of the evidence gathered during investigation.

In the allegations of sexual abuse / other sexual abuse received by the City of Roanoke Department of Social Service (DSS) concerning [REDACTED] and [REDACTED] naming Steven Brinkman, who was an employee of the City of Roanoke Public Schools as the out of family caretaker the DSS defines the criteria for these allegations as follows;

Sexual abuse occurs when there is any act of sexual exploitation or any sexual act upon a child in violation of the law which is committed or allowed to be committed by the child's parent or other persons responsible for the care of the child pursuant to §63.2-100 of the Code of Virginia.

Other Sexual Abuse may include, but is not limited to:

- a) indecent solicitation of a child or explicit verbal or written enticement for the purpose of sexual arousal, sexual stimulation, or gratification;
- b) exposing the male or female genitals, pubic area or buttocks, the female breast below the top of the nipple, or the depiction of covered or uncovered male genitals in a discernibly turgid state to a child for the purpose of sexual arousal or gratification;
- c) forcing a child to watch sexual conduct.

Additionally the Code of Virginia and DSS policy require that when conducting investigations when school employees are named as an out of family caregiver(s) in the allegations that the following be considered;

63.2-1511-C If, after an investigation of a complaint under this section, the local department determines that the actions or omissions of a teacher, principal, or other person employed by a local school board or

employed in a school operated by the Commonwealth were within the scope of employment and were taken in good faith in the course of supervision, care, or discipline of the students, then the standard in determining if a report of abuse or neglect is founded is whether such acts or omissions constituted gross negligence or willful misconduct.

In this investigation interviews were conducted with [REDACTED] and with Mr. Steven Brinkman. All persons were interviewed in independent interviews. Present in all interviews as an additional investigator was Detective Eric Wood with the City of Roanoke Police Department. Additionally phone records from Mr. Brinkman's phone were collected by Det. Wood were considered as evidence.

[REDACTED] is a minor child and is not an alleged victim her interview was conducted because she had allowed [REDACTED] to use her phone to communicate with Mr. Brinkman. Kayla stated that she was aware that [REDACTED] was speaking with Mr. Brinkman who was a teacher at William Fleming High School. [REDACTED] stated she saw a few text messages and discussed the content of other messages with [REDACTED]. [REDACTED] stated that there was also a phone call between [REDACTED] and Mr. Brinkman. [REDACTED] and [REDACTED] both stated that the phone call was to verify that it was [REDACTED] on the other end of the phone and not someone else.

[REDACTED] and [REDACTED] stated that the content of the text messages were solicitation of nude photographs of [REDACTED] and discussions of [REDACTED]'s willingness to meet and do more than just exchange photographs. [REDACTED] related that she was offered \$1000.00 dollars by Mr. Brinkman to send him photographs and discussions of more and meeting with him after school.

[REDACTED] stated that she got scared about following through with what was being asked and deleted the messages from her friend's phone. The number for Mr. Brinkman was still saved in the phone and observed by this investigator and Detective Wood.

[REDACTED] stated that the day following the text messages Mr. Brinkman was attempting to convince her to stay after school for tutoring but she did not feel that he meant that they would be tutoring. This conversation between [REDACTED] and Mr. Brinkman was face to face. [REDACTED] stated that she had a B average in the class which Mr. Brinkman confirmed her grades in his interview.

[REDACTED] was not propositioned by phone but was given Mr. Brinkman's phone number, hand written on a piece of paper. [REDACTED] turned in the piece of paper which Mr. Brinkman identified as his own number and in his writing and that it was given to [REDACTED] in two interviews. The first was in an internal interview with City of Roanoke Public Schools and the second in an interview with this investigator and Detective Wood. Detective Wood has possession of this piece of paper as evidence for the police investigation.

[REDACTED] stated that she never called the number and turned it in to the office of the school the next day.

[REDACTED] and [REDACTED] both related that they were propositioned in the same manner in the class room for nude photos. Both related that Mr. Brinkman used the note pad feature of his phone to write notes and then set his phone in a position that they could read the messages and verbally reply. Both confirmed that Mr. Brinkman was soliciting nude photographs from them for money. [REDACTED] stated that it was following her being offered money for photos Mr. Brinkman gave her his phone number. [REDACTED] stated that Mr. Brinkman gave her his phone number as a phone note and she wrote it down.

[REDACTED] was not a student of Mr. Brinkman. [REDACTED] and [REDACTED] were in a different class for the subject taught by Mr. Brinkman so they were not overhearing or seeing what was being done in the class with the other student and repeating the allegations. [REDACTED] and [REDACTED] attended the class on separate days as well. [REDACTED] stated she was in Mr. Brinkman's class on the A day cycle and [REDACTED] was on the B day cycle. Both [REDACTED] and [REDACTED] stated that Mr. Brinkman was asking them if they would be willing to take nude photos and he was offering \$1000.00 dollars and if they would be willing to do anything else to earn the money.

██████████ stated she was asked directly by Mr. Brinkman about staying after school for tutoring as well but she did not want to stay after school. ██████████ stated she did not have very good grades in the class. Mr. Brinkman stated that tutoring was ██████████'s idea because she is behind her age peers in school and does not want to spend any more time in school than she has to and wants to graduate.

The phone records show 58 different exchanges between Mr. Brinkman's phone and the phone that ██████████ was using. The exchanges occurred on October 2, 2013 from 3:57 pm. until the last exchange at 03:15 p.m. a period of time over an hour.

While Mr. Brinkman admits he got some calls from unknown numbers he stated the conversations were only as long as it took to determine they were wrong numbers, estimating only about 3 minutes. Mr. Brinkman denied any text messages. ██████████'s statement that these messages were to solicit nude photos of her and to attempt to solicit sexual acts if she was willing. Mr. Brinkman denied the allegations of soliciting photos or anything else from the two students.

Mr. Brinkman resigned his position with the City of Roanoke Public Schools rather than complete the internal investigation by the City of Roanoke Public School's HR Director.

Mr. Brinkman's actions fulfill the definitions of sexual abuse as defined by the DSS that his actions do appear to have been to solicit explicit photographs of minors in the nude which is a criminal offense. It also appears that Mr. Brinkman attempted to solicit sexual relations with the minors. Further that this was done on multiple occasions with multiple victims, both face to face and by phone. While the face to face meetings may not have been as verbally explicit they did follow written solicitations.

Mr. Brinkman was an employee at the time of the allegations so the additional dispositional considerations apply and must be considered. However the actions of attempting to have two students engage in criminal activity and sexual relations with a faculty member do not fall within the normal scope of employment and demonstrate willful misconduct and wanton disregard for the safety of the two minor children.

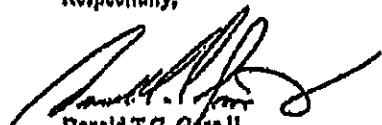
Mr. Brinkman calling to verify that ██████████ was on the receiving end of the phone also proves to demonstrate that Mr. Brinkman was aware that his behavior was improper and unprofessional as well as illegal.

As the preponderance of the evidence supports the allegations of sexual abuse / other sexual abuse as defined by the DSS the allegations are founded at a level one. At the time of this disposition the City of Roanoke Police Department still have a pending investigation which may result in criminal charges.

If the person named in the complaint does not agree with this decision then he/she has the right to make a series of appeal requests. The first appeal step would be to request, in writing, a local conference with this local department of social services. For further explanation of this appeal process, and others, please contact the local Department of Social Services.

I would like to take this opportunity to thank you for your cooperation in the completion of this investigation. In addition, should you have any questions please do not hesitate to contact me at 540-853-2516.

Respectfully,


Donald T.C. Doss II
CPS Investigator

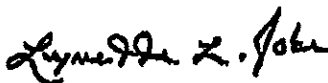

Lynette L. Jobs
CPS Investigations Supervisor

Exhibit B



DEPARTMENT OF SOCIAL SERVICES
1510 Williamson Road NE
Roanoke, Virginia 24012
540.853.2591 fax: 540.853.2027

RECEIVED
REC 6-213
Index

11/25/2013

CITY OF ROANOKE PUBLIC SCHOOLS
ATTN SANDRA BURKS HR DIRECTOR
40 DOUGLAS AVENUE NE
ROANOKE VIRGINIA 24016

RE: [REDACTED]

Dear Ms. Sandra Burks.

I am writing to inform you of our findings regarding the Child Protective Services investigation, involving the above named child, in which Steven Brinkman, a former employee of the City of Roanoke Public Schools / William Fleming High School who was an out of family caretaker and named as the alleged abuser. Due to the fact that a preponderance of the evidence does support the allegations made, this referral is being classified as **FOUNDED** for Sexual Abuse / other sexual abuse at a Level One (1). A Level One (1) finding means it is felt that the abuse/neglect to the child caused or could have caused serious harm and that named abuser and the name of the above named victim children will be retained in the Virginia State Central Registry system for Twenty five (25) years past the date of the initial referral allegations. Furthermore, if there have been previous complaints entered into the Virginia State Central Registry in connection with child abuse/neglect then the length of time that this information will be retained may be increased.

The disposition in this investigation is based on the following definitions and summary of the evidence gathered during investigation.

In the allegations of sexual abuse / other sexual abuse received by the City of Roanoke Department of Social Service (DSS) concerning [REDACTED] and [REDACTED] naming Steven Brinkman, who was an employee of the City of Roanoke Public Schools as the out of family caretaker the DSS defines the criteria for these allegations as follows:

Sexual abuse occurs when there is any act of sexual exploitation or any sexual act upon a child in violation of the law which is committed or allowed to be committed by the child's parents or other persons responsible for the care of the child pursuant to §63.2-100 of the Code of Virginia.

Other Sexual Abuse may include, but is not limited to:

- a) Indecent solicitation of a child or explicit verbal or written enticement for the purpose of sexual arousal, sexual stimulation, or gratification;
- b) exposing the male or female genitals, pubic area or buttocks, the female breast below the top of the nipple, or the depiction of covered or uncovered male genitals in a discernibly turgid state to a child for the purpose of sexual arousal or gratification;
- c) forcing a child to watch sexual conduct.

Additionally the Code of Virginia and DSS policy require that when conducting investigations when school employees are named as an out of family caregiver(s) in the allegations that the following be considered:

63-2-1511-C If, after an investigation of a complaint under this section, the local department determines that the actions or omissions of a teacher, principal, or other person employed by a local school board or

employed in a school operated by the Commonwealth were within the scope of employment and were taken in good faith in the course of supervision, care, or discipline of the students, then the standard in determining if a report of abuse or neglect is founded is whether such acts or omissions constituted gross negligence or willful misconduct.

In this investigation interviews were conducted with [REDACTED], [REDACTED] and with Mr. Steven Brinkman. All persons were interviewed in independent interviews. Present in all interviews as an additional investigator was Detective Eric Wood with the City of Roanoke Police Department. Additionally phone records from Mr. Brinkman's phone were collected by Det. Wood were considered as evidence.

[REDACTED] is a minor child and is not an alleged victim her interview was conducted because she had allowed [REDACTED] to use her phone to communicate with Mr. Brinkman. [REDACTED] stated that she was aware that [REDACTED] was speaking with Mr. Brinkman who was a teacher at William Fleming High School. [REDACTED] stated she saw a few text messages and discussed the content of other messages with [REDACTED]. [REDACTED] stated that there was also a phone call between Kenzie and Mr. Brinkman. [REDACTED] and [REDACTED] both stated that the phone call was to verify that it was [REDACTED] on the other end of the phone and not someone else.

[REDACTED] and [REDACTED] stated that the content of the text messages were solicitation of nude photographs of [REDACTED] and discussions of [REDACTED]'s willingness to meet and do more than just exchange photographs. [REDACTED] related that she was offered \$1000.00 dollars by Mr. Brinkman to send him photographs and discussions of more and meeting with him after school.

[REDACTED] stated that she got scared about following through with what was being asked and deleted the messages from her friend's phone. The number for Mr. Brinkman was still saved in the phone and observed by this investigator and Detective Wood.

[REDACTED] stated that the day following the text messages Mr. Brinkman was attempting to convince her to stay after school for tutoring but she did not feel that he meant that they would be tutoring. This conversation between [REDACTED] and Mr. Brinkman was face to face. [REDACTED] stated that she had a B average in the class which Mr. Brinkman confirmed her grades in his interview.

[REDACTED] was not propositioned by phone but was given Mr. Brinkman's phone number, hand written on a piece of paper. [REDACTED] turned in the piece of paper which Mr. Brinkman identified as his own number and in his writing and that it was given to [REDACTED] in two interviews. The first was in an internal interview with City of Roanoke Public Schools and the second in an interview with this investigator and Detective Wood. Detective Wood has possession of this piece of paper as evidence for the police investigation.

[REDACTED] stated that she never called the number and turned it in to the office of the school the next day.

[REDACTED] and [REDACTED] both related that they were propositioned in the same manner in the class room for nude photos. Both related that Mr. Brinkman used the note pad feature of his phone to write notes and then sat his phone in a position that they could read the messages and verbally reply. Both confirmed that Mr. Brinkman was soliciting nude photographs from them for money. [REDACTED] stated that it was following her being offered money for photos Mr. Brinkman gave her his phone number. [REDACTED] stated that Mr. Brinkman gave her his phone number as a phone note and she wrote it down.

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Mr. Brinkman's actions fulfill the definitions of sexual abuse as defined by the DSS that his actions do appear to have been to solicit explicit photographs of minors in the nude which is a criminal offense. It also appears that Mr. Brinkman attempted to solicit sexual relations with the minors. Further that this was done on multiple occasions with multiple victims, both face to face and by phone. While the face to face meetings may not have been as verbally explicit they did follow written solicitations.

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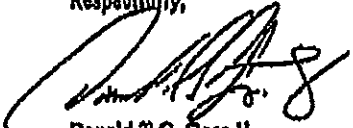
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If the person named in the complaint does not agree with this decision then he/she has the right to make a series of appeal requests. The first appeal step would be to request, in writing, a local conference with this local department of social services. For further explanation of this appeal process, and others, please contact the local Department of Social Services.

I would like to take this opportunity to thank you for your cooperation in the completion of this investigation. In addition, should you have any questions please do not hesitate to contact me at 540-853-2516.

Respectfully,


Donald T.C. Goss II
CPS Investigator

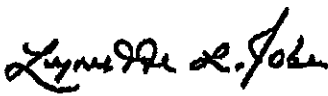

Lynette L. Jobe
CPS Investigations Supervisor

Exhibit C



Rita D. Bishop, Ed.D.
Superintendent

February 10, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Steven L. Brinkman
657 Morrill Avenue SW
Roanoke, Virginia 24013

Dear Mr. Brinkman

Roanoke City Public Schools is petitioning for the revocation of your Collegiate Professional License CP-0653138.

The petition for the revocation of your license is based on: Two Level One findings for Sexual Abuse/other sexual abuse by the Roanoke City Department of Social Services. Procedures governing the revocation of a license issued by the Virginia Board of Education are set forth in Part VII of the *Licensure Regulations for School Personnel*, 8 VAC 20-22-690. Under this provision, a license issued by the Board of Education may be revoked for reasons that include a founded complaint of child abuse.

Under 8 VAC 20-22-690, you have the following rights:

- If you do not wish to contest the allegations in the petition, you may cancel your license by voluntarily returning the license to Dr. Rita D. Bishop, Division Superintendent, Roanoke City Public Schools, 40 Douglass Avenue, Roanoke, Virginia, 24012 with a written, signed statement requesting cancellation. I will forward your license, your request for cancellation, and a copy of the petition for revocation to Dr. Patricia I. Wright, Superintendent of Public Instruction, within 14 days of receipt. The Superintendent of Public Instruction shall cancel the license and send a notice of cancellation to you by certified mail within 14 days of receipt of the request for cancellation.

If you request cancellation, please acknowledge in your written request that you understand the notice of cancellation will include the following statements:

- "The license holder voluntarily returned her teaching license and requested cancellation. Reasons for cancellation are the same as those for revocation"; and

February 10, 2014

- o "The license holder voluntarily returned the license in response to a petition for revocation."

Also please acknowledge that you understand that the cancellation of the license will be reported to division superintendents in Virginia and to chief state school officers of the other states and territories of the United States.

- If you wish to contest or deny the allegations, you may submit a written answer to the petition within 14 days after the date of service of the petition as certified by the United States Postal Service.
- If you file a written answer contesting or denying the allegations in the petition, the local school board shall provide a hearing at the time and place of its regular meeting or at such other reasonable time and place it may specify. You or your representative, if any, shall be given at least 14 days' notice of the hearing.
- At the hearing, the school board shall receive my recommendation and then either deny the petition or recommend the revocation of your license. A decision to deny the petition shall be final, except as specified in 8 VAC 20-22-690(G) which sets forth procedures for revocation on motion of the Virginia Board of Education, and the investigative file on the charges shall be closed and maintained as a separate file. Any record or material relating to the charges in any other file shall be placed in the investigative file. Should the school board recommend the revocation of your license, I will forward the recommendation and the investigative file to the Superintendent of Public Instruction within 14 days.
- If you file a written answer admitting the allegations in the petition, refuse to accept a copy of the petition from the postal authorities, or fail to file a written answer within 14 days after service of the petition or fail to provide postal authorities with a forwarding address so that the petition can be delivered, the Roanoke City School Board shall proceed to a hearing as described in subdivisions 3 and 4 of 8 VAC 20-22-690(F), and described previously in this letter.
- On February 10, 2014 date, a copy of this petition was sent by certified mail to you at 657 Morrill Avenue, Roanoke, Virginia 24013

For the reasons set forth above, I recommend that the Roanoke City School Board recommend to the Virginia Board of Education that it revoke your Collegiate Professional Teaching License.

Sincerely,


Rita D. Bishop, Ed.D.
Superintendent



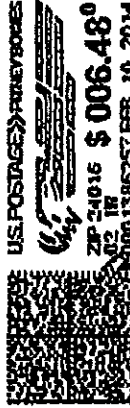
ROANOKE CITY
PUBLIC SCHOOLS

P.O. Box 13145 Roanoke, VA 24031

CERTIFIED MAIL



7006 3230 0003 14-78 5030



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ZFP-24016 \$ 006.48
MAR 10 2014

RECEIVED
MAR 18 2014

245/241

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Steven L. Brinkman
6570 III Avenue SW
Roanoke, VA 24012

672 DZ 1809 8803/14/14

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

B SC: 24021314545 *1158-0099-13-45

245 24021314545

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
245 24021314545

Exhibit D



**ROANOKE CITY
PUBLIC SCHOOLS**

Strong Schools. Strong Leaders. Strong City.

Mr. Steven L. Brinkman
657 Morrill Avenue SW
Roanoke, Virginia 24013

April 8, 2014

Dear Mr. Brinkman,

Please be advised that that the Roanoke City School Board has scheduled a hearing on May 13, 2014 at 5:45 p.m. at William Fleming High School regarding the petition for revocation of your Virginia teaching license. You have the right to appear at the hearing and have representation. If you plan to attend, please let me know no later than May 1, 2014. This notice supersedes the notification for April 8, 2014.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Bryan Burks".

Sandra Bryan Burks
Executive Director for Human Resources

Enc.



ROANOKE CITY
PUBLIC SCHOOLS

Department of Human Resources
P. O. Box 133165 Roanoke, VA 24013

RECEIVED

MAY 06 2014

Initial

UNCLAIMED

Steven Brinkman
657 Motril Avenue, SW
Roanoke, VA 24013

7008 323 0803 1696 5061

POSTNET



ROANOKE VA
2014 PM



1st NOTICE 4-30-14
2nd NOTICE 4-17-14
RETURN 4-25-14

672 SE 1889 8884/30/14
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

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24013320220808

Exhibit E

Licensure Regulations for School Personnel

***Effective September 21, 2007
Amended January 19, 2011
Amended January 16, 2013
Amended August 28, 2019***

***Virginia Board of Education
8VAC20-22-10 et seq.***



***Virginia Department of Education
Division of Teacher Education and Licensure
P.O. Box 2120
Richmond, Virginia 23218-2120***

Part VII
Revocation, Cancellation, Suspension, Denial, and Reinstatement of Teaching Licenses

8VAC20-22-890. Revocation.

A. A license issued by the Board of Education may be revoked for the following reasons:

1. Obtaining or attempting to obtain such license by fraudulent means or through misrepresentation of material facts;
2. Falsification of school records, documents, statistics, or reports;
3. Conviction of any felony;
4. Conviction of any misdemeanor involving moral turpitude;
5. Conduct with direct and detrimental effect on the health, welfare, discipline, or morale of students;
6. Misapplication of or failure to account for school funds or other school properties with which the licensee has been entrusted;
7. Acts related to secure mandatory tests as specified in §22.1-292.1 of the Code of Virginia;
8. Knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by §22.1-279.3:1 of the Code of Virginia. Any person whose administrative or teaching license is suspended or revoked by the board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth; or
9. Other just cause in the best interest of the public schools of the Commonwealth of Virginia.

B. Procedures.

1. Submission of complaints. A complaint may be filed by anyone, but it shall be the duty of a division superintendent, principal or other responsible school

employee to file a complaint in any case in which he has knowledge that a holder of a license is guilty of any offense set forth in subsection A of this section. The person making the complaint shall submit it in writing to the appropriate division superintendent.

2. **Action by division superintendent; investigation.** Upon receipt of the complaint against the holder of a license, a division superintendent or his duly authorized representative shall investigate the charge. If, on the basis of such investigation, the division superintendent finds the complaint to be without merit, he shall so notify the complaining party or parties in writing and then close his file on the matter. This action shall be final unless the local school board, on its own motion, votes to proceed to a hearing on the complaint or unless circumstances are present making subsection A of this section applicable.
- C. Petition for revocation.** Should the division superintendent or local school board conclude that there is reasonable cause to believe that a complaint against the holder of a license is well founded, the teacher shall be notified of the complaint by a written petition for revocation of a license signed by the division superintendent. A copy of such petition shall be sent by certified mail, return receipt requested, to the teacher's last known address. If not otherwise known, the last known address shall be the address shown in the records of the Department of Education.
- D. Form of petition.** The petition for the revocation of a license shall set forth:
1. The name and last known address of the person against whom the petition is being filed;
 2. The type of license and the license number held by the person against whom the petition is being filed;
 3. The offenses alleged and the specific actions that comprise the alleged offenses;
 4. The name and address of the party filing the original complaint against the license holder;
 5. A statement of rights of the person charged under this chapter. The statement of rights shall include notification to the person of the right to cancel the license if he chooses not to contest the charges. The statement must notify the individual that he shall receive a notice of cancellation that will include the statement: "The license holder voluntarily returned the license in response to a petition for revocation." The individual also shall be notified that the cancellation of the license will be reported to division superintendents in Virginia and to chief state school officers of the other states and territories of the United States; and

- G. Any other pertinent information.**
- E. Filing of petition.** The original petition shall be entered in the files of the local school board where the license holder is employed.
- F. Response to petition.** The license holder shall present his written answer to the petition, if any, within 14 days after the date of service of the petition as certified by the United States Postal Service.
1. If the teacher does not wish to contest the charges, he may cancel the license by returning the license to the division superintendent with a written, signed statement requesting cancellation. The division superintendent shall forward the request for cancellation along with the petition for revocation to the Superintendent of Public Instruction within 14 days of receipt. The Superintendent of Public Instruction shall cancel the license and send a notice of cancellation by certified mail within 14 days of receipt of the request for cancellation.
 2. If the license holder files a written answer admitting the charges, or refuses to accept the copy of the petition from the postal authorities, or fails to file a written answer within 14 days after service of the petition or has failed to provide postal authorities with a forwarding address so that the petition can be delivered, the local school board shall proceed to a hearing as described in subdivisions 3 and 4 of this subsection.
 3. If the license holder files his written answer denying the charges in the petition, the local school board shall provide a hearing at the time and place of its regular meeting or at such other reasonable time and place it may specify. The license holder or his representative, if any, shall be given at least 14 days' notice of the hearing.
 4. Following the hearing, the local school board shall receive the recommendation of the division superintendent and then either dismiss the charges or recommend license revocation or suspension. A decision to dismiss the charges shall be final, except as specified in subsection G of this section, and the investigative file on the charges shall be closed and maintained as a separate file. Any record or material relating to the charges in any other file shall be placed in the investigative file. Should the local school board recommend the revocation or suspension of a license, the division superintendent shall forward the recommendation and the investigative file to the Superintendent of Public Instruction within 14 days.
- G. Revocation on motion of the Board of Education.** The Board of Education reserves the right, in situations not covered by this chapter, to act directly to revoke a license when the division superintendent or the local school board has not filed a petition for revocation and the Board of Education has reasonable

cause to believe that subsection A of this section is applicable, The Superintendent of Public Instruction shall send a petition for revocation to the license holder as provided by subsection D of this section. The license holder shall have the opportunity to respond to the petition or request cancellation of the license within 14 days of receipt.

1. If the license holder files a written answer admitting the charges, or refuses to accept the copy of the petition from the postal authorities, or fails to file a written answer within 14 days after service of the petition or has failed to provide postal authorities with a forwarding address so that the petition can be delivered, the petition shall be forwarded to the Board of Education for action. No revocation will be ordered without the involved license holder being given the opportunity to appear at a hearing specified in 8VAC20-22-740 B.
2. If the license holder timely files his written answer denying the charges in the petition, the Superintendent of Public Instruction shall schedule a hearing with the investigative panel provided in 8VAC20-21-740. The license holder or his representative, if any, shall be given at least 14 days' notice of the hearing. The investigative panel shall take action on the petition as specified in 8VAC20-21-740. No revocation will be ordered without the involved license holder being given the opportunity to appear at a hearing specified in 8VAC20-21-740 C.

H. Reinstatement of license. A license that has been revoked may be reinstated by the Board of Education after five years if the board is satisfied that reinstatement is in the best interest of the former license holder and the public schools of the Commonwealth of Virginia. The individual must apply to the board for reinstatement. Notification to all appropriate parties will be communicated in writing by the state agency.

8VAC20-22-700. Cancellation.

- A. A license may be canceled by the voluntary return of the license by the license holder. Reasons for cancellation are the same as those listed under 8VAC20-22-680 A.
- B. Procedure. The individual may voluntarily return the license to the division superintendent or the Superintendent of Public Instruction following revocation on motion by the Board of Education with a written, signed statement requesting cancellation. The individual shall acknowledge in the request that he understands that the notice of cancellation will include the statement: "The license holder voluntarily returned his teaching license and requested cancellation. Reasons for cancellation are the same as those for revocation." However, if the request for cancellation is in response to a petition for revocation, the individual shall acknowledge that he understands that the notice of cancellation will include the statement: "The license holder voluntarily returned the license in response to a petition for revocation." The individual also shall acknowledge that he

§ 22.1-307. Dismissal of teacher; grounds.

A. Teachers may be dismissed for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to § 63.2-1508, and after all rights to an appeal provided by § 63.2-1528 have been exhausted. The fact of such finding, after all rights to an appeal provided by § 63.2-1528 have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the school board.

B. For the purposes of this article, "incompetency" may be construed to include, but shall not be limited to, consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations.

(Code 1950, § 22-217.5; 1968, c. 691; 1975, c. 308; 1980, c. 659; 1983, c. 498; 1996, c. 981; 2009, c. 666; 2013, cc. 666, 660.)



Teacher Licensure and Accreditation
 Kansas State Department of Education
 Landon State Office Building
 900 SW Jackson St. Ste 106
 Topeka, KS 66612-1220
 652 ED M150

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 Postnet Delivery Fee (endorsement required)
 Total Postage & Fees \$

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